

ZONING ORDINANCE NO. 9-98

HARTSVILLE, TENNESSEE

ADOPTED: FEBRUARY 1, 1999

LAST AMENDED: APRIL 28, 2014

MAYOR

DAVID COTHRON

PLANNING COMMISSION MEMBERS

**ROD BOWEN, CHAIRPERSON
DAVID FREEMAN, VICE-CHAIRPERSON
MARY AGNES CHITWOOD, SECRETARY
CHARLES RODDY
ROY DIES
BARRY TAYLOR
LINDA BLACK
JOHNNY KERR**

PREPARED BY

WILLIAM VEAZEY, COMMUNITY PLANNER

**DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT
LOCAL PLANNING ASSISTANCE OFFICE
SUITE 128, 446 METROPLEX DRIVE
NASHVILLE, TN 37211-3139**

**TELEPHONE: (615) 741-1534
FAX: (615) 532-1896**

TABLE OF CONTENTS

	PAGE
ARTICLE I ENACTMENT	I-1
SECTION	
1.010 Authority	I-1
1.020 Title	I-1
1.030 Purpose	I-1
1.040 Enactment	I-2
1.050 Repeal	I-2
ARTICLE II DEFINITIONS	II-1
SECTION	
2.010 Scope	II-1
2.020 Definitions	II-1
ARTICLE III GENERAL PROVISIONS	III-1
SECTION	
3.010 Scope	III-1
3.020 Only One (1) Principal Building on Any Lot	III-1
3.030 Lot Must Abut a Public Street or Easement	III-1
3.040 Reduction in Lot Area Prohibited	III-1
3.050 Rear Yard Abutting a Public Road	III-2
3.060 Corner Lots	III-2
3.070 Future Road Line	III-2
3.080 Obstruction to Vision at Street Intersection Prohibited	III-2
3.090 Access Control	III-2
3.100 Accessory Use Regulations	III-3
3.110 Landscaping and Buffer Strips	III-3
ARTICLE IV SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS	IV-1
SECTION	
4.010 Off-Street Parking Requirements	IV-1
4.020 Off-Street Loading and Unloading Requirements	IV-3
4.030 Temporary Use Regulations	IV-3
4.040 Customary Incidental Home Occupations	IV-5
4.050 Gasoline Service Station Restrictions	IV-6
4.060 Swimming Pool Restrictions	IV-6
4.070 Development Standards Multi-Family Projects	IV-6
4.080 Standards for Signs, Billboards, and Other Advertising Structures	IV-8
4.090 Development Standards for Mobile Home Parks	IV-11
4.100 Development Standards for Automobile Wrecking, Junk and Salvage Yards	IV-19
4.110 Development Standards for Cemeteries	IV-20
4.120 Litter, Refuse, Garbage, Junk and Debris Control Regulations	IV-21
4.130 Standards for Telecommunication Antennas and Towers	IV-23

TABLE OF CONTENTS (Continued)

ARTICLE V	ZONING DISTRICTS	V-1
SECTION		
5.010	Classification of Districts	V-1
5.020	Zoning Map	V-1
5.030	Zoning District Boundaries	V-2
5.040	Residential District Regulations	V-2
5.050	Commercial District Regulations	V-15
5.060	Industrial District Regulations	V-21
5.070	Agricultural District Regulations	V-25
5.080	Floodplain Zoning Ordinance, Statutory Authorization, Findings of Fact, Purpose and Objectives	V-30
ARTICLE VI	EXCEPTIONS AND MODIFICATIONS	VI-1
SECTION		
6.010	Scope	VI-1
6.020	Nonconforming Uses	VI-1
6.030	Exceptions to Height Limitations	VI-2
6.040	Lots of Record	VI-2
6.050	Exceptions to Front Setback Requirements	VI-3
6.060	Absolute Minimum Lot Size	VI-3
ARTICLE VII	ADMINISTRATION AND ENFORCEMENT	VII-1
SECTION		
7.010	Administration of the Ordinance	VII-1
7.020	The Enforcement Officer	VII-1
7.030	Zoning Compliance Permit (Building Permits)	VII-2
7.040	Temporary Use Permits	VII-6
7.050	Hartsville Board of Zoning Appeals	VII-6
7.060	Variances	VII-9
7.070	Procedure for Authorizing Special Exceptions	VII-11
7.080	Amendments to the Ordinance	VII-19
7.090	Penalties	VII-21
7.100	Remedies	VII-21
7.110	Validity	VII-21
7.120	Interpretation	VII-21
7.130	Effective Date	VII-22

ZONING ORDINANCE AMENDMENTS

<u>DATE</u>	<u>ORDINANCE NO.</u>	<u>AMENDMENTS</u>
December 13, 1999	3-99	Article V, Subsection 5.061, <u>I-1, General Industrial District, B, Uses Permitted</u> , Is Amended by Adding 20, <u>Health Care Facilities</u> , Including rehabilitation center, convalescent homes, hospitals and medical clinics, and, renumbering the existing 20 to 21 and 21 to 22.
August 28, 2000	5-00	Article V, Zoning Districts, <u>Sections 5.041, R-1, Low Density Residential District; 5.044 R-2, Medium Density Residential District; and 5.045, R-3, High Density Residential District</u> , amended by increasing minimum lot sizes and decreasing minimum setbacks.
September 22, 2003	10-2003	Article V, Section 5.080, <u>Floodplain Zoning Ordinance, Statutory Authorization, Findings of Facts, Purpose and Objectives</u> , deleted in its entirety and replaced with freestanding flood ordinance
May 24, 2004		Article IV, Supplementary Provisions Applying to Specific District. <u>Section 4.030, Item F</u> , amended by deleting the current language in its entirety and replacing with new.
May 22, 2006	33-2006-03	Article V, Section 5.080, Statutory Authorization, Findings, Purpose and Objectives, replaced with new text.
September 23, 2010	54-2010-01	Article V, Section 5.080, Floodplain Zoning Ordinance, Statutory Authorization, Findings, Purpose and Objectives, replaced with new text.
March 28, 2011	60-2011-01	Article IV, Section 4.030G, Temporary Dwelling Units in Case of Medical Hardship, deleted in its entirety and following items renumbered.
February 27, 2012	65-2012-01	Article V, Section 5.061 (D), addition of new permitted use.
March 26, 2012	68-2012-04	Article VI, Section 6.020 (C), changed discontinuance period to thirty (30) months
April 28, 2014	100-2014-7	Article VI, Section 6.060, added new language for 'Utility Lots.'

ZONING ORDINANCE AMENDMENTS, cont'd

<u>DATE</u>	<u>ORDINANCE NO.</u>	<u>AMENDMENTS</u>
April 28, 2014	101-2014-8	Article V, Sections 5.041, 5.044, and 5.045 (D), addition of 'Telecommunication Facilities' to list of permitted uses by special exception; Sections 5.051 and 5.052, creation of new subsection (D) for uses permitted as special exception and listing 'Telecommunication Facilities,' and shifting remaining subsections down one letter; and Sections 5.061 and 5.071 (D), addition of 'Telecommunication Facilities' to list of permitted uses by special exception.

ARTICLE I
ENACTMENT

SECTION

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

1.010 AUTHORITY

An ordinance, in pursuance of the authority granted by Sections 13-7-201 through 13-7-210 , Tennessee Code, to provide for the establishment of districts within the City of Hartsville, Tennessee: to regulate within such districts , the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density and distribution of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, agricultural, forestry, soil and water conservation, public activities and other purposes including areas subject to flooding; to provide for the orderly and reasonable uses of solar energy in the interest of public health, safety and general welfare; to provide methods of administration of this ordinance, and to prescribe penalties for the violation thereof.

1.020 TITLE

This ordinance shall be known as The Zoning Ordinance of Hartsville, Tennessee, dated **February 1, 1999**. The zoning map shall be referred to as the Official Zoning Map of Hartsville, Tennessee, and all explanatory matter thereon is hereby adopted and made a part of this ordinance.

1.030 PURPOSE

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

- A. Enhancing the character and stability of residential, business, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;
- B. Preventing overcrowding of land;
- C. Conserving the value of land and buildings;
- D. Minimizing traffic hazards and congestion;
- E. Preventing undue concentration of population

- F. Providing for adequate light, air, privacy, and sanitation;
- G. Reducing hazards from fire, flood, and other dangers;
- H. Assisting in the economic provision, utilization, and expansion of all services provided to 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 Hartsville, Tennessee.

1.040 ENACTMENT

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

1.050 REPEAL

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

ARTICLE II
DEFINITIONS

SECTION

- 2.010 Scope
- 2.020 Definitions

2.010 SCOPE

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

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

2.020 DEFINITIONS

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this zoning ordinance. Terms not herein defined shall have their standard dictionary definition 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 designs used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, milestones, signboards, wallboard, roofboard, frames, supports, fences or other man-made structures, and any such advertising is a structure within the meaning of the word "structure" as utilized in this ordinance.

ADVERTISING SIGN OR STRUCTURE: See Sign.

AGRICULTUREL USE: The use of a tract of land for all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests, and woods, provided, however, all Health Codes of Trousdale County are complied with.

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

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

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

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

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

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

AUTOMOBILE WRECKING: A yard, field, or other area used as a space for the storage of one or more motor vehicles which is unserviceable, discarded, worn-out, junked, or which does not display a current license. A motor vehicle is defined as any self-propelled vehicle not operated exclusively on track, including motorcycles.

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 Hartsville Board of Zoning Appeals of the State of Tennessee.

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 walls, including tents, lunch wagons, dining cars, mobile homes or trailers, and similar structures whether stationary or movable.

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

BUILDING COMMISSIONER: The Zoning Codes Officer or his authorized representative nominated by the Hartsville/Trousdale County Planning Commission and approved by the Hartsville Town Council.

BUILDING, MAIN OR PRINCIPAL: A building within which is conducted the principal use of the lot upon 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 distance allowable 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 distance allowable 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 distance allowable 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 allowable between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

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

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

TOWN COUNCIL: The Hartsville Town Council.

CLINIC: See Medical Facility.

CONDITIONAL USE (SPECIAL EXCEPTION): A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning districts but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning districts as conditional uses when specific provisions for such use is made in this ordinance. For the purposes of administration of this ordinance, conditional uses shall be construed as synonymous with special exceptions, as controlled by Section 13-7-207, Tennessee Code.

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

CONVENIENCE SERVICES: Services which are typically needed frequently or recurrently, such as barber and beauty care, including, but not limited to the operation of self-service laundromats but excludes other apparel, cleaning and repair services.

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

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

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

DAY CARE HOME: Includes day care in an occupied residence of not more than seven (7) children, including children living in the home.

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.

DISTRICT: Any section or sections of the area lying within Hartsville, Tennessee.

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

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

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

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

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

Boarding house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and having common cooking and dining facilities.

Townhouse means a residential structure containing three (3) or more nondetached dwelling units separated by a common vertical wall.

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

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

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

Prefabricated dwelling means a single detached dwelling constructed primarily 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 or sanitary on-site systems, and permanently connected to such systems. Such structures are distinguished from mobile homes as described elsewhere in this ordinance when they have a minimum gross floor of six hundred (600) square feet and have no horizontal exterior dimensions of less than fifteen (15) feet, not including porches or carports. When such a structure meets the above-stated requirements, it shall qualify as a single detached dwelling.

FAMILY: Two or more persons related by blood, lawful marriage, adoption or under legal guardianship living as a single housekeeping unit. The term "family" shall not be construed to mean a fraternity, sorority, club, or institutional group. The term family, as used in this ordinance, shall be construed to include groups of eight (8) or fewer unrelated mentally retarded or physically handicapped persons and with two (2) additional persons acting as house parents or guardians who need not be related to each other or to any of the mentally retarded or physically handicapped persons residing in the house. (See Chapter 24, of Title 13, Tennessee Code.)

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

FRONTAGE: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is 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, 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.

GROUP HOME FOR PHYSICALLY OR MENTALLY HANDICAPPED PERSONS:

Major means a dwelling shared by nine (9) or more handicapped persons, plus resident staff persons, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential.

As used herein, the term “handicapped” shall mean having:

- (1) A physical or mental impairment that substantially limits one (1) or more of such person’s major life activities so that such person is incapable of living independently;
- (2) A record of having such an impairment; or
- (3) Being regarded as having such an impairment.

However, “handicapped” shall not include current illegal use of or addiction to a controlled substance. The term “group home for the handicapped” shall not include alcoholism or drug treatment centers, work release activities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

Minor (See Family) means a dwelling shared by eight (8) or less handicapped persons, plus two (2) resident staff persons, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential.

As used herein, the term "handicapped" shall mean having:

- (1) A physical or mental impairment that substantially limits one (1) or more of such person's major life activities so that such a person incapable of living independently;
- (2) A record of having such an impairment; or
- (3) Being regarded as having such an impairment.

However, "handicapped" shall not include current illegal use of or addiction to a controlled substance. The term "group home for the handicapped" shall not include alcoholism or drug treatment centers, work release activities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

HEALTH DEPARTMENT: The Trousdale County Health.

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

HOME OCCUPATION: See Section 4.040.

HOSPITAL: See MEDICAL FACILITIES.

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

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

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

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

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

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

LOT, CORNER: A lot of which at least two (2) adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two (2) such sides is less than one hundred thirty-five (135) degrees.

LOT, DEPTH: The average distance from the street line of the lot to its rear line, measured in the general direction of the 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 Trousdale County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the Trousdale County Register of Deeds prior to the effective date of this ordinance.

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

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

MEDICAL FACILITIES:

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

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

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

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

MINI-STORAGE FACILITIES: An enclosed storage facility of a commercial nature containing independent, fully enclosed and secured bays which are leased to persons exclusively for dead storage of their household goods or personal property. Such a facility shall be lighted, buffered from residential abutting properties, fenced in, secured and shall not be used for habitable space nor commercial activity, and shall be maintained and free from debris. There shall be no storage of flammable or other hazardous materials in such a facility.

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

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

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

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

OWNER: Includes a duly-authorized agent or attorney, purchaser, devise, fiduciary or 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 ingress and egress.

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

PLANNING COMMISSION: The Hartsville/Trousdale County Planning Commission.

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

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

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

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

ROADWAY: The actual road surface including necessary road shoulders and drainage facilities including ditches, 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 establishments which are 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 letters, words, models, banners, flags, pennants, insignias, or any representations 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.

Billboard: 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 Illuminated 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 residences or streets.

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

On-Premises Sign: A sign relating to a product, service or establishment that is upon 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 upon the outside wall of any building which projects out at any angle therefrom and projects more than twelve (12) inches beyond the face of such wall.

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

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

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

SPECIAL EXCEPTION: A use which is specifically permitted if the owner can demonstrate to the satisfaction of the Board of Zoning Appeals that it will meet certain standards, enumerated safeguards, and/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 of head clearance equals less than fifty (50) percent of the floor area of the story next below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of floor area of the story next below shall be a "half-story". A basement shall be considered a story if more than one-half (1/2) of its height is above the average ground level from which the "height of a building" is measured or if it is used for commercial purposes.

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

STRUCTURE: Anything constructed, assembled or erected, the use of which requires permanent or semi-permanent location on the ground or attachment to something having a permanent or semi-permanent location on the ground including, but not limited to, buildings, stadiums, radio or other transmission towers, sheds, storage dens, fallout shelters, swimming pools, mobile and manufactured homes and signs. "Structure" shall not include fences, pavement or similar surface treatment.

