

# **ZONING RESOLUTION**



**HICKMAN COUNTY  
TENNESSEE**

**Recommended by Hickman County Planning Commission on:**

**December 14, 2004 and May 10, 2005**

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

**Public Hearing No. 2 July 12, 2005**

**Adopted by Hickman County Commission:**

**July 18, 2005**

**Effective Date: January 15, 2006**

**Amended: August 25, 2009**

**Further Amended: November 2013**

**Further Amended: October 26, 2018**

**PREPARED BY:  
HICKMAN COUNTY PLANNING COMMISSION**

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January 29, 2007	07-04	Article III, Section 3.100, Added Guidelines for New Cemeteries.
		Article IV, Section 4.041, Added Item 7.
November 3, 2008	08-56	(Article III, Section 3.040, Customary incidental Home Occupations, is Deleted and replaced with New Text, 3.040, Customary Incidental Home Occupations.
March 23, 2009	09-08	(Article III, Added section 3.120, Development Standards for Multi-Family Dwellings, Subsections 3.121-123.
June 23, 2009	09-18	Article IV, Subsection 4.046, Flood Plain Zoning Regulations, is Deleted and Replaced with New Text, 4.050 (now 4.070 – see Resolution 18-06), Floodplain Zoning Regulations.
June 23, 2009	09-19	Article IV, Section 4.010, Classification of Districts, is Deleted and Replaced with New Text, 4.010, Establishment of Districts.
August 25, 2009	09-34	Article III, Added Section 3.110, Standards for Guest Houses.
		Article III, Subsection 4.041, B, Added Subpart 26, Guest Houses.
		Article III, Subsection 4.041, C, Added Subpart 27, Private Recreational Cabins.
		Article VI, 6.020, Add the Definition for Guest House.
March 1, 2012	12-03	Article V, Section 5.020, C, Deleted and Replaced Text “one (1) year” with New Text “thirty (30) months”
April 23, 2013	12-12	Article V, Section 5.020, D, Deleted and Replaced Text “twelve (12)” with New Text “thirty (30)”.
July 22, 2013	13-26	Article IV, Subsection 4.041, B, amended by adding 600 square feet limit to existing qualifications for private recreational cabins.
October 28, 2013	13-34	Article IV, Section 4.043, B, Added Subpart 23.
July 25, 2016	16-20	Article IV, Section 4.041, C, Added Subpart 13.
		Article III, Added Section 3.140, Amended by adding Special Guidelines for commercial campgrounds, travel trailer parks, and overnight campgrounds.
July 28, 2017	17-02	Article IV, Section 4.043, Subpart C, Amended by Adding Item number 4.
		Article IV, Section 4.044, Subpart C, Deleted and replaced Text “No uses are permitted as Special Exceptions in the I-1, General Industrial District” with New Text “Indoor gun ranges and indoor live fire shoot houses.”

		<b>Article III, Section 3.140, Amended by adding Section.</b>
<b>July 28, 2017</b>	<b>17-03</b>	<b>Article IV, Section 4.043, Delete Single Family Houses.</b>
<b>February 27, 2018</b>	<b>18-06</b>	<b>Article IV, Section 4.013, Subpart A, Amended by changing all references to the A-2 District to read R-1.</b>
		<b>Article IV, Section 4.013, Subpart B, Amended by Adding The C-2 District.</b>
		<b>Article IV, Section 4.013, Subpart A, Amended by Adding The R-2 District.</b>
		<b>The following Articles/Article numbers shall be added and/or changed: The R-2 District shall be added and numbered as Article 4.043, C-1 shall become Article 4.050, C-2 shall be added and numbered as Article 4.051, I-1 shall become Article 4.060, I-2 shall become Article 4.061, The Floodplain Zoning shall become Article 4.070, The “Use Classification System” shall be added and numbered as Article VI, Section 6.030. ALL REFERENCES SHALL BE AMENDED TO REFLECT THESE ARTICLE NUMBER CHANGES.</b>
<b>May 29, 2018</b>	<b>18-20</b>	<b>Article IV, Section 4.041, Subpart C, Added Item 14.</b>
		<b>Article III, Section 3.150, Added Development Standards for Wild Game Butchering and Processing (Seasonal Only) in the A-1 District.</b>

ARTICLE I  
ENACTMENT

SECTION

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

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

1.020. Title. This resolution shall be known as The Zoning Resolution of Hickman County, Tennessee, dated July 18, 2005. The zoning map shall be referred to as the Official Zoning Atlas of Hickman County, Tennessee. All explanatory matter thereon is hereby adopted and made a part of this resolution.

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

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

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

NOW THEREFORE BE IT ORDAINED BY THE COUNTY COMMISSION OF HICKMAN COUNTY, TENNESSEE, THAT "THE ZONING RESOLUTION OF HICKMAN COUNTY, TENNESSEE", BE ENACTED INTO LAW.

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

- a. enhancing the character and stability of residential, business, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;
- b. preventing overcrowding of land;
- c. conserving the value of land and buildings;



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

ARTICLE II  
GENERAL PROVISIONS

SECTION

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

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

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

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

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

PRIVATE DRIVEWAY CERTIFICATION: This drive is to be built and maintained jointly by all owners taking access from this private driveway and is not intended to become a public road. The Hickman County Highway Commission may, at their

discretion, agree to accept this road into the County Highway System if all property owners agree to (1) petition the Highway Commission for a public road and (2) build or pay for upgrading to County specifications in effect at the time of the request. Signature and Date of County Road Supervisor required. Any owner(s) of lots currently taking access from this private driveway must sign, thereby acknowledging awareness of the above maintenance statement and awareness that access via this private driveway is limited to five (5) lots with a minimum of five (5) acres each. Owner(s) signature, map/parcel, book/page number and date required.

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

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

2.050. Obstruction to vision at street intersection prohibited. On a corner lot in any district, within the area formed by the center line of intersecting streets and a line joining points on such center lines at a distance of seventy-five (75) feet from their intersection, nothing shall be erected, placed, planted, or allowed to be grown in such a manner as materially to impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the center line grades of the intersecting streets. This section shall not prohibit any necessary retaining walls.

2.060. Access control.

- (a) In order to promote the safety of motorists and pedestrians and to minimize traffic congestion and conflicts by reducing points of contact:
  - A. A point of access for vehicles onto a street shall not exceed forty (40) feet in width. All points of access shall be so constructed as to provide for proper drainage.
  - B. There shall be no more than two (2) points of access to any one public street for each four hundred (400) feet of lot frontage, or fraction thereof; provided, however, that lots less than one hundred (100) feet in width shall have no more than one point of access to any one public street.
  - C. No point of access shall be allowed within twenty (20) feet of the right-of-way line of a public intersection.
  - D. No curbs, or shoulders on county roads or rights-of-way shall be cut or altered without approval of the Road Superintendent, or if a state highway by a permit from the Tennessee Department of Transportation.
  - E. The clear distance between any two driveways fronting on a street shall not be less than twenty-five (25) feet.
  - F. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Board of

Zoning Appeals. No curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street.

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

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

2.080. Plot plan requirements.

- A. Proposals (plans) for the construction or location of one (1) or more principal structures on a lot (with the exception of single-family and two-family dwellings) shall be submitted no later than fifteen (15) days prior to the next regularly scheduled planning commission meeting, at a scale no smaller than 1"=100', showing contours at five (5) foot intervals, and exhibiting required automobile storage areas, servicing utilities with reference to their location, availability and compatibility, loading and unloading spaces, maneuvering areas, openings for ingress and egress to public streets, drainage plans, density of development or required open space, number of stories (all residential and commercial structures of three (3) or more stories in height must have the plans approved by the State Fire Marshall's Office), the number of dwelling units per acre, if applicable, required building setbacks and other yard requirements, any relationship of the proposal to scale to other adjoining development, land uses and streets.

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

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

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

- B. Proposals for mobile home parks shall comply with separate provisions. See ARTICLE III, SECTION 3.080.
- C. Applications must be supported by any other information or data as deemed

necessary by the planning commission.

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

## ARTICLE III

### SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

#### SECTION

- 3.010 Off-street parking requirements
- 3.020 Off-street loading and unloading requirements
- 3.030 Temporary use regulations
- 3.040 Customary incidental home occupations (**Deleted and Replaced by Resolution 08-56, November 3, 2008**)
- 3.050 Gasoline service station restrictions
- 3.060 Standards for Telecommunication Antennas and Towers (**Added by Resolution #06-40, June 19, 2006**)
- 3.070 Standards for signs, billboards, and other advertising structures
- 3.080 Development standards for mobile home parks
- 3.090 Development standards for automobile wrecking, junk, and salvage yards
- 3.100 Guidelines for new cemeteries (**Added by Resolution # 07-04**)
- 3.110 Standards for Guest Houses (**Added by Resolution 09-34, August 25, 2009**)
- 3.120 Development standards for multi-family dwellings (**Added by Resolution 09-08, March 23, 2009**)
- 3.130 Special Guidelines for commercial campgrounds, travel trailer parks, and overnight campgrounds. (**Added by Resolution 16-20, July 25, 2016**)
- 3.140 Development standards for gun ranges and live fire shoot houses within C-1 (General Commercial) and I-1 (General Industrial) zoning districts. (**Added by Resolution 17-02, July 28, 2017**)
- 3.150 Development standards for wild game butchering and processing (Seasonal Only) in A-1 (Agricultural Forestry) zoning district. (**Added by Resolution 18-20, May 29, 2018**)

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

- A. Single Detached Dwelling and Duplex: Not less than two (2) spaces for each dwelling unit.
- B. Apartment Dwelling: Not less than two (2) spaces per dwelling unit.
- C. Boarding Houses and Rooming Houses: Not less than one (1) space for each (1) room to be rented.
- D. Mobile Home Parks: Not less than two (2) spaces for each mobile home space.
- E. Other Dwelling Units: Not less than two (2) spaces per dwelling unit.

- F. Hotels, Motels and Other Tourist Accommodations: Not less than one and one half (1 1/2) spaces for each room to be rented plus one (1) additional space for each three (3) employees.
- G. Auditoriums, Churches, Stadiums, or Other Places of Public Assembly: Not less than one (1) space for each five (5) seats provided in such places of assembly. For places of public assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc., at least one (1) space for each two hundred (200) square feet of floor space devoted to that particular use shall be provided.
- H. Manufacturing, Industrial or Wholesaling Use: Not less than one (1) space for each five (5) employees anticipated during maximum production, with a minimum of five (5) spaces provided for any establishment. For establishments maintaining space for the sale of products at retail, there shall be provided one (1) parking space for each five hundred (500) square feet of floor area devoted to retail sales.
- I. Office and Professional Buildings: Not less than one (1) parking space for each three hundred (300) square feet of office space, plus one (1) parking space for every three (3) employees.
- J. Retail Sales and Service Establishments: Not less than one (1) parking space for each two hundred and fifty (250) square feet, or fraction thereof, of sales space.
- K. Shopping Centers (more than 3 stores): 5.5 parking spaces per 1,000 square feet of gross leasable floor area.
- L. Medical or Dental Clinics: Not less than four (4) spaces per doctor, plus one (1) additional space for each two (2) employees.
- M. Roadside Service Facilities (Service Stations, Repair Shops, or Similar Uses): Not less than five (5) spaces for grease rack or service bay, or one (1) space for each 1,400 square feet of lot area or fraction thereof, whichever is greater.
- N. Restaurants: Not less than one (1) space per one hundred fifty (150) square feet of floor area, plus one (1) space for each two employees. For drive-in restaurants, one (1) space per one hundred (100) square feet of floor area.
- O. Other: For buildings and uses not listed, the off-street parking requirements shall be determined by the Planning Commission.