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/RV: A mobile, portable structure designed as a temporary dwelling for travel, recreation and vacation uses.

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

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

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

YARD, FRONT: The yard extending across the entire width of the lot between the nearest 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: Except as herein provided, the required unoccupied space measured between the side lot line and the nearest point of the principal building and between the front and rear yards.

ARTICLE III
GENERAL PROVISIONS

SECTION

- 3.010 Scope
- 3.020 Only One (1) Principal Building on Any Residential Lot
- 3.030 Lot Must Abut a Public Street
- 3.040 Reduction in Lot Area Prohibited
- 3.050 Rear Yard Abutting a Public Road
- 3.060 Corner Lots
- 3.070 Future Road Lines
- 3.080 Obstruction to Vision at Street Intersection Prohibited
- 3.090 Access Control
- 3.100 Accessory Use Regulations
- 3.110 Landscaping and Buffer Strips

3.010 SCOPE

For the purposes of the zoning ordinance, the following general provisions shall apply, except as specifically noted, to the city as a whole.

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

Only one (1) principal building and its accessory structures may hereafter be erected on any residentially zoned lot. This provision shall not apply to group housing developments and mobile home parks as permitted in this ordinance.

3.030 LOT MUST ABUT A PUBLIC STREET

No building shall be erected on a lot which does not abut at least one (1) publically maintained road for at least fifty (50) feet. This section shall not apply to residential properties in a residential district abutting a cul-de-sac, which shall be at least forty (40) feet, nor to those with an easement of at least fifty (50) feet in width to a public maintained road, provided, however, that when a permanent easement to a publicly maintained road is used as access to a lot or tract of land having been separated by deed from other acreage, such easement shall not also be used to provide access to an additional lot or tract, unless the developer declares a subdivision, constructs the road to meet the Hartsville/Trousdale County Subdivision Regulations and dedicates it to the city.

3.040 REDUCTION IN LOT AREA PROHIBITED

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

No part of any yard or other open space, automobile storage area, or loading/unloading space, provided around any building for purposes of compliance with these regulations shall be considered as providing such space similarly required for any other structure.

3.050 REAR YARD ABUTTING A PUBLIC STREET

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

3.060 CORNER LOTS

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

3.070 FUTURE ROAD LINE

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

3.080 OBSTRUCTION TO VISION AT STREET INTERSECTION PROHIBITED

In all districts, on a corner lot within the area formed by the center lines of intersecting roads and a line joining points on such center lines at a distance of ninety (90) feet from the intersection, there shall be no obstruction to vision between a height of three and one-half (3 1/2) feet and ten (10) feet above the average grade of each road at the center line thereof. This section shall not be deemed to prohibit any necessary retaining wall.

3.090 ACCESS CONTROL

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

- A. A point of access for vehicles onto a street shall not exceed thirty (30) feet in width. In nonresidential districts, vehicular service uses may be permitted points of access exceeding thirty (30) feet but not exceeding forty (40) feet in width providing that they do not exceed fifty (50) percent of their respective road frontage.

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

- B. There shall be no more than two (2) points of access to any one public street for each four hundred (400) feet of lot frontage, or fraction thereof, provided, however, that lots less than one hundred (100) feet in width shall have no more than one point of access to any one public street.

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

3.100 ACCESSORY USE REGULATIONS

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

- A. Be customarily incidental to the principal use established on the same 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 and/or necessity of users of such principal use.
- E. Not use trailers, vans, mobile homes, buses, truck bodies or automobiles for storage.

3.110 BUFFER STRIPS

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

ARTICLE IV

SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

SECTION

- 4.010 Off-Street Parking Requirements
- 4.020 Off-Street Loading and Unloading Requirements
- 4.030 Temporary Use Regulations
- 4.040 Customary Incidental Home Occupations
- 4.050 Gasoline Service Station Restrictions
- 4.060 Swimming Pool Restrictions
- 4.070 Development Standards for Group Housing Projects
- 4.080 Standards for Signs, Billboards, and Other Advertising Structures
- 4.090 Development Standards for Mobile Home Parks
- 4.100 Development Standards for Automobile Wrecking, Junk & Salvage Yards
- 4.110 Development Standards for Cemeteries
- 4.120 Litter, Refuse, Garbage, Junk and Debris Control Regulations
- 4.130 Standards for Telecommunication Antennas and Towers

4.010 OFF-STREET PARKING REQUIREMENTS

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

- A. **Single Detached Dwelling and Duplex:** Not less than two (2) spaces for each dwelling unit.
- B. **Apartment, Townhouse and Condominium:** Not less than two (2) spaces per dwelling unit.
- C. **Boarding Houses and Rooming Houses:** Not less than one (1) space for each room to be rented.
- D. **Other Dwelling Units:** Not less than two (2) spaces per dwelling unit.
- E. **Hotels, Motels and Other Tourist Accommodations:** Not less than one space for each room to be rented plus one (1) additional space for each two (2) employees.
- F. **Any Auditorium, Church, Stadium or Other Place of Public Assembly:** Not less than one (1) space for each four (4) seats provided in such places of assembly. For places of public assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc., at least one (1) space for each two hundred (200) square feet of floor space devoted to that particular use shall be provided.

- G. **Manufacturing, Industrial or Wholesaling Use:** Not less than one (1) space for each two (2) employees anticipated during maximum production, with a minimum of five (5) spaces provided for any establishment. For establishments maintaining space for the sale of products at retail, there shall be provided one (1) parking space for each five hundred (500) square feet of floor area devoted to retail sales.
- H. **Office and Professional Buildings:** Not less than one (1) parking space for each two hundred-fifty (250) square feet of office space or fraction thereof.
- I. **Retail Sales and Service Establishments:** Not less than one (1) parking space for each two hundred (200) square feet of floor space or fraction thereof.
- J. **Medical or Dental Clinic:** Not less than four (4) spaces per doctor, plus one (1) additional space for each employee.
- K. **Service Stations:** Not less than five (5) spaces for each grease rack or service bay, or one (1) space for each fifteen hundred (1,500) square feet of lot area of fraction thereof, whichever is greater.
- L. **Restaurants:** Not less than one (1) space per one hundred fifty (150) square feet of floor area, plus one (1) space for each two (2) employees. For drive-in restaurants, one (1) space per one hundred (100) square feet of floor area, plus one (1) space for each two (2) employees.
- M. **Shopping Centers:** Five and one-half (5 1/2) parking spaces for each one thousand (1,000) square feet of gross floor area.
- N. **Other Structures or Uses Customarily Requiring Automobile Storage Areas:** For buildings and uses not listed, the off-street parking requirements shall be determined by the Board of Zoning Appeals.

4.011 Certification of Minimum Parking Requirements

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 so as to enable the building inspector to determine whether or not the requirements of this section are met.

4.012 Combination of Required Parking Spaces

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

4.013 Requirements for Design of Parking Lots

- 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 one hundred sixty-two (162) square feet in area.
- C. Ingress and egress for all off-street parking lots shall comply with the requirements of Section 3.090 of this ordinance.
- D. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.
- E. All parking lots for commercial or industrial uses shall be suitably paved with an all weather wearing surface or dustless material.

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

4.020 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 suitably paved 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:

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

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

4.030 TEMPORARY USE REGULATIONS

The following regulations are necessary to govern the operation of certain necessary or seasonal uses nonpermanent in nature. Application for a Temporary Use Permit shall be made to the Board of Zoning Appeals through the office of the building inspector. Said application shall contain a graphic description of the property to be utilized and a

site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities and parking spaces for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations, time limits, and regulations of any district in which such use is located as follows:

- A. **Carnivals, Festivals or Circuses**: May obtain a Temporary Use Permit in the Commercial or Flood Districts; however, such permit shall be issued for a period of no longer than fifteen (15) days. Such use shall be permitted on lots where adequate off-street parking can be provided.
- B. **Limited Duration Goods and Merchandise**: May obtain a thirty (30) day Temporary Use permit for the display and sale of limited duration goods and merchandise on open lots in any district.
- C. **Temporary Buildings**: In any district, a Temporary Use Permit may be issued for contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year, but may be renewed for six (6) month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs sooner.
- D. **Real Estate Sales Office**: In any district, a Temporary Use Permit may be issued for a temporary real estate sales office in any new subdivision which has been approved by the planning commission under the Hartsville/Trousdale County Subdivision Regulations. Such office shall contain no living accommodations. The permit will be valid for one (1) year, but may be granted two (2) six (6) month extensions. Such office shall be removed upon completion of sales of the lots therein, or upon expiration of the Temporary Use Permit, whichever occurs sooner.
- E. **Religious Tent Meeting**: In any district, a Temporary Use Permit may be issued for a tent or other temporary structures to house a religious meeting. Such permit shall be issued for not more than a thirty (30) day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.
- F. **Seasonal Sale of Farm Produce**: In any district, except the industrial districts, a Temporary Use Permit may be issued for the sale of farm produce. Structures utilized for such sales shall be able to be removed, if necessary, when not in use. The permit shall be issued for a six (6) month period. All structures must be set back from the right-of-way. **(Amended by Ordinance Dated May 24, 2004)**
- G. **Temporary Dwelling Unit in Cases of Special Hardship**: In any residential district, a Temporary Use Permit may be issued to place a mobile home (double-wides excluded) temporarily on a lot in which the principal structure was destroyed by fire, explosion or natural phenomenon. The purpose of such temporarily placement shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent an exceptional hardship on same. Placement of such temporary structure must not represent a hazard to the

safety, health or welfare of the community. An applicant for a Temporary Use Permit, as provided under this subsection, must produce a written statement from the Trousdale County Health Department and/or the Utilities System approving the water supply and waste disposal systems of the temporary structure. Such a permit may be initially issued for twelve (12) months. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding twenty-four (24) months.

- H. **Temporary Manufacture of Road Materials:** In any district, except the residential districts, a Temporary Use Permit may be issued upon approval by the Hartsville Board of Zoning Appeals to operate manufacturing plants which are necessary in order to produce the materials required for the construction of approved public roads where the Board finds that such a use is not potentially noxious, dangerous or offensive. In the exercise of its approval, the Board of Zoning Appeals may impose such conditions upon the proposed plants as it may deem advisable in the furtherance of the general purposes of this ordinance.

Such a permit may be issued initially for a twelve (12) month period. A permit may be renewed for up to six (6) months at a time, the time for all permits not to exceed a total of twenty-four (24) months.

4.040 CUSTOMARY INCIDENTAL HOME OCCUPATIONS

A home occupation is a gainful occupation or profession conducted entirely within the principal dwelling unit by members of the household residing on the premises. Only one (1) person other than members of the household shall be employed. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, with no more than twenty-five (25) percent of the floor area of the dwelling unit being used to conduct the home occupation. This section classifies all home occupations as "Minor Home Occupations" or "Major Home Occupations", all other uses that are not considered under one of these classifications is prohibited under these regulations.

A. **Minor Home Occupations**

A minor home occupation is a limited activity conducted on premises to differ from its residential character. Minor home occupations shall include offices for accountants, architects, artists, engineers and the like, and other uses that will not require an increased amount of traffic to and from the residence. Uses such as barber or beauty shops, auto repair or any similar use shall not be considered as minor home occupations. Due to the small scale of operation, minor home occupations are not required to obtain special exemption permits from the Board of Zoning Appeals.

B. **Major Home Occupations**

Uses classified as major home occupations are those conducted within homes that may cause an increase in the amount of neighborhood traffic. This increase in traffic may be in the form of persons served by the home occupation or by deliveries or pick-ups from the premises. An increased area for parking will be allowed for uses that are classified as major home occupations. All major home occupations are required to have their use approved by the Board of Zoning Appeals prior to engaging in the activity.

Major home occupations shall include barber and beauty shops, teaching of music and dance, small engine and appliance repair, upholstery shops, dressmakers, real estate offices, and other similar uses that in the opinion of the Board of Zoning Appeals would meet the criteria of a major home occupation.

4.050 GASOLINE SERVICE STATION RESTRICTIONS

The following regulations shall apply to all gasoline services stations:

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

4.060 SWIMMING POOL RESTRICTIONS

The following regulations shall apply to all swimming pools:

- A. No swimming pool or part thereof, excluding aprons, walks, shall protrude into any required front yard in the Agricultural and Residential Districts.
- B. The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or adjacent properties. Said fence or wall shall not be less than three (3) feet in height and maintained in good condition.
- C. Private swimming pools are permitted in residential and commercial districts provided that the pool is intended, and is to be used solely for the enjoyment of the occupants and their guests of the property on which it is located.

4.070 DEVELOPMENT STANDARDS FOR GROUP HOUSING PROJECTS

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

4.071 Procedure for Submission and Review

A site development plan as specified in Article VII, Section 7.030, shall be required for review on all proposals subject to this provision. The approval of said plan along with any accompanying conditions associated with a particular development is precedent to any approval under this section.

4.072 Required Development Standards

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

A. Location

1. The site shall comprise a single lot or tract of land, except where divided by public streets.
2. The site shall abut a public street.

B. Density and Dimension

1. The average number of dwelling units per acre of buildable land, not including streets, shall not exceed that permitted within the applicable district.
2. All yard requirements as established for the districts in which such use is permitted are applicable, except where buildings may be joined by common walls.

C. Design

1. **Internal Drives:** The maximum grade on any drive shall be seven (7) percent unless an alteration is specifically approved by the planning commission.
2. Where feasible, all drive intersections shall be at right angles.
3. Minimum distance between buildings shall be thirty (30) feet at any point.

D. Public Street Access

1. The minimum distance between access points along public street frontage, center line to center line, shall be two hundred (200) feet.
2. The minimum distance between the center line of an access point and the nearest curb line or street line of a public street intersection shall be one hundred (100) feet.

E. Required Improvements

1. **Internal Drives:** Specifications for drives in group housing developments shall conform to roadway specifications as specified by the Hartsville/Trousdale County Planning Commission Subdivision Regulations to which reference is hereby made and incorporated herein by reference.
2. **Utilities:** The development shall be served with a public utility systems adequate to assure fire protection and removal of liquid waste via a central sewage collection and treatment facility.

3. **Storage of Solid Waste**: Any central refuse disposal area shall be maintained in such manner as to meet county health requirements, and shall be screened from view.
4. **Service Building**: Service buildings housing laundry, sanitation, or other facilities for use by occupants shall be permanent structures complying with all applicable codes.

4.080 STANDARDS FOR SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES

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

- A. **In Any Zoning District, the Following General Regulations Shall Apply:**
 1. No sign shall be erected or maintained where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal, device, or emergency vehicle.
 2. No illuminated sign shall be permitted within fifty (50) feet of property in any residential district, unless the illumination of such sign is so designed that it does not shine or reflect light onto adjoining property.
 3. No billboard or ground sign shall be erected to exceed the maximum height limitation for the district in which it is located, not exceeding four hundred (400) square feet in area. No billboard shall exceed fifty (50) feet in length, and no double stacking of billboards is allowed, except by special review by the Board of Zoning Appeals. The bottom coping of every ground sign shall be at least three (3) feet above the ground or street level.
 4. Billboards and other similar outdoor advertising structures shall be erected or placed in conformity with the side, front, and rear yard requirements of the district in which it is located. However, no billboard shall be erected or placed closer than within one hundred (100) feet of any residential district.
 5. On the premises outdoor advertising signs, including flashing or intermittent illumination shall not intrude upon the public right-of-way.
 6. Signs erected and overhanging any sidewalk must be placed at least nine (9) feet above the sidewalk and may extend over the sidewalk a distance equal to two-thirds (2/3) the width of the sidewalk, but in no case exceeding ten (10) feet.
 7. Professional signs and signs for home occupations shall not exceed four (4) square feet in area in the residential districts.