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

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

for the principal use.

3.013. Requirements for design of parking lots.

- A. Except for parcels of land devoted to one-and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back onto a public street to obtain egress.
- B. Each parking space shall be no less than two hundred (200) square feet in area
- C. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 2.060 of this resolution.
- D. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.

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

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

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

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

- A. Carnivals or Circuses: In the A-1, C-1, I-1 and I-2 Districts; however, such permit shall be issued for a period of not longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided.
- B. Christmas Tree Sales: Maximum of 30-day Temporary Use Permits for display and sale of Christmas trees on open lots in any district.



- C. Temporary Buildings: In any district for contractor's temporary offices and equipment sheds incidental to a construction project, but not for more than one (1) year unless special renewals are granted for six-month extensions; provided, however, not more than three (3) extensions for a particular use shall be granted. Such uses shall cease immediately upon completion of the construction project or upon expiration of the Temporary Use Permit, whichever occurs sooner.
- D. Religious Tent Meetings: In any district, except the I-1 and I-2 Industrial Districts, for tents or other temporary structures to house a religious meeting for not more than a 30-days period. One 30-day extension may be granted upon request for a renewal. Such activities shall be permitted only on lots where adequate off-street parking can be provided.
- E. Temporary Dwelling Units in Cases of Special Hardship: In any residential district, to place a mobile home (double-wide excluded) temporarily on a lot in which the principal structure is destroyed by fire, explosion or natural phenomena. The purpose shall be to provide shelter only for the residents of the principal structure during a period of reconstruction and to prevent an exceptional hardship. Placement of such a temporary structure must not represent a hazard to the safety, health, or welfare of the community. An applicant under this temporary use must produce a written statement from the Health Department and/or the servicing Utilities Systems, if any, approving the water supply and sewage disposal systems of the temporary structure. Such a permit may be initially issued for up to nine (9) months and may be renewed for up to six (6) months at a time, but the total time for all permits hereunder shall not exceed a total of thirty-six (36) months. No fee shall be required.
- F. Sale of Fireworks: In A-1, C-1, I-1, I-2 Districts; however, such permits shall not be issued for periods longer than thirty (30) days. Such will be permitted only where there is adequate off-street parking provided to the sales site and the applicant shall have obtained the proper permits from the State of Tennessee and the temporary use site has been inspected by the Building Commissioner and the local fire chief. Applicants must comply with all aspects of State Fire Regulations as shall pertain to the sale of fireworks.
- G. Temporary Retail Sales, Festivals, Bazaars, and other Special Events. These special activities shall conform to all county regulations, will not result in undue adverse traffic congestion and unsafe conditions regarding public roads, will not create a threat to safety of persons or property due to fire, explosion, etc., will not create unhealthy conditions regarding water supply, sewage disposal or solid waste, and will not interfere with use of neighboring property from its customary use by creating noise, dust, noxious odors, lighting, etc. These uses are allowed in any district except the R-1, Rural Residential District. Such permit may be issued for a period no longer than ten (10) days and no more than eight (8) times per year. If required, the local health department shall approve sanitary facilities. Noise levels shall not exceed seventy (70) decibels at the site boundary.

3.040. Customary incidental home occupations. **(DELETED AND REPLACED BY RESOLUTION 08-56, NOVEMBER 3, 2008)**

A. Type I Home Occupations

Type I, Home Occupations is a gainful occupation or profession (including the professional office of an architect, artist, dentist, engineer, lawyer, physician and the like, barber, beauty and tailor shops, or the accommodation of not more than two (2) boarders) conducted by members of the family residing on the premises or only one person in addition to those persons residing therein and conducted entirely within the principal dwelling unit. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings. An announcement sign of not more than four (4) square feet in area is permitted.

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

B. Type II, Home Occupations

The Purpose of the Type II, Home Occupations section of this resolution is to provide the opportunity for the use of the home for limited business purposes.

These criteria are designed to maintain the character of the surrounding residential or agricultural area, to minimize any conflicts of the home occupational use with the surrounding residential use, and to maintain and protect property values.

A Type II, Home Occupation means an accessory use of a dwelling unit or an accessory building for gainful occupation or profession conducted by members of a family residing on the premises. A Type II, Home Occupation must be clearly incidental to the primary use of the dwelling as a residence. An announcement sign of not more than four (4) square feet in area is permitted.

No nuisance effects (noise, vibration, odor, discharge of materials, fluids, gasses, excessive lighting, glare, fumes, electrical interference or any similar activity shall emanate from the conduct of the home occupation which would adversely affect the health, safety, or tranquility of the surrounding neighborhood. This includes delivery or storage of trucks greater than eleven thousand (11,000) pounds gross vehicle weight.

**\*Note:** The type II, Home Occupations will be allowed as a special exception in the A-1 District only.

To be classified as a home occupation under this category, the following criteria must be met:

1. No more than one (1) employee may work at the site of the business other than family members who reside in the dwelling. In no case shall the home occupation have more than three (3) employees working at the site.
2. No alteration to the dwelling shall indicate from the exterior that the building is being utilized for any purpose other than as a residential unit.
3. The Type II, Home Occupation may be conducted in an accessory structure located on the same property as the owner's principal dwelling. This accessory structure shall be no larger than twenty-four hundred (2,400) square feet. A subordinate accessory structure may be located in the rear only. Any Type II, Home Occupation that utilized an accessory building shall have minimum lot size of five (5) acres. Accessory buildings shall be setback seventy-five (75) feet from adjacent residential or agricultural lots and at least one hundred-fifty (150) feet from an existing adjacent residence.
4. Accessory buildings used for home occupations shall be suitably screened from view from the road and adjacent residential and agricultural lots. This may be by a decorative fence or year-round vegetation or a combination of both.
5. No outdoor storage and/or display of merchandise shall be permitted. However, auto/light truck, marine, motorcycle, and farm equipment repair home occupations may build a fully screened (360 degrees) storage area for equipment awaiting repair. This area may be no larger than the size of the accessory building used for the home occupation. This area shall not be used for vehicles used for parts or other salvage equipment.
6. Retail sales shall be prohibited except for retail sales of products, goods, or services produced on the premises as a result of the home occupation.
7. All parking (loading/unloading) associated with the conduct of the home occupation shall be off-road. Ample area shall be provided on the site for these activities.
8. A general sketch plat (layout) of the applicant's property showing the location of the dwelling, driveway, parking area, accessory buildings, landscaping, etc., shall be submitted with the application.

When questions arise regarding the legality of specific home occupation, or if a previously permitted Home Occupation creates a potential nuisance or problems to the

surrounding area, the Board of Zoning Appeals shall determine whether said Home Occupation meets the conditions set forth in this section.

Uses permitted as special exceptions for Type II, Home Occupations:

Appliance Repair, of items intended for normal household use including:

Heat/Air Conditioner Systems, Electronics, Washers and Dryers, etc.

Auto and Light Truck Repair

Beauty/Barber Shops

Ceramics, Pottery, Sculpture, Art, Crafts

Construction related services including,

Cabinet Making/Woodworking, general Building contractors, Masonry, Stonework, Tile Setting, Plastering, Painting, Paper Hanging, Plumbing, Electrical Contractors, and other similar construction related professions not requiring outdoor storage or vehicles greater than 11,000 pounds gross vehicle weight

Farm Equipment Repair

Lawn Mower Repair

Marine and Watercraft Repair (but not their storage for a fee)

Motorcycle Repair

Offices Used for Professionals, including

Accounting/Bookkeeping, Law, Real Estate, Architects, and Engineers

Small Engine Repair

Tailor Shops

Textiles

Upholstery Shops

Welding Shops

*Other uses may be allowed that are similar o the above specified uses, in the opinion of the Board of Zoning Appeals.*

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

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

3.060. Standards for Telecommunication Antennas and Towers. The purpose of Section 3.060 is to establish general guidelines for the sitting of towers and antennas. **The Goals Are to: (Added by Resolution #06-04, June 19, 2006)**

- Encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the County.
- Strongly encourage the joint use of new and existing tower sites.

- Encourage users of the towers and antennas to locate them where the adverse impact on the community is minimal.
- Encourage users of antennas to configure them in a way that minimizes the adverse visual impact on the surrounding area.
- To enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.

The provisions of this Section are applicable to all telecommunication antennas and towers located anywhere Hickman County, except those located within the Town of Centerville.

A. General

1. District Height Limitations – The requirements set forth in this resolution shall govern the location of towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas.
2. 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 has been approved by the authority.
3. Amateur Radio – This resolution shall not govern any tower or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio station operator.
4. Pre-Existing Towers and Antennas – Any tower or antenna which is in existence prior to the effective date of this resolution shall not be required to meet the requirements of this resolution.

B. Requirements

1. Towers shall be located where there will be no interference with any type of electronic reception in nearby residential areas.
2. There shall be sufficient radius of unimproved land around the tower to ensure any collapse will be contained within that unoccupied area.
3. Lot area used for the tower site shall be sufficient to meet required setbacks and collapse radii...
4. There shall be sufficient room for maintenance vehicles to maneuver on the property.
5. Site area shall be entirely enclosed by a chain link fence of not less than eight

- (8) feet in height with a self-latching gate. Gate shall be padlocked at all times when there is no one at the site.
6. Grounds immediately surrounding tower site and ground inside the fenced area shall be maintained at all times. Site is to be maintained in compliance with the Hickman County Zoning Laws.
  7. At a tower site, the design of the buildings and related structures shall consist of prefabricated shelters and/or outdoor cabinets housing radio equipment. Generators are subject to standard code separations and shall meet “quite” operation specifications.
  8. On-site buildings shall be used for storage necessary supplies and equipment only.
  9. Towers shall 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.
  10. Road or easement to the tower site shall be at least fifty feet (50) wide and be maintained by the owner of the tower or the owners of the property. This easement shall be a private road which is used for access to the tower and will never become a County road and will not be maintained by the Hickman County Highway Department.
  11. Tower owners are required to obtain a building permit from the Office of Planning and Zoning, 114 N. Central Ave, Ste. 101, Centerville, Tennessee, after approval from Hickman County Planning Commission. All inspections are to be called for by the owner and/or their contractor. All inspections are to be approved before any tower or antenna can be used. When seeking approval from the Planning Commission, each tower company and/or carrier shall submit a listing of its existing towers or antennas in Hickman County.
  12. Lighting of towers is prohibited, except as required by the Federal Aviation Administration (FAA) and/or the Federal Communications Commission (FCC).
  13. All towers must meet or exceed current standards and regulations of the FFA, the FC C, and any other agent of the federal government with the authority to regulate towers and antennas. If such government regulations are changed, the owner of a tower and antenna governed by this ordinance shall bring them 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 scheduled 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.

14. 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 as unobtrusive as possible.
15. When a public or private airport, heliport or landing strip is located within one-half (1/2) mile of any proposed tower site each tower company and/or carrier shall submit an application to the Board of Zoning Appeals for a Special Exception. This application shall include information on the location, height and design of each tower and type of aircraft facility.
16. Written evidence that the applicants have explored and exhausted all attempts to locate or collation its' antenna on an existing tower or structure within one-half (1/2) mile of the proposed site shall be submitted to the Office of Planning and Zoning. 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:
  - a. No existing towers or structures are located within the geographic area meeting the applicant's engineering requirements.
  - b. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
  - c. Existing towers or structures are not of sufficient structural strength to support the applicant's proposed antenna and related equipment.
  - d. The applicant's proposed antenna would cause radio frequency interference with the antenna(s) on the existing tower.
  - e. Any claim by the applicant that fees, costs, or contractual provisions required by the owner of the existing tower or structure or to adapt an existing tower or structure for sharing, are unreasonable.
17. 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 it within ninety (90) days of receipt of notice from the building inspector. If said towers not removed with the ninety (90) day period, penalties and costs shall be imposed by the Planning Commission and permission operate the antenna or tower will be rescinded.
18. A permit for tower construction shall be valid for a period not to exceed twelve (12) months. If tower construction has not been started with twelve (12) months, approval shall expire, and the applicant will be required to reapply.
19. A building permit shall be required before any construction of a tower or antenna shall begin. The Hickman County Board of Commissioners will from time to time set permit fees and may set an annual inspection and/or license fee for each tower and antenna(s).

C. Plat Requirements

1. A plat of the proposed tower site shall be submitted to the Hickman County Planning Commission. The plat shall include, but not be limited to, the following information:
  - a. Name, address, telephone number, and contact person of the proposed user.
  - b. Name, address, telephone number, and contact person preparing the construction drawings.
  - c. Name address, and telephone number of the property owner.
  - d. Name, address, and telephone number of the contractor who will be constructing the tower.
  - e. Legal description of the proposed property to be used for the tower site.
  - f. Describe where the proposed tower will be located in the County.
  - g. Access to the proposed site and description.
  - h. Type of tower proposed, tower height, and affected area if the tower collapses.
  - i. Surrounding property owners' names and all buildings on proposed site.
  - j. Show any public utilities and public utility easements.
  - k. Sale of the plat.
  - l. Existing public roads and right-of-ways, including private roads.
  - m. Excavation, grading, concrete and structural steel notes, if any.
  - n. Staking, erosion and sediment control plans, if applicable.
  - o. Radio frequency coverage.
  - p. Setbacks.
  - q. Required fall zone shall be shown.
  - r. Plat shall remain on file in the Office of Planning and Zoning.
  - s. Any additional information deemed by the governing authority to be necessary to insure compliance with this ordinance.



D. Uses Permitted

1. 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.
2. 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.

E. Other

1. 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:
  - a. No existing towers or structures are located within the geographic area required that meet the applicant's engineering requirement.
  - b. Existing towers or structures are not of sufficient structural strength to support applicant's proposed antenna and related equipment.
  - c. Existing towers or structures do not have sufficient height to meet applicant's engineering requirements.
  - d. The applicant's proposed antenna would cause radio frequency interference with the existing towers or structures other antenna(s).
  - e. 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. Cost exceeding new tower development is presumed to be unreasonable.
  - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

F. Setbacks and Separation

1. 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 by doing so.
  - a. Tower guy and accessory facilities must satisfy the minimum zoning

district setback requirements.

- b. In zoning districts, other than industrial zoning districts, towers over ninety (90) feet in height shall not be located within one-fourth (1/4) of a mile from any existing tower that is over ninety (90) feet in height.

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

3.080. Development Standards for Mobile Home Parks. The following land development standards shall apply for all mobile home parks:

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

B. Dimensional Requirements for Parks

1. Each mobile home park shall have a front yard of thirty (30) feet exclusive of any required yards for each mobile home space, extending for the full width of the parcel devoted to said use.
2. Each mobile home park shall provide rear and side yards of not less than fifteen (15) feet, exclusive of any required yards for each mobile home space, from the parcel boundary.
3. In instances where a side or rear yard abuts a public street, said yard shall not be less than thirty (30) feet.
4. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.
5. Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only the name and address of a park and may be lighted by indirect lighting only.

C. Dimensional Requirements for Mobile Home Spaces

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

1. Each mobile home space shall be at least thirty-six (36) feet wide and such space shall be clearly defined by permanent markers.
2. There shall be a front yard setback of ten (10) feet from all access roads within the mobile home park.
3. Mobile homes shall be harbored on each space so there shall be at least a twenty (20) foot clearance between mobile homes; provided, however, with respect to mobile homes parked end-to-end, the end-to-end clearance shall not be less than fifteen (15) feet. No mobile home shall be located

closer than twenty (20) feet from any building within the mobile home park.

4. There shall be at least two (2), off-street parking spaces for each mobile home space, which shall be on the same site as the mobile home served and may be located in the rear or side yard of said mobile home space.
5. Each mobile home space shall be provided with a pad which shall be a minimum of twelve (12) feet by fifty (50) feet, which shall be constructed of four (4) inches of compacted gravel.
6. The mobile home park shall be developed to a density compatible with the district in which it is located; however, parks with sewer shall permit a maximum of 4 mobile homes or 3 double wide mobile homes per acre. Parks without public sewer shall permit a maximum of 2 mobile homes or 2 double wide mobile homes per acre. A lower density may be required by the Hickman County Health Department after appropriate soil tests have been completed and analyzed as to the capability of the soil to accommodate a septic and drain field.

No mobile home park shall be permitted unless such park is served by a public water supply.

7. All parks must contain a minimum of 5 acres with a maximum of 10 acres per park.

D. General Requirements

1. Roads within the mobile home park shall be paved to a width of not less than twenty-two (22) feet with six (6) inches stone base compacted and 3 (three) application of chip and seal, and the right-of-way shall only be of sufficient width to include the road surface itself and necessary drainage facilities. All roads within the mobile home park shall be private roads and shall not be accepted as public roads.
2. All mobile home spaces within the park shall abut an access road.
3. Each mobile home space shall be provided with the connection to the sanitary sewer line or to a septic system approved by the Hickman County Health Department and Board of Zoning Appeals.
4. Mobile homes, with or without toilet facilities that cannot be connected to an approved sewer system shall not be permitted in a mobile home park.
5. Cabanas, travel trailers, and other similar enclosed structures are prohibited.
6. Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within the mobile home park, except that one (1) mobile home in the park may be used to house a rental office.
7. Ground anchors shall be installed at each mobile home space to permit tie-downs of mobile homes.
8. No mobile homes shall be permitted within floodplains or upon slopes in

excess of 20%.

9. All mobile homes shall be provided with an outdoor living area for the purpose of privacy and comfort. This area shall be a minimum of 300 sq. ft. with a dimension of 15 feet.
10. All mobile home parks shall be equipped with fire hydrants spaced no more than 500 feet apart. The water system shall be capable of providing a required fire flow of 500 gallons per minute for a one (1) hour duration.
11. Solid waste collection stand shall be provided for waste container for each mobile home. Such stands shall be designed as to prevent containers from being tipped and to minimize spillage. All central waste containers shall be screened from view.
12. Mobile Home Parks shall be maintained free of litter and debris, which may harbor rodents and breed flies, etc.
13. A common walk system shall be provided and maintained between locations where pedestrian traffic is to be concentrated. Such width shall be 3.5 ft. and meet the ADA requirements.
14. Adequate recreation facilities for the residents of the park shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units. Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents. Well-equipped playgrounds of adequate size and number shall be provided where it is anticipated that children will occupy the premises.
15. A buffer strip shall be provided along the perimeter of the site boundaries. No buffering shall be allowed within 15 feet with a dimension of 15 feet.
16. The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. The planting plan shall be submitted with the site plan. Existing trees, shrubs, evergreens, and ground cover shall be retained to the extent that they enhance the project and are effective as a screen planting or are useful in protecting slopes.
17. No animal pens shall be allowed on the park premises.
18. All parks will be inspected annually for compliance to these regulations.

E. Plans and Schedules Required

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

1. The location and legal description of the proposed mobile home park.
2. The location and size of all buildings, improvements, and facilities

constructed or to be constructed within the mobile home park.

3. The proposed use of buildings shown on the site plan.
4. The location and size of all mobile home spaces.
5. The location of all points of entry and exit for motor vehicles and internal circulation pattern.
6. The location of all off-street parking facilities.
7. The location of park and recreation areas.
8. The name and address of the applicant.
9. Such other architectural, engineering, and topographic data as may be required to permit the Hickman County Health Department, the Building Commissioner, Staff Planner, and the Board of Zoning Appeals to determine if the provisions of these regulations are being complied with, shall be submitted with the site plan.
10. A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.
11. All mobile home parks existing at the date of the passage of this resolution which do not conform to the provisions of the zoning resolution shall be governed in accordance with the provision of this resolution.

F. Application for Mobile Home Park Development

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

1. The written application, plans, and schedules, herein required, and a statement of approval of the proposed sewage disposal system from the Hickman County Health Department will be submitted to the Hickman County Building Commissioner, and the Hickman County Regional Planning Commission. The County Regional Planning Commission shall duly review these materials and shall co-ordinate the review with the appropriate utility districts.
2. The Hickman County Building Commissioner shall, after review, recommend approval or disapproval of the proposed mobile home park to the Board of Zoning Appeals, which then may authorize the issuance of a permit for construction of the park as approved, or state the

conditions under which approval for construction may be granted.

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

- A All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared or propagated.
- B. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than three hundred (300) feet from any established residential zone.
- C All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height. Storage between the road or street and such fence, screen, or wall is expressly prohibited. Any fence, screen, or wall for concealment shall be maintained in good condition.
- D. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.
- E Off-Road Parking shall be as required by ARTICLE III, SECTION 3.010.
- F. Ingress and Egress: The number of vehicular access driveways permitted on any single street frontage shall be limited to:
  - 1. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.
  - 2. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to thirty (30) feet in width maximum, exclusive of curb returns.
- G Application for Automobile Wrecking, Junk or Salvage Yard Permit: No person shall own or maintain an automobile wrecking, junk, or salvage yard within the Hickman County Planning Region until a permit is obtained from the Hickman County Board of Zoning Appeals. An application for said permit shall be filed in accordance with ARTICLE VII, SECTION 7.060, of this resolution and shall be accompanied by a detailed site plan, a schedule for construction, and any other information herein required. Said application shall be submitted along with any plans and schedules. The Board shall vote to approve or disapprove the application in accordance with the time schedule in SECTION 7.060. The Board shall vote to approve or disapprove the application in accordance with the time schedule in SECTION 7.060.
- H. The following are exempt from Automobile Wrecking, Junk or Salvage Yards:

1. The site of a property zoned for car repair or towing establishments.
2. Any abandoned, wrecked, junked, partially dismantled or inoperative motor vehicles kept within a building.
3. Any farm machinery, including tractors and trucks that have been used specifically in farming activities.

3.100. Guidelines for new cemeteries (**Added by Resolution #07-04**)

1. All State and County regulations for Private/Family Cemeteries must be followed.
2. Must be at least 100 feet away from ponds, streams, rivers, springs, and wells.
3. Must have a perimeter fence around the cemetery t least 36 inches high.
4. Must have an easement to a public roadway at least 18 feet wide.
5. Cemetery dimensions and location must be recorded in the property deed and filed with the Register of Deeds.
6. All gravesites must be marked with a permanent marker or headstone.
7. A written record of who is buried in the cemetery and where they are buried must be kept and updated after each burial.

3.110. Standards for Guest Houses (**Added by Resolution 09-34, August 25, 2009**)

1. A guest house must be clearly subordinate and incidental to the principal residence on the same lot.
2. The lot must be at least one (1) acre and already contain an existing residential home.
3. The guest house must be at least three hundred-fifty (350) square feet, but no more than one thousand (1,000) square feet of living (heated) area with a maximum height of approximately fifteen (15) feet.
4. The guest house may not be rented or leased.
5. May not be located within any required setback areas.
6. Only one guest house per lot.
7. The guest house must meet local building codes.
8. The guest house must meet all setbacks.
9. Approval is required by the County Health Officer (septic approval).
10. The property owner must sign an agreement, filed with the building permit, documenting their understanding of all the necessary restrictions pertaining to guest houses.

11. Any variation to the above restrictions must be approved by the Board of Zoning Appeals. However, no more than one guest house shall be approved for any one lot.