8. Temporary Signs and Posters Are Subject to the Following Regulations:

- a. Each sign shall not exceed five (5) square feet in area, excluding banners.
- b. The signs shall not be located closer together than five hundred (500) feet.
- c. Such signs shall not be nailed to trees, fence posts, or public utility poles and shall not be located in the public right-of-way, excluding banners.
- d. All such signs advertising events shall be removed within ten (10) days after the event date.
- e. All such signs shall be valid for thirty (30) days only, after which time they shall be removed.

9. In Any District, the Following Signs Shall Be Permitted

- a. For parking areas, entrance and exit signs not exceeding four (4) square feet in area and not more than one (1) sign not more than sixteen (16) square feet in area identifying or designating the conditions of the use of such parking area.
- b. Nonilluminated "For Sale" or "For Rent" signs not exceeding four (4) square feet in area.
- c. One (1) sign not more than twelve (12) square feet in area giving the names of the contractors, engineers, or architect, during construction of a building or project
- d. Signs established by, or by order of, any governmental agency.
- e. For special events of public interest, one (1) sign not over thirty-two (32) square feet in area.
- f. Flags or emblems of political, civic, philanthropic, educational, or religious organizations.
- g. Small illuminated signs, not exceeding one and one-half (1 1/2) square feet in area, displayed strictly for the direction, safety, and convenience of the public, including signs which identify rest rooms, freight entrances and the like.

B. In Residential Districts, the Following Regulations Shall Apply:

1. Name plates indicating name, address, house number, announcement of boarders or roomers, or customary home occupations are permitted.

2. One temporary nonilluminated sign not to exceed sixteen (16) square feet in area, advertising the sale of farm products produced on the premises shall be permitted.
3. Church, school, or public building bulletin boards or identification signs, not exceeding thirty-two (32) square feet in area are permitted.
4. Flashing or intermittent illumination on signs is prohibited.
5. Billboards and other advertising structures are prohibited, except certain directional signs intended to guide the general public to areas designated by the planning commission as possessing scenic, historical, or recreational value. However, such directional signs shall not exceed sixteen (16) square feet in area.
6. Where commercial enterprises are permitted. business signs, not to exceed one (1) square foot of surface area for each one (1) linear foot of face of building, relating to the business of the premise, will be permitted, not to exceed sixteen (16) square feet in area.
7. For residential subdivisions, apartment buildings, and group housing developments, identification signs, not exceeding sixteen (16) square feet in area are permitted.

C. In All Commercial Districts, the Following Regulations Shall Apply:

1. Business signs shall be coordinated with the architecture and surroundings in such a manner that the overall appearance is harmonious in color, form, and proportion. The display of signs will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification.
2. Bulletin boards or identification signs, not exceeding sixty-four (64) square feet in area, shall not be permitted for public recreational uses, community facilities, hospitals, and clinics.
3. One business sign directly relating to the activity conducted on the premises, not exceeding sixty-four (64) square feet and fifteen (15) feet in height. However, that in the cases of freestanding signs with two (2) faces, each face may not be more than sixty-four (64) square feet.
4. Not more than one (1) freestanding sign shall be established for each separate lot, regardless of how many businesses or commercial entities are located on such lot; provided, however, that lots on public streets or highways with frontages of more than five hundred (500) feet of frontage may erect one (1) sign on each such route for each five hundred (500) feet of frontage. For corner lots, one (1) sign may be erected on the frontage of each public street or highway unless the five hundred (500) foot provision applies. No individual sign shall have an area of more than sixty-four (64) square feet; provided, however, that in case of freestanding signs

with two (2) faces, each face may not be more than sixty-four (64) square feet.

5. Signs affixed to building walls shall not total more than thirty-two (32) square feet on any one building wall.
6. All ground sign supports shall be located no closer than ten (10) feet from any public right-of-way or property line; n part of the sign face may be closer than five (5) feet from any public right-of-way or property line.
7. Billboards and other outdoor advertising structures are permitted subject to the general restrictions set forth in Subsection A, above.
8. Traffic or directional signs are excluded from this subsection if restricted to traffic flow or parking information, and if less than four (4) square feet in surface area per face.

D. In the Industrial District, the Following Regulations Shall Apply:

1. Business signs shall be permitted which relate to the business on the premises. Such signs shall be located not closer than one-half (1/2) the required setback from all property lines.
2. Flashing or intermittent illumination is prohibited.
3. Billboards and other outdoor advertising structures are permitted fifteen (15) feet from the right-of-way.

E. Violations—Penalties

Violation of any of the provisions of this ordinance or failure to comply with any of its requirements is hereby deemed and declared a violation of this section of this ordinance and subject to the penalties hereinafter provided and each day that such violation continues, shall constitute a separate and additional violation for each such day. Any person who violates this section of this ordinance or fails to comply with any of its requirements, shall upon conviction thereof, be fined in a sum not to exceed fifty dollars (\$50.00) for each violation.

The owner, tenant and/or occupant of any building, structure, premises or a part thereof, and any architect, builder, contractor, agent or other person, who commits, participates in, aids or maintains such violation, may be found guilty of a separate offense and suffer the penalties as herein provided.

4.090 DEVELOPMENT STANDARDS FOR MOBILE HOME PARKS

The following regulations are intended to ensure a minimum standard of site development for mobile home parks where permitted as a special exception in a zoning district.

A. Mobile Home Park Building Permit

1. An application for a “mobile home park permit” shall be filed with the Building Inspector after the applicant has secured all water and sewer permits required for the project. However, construction or extension of a mobile home park may not commence within the area of jurisdiction of this ordinance until a mobile home park building permit has been issued by the Building Inspector. A mobile home park building permit may be issued only upon approval of the special exception by the Hartsville Board of Zoning Appeals. The Board shall act upon an application for a permit after receipt of a report from the Hartsville/Trousdale County Planning Commission. The Board may attach whatever conditions it sees fit to the permit in order to protect the neighborhood and/or adjoining properties.

2. Site Plan Required

A mobile home park building permit may be issued for construction or extension of a mobile home park only after submission and approval by both the planning commission and the Board of Zoning Appeals of a site development plan containing the following:

- a. The name and address of the applicant.
- b. The location, area, and dimensions of the proposed mobile home park site as well as a legal description.
- c. The location, size, and number of all mobile home spaces.
- d. The location and size of all buildings, improvements, and facilities (including roads, water, sewer, refuse disposal).
- e. The proposed use of buildings shown on the site plan.
- f. The location and size of all points of ingress and egress for motor vehicles and the internal circulation plan (roadways and pedestrian walkways).
- g. The location and number of all off-street parking facilities.
- h. The location of parks and recreation areas.
- i. A complete drainage plan with contour lines at five (5) foot intervals.
- j. A location map showing the park site in relation to the existing public street pattern, indication of uses of property adjacent to the site and the location of all buildings within two hundred (200) feet of the site.
- k. A time schedule for development shall be prepared which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.

- I. Such other architectural, engineering, and topographical data as may be required to permit the county health department, the building inspector and the planning commission to determine if the provision of these regulations are being complied with shall be submitted with the site plan.

B. Development Standards

1. General

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

2. Minimum Development Size

No mobile home park shall be approved which contains less than five (5) acres in area and less than ten (10) mobile home spaces.

3. Dimensional Requirements for Parks

- a. Along the entire periphery of the mobile home park, yards and setbacks meeting the district regulations shall be provided.
- b. Within the interior portions of the mobile home park, no yards, except as required to meet other provisions set forth in this section, are required.
- c. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.
- d. Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign with a maximum size of sixteen (16) square feet. Said sign(s) shall contain thereon only the name and address of the park and shall be lighted by indirect lighting only.
- e. At no time shall the density for the park exceed the maximum permissible density for the district within which it is located in.

4. Spacing of Mobile Homes and Site Coverage

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

5. The Mobile Home Lot

- a. **General:** The limits of each mobile home space shall be clearly marked on the ground by an iron pin. Location of space limits on the ground shall be the same as shown on accepted plans. No space shall be smaller than five thousand (5,000) square feet.
- b. **Mobile Home Stand:** A mobile home stand shall provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. In addition, such stand shall comply with the publication of FHA "Minimum Property Standards for Mobile Home Parks", May, 1977.
- c. **Outdoor Living Area:** Each mobile home lot shall be provided with an outdoor living and service area. Such area shall be improved as necessary to assure reasonable privacy and comfort. The minimum area shall be not less than two hundred (200) square feet and shall be paved.
- d. Tenant storage in the form of permanent buildings shall be provided for each mobile home at the rear of each mobile home space.

6. Utilities and Other Services

- a. An accessible, adequate, safe and potable supply of water shall be provided in each mobile home development on trunk lines which meet the requirements of the Town of Hartsville Water and Sewer Department. Where a public supply of water of satisfactory quantity, quality, and pressure is available at the site or at the boundary of the site, connection shall be made thereto and its supply used exclusively.
- b. Each mobile home site shall be provided with a connection to a sanitary sewer line or to a sewer system approved by the Town of Hartsville Water and Sewer Department.

- c. Solid waste collection stands shall be provided for waste containers for each mobile home. Any central waste container shall be screened from view with access appropriately provided.
- d. Service buildings which housing sanitation and laundry facilities shall be permanent structures which comply with all applicable ordinances, statutes and regulations, buildings, electrical installations, plumbing and sanitation systems.
- e. Each mobile home park shall be equipped with fire hydrants spaced no more than five hundred (500) feet apart. The water system shall be capable of providing a required fire flow of five hundred (500) gallons per minute for a minimum one (1) hour duration.
- f. Each mobile home park shall be maintained free of litter and accumulation of any kind of debris which may provide rodent harborage or breeding places for flies, mosquitoes, or other pests.

7. Streets

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

a. Circulation

The internal street systems shall provide convenient circulation by means of minor streets and properly located collector streets. Dead-end streets shall be limited in length to five hundred (500) feet and their closed end shall be provided with an adequate turn-around with a minimum diameter of eighty (80) feet.

b. Pavement Widths

Pavement widths shall be as follows:

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

c. Construction

The internal streets and drives shall be paved in accordance with the Hartsville/Trousdale County Subdivision Regulations.

8. Walks

All mobile home developments shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, and shall be constructed of pavement or concrete. Sudden changes in alignment and gradient shall be avoided.

A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half (3 1/2) feet.

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

9. Recreation Area

Adequate recreation facilities for the residents of the park shall be provided in locations easily accessible to the living units, but shall 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.

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

10. Buffer and Screening

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

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

11. Site Design

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

12. Off-Street Parking

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

C. Responsibility of Park Management

1. The permittee shall operate the mobile home park in compliance with this ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
2. The permittee shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this ordinance.
3. The permittee shall supervise the placement of each mobile home on its mobile home stand to the satisfaction of the building inspector which includes securing its stability to anchor pins and installation of all utility connections.
4. The permittee shall maintain a register containing the following information:
 - a. The name and address of each mobile home occupant.
 - b. The name and address of the owner of each mobile.
 - c. The make, model, year, and license number of each mobile home and motor vehicle.
 - d. The date of arrival and departure of each mobile home.
5. The mobile home park shall keep the register record available for inspection at all times by law enforcement officers, public health officials, building inspector and other officials whose duties necessitate acquisition of the information contained in the register.
6. The register record shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.
7. The permittee shall notify the health authority immediately of any suspected communicable or contagious disease within the park.
8. The permit to operate shall be posted conspicuously in the mobile home park office at all times.
9. The permittee shall be held responsible for the violation of any provision of this section.

D. Responsibilities of Park Occupants

1. Park occupants shall comply with all applicable requirements of this zoning ordinance and shall maintain his/her mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.
2. Park occupants shall be responsible for proper placement of the mobile home on its mobile home stand and proper installation of all utility connections and anchoring in accordance with the instruction of the park management and the provisions of this section.
3. Skirtings, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed, they shall be maintained in good repair. The space immediately underneath each mobile home shall be used for storage only if permitted by the park management. If permitted, the following conditions shall be satisfied:
 - a. The storage area shall contain a base of impervious material.
 - b. Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.
 - c. The storage area shall be enclosed by skirting.
4. Park occupants shall store and dispose of all rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent proof, insect proof, and watertight.
5. Fire extinguishers for Class B and C fires shall be kept on the premises and maintained in working condition.
6. Park occupants shall be required to register their pets with the park management.
7. Park occupants shall be required to have their pets on a leash and shall not be allowed to roam free and unleashed.
8. Park occupants shall not be allowed to construct or place pens for animals on the park premises.
9. No inoperative motor vehicles, junk, or uncontained trash shall be allowed within the park.

E. Inspections

1. To insure the health and safety of occupants of mobile home parks and of the general public, the building inspector is hereby authorized and directed to make annual inspections to determine the conditions of mobile home parks.
2. The building inspector shall have the power to enter upon any private and public property for the purpose of inspecting and investigating conditions relating to the annual inspection as it is related to the enforcement of this section.

3. Penalties

- a. Any person violating any provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense.
- b. Each day that a violation is permitted to exist shall constitute a separate offense.
- c. Any extension of an existing mobile home park is considered a nonconforming use and is hereby prohibited unless said park is brought up to the standards herein stated.

F. Revocation of Permit

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

G. Prohibited Structures

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

4.100 DEVELOPMENT STANDARDS FOR AUTOMOBILE WRECKING, JUNK AND SALVAGE YARDS

A site development plan specified in Article VII, Section 7.030, shall be submitted for review on all proposals subject to this provision. The approval of said plan along with any accompanying conditions associated with a particular development is precedent to any approval under this section. The Hartsville/Trousdale County Planning Commission is the agency responsible for this review.

Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property values by their general appearance. The following standards shall be used as a guide to evaluate whether proposed land uses will properly 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. No such operation shall be permitted closer than one thousand (1,000) feet from any established residential zone.
- C. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height. Storage between the road or street and such fence, screen or wall is expressly prohibited. Any fence, screen or wall for concealment shall be maintained in good condition.
- D. All such yards shall be maintained in a sanitary manner so as not to be a menace to public health or safety.
- E. Off-Road Parking: As regulated in Article IV, Section 4.010.
- F. Ingress and Egress: The number of vehicular access driveways permitted on any single street frontage shall be limited to:
 - 1. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.
 - 2. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width maximum, exclusive of curb returns.
- G. No automobile wrecking, junk or salvage yard shall be permitted within three hundred (300) feet of any public road in Hartsville, except where a more stringent State or Federal law applies.

4.110 DEVELOPMENT STANDARDS FOR CEMETERIES

- A. The Following Standards Shall Be Imposed upon the Development and Construction of Cemeteries in Hartsville:
 - 1. A proposed cemetery site shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare.
 - 2. Any new commercial cemetery shall be located on a site containing not less than five (5) acres.
 - 3. All structures including, but not limited to, mausoleums, permanent monuments or maintenance buildings shall be setback not less than twenty-five (25) feet from any property line or street right-of-way.
 - 4. All graves or burial lots shall be setback not less than twenty-five (25) feet from any property line or street right-of-way line.
 - 5. All required yards shall be landscaped and maintained in good order and in accordance with state and local regulations.