3.120. Development standards for multi-family dwellings. The provisions set forth herein are intended to provide design criteria for multi-family dwellings located on a single zone lot or tract that abuts a public street. Specifically, these provisions are intended to provide regulations controlling the spacing, internal orientation, etc., of multiple buildings located on a single site. It is the express purpose of these provisions to establish design criteria and to provide for the implementation of these provisions by Planning Commission review of the site plan required for all such developments by section 2.080. **(Added Section 3.120, Subsections 3.121-123, by Resolution 09-08, March 23, 2009)**

3.121. Development Standards

1. General Standards

It is the intent that multi-family dwellings where they are permitted:

- a. May be appropriately intermingled with other types of housing, within the same development;
- b. Shall not contain more than twelve (12) dwelling units per floor on a single unbroken frontage; and
- c. Shall constitute groupings making efficient economical, comfortable, and convenient use of land and open space, and serving the public purpose of zoning by means alternative to conventional arrangements of yards and buildable areas.
- d. Shall provide a landscaped buffer of at least twenty-five feet adjacent to any single-family residential development. If deemed to be needed by the Planning Commission and/or the Board of Zoning Appeals a six (6) to eight (8) foot fence adjacent to the single-family residential development can be required.

2. Detailed Standards

- a. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the deduction of noise. A minimum of thirty (30) feet shall be maintained between buildings.
- b. Street sidewalks and on-site walks shall be provided for convenient and safe access to all living units from streets, driveways, parking courts, or garages and for convenient circulation and access to all facilities.
- c. The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings, and grounds and to screen out objectionable features. The planting plan shall be



submitted with the site development plan.

- d. Existing trees, shrubs, evergreens, and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.
- e. Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units.
- f. Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.
- g. Well equipped playgrounds of adequate size and number shall be provided, where it is anticipated that children will occupy the premises.
- h. All public and private streets located within any multi-family development shall meet the construction specifications set forth in the Hickman County Road Specifications.
- i. The Planning commission shall act to ensure that any private drives, parking areas or other vehicular ways used for common access for two (2) or more residents will be suitable paved and maintained as a condition of approval of the project.
- j. Any central refuse disposal area shall be maintained in such a manner as to meet local health requirements and shall be screened from public view.
- k. Adequate fire protection must be provided.

### 3.122. Access and Parking Requirements

#### 1. Access

- a. Each site developed for multi-family dwellings shall meet the requirements for access set forth in Section 2.060, of this resolution.
- b. Access and circulation shall adequately provide for fire fighting, other emergency equipment, service deliveries, furniture moving vans and refuse collection.

#### 2. Parking

- a. Parking spaces shall be provided in accordance with Section 3.010, of this resolution.
- b. Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least two (2) parking spaces per dwelling unit shall be located so as to provide a maximum walking distance of two hundred (200) feet from the nearest entrance of the dwelling unit the space is to serve. Where appropriate, common driveways,

parking areas, walks and steps shall be maintained and lighted for night use. Screening of parking and service areas shall be encouraged through ample use of trees, shrubs, hedges, and screening walls.

- c. Parking areas are required to be lighted in such a manner as to direct the lighting away from adjacent residential developments.

3.123. Open Space Requirements. Any common open space established within a multi-family dwelling development shall be subject to the following:

1. Quality Use and Improvement of Common Open Space

- a. Common open space must be for amenity or recreational purposes. The uses authorized for common open space must be appropriate to the scale and character of the development considering its size, density, expected population, topography and other factors.
- b. No common open space may be put to any use not specified on the approved final development plan, unless such amendment has been approved by the Planning Commission. However, no change authorized may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce the covenants is expressly reserved.
- c. Common open space may consist of either improved or unimproved land. In this regard the approving agency may determine that all or part of stream areas, bodies of water and slopes in excess of fifteen (15) percent may be included in common open space. In making this determination, the approving agency shall be guided by the extent of these areas in relation to the development and the degree to which these areas contribute to the quality, livability, and amenity of the development.

2. Maintenance of Open Space

In an instance where common open space is to be deeded to a maintenance organization, the developer shall file a declaration of covenants and restrictions that will govern the association. This document is to be submitted with the application for final approval of the planned development plan. The provisions shall be included but not limited to the following:

- a. The maintenance organization must be established and operational before any unit is sold.
- b. Membership must be mandatory for each unit and must run with the land so that any successive purchaser will automatically become a member.
- c. The restrictions covering the use, etc., of the open space must be permanent; not just for period of years.
- d. The association(s) must be responsible for liability insurance, local taxes and the maintenance of all facilities and lands deeded to it.

- e. Homeowners must pay their pro rata share of the cost assessed by the maintenance association; said assessment by the association can become a lien on the homeowner's property for failure to pay.
- f. The association must be able to adjust the assessment of fees to meet changing needs.

3. Conveyance of Common Open Space

All land shown on the final development plan as common open space must be conveyed under one of the following options:

- a. It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.
- b. It may be conveyed to trustees provided in an indenture establishing an association, funded trust, or similar organization.

The common open space must be conveyed to the trustee's subject to covenants to be approved by the Planning Commission which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purposes.

3.130. Special guidelines for commercial campgrounds, travel trailer parks, and overnight campgrounds. (Added by Resolution 16-20, July 25, 2016)

1. A minimum of three acres must be allocated for the campground. A separate parcel is required for all commercial campgrounds, travel trailer parks, and overnight campgrounds.
2. The entrance control station shall be setback from the roadways far enough to allow safe accommodation of all traffic.
3. Contain a minimum of two camping loops and approximately 12 campsites per acre.
4. A sewage dump station shall be located near the entrance as per state regulations.
5. Contain at least two bathroom/shower structures and two toilet structures, approved by local water provider and the state environmentalist.
6. Recreation amenities shall be located outside of any camp loop and near day use area.
7. Tent camping should be separated from other camp sites.
8. Roadways and campsites shall be graded and compacted with crusher run or paved if preferred.
9. Roadways shall be 15' width if one way or 20' width for two-way traffic.

10. Safe drinking water shall be provided with frost-proof spigot. One spigot per five campsites.
11. Accessory activities, such as playgrounds, picnic shelters, horse facilities, boating facilities and special events may be permitted throughout the year.
12. Electric hookups shall be provided for non-tent sites.
13. Trash containers shall be provided.
14. Camp sites should be a minimum of 30 ft. wide and 75 ft. long.
15. Individual campsite design examples shall be provided by the Hickman County Office of Planning and Zoning. These examples shall be followed as much as possible for good design.
16. The Board of Zoning Appeals is charged with review of the overall plan and its adherence to these regulations. Site plan approval shall be with the Planning Commission.
17. The site plan shall provide all details for review by the BZA and Planning Commission.
18. No permanent structure shall be located within a floodplain.

**3.140. Development Standards for Indoor Gun Ranges and Indoor Live Fire Shoot Houses within C-1 (General Commercial) and I-1 (General Industrial) Zoning Districts. (Added by Resolution 17-02, July 28, 2017)**

1. Construction plans prepared by licensed engineer or architect are required.
2. All Federal, State, Local, U.S. EPA, OSHA, and National Environmental Policy Act requirements and local codes shall be addressed for range design.
3. Disposal of spend ammunition and others waste shall be addressed. Disposal shall be done in a safe and environmentally controlled manner.
4. Proper supervision is required for all onsite operations.
5. Retail sales of firearms and all related items are allowed.
6. The operation is subject to inspection by the Hickman County Building Official at any time during normal operating hours.

**3.150. Development Standards for Wild Game Butchering and Processing (Seasonal Only) in A-1 Agricultural Forestry Zoning District. (Added by Resolution 18-20, May 29, 2018)**

1. Permit or authorization from Tennessee Wildlife & Resource Agency. (If required)

2. Address odor, air, water and noise pollution.
3. Location of garbage containers and garbage pickup to avoid adverse effects on neighboring community.
4. All processing must be conducted indoors.
5. Method of disposal of waste products from the operation.
6. What will be conducted on the site outside of the proposed seasonal operation?
7. Outdoor lighting shall not reflect onto neighboring properties and ample parking must be available on site.
8. The facility must have all necessary federal, state and/or county licenses and/or permits and comply with all federal and state health and safety regulations and all Hickman County regulations and codes.

ARTICLE IV  
ZONING DISTRICTS

SECTION

- 4.010 Establishment of districts (**Deleted and Replaced by Resolution 09-19, June 23, 2009**)
- 4.020 Zoning Map
- 4.030 Zoning district boundaries
- 4.040 Specific district regulations
- 4.070 Floodplain Zoning Regulations (**Deleted and Replaced by Resolution 09-19, June 23, 2009**) (**Further Amended by Resolution 18-06, February 27, 2018**)

4.010. ESTABLISHMENT OF DISTRICTS (**Deleted and Replaced by Resolution 09-19, June 23, 2009**)

4.011. Relationship to Public Chapter 1101

Upon approval of the Urban Growth Plan for Hickman County, each municipality and the county government are committed to a process that is intended to direct growth and development on a countywide basis for the next twenty (20) years. This plan, as specified the law, establishes three (3) types of growth areas:

Urban Growth Boundaries (UGB) – territory that is contiguous to and outside the corporate limits of a municipality where high density residential, commercial and industrial growth is expected, or where a municipality is better able to provide urban services than any other municipality.

Planned Growth Areas (PGA) – territory outside municipalities where high or moderate density commercial, industrial and residential growth is projected.

Rural Areas (RA) – territory not in a UGB or a PGA that is to be preserved as agricultural lands, forests, recreational areas, wildlife management areas or for uses other than high density commercial, industrial and residential development.

Over a period of several months the Hickman County Coordinating Committee (a body comprised of members specified in Public Chapter 1101) developed the countywide Urban Growth Plan. Following necessary public hearing and other legally required processes this plan was adopted and now has the force of law.

One requirement established in Public Chapter 1101, that is particularly pertinent to the establishment and operation of zoning law within the county is the requirement established in Section 6-58-107 Tennessee Code, which reads as follows:

“After a growth plan is so approved, all land use decisions made by the legislative body and

the municipality's or county's planning commission shall be consistent with the growth plan.

In order to meet this legal mandate, it has been determined that the various zoning districts created by this Zoning Resolution must be tailored to the general purposes established within the three (3) types of growth areas, i.e., (UGA) and (RA). Thus, the following districts are established for the three (3) areas designated on the adopted Urban Growth Plan, as noted below.

4.012. Districts Applicable Within Rural Areas (RA)

In order to implement all purposes and provisions of this resolution, the following districts are hereby established for Hickman County.

- A. A-1 Agriculture-Forestry District
- B. C-1 General Commercial District  
C-2 Commercial District
- C. I-1 General Industrial District  
I-2 Heavy Industrial District
- D. Floodplain Zoning Regulations

4.013. Districts Applicable Within Planned Growth Areas (PGA and Urban Growth Boundaries (UGB))

In order to implement all purposes and provisions of this resolution, the following districts are hereby established for portions of the county designated as Planned Growth Areas (PGA) and Urban Growth Boundaries (UGB) on the Growth Plan for Hickman County.

- A. Residential Districts Applicable Within PGA and UGB
  - A-1 Agricultural-Forestry District
  - R-1 Suburban Residential District (**Amended by Resolution 18-06, February 27, 2018**)
  - R-2 High Density Residential District (**Added by Resolution 18-06, February 27-2018**)
- B. Commercial District Applicable Within PGA and UGB
  - C-1 General Commercial District
  - C-2 Commercial District (**Added by Resolution 18-06, February 27, 2018**)

C. Industrial Districts Applicable Within PGA and UBG

I-1 General Industrial District

D. Floodplain Zoning Regulations

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

4.030. Zoning district boundaries.

- a. Unless otherwise indicated on the Zoning Atlas the district boundaries are lot lines, center lines of streets or alleys, or the Hickman County boundary lines as they exist at the time of the enactment. Questions concerning the exact locations of district boundaries shall be determined by the Hickman County Board of Zoning Appeals.
- b. Where a district boundary line divides a lot which was in single ownership at the time of passage of this resolution, the regulations for either portion of the lot shall not exceed five hundred (500) feet beyond the district line into the remaining portion of the lot.
- c. Where the property on one side of a street between two intersecting streets is in a business or industrial district and the property on the intersecting street, except the corner or corners, is in a residential district, the business or industrial use shall be limited to the property facing or fronting the street zoned for business or industry throughout the block, and any property in the rear thereof facing or fronting the intersecting street, even though it appears to be in a business or industrial district, shall be governed by the use prevailing on the intersecting street. It is the purpose to limit business and industrial uses to the property facing or fronting the street zoned for business or industry and to prohibit business or industrial uses facing or fronting the street zoned for residential uses. In all cases of ambiguity due to the actual layout of the property or other circumstances, the Board of Zoning Appeals shall have authority to determine on which street the business or industrial use shall face or front so that the intent of this resolution shall be observed.

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

4.041. A-1, Agriculture-Forestry District.

A. District Description.

This district is intended to preserve space for agricultural and forestry uses which together comprise an important segment of the economy of Hickman County. The primary intent of the A-1 District is to minimize conflicts between agricultural and forestry activities and various non-agricultural activities; to permit lands best suited for intense agricultural uses to be preserved for these suited purposes; and to prevent lands unsuitable for development of an urban or nonrural nature, due to topographic



problems, location, or the inability to provide necessary urban services, from being encroached upon by these incompatible land uses. Areas assigned to the A-1 District are primarily areas where growth of an urban or nonrural nature is deemed undesirable for one or more of the reasons outlined above. The following regulations shall apply in the A-1, Agriculture-Forestry District, as defined on the Zoning Atlas of Hickman County, Tennessee. **AGRICULTURAL USES OF LAND - THIS RESOLUTION SHALL NOT BE CONSTRUED AS LIMITING OR AFFECTING IN ANY WAY OR CONTROLLING THE AGRICULTURAL USES OF LAND. REFER TO ARTICLE V, EXCEPTIONS AND MODIFICATIONS, SECTION 5.070. (TN CODE ANNOTATED 13-7-114)**

B. Uses Permitted.

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

1. Agricultural and forestry uses and their accessory structures, as defined in ARTICLE VI.
2. Detached single-family and two-family dwellings.
3. Private residential garages, barns, sheds, stables, farm buildings and other accessory structures and uses customarily incidental to permitted uses.
4. Agricultural processing including ginning and compressing, shelling, baling and threshing services.
5. Animal husbandry services including veterinarian services, animal hospital services and poultry hatchery services.
6. Forestry activities and related services.
7. Utility facilities necessary for the provision of public services.
8. Feed lots and egg production houses.
9. Roadside stands for the sale of agriculture or forestry products provided that such stand does not exceed an area of three hundred (300) square feet and that it is located off the public right of way.
10. Customary home occupations as regulated in Article III, Section 3.040.
11. Signs as regulated by the Tennessee Department of Transportation. Local permits are not required.
12. Fisheries and related services.
13. Community Facilities-- including all government buildings such as fire departments, post offices, libraries, police and civil defense.
14. Private recreational facilities as an integral part of a proposed development.

15. Hunting leases with cabins
16. Catfish Farming, trout farming, aquatic farms- “Do it yourself” or retail related farm uses.
17. Fishing lakes, hiking and biking trails
18. Educational farm activities—farm tours, classes, school group activities
19. Wineries
20. Pick it yourself fruits, produce, etc.
21. Homemade furniture and crafts made and sold from a farm.
22. Mazes.
23. Bed and Breakfast Inns
24. Agri-Tourism
25. All other activities defined as Agriculture by the State of Tennessee.
26. Guest Houses. (Subject to the restrictions in Article III, Section 3.110, Standards for Guest Houses) **(Added by Resolution 09-34, August 25, 2009)**
27. Private Recreational Cabins allowed without any county permit. These cabins shall not be for the general public but are intended for the enjoyment of the property owners as an accessory use. These cabins shall not exceed 600 square feet. No public water, kitchen or electricity shall be allowed. If these amenities are to be installed, a permit shall be required. **(Added by Resolution 09-34, August 25, 2009) (Further amended by Resolution 13-26, July 22, 2013)**

C Uses Permitted as Special Exceptions.

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

1. Public or private educational institutions.
2. Religious Facilities and other places of assembly, including civic, social, fraternal associations and private clubs, lodges, meeting halls, community centers, etc.
3. Airports and medical facilities.
4. Marinas.
5. Community shopping facilities, providing the total floor space devoted to retail sales does not exceed 4,000 square feet in area.

6. Mobile Home Parks. Refer to Section 3.080.
7. Cemeteries. Refer to Section 3.100. **(Added by Resolution 07-04, January 29,2007)**
8. Public or private recreational facilities.
9. Professional offices.
10. Art galleries, museums, zoological gardens, aquariums, etc.
11. Rooming and Boarding houses, bed and breakfast establishments.
12. Mobile homes provided they are used as accessory uses on lots used for agricultural purposes which exceed 15 acres. Two mobile homes may be placed on these tracts provided the principle residential unit on the tract is a single detached permanent dwelling. These mobile homes are intended for farm help or family members of the property owner.
13. Commercial campgrounds, travel trailer parks, and overnight campgrounds. Refer to Section 3.130. **(Added by Resolution 16-20, July 25, 2016)**
14. Wild Game Butchering and Processing (Seasonal Only) Refer to Section 3.150 **(Added by Resolution 18-20, May 29, 2018)**

D. Uses Prohibited.

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

E. Dimensional Regulations.

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

1. Front yard setback requirement is (35) ft.
2. Rear yard setback requirement is (25) ft.
3. Side yard setback requirement is (20) ft.
4. Land Area: No farm, ranch or other parcel of land shall be reduced in area to provide separate lots or building sites of less than in area. However, where there is an existing lot of record of less than one (1) acre at the time of the adoption of this resolution, this lot may be utilized for the construction of one single-family dwelling. In the event that the property proposed to be subdivided is less than five (5) acres in area, then a soil analysis of the property must be conducted and the results of such an analysis shall be transmitted to the Health Officer. If the results of the soils analysis indicate compliance with the required standards of the Tennessee Department of Environment and Conservation, the Health Officer shall submit a written statement certifying same to the Building Commissioner. Upon receipt of such a certification from the Health Officer, the Building Commissioner shall issue a building permit to the applicant, providing all other provisions of this

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

5. Maximum Lot Coverage. Non-Agricultural structures shall cover no more than fifteen (15) percent of the total land area.
6. Lot Width shall be 100 ft. at the front building setback line.
7. Height Requirement. No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in ARTICLE V, SECTION 5.030.
8. Parking Space Requirements. As regulated in Article III, Section 3.010.

#### 4.042. R-1, Suburban Residential District.

##### A. District Description.

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

##### B. Use Permitted.

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

1. Detached single-family and two-family dwellings.
2. Private residential garages and other accessory structures and uses customarily incidental to permitted uses.
3. Signs as regulated by the Tennessee Department of Transportation. Local permits are not required.
4. Utility facilities necessary for the provision of public services.

5. Private recreational facilities as an integral part of a proposed development.
6. Community Facilities as specified in the A-1 district.
7. Customary home occupations as regulated in Article III, Section 3.040.
8. Roadside stands for the sale of agriculture or forestry products provided that such stand does not exceed an area of three hundred (300) square feet and that it is located off the public right of way.

C Uses Permitted as Special Exceptions.

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

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

D. Uses Prohibited.

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

E Dimensional Regulations.

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

1. Front Yard. The minimum depth of the front yard shall be thirty (30) feet.
2. Rear Yard. The minimum depth of the rear yard shall be twenty-five (25) feet for the principal structure and fifteen (15) feet for any permitted accessory structures.
3. Side Yard. The side yards shall be a minimum of fifteen (15) feet for a single-story structure, plus an additional five (5) feet for each additional story.
4. Land Area. No farm, ranch or other parcel of land shall be reduced in area to provide separate lots or building sites of less than (30,000) square feet in area. However, where there is an existing lot of record of less than (30,000) square feet this lot may be utilized for the construction of one single-family dwelling. In the event that the property proposed to be subdivided is less than five (5) acres in area, then a soils analysis of the property must be conducted and the results of such an analysis shall be transmitted to the Health Officer. If the results of the soils analysis indicate compliance with the required standards of the Tennessee Department of Environment and Conservation, then the Health Officer shall submit to the Building Commissioner, prior to the issuance of a

building permit, a written opinion, in lieu of a certification which shall define what lot size or configuration, or both, shall be necessary to meet the required standards. In the event that an opinion is submitted in lieu of a certification by the Health Officer to the Building Commissioner, the Building Commissioner shall notify the applicant of the necessary lot size or configuration, or both, based upon the aforementioned Health Officer written opinion. The Building Commissioner shall not issue a building permit until the necessary changes have been made and the Health Officer submits to the Building Commissioner a certification that with these changes the standards of the Tennessee Department of Environment and Conservation have been met.

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

On lots or parcels of land where multiple-family dwellings are constructed, the minimum lot size shall be 3 acres with a land area per dwelling unit of five thousand (5,000) square feet. Public Sewer of STATE APPROVED PACKAGE SEWER SYSTEM is required for multiple-family dwelling developments. **(This Paragraph Amended by Resolution 09-08, March 23, 2009)**

5. Maximum Lot Coverage. Main farm or agricultural accessory buildings shall cover no more than fifteen (15) percent of the total land area. Permitted nonagricultural uses, both principal and accessory, shall cover no more than thirty-five (35) percent of the total land area.
6. Lot Width. No lot shall be less than one hundred (100) feet wide at the front building setback line.
7. Height Requirement. No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Article V, Section 5.030.
8. Parking Space Requirements. As regulated in Article III, Section 3.010.

4.043 R-2 High Density Residential District (Added by Resolution 18-06, February 27, 2018)

A. District Description

This district is intended to provide areas suitable for high-density single, duplex, multi-family residential development and limited Community Facility and Commercial Activities. The district is particularly suitable for areas adjacent to or in close proximity to urban areas where adequate public water supply and public wastewater (sewer) is available. Package sewer treatment plants controlled by a public utility is permissible. This district is restricted to the Planned Growth Area (PGA) in Hickman Co. The PGA has been identified as the area reserved for high-density growth and the location of present and future urban infrastructure.

B. Uses Permitted

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

1. PERMANENT RESIDENTIAL ACTIVITIES:
  - a. Detached Single Family Dwellings, excluding single wide manufactured/mobile homes.
  - b. Duplex Dwellings
  - c. Multi-Family/Apartment Dwellings
2. SEMI-PERMANENT RESIDENTIAL
3. COMMUNITY FACILITY ACTIVITIES
  - a. Essential Services
  - b. Personal and Group Care Facilities
  - c. Religious Facilities
4. Customary incidental home occupations (Section 3.040)
5. Other accessory structures and uses customarily incidental to the permitted uses.

C. Uses Permitted as Special Exceptions

Within this district the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. PERMANENT RESIDENTIAL ACTIVITIES:
  - a. Mobile (Manufactured Home Parks as regulated in Section 3.080).
2. COMMUNITY FACILITY ACTIVITIES:
  - a. Cultural and Recreational Services
  - b. Personal and Group Care Facilities
3. COMMERCIAL ACTIVITIES:
  - a. Transient Habitation-Bed and Breakfast Facilities
  - b. Medical and Professional Services

D. Uses Prohibited

All uses excepting those uses and their accessory uses specifically permitted or permitted upon approval as a special exception by the Board of Zoning Appeals are PROHIBITED.