4.120 LITTER, REFUSE, GARBAGE, JUNK AND DEBRIS CONTROL REGULATIONS

A. General Provisions

The following requirements shall apply to all zoning districts for the purpose of controlling the storage, placement, collection of junk, garbage, litter, refuse, rubbish, or discarded material. These regulations are promulgated under authority of Tennessee Code, Section 5-1-115.

1. No owner, occupant, or resident of any real property (land and/or building) shall permit or allow garbage, litter, rubbish, or refuse to accumulate upon or in such real property.
2. The owner, occupant, or resident of real property, where refuse accumulates or has accumulated in violation of these regulations, shall take appropriate measures to gather up or otherwise collect and remove the refuse.
3. Removal of the refuse in accordance with these regulations shall include the transfer of the refuse to an appropriate and lawful landfill or dump site, whether public or private.
4. During or after the removal of refuse in accordance with these regulations, if it becomes necessary to store the refuse while it awaits transfer or further collection, the refuse shall be stored in a lawful manner consistent with the nature of the refuse that does not further endanger the inhabitants of the county. Temporary storage of such collected refuse shall be permitted; however, such refuse shall be removed within five (5) days.
5. If the Building Inspector determines that a violation of these regulations exists, the Inspector shall provide notice to the owner of record of the property upon which the conditions creating the violation is located to remedy the condition immediately within twenty (20) days. The notice shall be by personal service on the owner or by mailing by United States mail (certified, return receipt requested) to the owner of record at the last known address. If the whereabouts of such person(s) is unknown and the same cannot be ascertained by the Building Inspector in the exercise of reasonable diligence, the Building Inspector shall serve notice by publishing the same in a newspaper of general circulation in the county once each week for three consecutive weeks. The above notices whether by mail or published in a newspaper, shall contain, but not be limited to, the following items:
 - a. A brief statement identifying these regulations;
 - b. The person, office, address, and telephone number of the department or person giving notice;
 - c. The cost estimate for remedying the noted conditions which shall be in conformity with standards of cost in the county;

- d. A brief statement informing the recipient of the notice that an appeal to the Trowsdale County Board of Zoning Appeals may be requested, said request to be received by the Building Inspector in writing within twenty (20) days of receipt of the notice to the owner or date of last publication of said notice. Appeals before the Board shall conform to Section 7.070, of the Zoning Resolution;
- e. The place where the recipient of the notice can return a copy of the notice indicating a request for a hearing; and
- f. A brief description of the property including the property's location utilizing street address, if available, street name, and tax map and parcel numerical designations.

B. Failure to Comply

1. If a violation of these regulations is not remedied within twenty (20) days following personal service receipt of notice or completion of public notice within the newspaper, or if a hearing is not requested as stated in Section 4.120, A, 5, d, or if such violation continues for twenty (20) days following a hearing before the Board, wherein the decision of the Building Inspector is sustained by the Board, then the Building Inspector shall commence the process to remedy the condition causing the violation by one of the following methods:
 - a. By contracting with a private party for the job in accordance with any purchasing laws in effect; or
 - b. By reaching an agreement with the chief Administrative Officer of the County Highway Department for that department to remedy the condition. If this option is used, the highway fund shall be reimbursed for the cost of the job from the general fund.
2. If the county remedies a condition causing a violation, the county shall file a certified and acknowledged copy of the Notice of Lien affecting the owners property with the County Register of Deeds after the work is completed. At the same time, the Building Inspector shall send a statement by certified mail (return receipt requested) to the property owner, or if the whereabouts of the owner is unknown, publish a notice once in a newspaper of general circulation, itemizing the cost of remedying the condition causing the violation. If the owner fails to reimburse the county for the cost of removal (including publication and recording expenses) within sixty (60) days from the date of notification or publication, the monetary amount shown on the statement shall constitute a lien upon the property as of the date the notice is filed with the Register of Deeds.
3. The cost of all remedies effected by the Building Inspector shall be defrayed from general fund appropriations for this purpose, but the general fund shall be reimbursed by the property owner in accordance with these regulations. Such lien shall be satisfied to the extent of the value of the consideration received at the time of any transfer of ownership of said property, and if the lien is not fully satisfied at this time of transfer, it shall remain a lien on the property until fully satisfied. If the

property is not transferred within one (1) year from the date notice is filed with the Register of Deeds, the property shall be sold by the county to satisfy the lien, following the procedure set by law for the satisfaction of other liens. The lien shall remain in effect until the sale is completed or until all appeals have been heard.

C. Appeals

The property owner may request a hearing to the Board as permitted in Section 4.120, A, 5, d. Such hearing shall be held at the next meeting of the Board of Zoning Appeals after the request is made unless a letter date is agreed to by the owner. Failure to make the demand for a hearing within the time limit specified shall constitute a waiver of the right to a hearing. Following the hearing, the Board may modify, dismiss, or confirm the notice. After the Notice of Lien is filed with the Register of Deeds, if such property owner is aggrieved by the amount of lien filed, such owner may submit the matter to the Chancery Court for Trousdale County to determine the appropriate amount of the lien. The decision of the court may be appealed according to the Tennessee Rules of Appellate Procedure.

D. Exceptions

No provision of these regulations shall be construed as applying to any business being operated pursuant to Tennessee Code, Section 68-31-101, et seq.

E. Other Procedures

Any proceedings, other than those listed herein, also shall conform to the provisions of Tennessee Code, Section 39-14-504.

4.130 STANDARDS FOR TELECOMMUNICATION ANTENNAS AND TOWERS

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

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

1. Authority

a. District Height Limitations

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

b. Public Property

Antennas or towers located on property owned, leased or otherwise controlled by the governing authority shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antennas or the governing authority has approved tower.

c. Amateur Radio: Receive--Only Antennas

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

d. Pre-Existing Towers and Antennas

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

2. Requirements

a. Towers shall be located where there shall be no interference with any type of electronic reception in nearby residential areas.

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

c. Lot area used for site of tower shall be a ratio of length not to exceed width of lot more than four (4) times.

d. There shall be maneuverable room for maintenance vehicles on the property.

- e. Site area shall be entirely enclosed by a chain link fence of not less than six (6) feet in height with a self-latching gate and three (3) rows of barbed wire above perimeter of entire fenced area. Gate shall be pad locked at all times when tower is not being maintained. Maintenance shall be shared equally among users.
- f. Grounds immediately surrounding tower site and ground inside fenced area shall be maintained at all times. Site is to be maintained in compliance with the current Hartsville Zoning laws.
- g. On the exterior side of chained link fence, landscaping shall be required of shrubs not less than two (2) feet in height not to exceed eight (8) feet in height and shall be trimmed at all times to prevent an interference which may occur.
- h. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.
- i. On site buildings shall be used for storage of necessary on site equipment only and shall be built of concrete block.
- j. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.
- k. Road or easement to the tower site shall be maintained by the owner of the tower or the owner of the property and shall be maintained by said party until notice is given to the Planning and Zoning Department that said tower is no longer in use. This road or easement shall be a private road which is used as access to the tower and shall never under any circumstances become a county accepted or maintained road. If several users share the tower, the expense of the road shall be shared equally among users.
- i. All tower users are required to obtain a permit from the **Planning and Zoning Department, 210 Broadway, Hartsville, Tennessee**, after approval from all necessary Boards have been granted. All inspections are to be called for by the user and/or their contractor. All inspections are to be approved before any tower or antenna can be used. Inspection procedures can be obtained in the Planning and Zoning Department.
- m. Lighting of towers is prohibited, unless required by the Federal Aviation Administration (FAA) and/or the Federal Communications Commission (FCC).
- n. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the Federal government with the authority to regulate towers and antennas. If such governments and regulations are changed, then the owners of the tower and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards

and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owners' expense.

- o. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment compatible. An inventory and map of all existing towers, public and private airports, heliports and landing strips within one-half (1/2) mile of the proposed site shall be submitted with application for special exception request. The inventory shall include information on the location, height and design of each tower and/or type of aircraft facilities.
- p. Written evidence that the applicants has explored and exhausted all attempts to locate or co-op its antenna on all existing towers or structures within one-half (1/2) mile of the proposed site shall be submitted to the Planning and Zoning Department at the time of application for a special exception request. New towers may be permitted if the applicant demonstrates to the Board of Zoning Appeals that no existing tower or structure can accommodate the applicant's proposed antenna, because of the following conditions:
 - i. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
 - ii. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 - iii. Existing towers or structures are not of sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - iv. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing tower.
 - v. Any claim by the applicant that fees, costs or contractual provisions required sharing an existing tower or structure, or to adapt an existing tower or structure for sharing, are unreasonable.
- q. Any antenna or tower not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such antenna or tower shall remove tower or antenna within ninety (90) days of receipt of notice from the building inspector. If said tower is not removed within the ninety (90) day period, penalties and costs shall be imposed by the Director of Planning

and Zoning and prior approval by the Board of Zoning Appeals shall be rescinded.

- r. Approval by the Board of Zoning Appeals shall be valid for a period not to exceed twelve (12) months. If start of construction of the actual tower has not begun within twelve (12) months, approval shall expire and the applicant will be required to resubmit plans.
- s. A building permit shall be required before any construction of a tower or antenna shall begin. Said permit shall be based on two and one-half (2 1/2) percent of the actual cost of the construction of tower or antenna. A document submitted by the developer shall be notarized and submitted at the time of issuance of permit enabling planning and zoning staff to establish cost of permit.
- t. An annual site inspection fee of five hundred dollars (\$500.00) will be assessed each year for every tower established in Hartsville, Tennessee. Annual fee will be due and payable on **January 15**, of each year. If several users share a tower, each user is required to pay the five hundred dollars (\$500.00) annual fee individually.

3. Plat Requirements

- a. A plan of the purposed tower site shall be submitted to the Hartsville/Trousdale County Planning Commission, after review from the Hartsville Board of Zoning Appeals, and shall include the following information, but shall not be limited to:
 - i. Name, address, telephone number, and contact person of the purposed user;
 - ii. Name, address, telephone number, and contact person of construction drawings;
 - iii. Name, address and telephone number of property owner;
 - iv. Name, address and telephone number of construction tower contractor;
 - v. Legal description of proposed property to be used for tower site;
 - vi. Vicinity of proposed area in conjunction with the town;
 - vii. Access to the purposed site and description;
 - viii. Type of tower proposed, tower height and area of collapsing;
 - ix. Surrounding property owners' names and all buildings on purposed site;
 - x. Any public utilities shown and all public utility easements described;

- xi. Scale of plat;
- xii. Existing public roads and right-of-ways, including private roads;
- xiii. Excavation, grading, concrete and structural steel notes, if any;
- xiv. Staking, erosion and sediment control plans;
- xv. Radio frequency coverage;
- xvi. Setbacks;
- xvii. Parking, landscaping, buffer strips, if required, and adjacent uses;
- xviii. If a buffer is required, appropriate licensed professionals shall seal all documentation of the site plan;
- xix. Required fall zone shall be shown;
- xx. Plat shall remain on file in the Planning, Zoning and Codes Department;
- xxi. Any and all other information deemed by the governing authority to be necessary to assess compliance with this ordinance.

5. Uses Permitted

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

6. Other

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

- i. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements;
- ii. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements;
- iii. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment;
- iv. The applicant's proposed antenna would cause electromagnetic interference with the existing towers or structures would cause interference with the applicant's proposed antenna;
- v. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable; and
- vi. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

7. Setbacks and Separation

- a. The following setbacks and separation requirements shall apply to all towers and antennas for which a special use permit is required; provided however, that the governing authority may reduce the standard setbacks and separation requirements, if the goals of this resolution would be better served, thereby.
 - i. Tower guy and accessory facilities must satisfy the minimum zoning district setback requirements.
 - ii. In zoning districts, other than industrial zoning districts, towers over ninety (90) feet in height shall not be located within one-fourth (1/4) of a mile from any existing tower that is over ninety (90) feet in height.

ARTICLE V
ZONING DISTRICTS

SECTION

- 5.010 Classification of Districts
- 5.020 Zoning Map
- 5.030 Zoning District Boundaries
- 5.040 Residential District Regulations
- 5.050 Commercial District Regulations
- 5.060 Industrial District Regulations
- 5.070 Agricultural District Regulations
- 5.080 Floodplain Zoning Ordinance, Statutory Authorization, Findings of Fact, Purpose and Objectives

5.010 CLASSIFICATION OF DISTRICTS

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

- A. Agricultural and Residential Districts
 - R-1 Low Density Residential Districts**
 - R-2 Medium Density Residential Districts**
 - R-3 High Density Residential Districts**

- B. Commercial Districts
 - C-1 Central Commercial Districts**
 - C-2 Highway Commercial Districts**

- C. Industrial Districts
 - I-1 General Industrial Districts**

- D. Agricultural Districts
 - A-1 Agricultural Districts**

- E. General Floodplain Districts
 - F-1 Floodway Districts**

5.020 ZONING MAP

The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map, entitled, "Zoning Atlas, of Hartsville, Tennessee". The zoning map and any amendment, thereto, shall be dated with the effective date of the ordinance that adopts same. Certified prints of the adopted zoning

map and zoning map amendments shall be maintained in the office of the Town of Hartsville Building Inspector and shall be available for inspection by the public at all reasonable times, as long as this ordinance remains in effect.

5.030 ZONING DISTRICT BOUNDARIES

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

Where a district boundary line divides a lot existing at the time this ordinance takes effect, and the major portion of said lot is in the less restricted district, if said lot is no more than twenty (20) feet within the more restricted district, that district may extend to said portion of such lot.

5.040 RESIDENTIAL DISTRICT REGULATIONS

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

5.041 R-1, Low Density Residential District

A. District Description

This district is designed to provide suitable areas for low density residential development characterized by an open appearance. Most generally, this district will consist of single family, detached dwellings and such other structures as are accessory thereto. This district also includes community facilities, public utilities and open uses which serve specifically the residents of this district, or which are benefited by and compatible with a residential environment. Further, it is the intent of this ordinance that this district be located so that the provision of appropriate urban services and facilities are physically and economically facilitated. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they, otherwise conform to the provisions of this ordinance.

B. Uses Permitted

In the R-1, Low Density Residential District, the following uses are permitted.

1. Detached single-family dwellings.
2. Group home for physically or mentally handicapped persons (minor).

3. Essential Services

Includes the maintenance and operations of the following installations:

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

C. Accessory Uses and Structures

1. Private garages and parking areas.
2. Outdoor recreational facilities for the exclusive use of the residents.
3. Signs in compliance with the regulations set forth in Article IV, Section 4.080.
4. Home occupations as defined by and subject to the provisions of Article IV, Section 4.040.
5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the R-1, Low Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article VII, Section 7.070.