E. Dimensional Regulations

All uses within the R-2 Residential District shall comply with the following requirements except as provided in Article V.

1. Front Yard. The minimum depth of the front yard shall be (30) feet, measured from the right of way line.
2. Rear Yard. The minimum depth of the rear yard shall be (20) feet for the principal structure.
3. Side yard. The minimum depth shall be (10) feet for one and two-story structures plus (5) additional feet for each additional story over two.
4. Land Area. All lots shall have a minimum lot area of (15,000) sq. ft. The exceptions to this minimum lot area are as follows:

AREA PER FAMILY SHALL BE (5,000) SQ. FT. This regulation requires that all lots must increase in size by the above square footage for each dwelling unit. (Example: A four-unit apartment building must have at least (30,000) sq. ft. lot. A duplex must have a (20,000) sq. ft. lot.)

**SEWER IS REQUIRED IN THIS DISTRICT**

5. Maximum Lot Coverage. On any lot or parcel of land, the area occupied by all buildings and paved areas may not exceed fifty (50) percent of the total area of the lot/parcel.
6. Lot Width. No lot shall be less than (70) ft. wide at the front building setback line.
7. Height Requirement. No building shall exceed three (3) stories or 35 feet in height, except as provided in ARTICLE V, SECTION 5.030.
8. ACCESSORY STRUCTURES
  - a. With the exception of signs and fences, accessory structures shall not be erected in any required front yard area.
  - b. Accessory structures shall be located at least five (5) feet from any side lot line, from any rear lot line, and from any building on the same lot.
9. Parking Space Requirements. As regulated in Article III, Section 3.010.



4.050. C-1, General Commercial District.

A. District Description.

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

B. Uses Permitted.

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

1. Wholesale Trade.

- (a) Motor vehicles and automotive equipment;
- (b) Drugs, chemicals and allied products;
- (c) Dry goods and apparel;
- (d) Groceries and related products;
- (e) Farm products;
- (f) Electrical goods;
- (g) Hardware, plumbing, heating equipment and supplies;
- (h) Machinery, equipment, and supplies.

2. Retail Trade.

- (a) Building materials, hardware, and farm equipment;
- (b) General merchandise;
- (c) Food;
- (d) Automotive, marine craft, and accessories;
- (e) Apparel and accessories;
- (f) Furniture, home furnishings, and equipment;
- (g) Eating and drinking;
- (h) Drug, antiques, books, sporting goods, garden supplies, jewelry, fuel and ice.
- (i) Agricultural products.

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

Any mixture of commercial and residential uses must comply with all applicable building codes.

**C Uses Permitted as Special Exceptions.**

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

may be permitted as special exceptions after review and approval in accordance with Article VII, Section 7.060.

1. Any business or service which, in the opinion of the Board of Zoning Appeals, is of the same general character as the above permitted uses, and subject to such conditions and safeguards as the Board may specify to preserve the character of the district.
2. Travel trailer parks and overnight campgrounds.
3. Livestock sales or feeding yards.
4. Indoor Gun Ranges and Indoor Live Fire Shoot Houses. Refer to Section 3.140. **(Added by Resolution 17-02, July 28, 2017)**

D. Uses Prohibited.

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

E. Dimensional Regulations.

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

1. Front Yard. The minimum depth of the front yard shall be thirty (30) feet.
2. Rear Yard. The minimum depth of the rear yard shall be fifteen (15) feet, except where vehicular access will be provided to the rear of the lot, in which case a minimum rear setback of thirty (30) feet shall be required.
3. Side Yard. The minimum side yard requirement shall be twenty (20) feet where vehicular access is available to the rear of the lot. Where no such access is available or desired, a side yard of fifteen (15) feet shall be permitted. On lots adjacent to an agricultural or residential district, all structures shall be so located as to comply with the side yard requirement of the adjacent district on the side adjoining said district. Commercial buildings may be built on a common lot line provided that there is mutual written consent of the owners of the buildings and land directly involved and the adjacent walls of the buildings have a fire-resistant rating of two (2) hours.
4. Land Area. No minimum land area shall be required in the C-1, General Commercial District, where public water and sanitary sewer service is available. Where only public water is available, there shall be a minimum land area of (22,000) square feet, except that lots of record smaller than the required minimum, at the time of the adoption of this resolution, may be utilized, provided that said lot of record is not smaller than (15,000) square feet. Where no public water or sewer service is available, there shall be a minimum land area of three (3) acres.

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

5. Maximum Lot Coverage. No maximum lot coverage shall be imposed in the C-1, General Commercial District.
6. Lot Width. No lot shall be less than one hundred (100) feet wide at the front building setback line.
7. Height Requirement. No building shall exceed four (4) stories or fifty (50) feet in height, except as provided in Article V, Section 5.030.
8. Parking Space Requirement. As regulated in Article III, Section 3.010.

4.051 C-2 Commercial District (Added by Resolution 18-06, February 27, 2018)

A. District Description

This C-2, Commercial District is designed to provide adequate space in locations designed to serve the needs of the community and visitors. The intent is to mostly limit this district to light commercial uses. Also, commercial trade and some commercial restaurants uses are permitted if necessary to serve the recurring needs of persons frequenting this district. Community services and public utilities necessary to serve the community are permitted. Efforts should be made to cluster the development pattern and avoid strip commercial development. **Public Water shall be required for this District.**

B. Uses Permitted:

The following uses and their accessory uses are permitted:

1. Community Facility Services limited to:
  - a. Administrative Services
  - b. Cultural and Recreation Services
  - c. Religious Facilities or other places of assembly
  - d. Essential Services
2. Commercial Activities limited to:
  - a. Convenience Commercial
  - b. Financial, Consulting, and Administrative Services
  - c. General Business and Communication Services
  - d. General Personal Services
  - e. Medical and Professional Services
  - f. Undertaking Services
  - g. Food and Beverage Service

- h. General Retail Trade limited to: ANTIQUE AND SECOND-HAND MERCHANDISE STORES; BOOK STORES; CANDY STORES; DRAPERY, CURTIN AND UPHOLSTERY STORES; GIFT SHOPS; JEWELRY STORES; HOBBY, TOY AND GAME STORES;

- 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 not otherwise prohibited.
- 4. Parking Space requirement as regulated in Article III, Section 3.010.
- 5. Signs as regulated by the State of Tennessee, TDOT.

C. Uses Permitted as Special Exceptions.

In the C-2, Office/Professional and Limited Commercial Services District, the following uses and their accessory uses may be permitted as special exceptions after review and in accordance with Article VII, Section 7.060 and the conditions as outlined in Article III.

- 1. None

D. Uses Prohibited.

In the C-2 District all uses, except uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board of Zoning Appeals are PROHIBITED.

E. Dimensional Regulations.

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

- 1. Front Yard. The front yard setback for all structures shall be thirty (30) feet.
- 2. Rear Yard. The minimum depth of the rear yard shall be fifteen (15) feet, except where vehicular access will be provided to the rear of the lot, in which case a minimum rear setback of thirty (30) feet shall be required.
- 3. Side Yard. Twenty (20) feet setback when vehicular access is required to the rear of property. Otherwise fifteen (15) feet is permitted. If Property is located adjacent to a Residential or Agricultural Zone the setback shall comply with the setback of the adjoining district if such is greater.
- 4. Land Area. If Public Water and Sewer Available: None  
  
If Public Water only is Available: Minimum of 22,000 sq. ft. or as required by County Environmental Officer.
- 5. Maximum Lot Coverage. On any area or parcel of land, the area occupied by ALL buildings and paved parking areas, shall not exceed 60% of the total area of such lot or parcel.

6. Lot Width. No lot shall be less than one hundred (100) feet wide at the building setback line.
7. Height Requirements. No building shall exceed four (4) stories in height or fifty (50) feet except as provided in Article V, Section 5.030. Any proposal over two stories shall be reviewed by the Local Fire Safety Official.
8. LANDSCAPING PROVISIONS and LIGHTING

Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. This area shall include a maintained landscaped strip approximately ten (10) feet wide along all street rights of way exclusive of driveways and walkways. No parking shall be allowed within this area. SEE DEFINITION.

Buffering strips may be required by the planning commission. If adjacent residential structures are to be impacted by a proposed commercial use, a BUFFER STRIP SHALL BE INSTALLED and as defined in the definitions. This buffer strip may be used to satisfy the landscaping requirement.

All lighting of parking areas shall be designed to illuminate only parking and other areas of the building site as needed. Lighting shall avoid spilling onto adjacent properties and the public roadway.

#### 4.060. I-1, General Industrial District.

##### A. District Description.

The I-1, General Industrial District is intended to provide areas in which the principal use of land is for manufacturing, processing, assembling, fabrication of materials, and warehousing or storage. These land uses generally do not depend primarily on frequent personal visits by clients or customers, but generally require good accessibility to major rail, water, or highway transportation routes. The following regulations shall apply in the I-1, General Industrial District, as established in the Zoning Atlas of Hickman County, Tennessee.

##### B. Uses Permitted.

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

1. Food and kindred products manufacturing, except meat products.
2. Textile mill products manufacturing, except dyeing and finishing of textiles.
3. Apparel and other finished products made from fabrics, leather, and similar materials manufacturing.
4. Lumber and wood products manufacturing.
5. Furniture and fixtures manufacturing.

6. Printing, publishing and allied industries.
7. Stone, clay, and glass products manufacturing.
8. Fabricated metal products manufacturing except resolution and accessories.
9. Professional, scientific, and controlling instruments; photographic and optical goods, watches and clocks manufacturing.
10. Miscellaneous manufacturing including jewelry, silverware and plated ware, musical instruments and parts, toys, amusement and sporting goods manufacturing, pens, pencils, and other office materials, costume jewelry, novelties and miscellaneous notions; tobacco, liquor, and gasohol manufacturing.
11. Transportation, communication and utilities, excluding airports and solid waste disposal.
12. All types of wholesale trade.
13. Other Light Industrial uses as defined and with no greater impacts than these listed above.
14. Office functions only where it is directly related to or housed within the industrial establishment in which it is located.
15. Signs as regulated by the Tennessee Department of Transportation. Local permits are not required.
16. Fire stations and other governmental uses.
17. Utility Facilities.
18. Agricultural Uses.
19. Roadside stands for the sale of agriculture or forestry products provided that such stand does not exceed an area of three hundred (300) square feet and that it is located off the public right of way
20. Educational Institutions.

C. Uses Permitted as Special Exceptions.

Indoor Gun Ranges and live fire shoot houses. Refer to 3.140 **(Deleted and Replaced by Resolution 17-02, July 28, 2018)**

D. Uses Prohibited.

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

E. Dimensional Regulations.

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

1. Front Yard. The minimum depth of the front yard shall be forty (40) feet.
2. Rear Yard. The minimum depth of the rear yard shall be thirty (30) feet.  
No yard shall be required for that portion of a lot of which fronts on a railroad or rail spur line.
3. Side Yard. The minimum depth of the side yard shall be thirty (30) feet, except the side yards for industrial lots adjacent to agricultural or residential districts shall be a minimum of fifty (50) feet. No yard shall be required for that portion of a lot of which fronts on a railroad or rail spur line.
4. Land Area. Where public water and sewer service is available, there shall be required a minimum land area of two (2) acres. In areas where only public water is available, there shall be a minimum of five (5) acres. No industrial land uses shall be permitted in areas where a public water supply is not available, except where the Board of Zoning Appeals has determined that such use does not require a supply of potable water in its manufacturing operation. In such instances, the Board may grant written approval for the use and shall not be less than five (5) acres.
5. Maximum Lot Coverage. No maximum lot coverage shall be imposed in the I-1 District.
6. Lot Width. No lot shall be less than one hundred fifty (150) feet wide at the front building setback line.
7. Height Requirements. No height limitations shall be imposed in the I1, General Industrial District, except as provided in Article V, Section 5.030.
8. Parking Space Requirement. As regulated in Article III, Section 3.010.
9. Loading and Unloading Requirements. As regulated in Article III, Section 3.020.

#### 4.061. I-2, Heavy Industrial District

##### A District Description.

The I-2, Heavy Industrial District is intended to provide areas for the types of industrial activities which by reason of volume of raw materials or freight, scale of operations, type of structures required, or other similar characteristics require locations relatively isolated from non-industrial uses. These land uses generally do not depend primarily on frequent personal visits by clients or customers, but generally require good accessibility to major rail, water, or highway transportation routes. The following regulations shall apply in the I2, Heavy Industrial District, as established in the Zoning Atlas of Hickman County, Tennessee.

##### B Uses Permitted.

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



permitted.

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

C Uses Permitted as Special Exceptions.

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

1. Lots or yards for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage, or second-hand building materials.
2. Automobile wrecking, salvage, and junk yards, subject to the provisions of Article III, Section 3.090.
3. Paper and allied products manufacturing.
4. Chemicals and allied products manufacturing.
5. Petroleum refining and related industries.
6. Rubber and miscellaneous plastic products manufacturing.
7. Primary metal industries.
8. Ordnance and accessories manufacturing.
9. Surface and subsurface mining activities and related services.
10. Solid and hazardous waste landfills and incinerators. These uses shall meet all performance standards as listed in Subsection 4.061, F.
11. Atomic reactors.
12. Arsenals.
13. Explosives manufacturing and storage.
14. Fireworks manufacturing.

15. Electricity Generating Facilities.
16. Radioactive waste.
17. Adult-oriented (Entertainment) Establishment. These uses shall meet all special conditions as listed and defined in subsection 4.061, G.

D. Uses Prohibited.

In the I-2, Heavy Industrial District, all uses, except those uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board are prohibited.

E. Dimensional Regulations.

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

1. Front Yard. The minimum depth of the front yard shall be forty (40) feet.
2. Rear Yard. The minimum depth of the rear yard shall be thirty (30) feet.

No yard shall be required for that portion of a lot which fronts on a railroad or rail spur line.

3. Side Yard. The minimum depth of the side yard shall be thirty (30) feet, except the side yards for industrial lots adjacent to agricultural or residential districts shall be a minimum of fifty (50) feet. No yard shall be required for that portion of a lot which fronts on a railroad or rail spur line.
4. Land Area. Where public water and sewer service is available, there shall be required a minimum land area of two (2) acres. In areas where only public water is available, there shall be a minimum of five (5) acres. No industrial land uses shall be permitted in areas where a public water supply is not available, except where the Board of Zoning Appeals has determined that such use does not require a supply of potable water in its manufacturing operation. In such instances, the Board may grant written approval for the use and shall not be less than five (5) acres.
5. Maximum Lot Coverage. No maximum lot coverage shall be imposed in the I-2 District.
6. Lot Width. No lot shall be less than one hundred fifty (150) feet wide at the front building setback line.
7. Height Requirements. No height limitations shall be imposed in the I2, Heavy Industrial District, except as provided in Article V, Section 5.030.
8. Parking Space Requirement. As regulated in Article III, Section 3.010.
9. Loading and Unloading Requirements. As regulated in Article III, Section 3.020.

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

No person shall own or maintain a solid or hazardous waste landfill or incinerator within

Hickman County until a permit has been secured from the Hickman County Board of Zoning Appeals and Tennessee Department of Environment and Conservation. This Board shall base their decision on the following criteria.

1. The type of waste suitable for Class 1 landfills as defined by the Solid Waste Management Act of 1991. No special waste exception.
2. The method of disposal.
3. The impact of the noise and odor that the landfill may create.
4. The impact on local property values.
5. The economic impact of the project.
6. The compatibility with existing development.
7. The Hickman County Highway Department must certify that existing and proposed access roads to a proposed sanitary landfill site are capable of supporting the size and volume of traffic generated by the operation of the landfill and will have no adverse impact on the traveling public using these access roads.
8. No sanitary landfill shall be located on property where sinkholes, caves, or caverns exist on or near the proposed landfill site.
9. No sanitary landfill shall be located on property where a spring or springs emanate from or under the proposed landfill site.
10. No sanitary landfill shall be located on property with limestone bedrock and fissures, cracks, and openings in the ground.
11. No sanitary landfill shall be located in the proximity of either natural gas transmission pipelines or hazardous chemical pipelines.
12. No sanitary landfill shall be located in the drainage shed or water shed of a known tributary of a stream of water which supplies water to any water authority or water district.
13. Any other factors which may affect the public health, safety or welfare.

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

**Special Conditions:**

1. No establishment shall be located within two thousand (2,000) feet (measured property line to property line) of any residence, religious facility, school ground, college campus or park.
2. All establishments shall be located at least two thousand (2,000) feet measured property line to property line) of any other adult entertainment business.
3. No establishment shall be located within two thousand (2,000) feet (measured

property line to property line) from any residential zoned property.

4. Be in compliance with all provisions of the Tennessee Code, Sections 7-51-1101 through 7-51-1122 and 7-51-1401 through 7-51-1406, and any applicable regulations of Hickman County.
5. All other zoning regulations shall apply.

**Definitions:**

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

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

- (a) Any sexually-oriented material which is available for viewing by patrons on the premises by means of the operation of movie machines or slide projectors; or
- (b) Any sexually-oriented material which has a substantial portion of its contents devoted to the pictorial depiction of sadism, masochism or bestiality; or
- (c) Any sexually-oriented material which has as its principal theme the depiction of sexual activity by, or lascivious exhibition of, the uncovered genitals, pubic region or buttocks of children who are or appear to be under eighteen (18) years of age;

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

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

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

7. SEXUALLY ORIENTED MATERIAL: Means any book, article, magazine, publication or written matter of any kind, drawing, etching, painting, photograph, motion picture film or sound recording that depicts sexual activity, actual or simulated, involving human beings or animals, or which exhibits uncovered human genitals or pubic region in a lewd or lascivious manner or which exhibits male genitals in a discernibly turgid state if completely uncovered.
8. SPECIFIED ANATOMICAL AREAS: Means any of the following:

- a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or
  - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
9. SPECIFIED SEXUAL ACTIVITY: Means any of the following:
- a. Human genitals in a state of sexual stimulation or arousal;
  - b. Acts of human masturbation, sexual intercourse or sodomy;
  - c. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
  - d. Flagellation or torture in the context of a sexual relationship;
  - e. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
  - f. Erotic touching, fondling or other such contact with an animal by a human being;
  - g. Human excretion, urination, menstruation, vaginal or an irrigation as part of or in connection with any of the activities set forth in "a" through "f", above.

4.070. Floodplain Zoning Regulations. (Deleted and Replaced by Resolution 09-18, June 23, 2009) (Section number amended by Resolution 18-06, February 27, 2018)

4.071 Statutory Authorization, Finding of Facts, Purpose and Objectives

A. Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-101 through 13-7-115, Tennessee Code Annotated, delegated the responsibility to the county legislative body to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Hickman County, Tennessee, Mayor and Board of County Commissioners do resolve as follows:

B. Findings of Fact

- 1. The Hickman County, Tennessee, Mayor and its Legislative Body wish to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.

2. Areas of Hickman County, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood proofed, or otherwise unprotected from flood damages.

C. Statement of Purpose

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

1. Restrict or prohibit uses 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 Section 4.070 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.

#### 4.072. Definitions

Unless specifically defined below, words or phrases used in Section 4.070 shall be interpreted as to give them the meaning they have in common usage and to give Section 4.070, its most reasonable application given its stated purpose and objectives.

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

- (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.

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

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

**"Area of Shallow Flooding"** means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one (1) percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**"Area of Special Flood-Related Erosion Hazard"** is the land within a community which is

most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E, on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

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

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

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

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

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

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

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

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

**"Exception"** means a waiver from the provisions of Section 4.070 which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to Section 4.070.

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

**"Existing Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before



the effective date of the first floodplain management code or resolution adopted by the community as a basis for that community's participation in the NFIP.

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

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

**"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.

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

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

**"Flood-Related Erosion Area"** or **"Flood-Related Erosion Prone Area"** means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high-water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

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

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

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

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

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

**"Historic Structure"** means any structure that is:

- (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 Hickman County, Tennessee 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 Resolution.

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

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

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

**"Mean-Sea-Level"** means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Resolution, 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 Resolution 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 resolution or the effective date of the initial floodplain management resolution 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 (1) percent or greater chance of flooding in any given year. The area may be designated as Zone A, on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, Al -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, Al -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 (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 Section 4.070, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

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

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

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

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

**"Variance"** is a grant of relief from the requirements of this Section 4.070.

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

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

#### 4.073 General Provisions

##### A. Application

This Resolution shall apply to all areas within the unincorporated area of Hickman County, Tennessee.

##### B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the Hickman County, Tennessee, as identified by FEMA, and in its **Flood Insurance Study (FIS)47081CVOOOA and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47081C0015D, 0020D, 0030D, 0035D, 0040D, 0045D, 0055D, 0060D, 0065D, 0070D, 0080D, 0085D, 0090D, 0095D, 0105D, 0115D, 0130D, 0135D, 0140D, 0145D, 0155D, 0160D, 0165D,**

0170D, 0180D, 0185D, 0186D, 0187D, 0188D, 0189D, 0195D, 0205D, 0210D, 0215D, 0220D, 0230D, 0240D, 0255D, 0260D, 0265D, 0270D, 0280D, 0285D, 0290D, 0295D, 0305D, 0310D, 0315D, 0320D, 0330D, 0335D, 0340D, 0346D, 0355D, 0385D, 0401D, 0430D, 0431D; Community No. 470091, effective date, August 4, 2008, along with all supporting technical data, are adopted by reference and declared to be a part of Section 4.070.

C. Requirement for Development Permit

A development permit shall be required in conformity with Section 4.070 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 Section 4.070 and other applicable regulations.

E. Abrogation and Greater Restrictions

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

F. Interpretation

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

H. Penalties for Violation

Violation of the provisions of this Section 4.070 or failure to comply with any of its

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

4.074 Administration

A. Designation of Resolution Administrator

The Building Commissioner is hereby appointed as the Administrator to implement the provisions of this Resolution.

B. Permit Procedures

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

1. Application Stage

- a. Elevation in relation to mean-sea-level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under Section 4.070.
- b. Elevation in relation to mean-sea-level to which any nonresidential building will be flood proofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Resolution.
- c. A FEMA Flood proofing Certificate from a Tennessee registered professional engineer or architect that the proposed nonresidential flood proofed building will meet the flood proofing criteria in Subsection 4.075, 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 flood proofing 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 flood proofing 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 flood proofing level upon the completion of the lowest floor or flood proofing.

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 causing 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 Section 4.070 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 flood proofed, in accordance with Article IV, Subsection B.
8. When flood proofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Subsection 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 Section 4.070.
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 Hickman County, Tennessee FIRM meet the requirements of Section 4.070.
11. Maintain all records pertaining to the provisions of this Resolution in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of Section 4.070 shall be maintained in a separate file or marked for expedited retrieval within combined files.