1. Administrative

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

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

2. Community Assembly

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

**Civic, Social, Fraternal, and Philanthropic Associations
Private (nonprofit) Clubs, Lodges, Meeting Halls, and**

**Recreation Centers
Temporary Nonprofit Festivals**

3. Community Education

Activities typically performed by the following institutions:

Kindergarten, Primary and Secondary Schools

4. Cultural and Recreational Services

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

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

5. Intermediate Impact Facilities

Facilities that have a significant effect upon surrounding land uses due to traffic-generation characteristics, parking requirements, land requirements, or potential nuisances. The maintenance and operation of the following:

**Cemeteries, Columbariums, and Mausoleums
Colleges, Junior Colleges, Trade Schools, and Universities,
but Excluding Profit-Making Business Schools
Commercial Boat Docks, Marinas, and Yacht Clubs
Country Clubs
Golf Courses
Radio and TV Transmission Facilities
Water Storage Facilities, Water and Sewage
Treatment Plants
Telecommunication Facilities (see Article IV, Section 4.130.
Standards for Telecommunication Antennas and Towers) **(Added
by Ordinance 101-2014-8, April 28, 2014.)****

6. Personal and Group Care Facilities

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

Day Care Home

7. Religious Facilities

Facilities utilized by various religious organizations for worship or community services functions, excluding any facility wherein the primary functions of which is to produce products or printed matter for sale or general distribution. These activities include:

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

E. Uses Prohibited

In the R-1, Low Density Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the R-1, Low Density Residential District, shall comply with the following requirements.

1. Minimum Lot Size

Minimum Area per Dwelling Unit	12,000 sq. ft.
Lot Width at Building Setback	100 ft.

2. Minimum Yard Requirements

Front Yard Setback	35 ft.
Side	15 ft.
Rear	25 ft.

3. Maximum Lot Coverage

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

4. Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Article VI, Section 6.030.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Landscaping

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

7. Accessory Structures

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

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

5.042 R-2, Medium Density Residential District

A. District Description

This district is designed to provide suitable areas for low to medium density residential development where appropriate urban services and facilities are provided or where the extension of such services and facilities will be physically and economically facilitated. Generally, these districts are characterized by single- and two-family (duplex) detached structures and such other structures as are accessory thereto. This district also includes community facilities, public utilities and open uses which serve specifically the residents of those districts or which are benefited by and compatible with a residential environment. It is the express purpose of this zoning ordinance to exclude from these districts all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exceptions and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted

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

1. Detached single-family and duplex dwellings.
2. Group home for physically or mentally handicapped persons (minor).

3. Essential Services

Includes the maintenance and operations of the following installations:

**Cable, Electric, Gas, Water, and Sewer Distribution and
Collection Lines
Electrical and Gas Substations
Pumping Facilities for Water and Sewer Systems**

**Rights-of-Way for Transportation Modes
Telephone Switching Facilities**

C. Accessory Uses and Structures

1. Private garages and sheds.
2. Outdoor recreational facilities for the exclusive use of the residents.
3. Signs in compliance with the regulations set forth in Article IV, Section 4.080.
4. Home occupations as defined by and subject to the provisions of Article IV, Section 4.040.
5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the R-2, Medium Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article VII, Section 7.070.

1. Administrative

Activities typically performed by public, utility, and nonprofit private administrative offices. These activities include:

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

2. Community Assembly

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

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

3. Community Education

Activities typically performed by the following institutions:

**Kindergarten, Primary and Secondary Schools
Public and Private Nursery Schools**

4. Cultural and Recreational Services

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

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

5. Intermediate Impact Facilities

Facilities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances. The maintenance and operation of the following:

Cemeteries, Columbariums, and Mausoleums
Colleges, Junior Colleges, Trade Schools, and Universities,
but Excluding Profit-Making Business Schools
Commercial Boat Docks, Marinas, and Yacht Clubs
Country Clubs
Golf Courses
Radio and TV Transmission Facilities
Water Storage Facilities, Water and Sewage
Treatment Plants
Telecommunication Facilities (see Article IV, Section 4.130.
Standards for Telecommunication Antennas and Towers) **(Added**
by Ordinance 101-2014-8, April 28, 2014.)

6. Personal and Group Care Facilities

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

Day Care Centers

7. Religious Facilities

Facilities utilized by various religious organizations for worship or community services functions, but excluding any facility the primary functions of which is to produce products or printed matter for sale or general distribution. These facilities include:

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

E. Uses Prohibited

In the R-2, Medium Density Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the R-2, Medium Density Residential District, shall comply with the following requirements.

- | | | |
|----|---|----------------------|
| 1. | Minimum Lot Size | 7,500 sq. ft. |
| | Minimum Lot Size per Duplex Family | 9,000 sq. ft. |
| | Lot Width at Building Setback | 75 ft. |

2. Minimum Yard Requirements

Front Yard Setback	30 ft.
Side	15 ft.
Rear	20 ft.

3. Maximum Lot Coverage

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

4. Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Article VI, Section 6.030.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Landscaping

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

7. Accessory Structures

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

5.043 R-3, High Density Residential District

A. District Description

This district is designed to provide areas for high density residential development where sufficient urban facilities, including public sewer, are available or where such facilities will be available prior to development. Generally this district will be characterized by residential structures, each containing a multiple number of dwelling units as well as single and two family (duplex) detached dwellings, and mobile home parks. However, it is the intent of this ordinance to not restrict in number the dwelling units contained in a building provided there is sufficient area of zone lot and open space on such lot relative to the number of dwelling units, thereon. This district is intended also to permit community facility and public utility installations which are necessary to service the residents of the district, or which installations are benefitted by and compatible with a residential environment. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise. Those special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted

In the R-3, High Density Residential District, the following uses are permitted:

1. Detached single-family and duplex dwellings.
2. Multi-family dwellings.
3. Group home for physically or mentally handicapped persons (minor).

4. Essential Services

Includes the maintenance and operations of the following installations:

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

C. Accessory Uses and Structures

1. Private garages and sheds.
2. Outdoor recreational facilities for the exclusive use of the residents.
3. Signs in compliance with the regulations set forth in Article IV, Section 4.080.
4. Home occupations as defined by and subject to the provisions of Article IV, Section 4.040.
5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the R-3, High Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article VII, Section 7.070.

1. Residential

Mobile Home Park (subject to the provisions of Article IV, Section 4.090).

2. Administrative

Activities typically performed by public, utility, and nonprofit private administrative offices. These activities include:

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

2. Community Assembly

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

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

3. Community Education

Activities typically performed by the following institutions:

**Kindergarten, Primary and Secondary Schools
Public and Private Nursery Schools**

4. Cultural and Recreational Services

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

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

5. Intermediate Impact Facilities

Facilities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances. The maintenance and operation of the following:

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

Telecommunication Facilities (see Article IV, Section 4.130. Standards for Telecommunication Antennas and Towers) **(Added by Ordinance 101-2014-8, April 28, 2014.)**

6. Personal and Group Care Facilities

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

Day Care Centers
Day Care Homes
Group Home for Physically or Mentally Handicapped Persons (major)
Nursing Homes
Orphanages
Retirement or Rest Homes

7. Religious Facilities

Facilities utilized by various religious organizations for worship or community services functions, but excluding any facility the primary functions of which is to produce products or printed matter for sale or general distribution. These facilities include:

Chapels
Churches
Convents or Monasteries
Sanctuaries
Synagogues
Temples

E. Uses Prohibited

In the R-3, High Density Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the R-3, High Density Residential District, shall comply with the following requirements:

1. Minimum Lot Size

For One- and Two-Family Dwellings:

Minimum Lot Area per Single-Family	6,000 sq. ft.
Minimum Lot Area per Duplex Family	9,000 sq. ft.

For Multi-Family Dwellings:

Minimum Lot Area	10,800 sq. ft.
Maximum Overall Density per Gross Acre	12 units
Minimum Lot Area per Dwelling Unit	3,600 sq. ft.
<u>Minimum Width at Building Setback</u>	60 ft.

2. Minimum Yard Requirements

Front Yard Setback	25 ft.
Side - for One- or Two-Stories Plus an Additional Five (5) Feet for Each Additional Story	10 ft.
Rear	15 ft.

3. Maximum Lot Coverage

The area occupied by all structures, including accessory structures, shall not exceed forty (40) percent of the total area on any lot.

4. Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height, unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet or fraction thereof of additional height to a maximum of fifty (50) feet. No accessory structure shall exceed two (2) stories in height. Exceptions to these provisions are provided in Article VI, Section 6.030, of this ordinance.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Landscaping

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

7. Accessory Structures

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

5.050 COMMERCIAL DISTRICT REGULATIONS

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

5.051 C-1, Central Commercial District

A. District Description

This district is established to provide areas in which the principal uses of land are devoted to central commercial activities within the downtown area of Hartsville. Regulations are designed to preserve the traffic carrying capacity of the streets and roads in Hartsville and to provide for necessary off-street parking and loading. All lots shall be considered fronting on either arterial or collector roads as indicated on the latest official major thoroughfare plan.

B. Uses Permitted

In the C-1, General Commercial District, the following uses are permitted:

1. Administrative services, including city, county, State and Federal offices, fire and police departments, court buildings and post offices.
2. Community assembly, including civic, social, fraternal and philanthropic institutions, private clubs and lodges and temporary nonprofit festivals.
3. Cultural and recreational services, including libraries, museums, parks and playgrounds, gymnasiums, swimming pools and theaters.
4. Essential services for utility substations, distribution and collection lines, pumping facilities, and public rights-of-way.
5. Health care facilities, including rehabilitation center, convalescent homes, hospitals and medical clinics.
6. Boarding and rooming houses.
7. Laundromats and Dry Cleaners.
8. Automotive parking lots and garages.
9. Automotive services and repairs, including the sale of gas, oil, tires and other goods and services required in the operation of automobiles.
10. Sale of building materials and supplies, farm equipment and supplies and lawn and garden supplies.

11. Consumer repair services and sales, including appliances, furniture and other types of personal equipment.
12. Convenience commercial, including barber and beauty shops, drug and grocery stores, hardware stores, and other similar uses.
13. Entertainment and amusement centers, including auditoriums, theaters, bowling alleys, billiard parlor and miniature golf.
14. Financial, consulting and administrative services.
15. Restaurants and taverns.
16. Office Supply Stores.
17. General business, communication services, and business schools.
18. Retail sale of general merchandise items.
19. Medical and professional offices.
20. Hotels and motels.
21. Art, Book and Music Stores.
22. Florist and Jewelry Shops.
23. Funeral Home.
24. Day Care Center.
25. Any Residential Use, with the exception of mobile homes.
26. Religious Facilities, including chapels, churches, convents, monasteries, sanctuaries, synagogues and temples.
27. Printing, Publishing and Engraving Concerns.
28. Broadcasting and Receiving Station.
29. Manufacturing incidental to retail business or service where products are sold on the premises by producers and where not more than five (5) operatives are employed in such manufacture.

C. Accessory Uses and Structures

1. Signs in compliance with the regulations set forth in Article IV, Section 4.080.
2. Accessory off-street parking and loading facilities as required in Article IV, Section 4.010.

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

D. Uses Permitted as Special Exceptions (Added by Ordinance 101-2014-8, April 28, 2014)

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 7.070.

Telecommunication Facilities (see Article IV, Section 4.130. Standards for Telecommunication Antennas and Towers)

E. Uses Prohibited

In the C-1, General Commercial District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the C-1, General Commercial District, shall comply with the following requirements.

1. **Minimum Lot Size** **None**
Lot Width at Building Setback **None**
2. **Minimum Yard Requirements**
Front Yard Setback **25 ft.**
Side **None**
except where the side yard abuts or is adjacent to a residential district in which case the minimum setback for that yard shall be the same as that of the adjacent district.
Rear **15 ft.**
except where the rear yard abuts or is adjacent to a residential district in which case the minimum setback for that yard shall be thirty (30) feet.
3. **Height Requirements**

No principal structure shall exceed thirty-five (35) feet or three (3) stories in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Article VI, Section 6.030.

4. Parking Space Requirements
As regulated in Article IV, Section 4.010.
5. Landscaping
See Article III, Section 3.110.

5.052 C-2, Highway Commercial District

A. District Description

This district is established to provide areas in which the principal uses of land are devoted to general and highway commercial activities along the principal thoroughfares in Hartsville. Regulations are designed to preserve the traffic carrying capacity of the streets and roads in Hartsville, and to provide for necessary off-street parking and loading. All lots shall be considered fronting on either arterial or collector roads as indicated on the latest official major thoroughfare plan.

B. Uses Permitted

In the C-2, Highway Commercial District, the following uses are permitted:

1. Essential services for utility substations, distribution and collection lines, pumping facilities, and public rights-of-way.
2. Automotive services and repairs, including the sale of gas, oil, tires and other goods and services required in the operation of automobiles.
3. Convenience commercial, including barber and beauty shops, drug and grocery stores, hardware stores, liquor stores and other similar uses.
4. Administrative services, including City, County, State and Federal offices, fire and police departments, court buildings and post offices.
5. Community assembly, including civic, social, fraternal and philanthropic institutions, private clubs and lodges and temporary nonprofit festivals.
6. Cultural and recreational services, including libraries, museums, parks and playgrounds, gymnasiums, race tracks, swimming pools and theaters.
7. Health care facilities, including rehabilitation center, convalescent homes, hospitals and medical clinics.
8. Boarding and rooming homes.
9. Animal care and veterinarian clinics.

10. Automotive parking lots and garages.
11. Sale of building materials and supplies, farm equipment and supplies and lawn and garden supplies.
12. Consumer repair services, including appliances, furniture and other types of personal equipment.
13. Entertainment and amusement centers, including auditoriums, theaters, bowling alleys, miniature golf, batting ranges and billiard parlors.
14. Financial, consulting and administrative services.
15. Restaurants and taverns.
16. Drive-in restaurants and fast food restaurants.
17. General business and communication services.
18. Retail sale of general merchandise items.
19. Medical and professional offices.
20. Hotels and motels.
21. Sale or rental of automobiles, boats, motorcycles and of motorized vehicles.
22. Wholesale sales of consumer goods.
23. Funeral home.
24. Religious facilities, including chapels, churches, convents, monasteries, sanctuaries, synagogues and temples.
25. Mini-warehousing.
26. Day care centers.
27. Group home for physically or mentally handicapped persons (major).
28. Laundromats and dry cleaners.
29. Office supply and sporting goods stores.
30. Broadcasting and receiving station.

C. Accessory Uses and Structures

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

D. Uses Permitted as Special Exceptions (Added by Ordinance 101-2014-8, April 28, 2014)

In the C-2, Highway 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 7.070.

Telecommunication Facilities (see Article IV, Section 4.130. Standards for Telecommunication Antennas and Towers)

E. Uses Prohibited

In the C-2, Highway Commercial District, any use not permitted by right, by accessory use, or as a special exception, as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the C-2, Highway Commercial District, shall comply with the following requirements.

1. **Minimum Lot Size** **10,000 sq. ft.**
- Lot Width at Building Setback** **100 ft.**
2. **Minimum Yard Requirements**
- Front Yard Setback** **30 ft.**
- Side** **20 ft.**
- except where the side yard abuts or is adjacent to a residential district in which case the minimum setback for that yard shall be forty (40) feet.**
- Rear** **20 ft.**
- except where the rear yard abuts or is adjacent to a residential district in which case the minimum setback for that yard shall be forty (40) feet.**

3. Maximum Lot Coverage

The area occupied by all structures including accessory structures, shall not exceed fifty (50) percent of the total area on any lot.

4. Height Requirements

No principal structure shall exceed thirty-five (35) feet in height, except as provided in Article VI, Section 6.030.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Accessory Structures

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

7. Landscaping

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

5.060 INDUSTRIAL DISTRICT REGULATIONS

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

5.061 I-1, General Industrial District

A. District Description

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

B. Uses Permitted

In the I-1, General Industrial District, the following uses are permitted:

1. Essential services for utility substations, distribution and collection lines, pumping facilities, and public rights-of-way.
2. Animal care and veterinarian clinics.

3. Sale of building materials, farm equipment and supplies and lawn and garden supplies.
4. Construction sales and services, including building supply houses.
5. Restaurants, taverns and liquor stores.
6. Drive-in restaurants and fast food restaurants.
7. Transport and warehousing, storage, freight handling, shipping, and trucking services.
8. Wholesale sales of consumer goods.
9. Mini-warehousing Facilities.
10. Junk, Automobile Wrecking and Scrap Operations as regulated in Article IV, Section 4.100.
11. Public Parks and Recreational Facilities.
12. Automotive Sales and Service Establishments and Stations.
13. Drug Store, Food Store and Markets.
14. Electrical Equipment, Appliance and Supply Store and Repair.
15. Funeral Home.
16. Office Equipment and supply Shop.
17. Plumbing and Heating Fixture Supply Shop.
18. TV and Radio Repair Shop.
19. Tailor Shop.
20. Health Care Facilities **(Added by Ordinance No. 3-99, December 13, 1999)**
Including rehabilitation center, convalescent homes, hospitals and medical clinics.
21. Limited Manufacturing Activities **(Renumbered from 20 to 21, by Ordinance No. 3-99, December 13, 1999)**
Including the following operations:
 - a. The manufacturing, compounding, processing, assembling, packaging, treatment, or fabrication of the following products:

Apparel and Apparel Accessories
Art Objects

**Bakery Goods
Beverages (nonalcoholic)
Dairy Products
Frozen Food Locker
Instruments for Medical, Dental, Engineering,
Scientific, and Other Professional Purposes
Optical Instruments and Lens
Printed Matter
Signs**

b. Activities and operations which include the following:

**Book Binding
Bus Depot
Data Processing Service
Enameling and Painting
Feed and Fuel Yard
Hangars
Laboratory
Photocopying
Photoengraving
Precision Machining of Dies, Jigs, and Fixtures
Printing
Publishing
Record Pressing
Stockyard
Upholstering
Welding**

22. Intermediate Manufacturing Activities (Renumbered from 21 to 22,
by Ordinance No. 3-99, December 13, 1999)

**Bottling Works
Commercial Boat Docks, Marinas, and Yacht Clubs
Radio and TV Transmission Facilities
Water Storage Facilities, Water and Sewage
Treatment Plants
Art Materials, Pens and Pencils
Cotton Ginning
Fabricated Metals
Food and Kindred Products
Furniture and Fixtures
Grain Milling
Lumber and Wood Products
Mineral Processing
Organic Fertilizers
Primary Metals
Rubber Vulcanizing Shop, Machine Shop
Stone, Clay and Glass Products
Textile Mills
Tobacco Products
Toys, Amusements, Sporting and Athletic Goods**

C. Accessory Uses and Structures

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

D. Uses Permitted as Special Exceptions (Added by Ord. 65-2012-01, February 27, 2012)

1. Laundry and Dry Cleaning Works
2. Religious Facilities, including chapels, churches, convents, monasteries, sanctuaries, synagogues and temples.
3. Telecommunication Facilities (see Article IV, Section 4.130. Standards for Telecommunication Antennas and Towers) **(Added by Ordinance 101-2014-8, April 28, 2014)**

E. Uses Prohibited

In the I-1, General Industrial District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the I-1, General Industrial District, shall comply with the following requirements:

1. Minimum Lot Size

Minimum Lot Area	20,000 sq. ft.
Lot Width at Building Setback	125 ft.

2. Minimum Yard Requirements

Front Yard Setback	50 ft.
Side Yard Setback	30 ft.

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

Rear	30 ft.
except where the rear yard abuts or is adjacent to a	

residential district, in which case the minimum setback for that side yard shall be forty (40) feet.

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

3. Maximum Lot Coverage

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

4. Height Requirements

No principal structure shall exceed sixty (60) feet in height except as provided in Article VI, Section 6.030.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Accessory Structures

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

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

7. Landscaping

See Article III, Section 3.110.

5.070 AGRICULTURAL DISTRICT REGULATIONS

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

5.071 A-1, Agricultural District

A. District Description

This district is intended to preserve space for agricultural uses, which together comprise an important segment of the economy of the Town of Hartsville. The primary intent of the A-1 District is to minimize conflicts between agricultural and various nonfarm activities; to permit lands best suited for intense agricultural uses to be reserves for these suited purposes; and to prevent lands unsuitable for development of an urban or nonrural nature, due to topographic problems, location, and/or the inability to provide necessary urban services. 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, Agricultural District, as defined of the Zoning Map of Hartsville, Tennessee.

B. Uses Permitted

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

1. Agricultural Services

Include various activities designed to provide needed services for agricultural activities and are appropriately located in close proximity thereto; and, their accessory structures as defined in Article II.

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

2. Crop and Animal Raising

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

Dairies

Farms
Raising of Plants, Animals, and Fish with the
exception of hogs and chicken
Truck Gardens

3. Forestry Activities and Related Services Including Nurseries

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

Forestry Nursery
Plant Nursery

4. Detached Dwellings

Single-Family
Two-Family/Duplex

5. Essential Services

Includes the maintenance and operations of the following installations:

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

6. Fisheries and Related Services

C. Accessory Uses and Structures

1. Private garages and parking areas.
2. Private barns, stables, sheds, and other farm buildings.
3. Outdoor recreational facilities for the exclusive use of the residents.
4. Customary home occupations as regulated in Article IV, Section 4.050.
5. Other accessory structures and uses customarily incidental to the permitted uses.
6. One road side stand 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 not nearer than thirty-five (35) feet from the roadway.
7. Public and informational signs and billboards as regulated in Article IV, Section 4.080.

D. Uses Permitted as Special Exceptions

In the A-1, Agricultural District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article VII, Section 7.070.

1. Administrative

Activities typically performed by public, utility, and nonprofit private administrative offices. These activities include:

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

2. Community Assembly

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

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

3. Community Education

The activities typically performed by the following institutions:

Kindergarten, Primary and Secondary Schools

4. Cultural and Recreational Services

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

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

5. Intermediate Impact Facilities

Facilities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances. The maintenance and operation of the following:

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

Telecommunication Facilities (see Article IV, Section 4.130. Standards for Telecommunication Antennas and Towers) **(Added by Ordinance 101-2004-8, April 28, 2014)**

6. Personal and Group Care Facilities

Facilities to provide for the care of preteenage children, disabled and handicapped persons needing special care or supervision, and other individuals requiring supervised care, but excluding facilities for delinquent, criminally dangerous, or psychotic individuals.

These facilities include:

Day Care Home
Day Care Center
Orphanages
Nursing Homes
Retirement or Rest Homes

7. Religious Facilities

Facilities utilized by various religious organizations for worship or community services functions, but excluding any facility the primary functions of which is to produce products or printed matter for sale or general distribution. These facilities include:

Chapels
Churches
Convents or Monasteries
Sanctuaries
Synagogues
Temples

8. Animal Care and Veterinarian Services

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

Veterinarian Clinics and Kennels

E. Uses Prohibited

In the A-1, Agricultural District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the A-1, Agricultural District, shall comply with the following requirements.

1. Minimum Lot Size **5 acres**
 - a. Lot Width at Building Setback Line: **300 ft.**
2. Minimum Yard Requirements

Front Yard Setback	75 ft.
Side	40 ft.
Rear	60 ft.

3. Maximum Lot Coverage

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

4. Height Requirements

No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Article VI, Section 6.030.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Accessory Structures

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

5.080 FLOODPLAIN ZONING ORDINANCE, STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES
(Amended by Ordinance #54-2010-01)

A. Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Hartsville/Trousdale County Executive and the County Commission, do ordain as follows:

B. Findings of Fact

1. The Town of Hartsville, Tennessee, County Executive and the County Commission wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
2. Areas of the Town of Hartsville, Tennessee, are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in

flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

C. Statement of Purpose

It is the purpose of this Ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This Ordinance is designed to:

1. Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage or erosion;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

D. Objectives

The objectives of this Ordinance are:

1. To protect human life, health, safety and property;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood prone areas;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a flood prone area;
8. To maintain eligibility for participation in the NFIP.

5.081 DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application given its stated purpose and objectives.

"Accessory Structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this Ordinance, shall conform to the following:

- (1) Accessory structures shall only be used for parking of vehicles and storage.
- (2) Accessory structures shall be designed to have low flood damage potential.
- (3) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- (4) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
- (5) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

"Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

"Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this Ordinance or a request for a variance.

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Flood-Related Erosion Hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

"Area of Special Flood Hazard" see **"Special Flood Hazard Area"**.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1) percent annual chance flood.

"Basement" means any portion of a building having its floor subgrade (below ground level) on all sides.

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

"Building" see **"Structure"**.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

"Elevated Building" means a nonbasement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

"Emergency Flood Insurance Program" or **"Emergency Program"** means the program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

"Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the Program.

"Exception" means a waiver from the provisions of this Ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Ordinance.

"Existing Construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

"Existing Structures" see **"Existing Construction"**.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.

- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Elevation Determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

"Floodplain" or **"Flood Prone Area"** means any land area susceptible to being inundated by water from any source (see definition of **"Flood"** or **"Flooding"**).

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

"Flood-Related Erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

"Flood-Related Erosion Area" or **"Flood-Related Erosion Prone Area"** means a land area adjoining the shore of a lake or other body of water, which due to the

composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

"Flood-Related Erosion Area Management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

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

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

"Historic Structure" means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on the Hartsville/Trousdale County inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - (a) By the approved Tennessee program as determined by the Secretary of the Interior or

(b) Directly by the Secretary of the Interior.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee System" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest Floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

"Mean-Sea-Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

"National Geodetic Vertical Datum (NGVD)" means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

"New Construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management Ordinance and includes any subsequent improvements to such structure.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

"North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

"100-Year Flood" see **"Base Flood"**.

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

"Reasonably Safe from Flooding" means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

"Recreational Vehicle" means a vehicle which is:

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

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Special Flood Hazard Area" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

"Special Hazard Area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred-eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" the Tennessee Department of Economic and Community Development's, Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

"Structure" for purposes of this Ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Substantially Improved Existing Manufactured Home Parks or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this Ordinance.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

5.082 GENERAL PROVISIONS

A. Application

This Ordinance shall apply to all areas within the incorporated area of the Town of Hartsville, Tennessee.

B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the Town of Hartsville, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) numbered 47169CV001A and dated September 29, 2010, and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47169C0037, 47169C0039, 47169C0041, 47169C0042, 47169C0043, 47169C0044, and 47169C0131, dated September 29, 2010, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

C. Requirement for Development Permit

A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activities.

D. Compliance

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

E. Abrogation and Greater Restrictions

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this Ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

F. Interpretation

In the interpretation and application of this Ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

G. Warning and Disclaimer of Liability

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

H. Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Hartsville, Tennessee, from taking such other lawful actions to prevent or remedy any violation.

5.083 ADMINISTRATION

A. Designation of Ordinance Administrator

The Building Inspector is hereby appointed as the Administrator to implement the provisions of this Ordinance.

B. Permit Procedures

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

1. Application Stage

- a. Elevation in relation to mean-sea-level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- b. Elevation in relation to mean-sea-level to which any nonresidential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed nonresidential floodproofed building will meet the floodproofing criteria in Article V, Subsections A and B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean-sea-level shall be prepared

by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a nonresidential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a nonresidential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

C. Duties and Responsibilities of the Administrator

Duties of the Administrator shall include, but not be limited to, the following:

1. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

6. Record the elevation, in relation to mean-sea-level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Article IV, Subsection B.
7. Record the actual elevation, in relation to mean-sea-level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Article IV, Subsection B.
8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Section B.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A, on the Town of Hartsville, Tennessee, FIRM meet the requirements of this Ordinance.
11. Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

5.084 PROVISIONS FOR FLOOD HAZARD REDUCTION

A. General Standards

In all areas of special flood hazard, the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance;
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;
11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
12. All subdivision proposals and other proposed new development proposals shall meet the standards of Article V, Subsection B;
13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

B. Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Article V, Subsection A, are required:

1. Residential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement,

elevated to no lower than one (1) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in 5.081). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

2. Nonresidential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or nonresidential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or nonresidential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in 5.081). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Nonresidential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in 5.083, Subsection B.

3. Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude

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

- a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
 - i. Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - ii. The bottom of all openings shall be no higher than one (1) foot above the finished grade;
 - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
- c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Article V, Subsection B.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - i. In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
 - ii. In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article II).
- c. Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of Article V, Subsections A and B.

- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:
 - i. Be on the site for fewer than one hundred-eighty (180) consecutive days;
 - ii. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
 - iii. The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

- a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Article V, Subsection E).

C. Standards for Special Flood Hazard Areas with Established Base Flood Elevations and with Floodways Designated

Located within the Special Flood Hazard Areas established in Article III, Subsection B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the Town of Hartsville, Tennessee, and certification, thereof.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Subsections A and B.

D. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the Special Flood Hazard Areas established in Article III, Subsection B, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

1. No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Subsections A and B.

E. Standards for Streams Without Established Base Flood Elevations and Floodways (A Zones)

Located within the Special Flood Hazard Areas established in Article III, Subsection B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2, below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Article V, Subsections A and B.

2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Article IV, Subsection B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Article V, Subsection B.
4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty (20) feet, whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the Town of Hartsville, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Subsections A and B. Within approximate A Zones, require that those subsections of Article V, Subsection B, dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

F. Standards for Areas of Shallow Flooding (AO and AH Zones)

Located within the Special Flood Hazard Areas established in Article III, Subsection B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' – 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Article V, Subsections A and B, apply:

1. All new construction and substantial improvements of residential and nonresidential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Article V, Subsection B.

2. All new construction and substantial improvements of nonresidential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Ordinance and shall provide such certification to the Administrator as set forth above and as required in accordance with Article IV, Subsection B.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

G. Standards for Areas Protected by Flood Protection System (A-99 Zones)

Located within the Areas of Special Flood Hazard established in Article III, Subsection B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Article IV and Article V, shall apply.

H. Standards for Unmapped Streams

Located within the Town of Hartsville, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Articles IV and V.

5.085 VARIANCE PROCEDURES

A. Metropolitan Board of Zoning Appeals

1. Authority

The Hartsville/Trousdale County Metropolitan Board of Zoning Appeals shall hear and

decide appeals and requests for variances from the requirements of this Ordinance.

2. Procedure

Meetings of the Metropolitan Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Metropolitan Board of Zoning Appeals shall be open to the public. The Metropolitan Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Metropolitan Board of Zoning Appeals shall be set by the Legislative Body.

3. Appeals: How Taken

An appeal to the Metropolitan Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Metropolitan Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of (amount) dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Metropolitan Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Metropolitan Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than (number of) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

The Metropolitan Board of Zoning Appeals shall have the following powers:

a. Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Ordinance.

b. Variance Procedures

In the case of a request for a variance the following shall apply:

- i. The Hartsville/Trousdale County Metropolitan Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

- ii. Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.
- iii. In passing upon such applications, the Metropolitan Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 - (a) The danger that materials may be swept onto other property to the injury of others;
 - (b) The danger to life and property due to flooding or erosion;
 - (c) The susceptibility of the proposed facility and its contents to flood damage;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
 - (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - (j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.
- iv. Upon consideration of the factors listed above, and the purposes of this Ordinance, the Metropolitan Board of Zoning Appeals may attach such conditions to the granting

of variances, as it deems necessary to effectuate the purposes of this Ordinance.

- v. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

B. Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Article VI, Subsection A.
2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

5.086 LEGAL STATUS PROVISIONS

A. Conflict with Other Ordinances

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of the Town of Hartsville, Tennessee, the most restrictive shall in all cases apply.

B. Severability

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance which is not of itself invalid or unconstitutional.

C. Effective Date

This Ordinance shall become effective immediately after its passage, in accordance with the Charter of Metropolitan Hartsville/Trousdale, Tennessee, and the public welfare demanding it.

ARTICLE VI
EXCEPTIONS AND MODIFICATIONS

SECTION

- 6.010 Scope
- 6.020 Nonconforming Uses
- 6.030 Exceptions to Height Limitations
- 6.040 Lots of Record
- 6.050 Exceptions to Front Setback Requirements
- 6.060 Absolute Minimum Lot Size

6.010 SCOPE

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

6.020 Nonconforming Uses (Amended by Ord. 68-2012-04, March 26, 2012)

It is the intent of this ordinance to recognize that the elimination, as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of this ordinance is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions of this ordinance. It is also the intent of this ordinance 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 the passage of this ordinance or any amendment thereto 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, that the 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 may require in order to protect the area.
- B. A nonconforming use of land shall be restricted to the area occupied by such use as of the effective date of this ordinance. A nonconforming use of a building or buildings shall not be enlarged to additional land after the effective date of this ordinance.
- C. Pursuant to 13-7-208 of the *Tennessee Code*, when a nonconforming commercial, industrial, or other business use of land has been discontinued for a period of thirty (30) months, it shall not be reestablished or changed to any use not in conformity with the provision of this resolution. Immediately upon the removal of a nonconforming mobile home or discontinuance of a nonconforming mobile home park in the nonconformity of such structure and use of land shall lapse. This provision shall not apply when the structural condition of a mobile home is

such that replacement or another mobile home alleviates an unsafe and unsanitary living environment, as certified by the Building Inspector.

- 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 it be done within six (6) months of such damage, unless damaged to the extent of more than fifty (50) percent of its fair market value immediately prior to damage, in which case any repair or reconstruction shall be in conformity with the provisions of this ordinance.
- E. Any nonconforming building or building housing a nonconforming use shall not be structurally altered except in conformance with the provisions of this ordinance. These provisions shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.

6.030 EXCEPTIONS TO HEIGHT LIMITATIONS

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

6.040 LOTS OF RECORD

The following provisions shall apply to all existing lots of record:

- A. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance. Such lot may be used as a building site, provided, 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 by this ordinance, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.

6.050 EXCEPTIONS TO SETBACK REQUIREMENTS

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

6.060 ABSOLUTE MINIMUM LOT SIZE

In no case shall the Hartsville Building Inspector or the Hartsville Board of Zoning Appeals permit a residence to be erected on a lot less than seventy-five (75) feet wide at the building line and/or a total lot area less than forty five hundred (4,500) square feet.

Utility Lots: an unmanned utility use may be placed on a lot smaller than the minimum size required by a zoning district, provided that the applicant can demonstrate that all bulk zoning requirements can be met, and for special exceptions any additional requirements provided in this Ordinance, and subject to the requirements for minor plat review provided in the Trousdale County Subdivision Regulations. The plat creating such lot shall bear a statement that the lot shall be used only for utility purposes and shall not be developed for any use other than its utility purpose. **(Added by Ordinance 100-2014-7, April 28, 2014)**

ARTICLE VII

ADMINISTRATION AND ENFORCEMENT

SECTION

- 7.010 Administration of the Ordinance
- 7.020 The Enforcement Officer
- 7.030 Zoning Compliance Permit (Building Permits)
- 7.040 Temporary Use Permits
- 7.050 Municipal Board of Zoning Appeals
- 7.060 Variances
- 7.070 Procedure for Authorizing Special Exceptions
- 7.080 Amendments to the Ordinance
- 7.090 Penalties
- 7.100 Remedies
- 7.110 Validity
- 7.120 Interpretation
- 7.130 Effective date

7.010 ADMINISTRATION OF THE ORDINANCE

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

7.020 THE ENFORCEMENT OFFICER

The provisions of this ordinance shall be administered and enforced by the Trousdale County Building Inspector until such time as the Town of Hartsville hires a Building Inspector to enforce the provisions of this ordinance. The Building Inspector shall administer and enforce this ordinance. In addition, he shall:

- A. Issue all Building Permits and make and maintain records thereof;
- B. Issue all Certificates of Occupancy and make and maintain records thereof;
- C. Issue and renew, where applicable, all Temporary Use Permits and make and maintain records thereof;

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

7.030 ZONING COMPLIANCE PERMIT (BUILDING PERMITS)

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or repair of any structure, including expansion, including accessory structures, to use a building or structure, or to commence the filling of land without a permit issued by the Building Inspector.

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

A. Application for a Building Permit

Application for a Building Permit shall be made in writing to the Building Inspector on forms provided for that purpose. Applications for Building Permits will be accepted only from persons having legal authority to take action in accordance with the permit. In general, this means that the application should be made by the owners or lessees of the property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this ordinance, or the agents of such persons. The Building Inspector may require an applicant to submit evidence of his authority to submit the application for a building permit whenever there appears to be a reasonable basis for questioning this authority.

All applications shall be complete before the Building Inspector is required to consider the application. It is not necessary that the application contain construction drawings to determine compliance with all the requirements of this ordinance so long as the plans provide sufficient information to allow the Building Inspector to evaluate the application in light of the substructure requirements set forth in this ordinance.

B. Site Plan Requirements

Site plans shall be required for multi-family residential developments, commercial and industrial developments, and all special exceptions. Mobile home parks shall submit a site plan as required in Section 4.090. The Planning Commission shall be the reviewing agency for all permitted uses and the Board of Zoning Appeals shall be the reviewing agency for all special exceptions as set forth in Section 7.070. The following requirements are intended to promote good site development and ensure that multi-family residential, commercial, industrial, and special exceptions comply with the provisions of this ordinance. Any approval of a site plan shall cease to be effective one (1) year after the date of the approval if a building permit has not been issued or unless the site is reapproved. The planning commission shall permit the Building Inspector to waive site plan requirements under the following conditions:

1. The proposed development is an addition or an accessory structure on a site previously approved by the planning commission provided that the structure does not exceed one hundred (100) square feet.
2. The proposed development is an addition or an accessory structure on a site in existence prior to the adoption of the zoning ordinance provided the structure does not exceed one hundred (100) square feet.

C. Review Procedure

Twelve (12) copies of the required site plan shall be submitted to the Hartsville/Trousdale County Planning Commission or for the Special Exceptions seven (7) copies of the required site plan to the Board of Zoning Appeals at least ten (10) days in advance of the meeting at which it is to be reviewed. Three (3) copies of construction plan blue prints shall be submitted to the building inspector for his review. The Planning Commission or the Board of Zoning Appeals shall review the site plan for compliance with the site plan requirements set forth in this ordinance and all other requirements. Incomplete information shall result in the site plan being returned to the applicant without action. The following information shall be required:

1. General Location Sketch Map at a scale not smaller than 1"=2,000', showing:
 - a. The approximate boundaries of the site;
 - b. External public access streets or roads in relation to the site;
 - c. Surrounding development (i.e., general residential, commercial, and industrial areas) within the general vicinity of the site; and
 - d. Any public water and sewer systems in relation to site.

2. Site plan drawn at a scale no smaller than 1"=200' showing:
 - a. The actual shape, location, and dimensions of the lot;
 - b. The shape, size, and location of all buildings or other structures already on the lot;
 - c. The existing and intended use of the lot and all structures upon it including, for residential activities, the number of dwelling units the buildings are intended to accommodate;
 - d. Topographic features, both existing and proposed, with contours at a vertical interval no greater than five (5) feet;
 - e. Location of all driveways and entrances;
 - f. Location of all accessory off-street parking areas to include a plan showing design and layout of such parking facilities where five (5) or more accessory off-street parking spaces are to be provided; (Dimensions shall be shown.)
 - g. Location of all accessory off-street loading berths;
 - h. Location of open space;
 - i. Proposed ground coverage, floor area and building heights;
 - j. Position of fences and walls to be utilized for screening (materials specified);
 - k. Position of screen planting (type of planting specified);
 - l. Proposed means of surface drainage, including all drainage ways and facilities;
 - m. Location of all easements and rights-of-way;
 - n. Location of areas subject to flooding;
 - o. Location and size of all utilities including all fire hydrants;
 - p. Location, type, and size of proposed signs;
 - q. Appropriate location of tree masses and natural hedgerows;
 - r. Identification of slopes twelve (12) to twenty (20) percent and twenty (20) percent or greater and identification of soils on slopes.
3. The planning commission as the reviewing body may:
 - a. Recommend approval of the plan as submitted to the Building Inspector;

- b. Recommend disapproval of the plan; or
- c. Recommend approval of the plan with conditions or recommendations for alterations.

If no "actual construction" has begun in the development within one (1) year from the date of approval of the site plan, said approval of the site plan shall lapse and be of no further effect.

D. Fee

The Hartsville City Council shall 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 Inspector. Only the Council may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application.

E. Issuance of Permit

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

F. Construction Progress

Any Building Permit issued becomes invalid if work authorized is not commenced within six (6) months of the date of issuance or if the work authorized by the permit is suspended or discontinued for a period of one (1) year.

G. Issuance of Certificate of Occupancy

- 1. No such land or building or part thereof hereafter erected or altered in its use or structure shall be used or occupied until the building inspector shall have issued a Certificate of Occupancy stating that such land, building, or part thereof, and the proposed use thereof are found to be in conformity with the provisions of this ordinance.
- 2. Within three (3) days after notification that a building or premise or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof and to issue a Certificate of Occupancy if the land, building, or part thereof are found to conform with the provisions of this ordinance; or, if such certificate is refused, the Building Inspector shall state refusal in writing with the cause for the refusal.

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 Hartsville Building Inspector, as provided for in Article IV, Section 4.030, of this ordinance. Application for a Temporary Use Permit shall be made in writing to the Building Inspector on the form provided for that purpose.

7.050 HARTSVILLE BOARD OF ZONING APPEALS

A Hartsville Board of Zoning Appeals (hereafter referred to as the Board) is hereby established in accordance with 13-7-205 through 13-7-207, of the Tennessee Code, the Hartsville Board of Zoning Appeals shall consist of five (5) members. City Council shall appoint members and may fix their compensation and their terms, which shall be so arranged that the term of one (1) member will expire each year. The Board may remove any member upon cause. Vacancies shall be filled for an unexpired term in the same manner as the case of original appointment.

A. Procedure

Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board may determine necessary. 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. The records and minutes shall be filed in the office of the Building Inspector and shall be of public record.

B. Appeals to the Board

An appeal to the Hartsville Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any governmental office, department, board, or bureau affected by any decision of the Building Inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appeals was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

C. Powers of the Board

The Board of Zoning Appeals shall have the following powers:

1. Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision,

determination or refusal made by the Building Inspector or other administrative official in the carrying out of enforcement of any provision of this ordinance.

2. Special Exceptions

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

3. Variances

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

D. Rules and Regulations of the Board

The Board shall adopt rules for the conduct of its meetings. Such rules shall at the minimum require that:

1. The presence of three (3) members of the Board shall constitute a quorum and the concurring vote of at least three (3) members of the Board shall be necessary to deny or grant any application before the Board.
2. No action shall be taken by the Board on any case until after a public hearing and notice thereof. Said notice of public hearing shall be a legal notice published in a newspaper of general circulation in Hartsville at least five (5) days before the hearing of an appeal. No appeal shall be considered and heard by the Board less than five (5) days after filing such appeal. If new information is uncovered regarding an action of the Board that could not have been reasonably presented in a public hearing before the Board, the Board shall establish a date for the purpose of rehearing in accordance with the appropriate procedures herein.
3. The Board may call upon any other office or agency of the city/county government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the Board as may be reasonably required.
4. The Hartsville/Trousdale County Planning Commission shall be permitted to submit an advisory opinion on any matter before the Board and such opinion shall be made part of the record of such public hearing.
5. Any officer, agency, or department of the county or other aggrieved party may appeal any decision of the Board to a court of competent jurisdiction as provided for by State law.

6. Any decision made by the Board on a special exception shall indicate the specific section of this ordinance under which the permit is being considered and shall state clearly the specific conditions imposed in granting such permit.
7. Appeals will be assigned for hearing in the order in which they appear on the calendar thereof, except that appeals may be advanced for hearing by order of the Board, good, and sufficient cause being shown.
8. At the public hearing of the case before the Board, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.

E. Stay of Proceedings

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board of Zoning Appeals, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause 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 Inspector, and on due cause shown.

F. Liability of Board Members, Building Inspector and Employees

Any board member, Building Inspector, or other employee charged with the enforcement of this ordinance, acting for Hartsville, within the scope of the responsibilities assigned him under this ordinance, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability and shall be held harmless by the city of any damage that may occur to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any board member, Building Inspector, or employee charged with the enforcement of any provision of this ordinance shall be defended by legal representatives furnished by the city until the final termination of such proceedings.

G. Right of Entry upon Land

Upon notice to property owners, the Board, its members and employees in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this ordinance.

H. Rehearings

1. No rehearing of the decision by the Board shall be had except:

- a. On motion to reconsider the vote; or
- b. On a written request for a hearing.

2. If the motion to reconsider receives a majority affirmative vote, the Board of Zoning Appeals may vote to grant the request for a rehearing, subject to such conditions as the Board may, pursuant to ordinance in each case, stipulate.

3. No request to grant a rehearing will be entertained unless new evidence is submitted which could not reasonably be presented at the previous hearing.

If the request for a rehearing is granted, the case shall be put on the calendar for a rehearing. In all cases, the request for a rehearing shall be in writing, reciting the reasons for the request and shall be duly verified and accompanied by the necessary data and diagrams. The persons requesting the rehearing shall be notified to appear before the Board on a date to be set by the Board.

4. No rehearing for a variance shall be granted to an applicant found by a court of competent jurisdiction to be in willful violation of the express provisions of a prior variance granted under the authority of this article.

7.060 VARIANCES

The purpose of this procedure is to modify the strict application of the specific requirements of this ordinance in cases 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. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this ordinance.

A. Application

After written denial of a permit, a property owner may make application for a variance, using any form which might be made available by the Board of Zoning Appeals.

B. Hearing

Upon receipt of an application the Board shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardship. The Board shall consider and decide all applications for variances within thirty (30) days of such hearing and in

accordance with the standards provided below. A fee shall be charged to cover review and processing of each application for a variance, except that the fee shall be waived for a governmental agency.

C. Standards for Variances

The Board shall not grant a variance except where special circumstances or conditions, fully described in the findings of the Board, do not apply generally in the district. The burden of showing that the variance should be granted shall be upon the person applying for the variance. In granting a variance, the Board shall ascertain that the following criteria are met:

1. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out, must be stated.
2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
3. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other land structures or buildings in the same district.
4. Financial returns only shall not be considered as a basis for granting a variance.
5. The variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.
6. The variance will not authorize activities otherwise excluded from the particular district in which requested.
7. That the granting of the variance will not be detrimental to the public welfare, injurious to other property or improvements in the area in which the subject property is located, or a substantial impairment to the intent and purpose of the zoning district wherein such property is located or of the general provisions of this ordinance.
8. That the proposed variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety.
9. That the alleged difficulty or hardship has not been knowingly and intentionally created by any person having an interest in the property after the effective date of this ordinance.

D. Restrictions and Variances

1. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
2. Under no circumstances shall the Board of Appeals grant a variance to allow a "**USE**" not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.
3. The Board may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the provisions set out in Section 7.060, C, above, to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this ordinance. The Board may establish expiration dates as a condition or as a part of any variances.

7.070 PROCEDURE FOR AUTHORIZING SPECIAL EXCEPTIONS

The following is established to provide procedures for review of a proposed use as a special exception by the Board of Zoning Appeals. The procedure shall be the same whether review is required by this ordinance or whether a review is requested by the Building Inspector to determine whether a proposed use is potentially noxious, dangerous or offensive.

A. Application

An application including a site plan shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, and any other material pertinent to the request which the Board may require. Said site plan shall comply with the regulations set forth in Section 7.030(B), and Section 7.030(C).

B. Restrictions

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

C. Validity of Plans

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

D. Time Limit

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

E. General Requirements

A special exception shall be granted provided the Board finds that the activity:

1. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
2. Will not adversely affect other property in the area in which it is located.
3. Is within the provision of "Special Exceptions" as set forth in this ordinance.
4. Conforms to all applicable provisions of this ordinance for the district in which it is to be located and is necessary for public convenience at that location.

F. Special Exceptions Appeals

Any person or agency of the city government may appeal to a court of competent jurisdiction from the Board's decision as provided under statutes of the State of Tennessee. The judgment and findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this article shall be final, and subject to review only for illegality or want of jurisdiction. A fee shall be charged to cover review and processing of each application for a special exception.

G. Specific Standards for Community Facility Activities

In addition to the requirements of the applicable district and the general requirements set forth above, a special exception shall be granted for the community facility activities specified below only when the standards established are met as part of the condition for issuing the permit in the applicable zoning district.

1. Special Conditions for Administrative Services

- a. There must be a demonstrated need for such activities to serve the neighborhood or the total community.
- b. All lot, yard, and bulk regulations of the zoned district shall apply.

- c. Appropriate off-street parking requirements shall apply.
- d. Fencing, screening, and landscaping shall be provided as appropriate to protect surrounding properties and reduce any potential adverse impact.

2. Day Care Centers

For purposes of this ordinance day care facilities are classified into two types as defined below:

Day Care Home - includes day care in an occupied residence of not more than seven (7) children, including children living in the home.

Day Care Center - includes day care for more than seven (7) preteenage children in any kind of building.

a. Day Care Home

The required lot size, yard, and bulk regulations of the district shall apply. No variances shall be permitted for lots on which such use is to be located.

All public utilities and sanitary sewers shall be available and connected to the site unless the site is over one (1) acre in size. The fire department shall approve the facility for safety.

All requirements of the State of Tennessee that pertain to the use shall be met.

An outdoor play area of at least two hundred (200) square feet per child in size shall be available and shall be fenced.

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

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

b. Day Care Center

No such facility shall be permitted on a lot unless such lot contains at least one (1) acre.

All requirements of the State of Tennessee that pertain to the use shall be met.

3. Special Conditions for All Other Personal and Group Care Activities

- a. No such facility shall be permitted on a zoned lot, unless it contains a minimum of one (1) acre.
- b. All bulk regulations of the district shall be met.
- c. The requirements of the accessory off-street parking regulations of this ordinance shall apply.
- d. All regulations of the State of Tennessee shall be met.
- e. All public utilities and sewage disposal shall be available and connected to the site.

4. Special Conditions for Community Assembly

- a. No such facilities shall be permitted on a lot unless it contains one (1) acre provided, however, that if such community assembly includes outdoor activities, the minimum lot area shall be two (2) acres.
- b. All bulk regulations of the zoned district shall apply.
- c. Off-Street Parking
 - i. For nonprofit clubs, lodges, meeting halls and recreation centers, one (1) space for each four (4) seats in an assembly area within the facility, or one (1) space for each seventy-five (75) square feet of gross floor area, whichever is greater, shall be provided.
 - ii. For temporary nonprofit festivals, the required number of off-street parking spaces shall be determined by the Board, taking into account the traffic generation of such facility, the hours of other such factors as would affect the need for off-street parking.
- d. Except for temporary nonprofit festivals fencing, screening and landscaping shall be provided as appropriate for such facility, except that no landscaped screen shall be located closer than fifteen (15) feet of any vehicular entrance or exit to the property.
- e. The location and operation of such community assembly facility shall be in keeping with the character of the surrounding area and shall not adversely affect the properties within the surrounding area.

- f. All public utilities and sewage disposal shall be available and connected to the site.

5. Special Conditions for Cultural and Recreational Services

- a. No such activity shall be permitted on a zoned lot unless it contains twice the lot area requirements of the district.
- b. All bulk regulations of the district shall apply.
- c. The off-street parking requirements of this ordinance shall apply.
- d. Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area and shall not have an adverse affect on properties within the surrounding area.
- e. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse affect on properties within the surrounding area.

6. Special Conditions for Community Education

- a. No such facilities shall be permitted on a zoned lot unless such lot contains the acreage recommended for such facilities by the appropriate state agency.
- b. The traffic generated by such facility shall be safely accommodated along the streets providing access to the site.
- c. The location and design of such facilities shall not have an adverse effect upon surrounding properties.
- d. The off-street parking requirements of this ordinance shall apply.

7. Special Conditions for Intermediate Impact Facilities

- a. The location, size, and design of such facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
- b. The traffic generated by such facility shall be safely accommodated along major arterials or collectors without traversing local minor streets.

- c. The proposed facility shall provide a basic community function or essential service necessary for a convenient and functional living environment in order to be located on the proposed site.
- d. The off-street parking requirements shall be determined by the Board taking into account characteristics of the use.

8. Special Conditions for Religious Facilities

- a. No such facilities shall be permitted on a zoned lot unless it contains a minimum of one (1) acre.
- b. The location, size, and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area thus reducing the impact upon such area.
- c. All bulk regulations of the district shall be met.
- d. The off-street parking requirements of this ordinance shall apply.

H. Specific Standards for Commercial Activities

A special exception shall not be granted for the commercial activities specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable districts.

1. Special Conditions for Group Assembly Activities

- a. The location, size, and design of such facilities shall be situated so that the proposed development shall be compatible with the development within the surrounding area thus reducing the impact upon the surrounding area.
- b. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
- c. The off-street parking requirements shall be based on the type of use and the needs of the use to adequately accommodate the expected groups of people.
- d. When an application for a group assembly permit includes amusement parks, sports arenas, fairgrounds, racetracks, and similar recreational pursuits, the following requirements shall be observed.
 - i. The minimum site size shall be twenty-five (25) acres.
 - ii. The minimum setbacks of all structures from all public roads shall be one hundred (100) feet.

- iii. Such facility shall be situated so that no residential use is located closer than five hundred (500) feet from building entrance of the principal use at the time of approval.
 - iv. Access to such facility shall be a paved road and such road shall be either a major arterial or collector. Traffic shall not be directed through residential subdivisions or on minor residential streets.
 - v. Off-street parking shall be provided at a minimum of one (1) space for each four (4) patrons or seats. For those facilities which are not utilized on a regular and frequent basis, parking may be provided on adjacent parcels of land provided further that any parcel so used is located no more than five hundred (500) feet from the lot boundary.
 - vi. Any lighting provided at such facilities shall be designed so that no direct light falls on adjacent residential property.
 - vii. Accessory uses may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities.
 - viii. Accessory structures may be permitted which are incidental and subordinate to the principal structure. Such structure may not be located within any required setback or buffer area.
- f. When an application for a Group Assembly Permit includes a private campground, the following standards shall be met:
- i. Such campground shall have on site management.
 - ii. The campground may include convenience commercial establishments such as camp stores and laundry facilities; provided that such convenience establishments are subordinate to the recreational character of the campground; are located, designed and intended to exclusively serve the patrons staying in the campground; and such establishment and their parking areas shall not occupy more than ten (10) percent of the area of the parking or one (1) acre whichever is smaller.

iii. Such campground shall meet the following standards:

Minimum size - Ten (10) acres.

Maximum density - Ten (10) campsites per gross acre.

Sanitary facilities, including flush toilets and showers - Within three hundred (300) feet walking distance of each campsite.

Dump station for travel trailers.

Potable water supply - One (1) spigot for each four (4) campsites.

Trash receptacle - One (1) receptacle for each two (2) campsites.

Parking - One (1) space per campsite.

Picnic table - One (1) table per campsite.

Fireplace or grill - One (1) grill per campsite.

Administration or safety building - Open at all times wherein a portable fire extinguisher in operable condition and first aid kit is available, and a telephone is available for public use.

iv. Such campground shall meet the following design requirements:

Vegetation screen or ornamental fence which will substantially screen the campsites from view of public right-of-way and neighboring properties shall be provided around or near the perimeter or that part of the campground containing campsites. Such vegetation or fence shall be maintained in good condition at all times.

Each campground shall reserve at least twenty-five (25) percent of its total area as natural open space excluding perimeter screening. Such open space may include recreation and water areas, but may not include utility areas, administration building, commercial areas, or similar activities.

Each campsite shall have a minimum setback of twenty-five (25) feet from any public road of fifty (50) feet.

Each separate campsite shall contain a minimum of thirty two hundred (3,200) square feet. (A campsite shall be considered to consist of trailer or tent space, parking space, picnic table, fireplace, and one-half (1/2) the roadway providing access.)

Each campsite shall be directly accessible by an interior road.

All interior roads shall be a minimum of ten (10) feet wide for one (1) way traffic and eighteen (18) feet wide for two-way traffic.

All interior roads shall meet the following curve requirements:

Minimum radius for a 90 degree turn - 40 feet

Minimum radius for a 60 degree turn - 50 feet

Minimum radius for a 45 degree turn - 68 feet

No camping vehicle or camping equipment shall be used for human habitation for a period exceeding thirty (30) consecutive days.

I. Specific Standards for Manufacturing and Nonmanufacturing Activities in Industrial Districts

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

1. The manufacturing activity takes place in completely enclosed buildings. Outdoor storage of materials and finished products shall be screened and buffered.
2. Access for heavy trucks and employees is from a major arterial or industrial access road from a major arterial with residential streets unaffected.
3. No such facility shall be located on a lot unless such lot contains at least one (1) acre.
4. State permits for air pollution standards and emissions must be obtained and kept up to date.

7.080 AMENDMENTS TO THE ORDINANCE

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed by the Hartsville City Council. Any member of the Council may introduce such legislation, or any official, board, or any other person may present a petition to the Council requesting an amendment or amendments to this ordinance.

No amendment to this ordinance shall become effective unless it is first submitted to the Hartsville/Trousdale County Planning Commission for review and recommendation. The Planning Commission shall have thirty (30) days within which to submit its recommendation to the Council. If the Planning Commission disapproves the amendment, it shall require the favorable vote of a majority of the Council to become effective. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

No change or departure from the text or maps as certified by the Planning Commission shall be made, unless such change or departure be first submitted to the planning commission and approved by it, or, if disapproved, received the favorable vote of a majority of the entire membership of the Council.

Before finally adopting any such amendment, the Council shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the city; and any such amendment shall be published at least once in the official newspaper of the city or in a newspaper of general circulation in the city.

A fee, as set by the Hartsville City Council, shall be due and payable at the time of filing of petition shall be posted with requests to amend a provision or provisions of this zoning ordinance. The fee is to be used by Hartsville to defray costs resulting from such petition and any subsequent amendment of the zoning ordinance.

7.081 Application for Rezoning

A proposed change of zoning district boundaries shall be initiated by the filings of an application with the Hartsville/Trousdale County Planning Commission. Said application shall contain:

1. The name and address of the owner and/or owners of the subject property and the written certification of the authorized agent.
2. A written legal description of the subject property including the Hartsville/Trousdale County Tax Plat number and acreage.
3. A description of the proposed zone change, modification, or repeal together with written justifications for the requested zone change.
4. The names and addresses of the adjacent property owners including those property owners across streets, roads, highways, and/or railways, and waterways which border the applicant's property.
5. Two (2) copies of a map depicting the property requested for rezoning. These maps shall be at a scale of no less than 1"=100', and no larger than 1"=30', and show the following information.
 - a. Title, north arrow, graphic scale, date, civil district, and the acreage of the property to be rezoned;
 - b. Dimensions in feet of property to be rezoned;

- c. All roads and easements within or adjoining property to be rezoned;
- d. Location, size, type and current use of any building on the property requested for rezoning; and
- e. Location of the adjoining property owners in relation to the property to be rezoned.

7.090 PENALTIES

Any persons violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00) for each offense. Each day such violations continue shall constitute a separate offense.

7.100 REMEDIES

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

7.110 VALIDITY

Should any section, clause, or provision of this ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, this judgment shall not affect the validity of this ordinance as a whole or any other part of this ordinance be judged invalid or unconstitutional.

7.120 INTERPRETATION

Whenever the conditions of this ordinance are less restrictive than comparable conditions imposed by any other provision of this ordinance or any other ordinance, the provisions which are more restrictive shall govern.

7.130 EFFECTIVE DATE

This ordinance shall take effect from and after the effective date of its passage and publication as required by law, the public welfare requiring it.

Certified by the City of Hartsville/Trousdale County Planning Commission.

December 1, 1998
Date

Rod Bowen
Chairman, Hartsville/Trousdale County
Planning Commission

Approved and adopted by the City Council of Hartsville, Tennessee.

February 1, 1999
Date Adopted

David Cothron
Mayor of Hartsville

February 1, 1999
Effective Date

January 5, 1999
Public Hearing Date

ATTESTED BY:

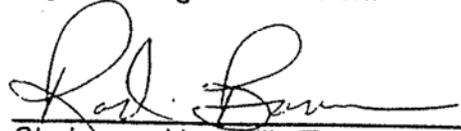
Kay Smith
Hartsville City Recorder

7.130 EFFECTIVE DATE

This ordinance shall take effect from and after the effective date of its passage and publication as required by law, the public welfare requiring it.

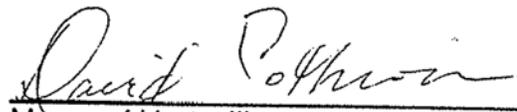
Certified by the City of Hartsville/Trousdale County Planning Commission.

12/1/98
Date


Chairman, Hartsville/Trousdale County
Planning Commission

Approved and adopted by the City Council of Hartsville, Tennessee.

2/1/99
Date Adopted


Mayor of Hartsville

2/1/99
Effective Date

1/5/99
Public Hearing Date

ATTESTED BY:


Hartsville City Recorder