4.075. 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 Section 4.070, shall meet the requirements of "new construction" as contained in Section 4.070;
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of Section 4.070, 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 Subsection 4.075, 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 Section 4.072). 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 flood proofed 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 flood proofed to no lower than three (3) feet above the highest adjacent grade (as defined in Subsection 4.072). 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 flood proofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Subsection 4.074, 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 (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
  - 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 Subsection 4.075, 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 Subsection 4.072).
- c. Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of Subsection 4.075, 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 Subsection 4.075, 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 Subsection 4.072, 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 Hickman County, Tennessee and certification, thereof

2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Subsection 4.075, 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 Subsection 4.073, 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 Subsection 4.075, 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 flood proofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Section 4.072). All applicable data including elevations or flood proofing 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 Hickman County, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of 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 m, 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 Subsection 4.075, 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 Subsection 4.055, B.

2. All new construction and substantial improvements of nonresidential buildings may be flood proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood proofed 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 flood proofed 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 Resolution and shall provide such certification to the Administrator as set forth above and as required in accordance with Subsection 4.074, 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 Subsection 4.053, 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 Subsections 4.074 and 4.075, shall apply.

H. Standards for Unmapped Streams

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

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Subsections 4.074 and 4.075.

#### 4.076 Variance Procedures

##### A. Regional Board of Zoning Appeals

###### 1. Authority

The Hickman County, Tennessee Regional Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of Section 4.070.

###### 2. Procedure

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

###### 3. Appeals: How Taken

An appeal to the Regional Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of Section 4.070. Such appeal shall be taken by filing with the Regional Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of \$100 (One hundred dollars) for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Regional Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Regional Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than 30 (thirty) 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 Regional Board of Zoning Appeals shall have the following powers:

###### a. Administrative Review

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

made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Resolution.

b. Variance Procedures

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

- i. The Hickman County, Tennessee Regional Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of Section 4.070.
- 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 Section 4.070 to preserve the historic character and design of the structure.
- iii. In passing upon such applications, the Regional Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of Section 4.070, 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 Section 4.070, the Regional Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of Section 4.070.
  - 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 Subsection 4.070, A.
- 2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Resolutions.
- 3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
- 4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

4.077 Legal Status Provisions

A Conflict with Other Resolutions

In case of conflict between Section 4.070 or any part thereof, and the whole or part of any existing or future Resolution of Hick man County, Tennessee, the most restrictive shall in all cases apply.

B. Severability

If any section, clause, provision, or portion of Section 4.070 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 Section 4.070 which is not of itself invalid or unconstitutional.

C. Effective Date

This Section 4.070 shall become effective immediately after its passage, by Hickman County Tennessee, the public welfare demanding it. **(June 23, 2009).**

## ARTICLE V

### EXCEPTIONS AND MODIFICATIONS

#### SECTION

5.010 Scope

5.020 Nonconforming uses

5.030 Exceptions to height limitations

5.040 Lots of record

5.050 Exception to front setback requirements

5.060 RESERVED

5.070 Agricultural use of land

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

5.020. Nonconforming uses. It is recognized that the elimination, as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of this resolution is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that will violate the provisions hereof. It is the intent to so administer the elimination of nonconforming uses, buildings, and structures as to avoid an unreasonable invasion of established private property rights. Lawful nonconforming uses, buildings, and structures existing at the time of passage or amendment hereto shall be allowed to remain subject to the following provisions.

- A. An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same or higher classification provided, however, that establishment of another nonconforming use of the same or higher classification shall be subject to the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect the area.
- B. A nonconforming use of land shall be restricted to the tract of land occupied by such use as of the effective date hereof or the applicable amendments hereto. A nonconforming use of a building or buildings shall not be enlarged to additional land.
- C. When a commercial or industrial nonconforming use of any structure or 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 provisions of this resolution. When any residential (including single wide manufactured mobile homes) nonconforming use of any structure of land has been discontinued for at least (12) months, it shall not be reestablished or changed to any use not in conformity with the provisions of this resolution. **(Amended by Board of County Commissioners on March 28, 2016)**
- D. Any nonconforming building or nonconforming use which is damaged by fire, flood, wind, or other act of God may be reconstructed and used as before if application for reconstruction is filed within thirty (30) months of such damage. **(Amended by Resolution 12-12, April 23, 2012)**
- E. A nonconforming building or building housing a nonconforming use shall not be structurally altered except in conformance with the provisions of this resolution. These provisions shall not be construed to prevent normal maintenance and repairs, or alterations required for structural safety.

- F. Except as provided above, no nonconforming use shall be eliminated by condemnation proceedings in order to bring about conformance herewith.

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

5.040. Lots of record. The following provisions shall apply to all existing lots of record.

- A. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this resolution does not own sufficient land to enable him to conform to the yard or other requirements of this resolution, an application may be submitted to the Board of Zoning Appeals for a variance from the terms hereof. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as possible in the opinion of the Board of Zoning Appeals.
- B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed herein, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.
- C. Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

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

5.060. RESERVED.

**5.070. AGRICULTURAL USE OF LAND. THIS RESOLUTION SHALL NOT BE CONSTRUED AS AUTHORIZING THE REQUIREMENT OF BUILDING PERMITS NOR PROVIDING FOR ANY REGULATION OF THE ERECTION, CONSTRUCTION, OR RECONSTRUCTION OF ANY BUILDING OR OTHER STRUCTURE ON LANDS NOW DEVOTED TO AGRICULTURAL USES OR WHICH MAY HEREAFTER BE USED FOR AGRICULTURAL PURPOSES, EXCEPT ON AGRICULTURAL LANDS ADJACENT OR IN PROXIMITY TO STATE FEDERAL-AID HIGHWAYS, PUBLIC AIRPORTS, OR PUBLIC PARKS, PROVIDED, HOWEVER, SUCH BUILDING OR STRUCTURE IS INCIDENTAL TO THE AGRICULTURAL ENTERPRISE. THIS RESOLUTION SHALL NOT BE CONSTRUED AS LIMITING OR AFFECTING IN ANY WAY OR CONTROLLING THE AGRICULTURAL USES OF LAND.**



ARTICLE VI  
DEFINITIONS

SECTION

6.010 Scope

Definitions

6.030 Use Classification System (**Added by Resolution 18-06, February 27, 2018**)

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

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

6.020. Definitions. The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this resolution. Terms not herein defined shall have their standard dictionary definition and "A Planners Dictionary" Planning Advisory Service Report Number 5xx/5xx published by the American Planning Association, April 2004, or such as the context may imply.

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

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

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

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

ADVERTISING SIGN OR STRUCTURE: See Sign.

AGRICULTURE USE:

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

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

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

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

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

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

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

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

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

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

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

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

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

average ground elevation or when subdivided and used for commercial activities.

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

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

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

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

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

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

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

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

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

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

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

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

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

CLINIC: See Medical Facility.

CONDITIONAL USE (SPECIAL EXCEPTION): A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as conditional uses, only when specific provisions for such use is made in this Resolution. For the purposes of administration of this resolution, conditional uses shall be construed as synonymous with special exceptions, as controlled by Section 13-7-107, Tennessee Code Annotated.

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

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

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

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

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

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

DEVELOPMENT PERMIT: Defined as a permit issued by the Building Commissioner for a proposed use of land or structure, or the alteration of land or a structure, or the location or erection of a structure after having been found to be in conformity with the provisions of the Zoning Resolution of Hickman County, Tennessee.

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

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

- a. Single detached dwelling means a building and accessories thereto principally used, designed, or adapted for use by a single household.
- b. Duplex dwelling means a building and accessories thereto principally used, designed, or adapted for use by two (2) households, the living quarters of each of which are completely separate.
- c. Apartment dwelling means a building and accessories thereto principally used,

designed, or adapted for use as occupancy by three (3) or more households each of which has separate living quarters.

- d. Rooming house or boarding house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants.
- e. Multi-family means an occupancy by three (3) or more households each of which has separate living quarters.
- f. Prefabricated dwelling means a detached dwelling constructed primarily off-site, designed to be transported on a flat-bed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to municipal and/or sanitary or on-site systems, and such structures are distinguished from mobile homes as described elsewhere in this resolution when they have no horizontal exterior dimensions of less than 15 feet not including porches or carports. When such a structure meets the above stated requirements, it shall qualify as a single detached dwelling.
- g. Mobile home or trailer means a transportable structure built on a permanent chassis, designed for year-round occupancy, and designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, and electrical systems contained therein. Recreational vehicles and travel trailers are not included in this definition of mobile homes.

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

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

**FAMILY BURIAL GROUNDS:** A zoned lot in private ownership which may contain one or more sites used or intended to be used, for interment of human remains, for the benefit of the owners of the lot or their immediate family members.

**FEED LOT:** Business of feeding or fattening livestock for slaughter in a facility designed or used to feed or fatten more than two hundred (200) head of cattle or one thousand (1,000) head of swine within one year of time.

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

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

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

**GRADE FINISHED:** The completed surfaces of lawns, walks, and roads brought to grades as

shown on official plans or designs relating thereto.

**GUEST HOUSE:** An attached or detached residential accessory building located on the same lot with an existing single-family dwelling that is used solely for housing either guests or relatives of, or persons performing domestic services including health care, for the family residing in the single-family dwelling on the lot. **(Added by Resolution 09-34, August 25, 2009)**

**HEALTH DEPARTMENT:** The Hickman County Health Department.

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

**HOME OCCUPATION:** See Section 3.040.

**HOSPITAL:** See Medical Facilities.

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

**JUNK MOTOR VEHICLE:** Any automobile, motor vehicle or the metal scraps and remains of the foregoing items, which are incapable of being operated and which it would not be economically practical to make operative and which are not fully placed or located within and fully surrounded by a substantial and durable building. The term shall not include items on the premises or establishment constituting automobile graveyards within the meaning of Tennessee Code, Section 54-20-201, et. seq., or establishments having facilities for processing scrap metal.

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

**LIGHT INDUSTRY:** Is defined, for the purpose of this resolution, on the basis of performance in terms of absence of objectionable noise, smoke, odor, dust, dirt, noxious gases, glare and heat; and of the creation of hazards to health and life by reason of fire, effects of industrial wastes, psychological effects and generation of motor vehicle traffic.

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

**LOADING SPACE:** An area ten (10) feet by fifty (50) feet with a fourteen (14) foot height clearance providing for the standing, loading, or unloading of a truck or other vehicle. All such spaces are designed so as to not require trucks and other vehicles to back onto public streets.

**LOT:** A piece, plot, or parcel of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one or more principal buildings, or not more than three principal dwellings in Agricultural areas as provided in Section 2.020 of these regulations, and their accessory buildings, including the open spaces required under this resolution.

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

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

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

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

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

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

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

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

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

MEDICAL FACILITIES:

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

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

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

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

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

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

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

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

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

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

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

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

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

PLANNING COMMISSION: The Hickman County Regional Planning Commission.

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

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

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

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

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

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

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

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

ROADWAY: The actual road surface including necessary road shoulders and drainage facilities including ditches and curbs and gutters, which is used to transport motor vehicles.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

UTILITY EASEMENT: The right granted by the owner of land to allow utility facilities to be constructed, maintained, or preserved. Utility easement shall include, but is not limited to, easement for storm drainage, water lines, electric power lines and pipelines.

WATERCOURSE: Any depression serving to give direction to a flow of water, having a bed and well-defined banks, where the drainage area above the same is twenty-five (25) acres or more in extent. The flow of water need not be on a continuous basis but may be intermittent resulting from the surface runoff of precipitation.

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

YARD FRONT: The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the front lot line.

YARD, REAR: The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the rear lot line.

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

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

#### 6.030 Use Classification System

The provisions of this section shall be known as the use classifications. The purpose of these provisions is to classify land uses into a number of specifically defined types based on common functional characteristics and similar compatibility with other uses, thereby with criteria, which are directly relevant to the public interest. These provisions shall apply throughout the zoning regulations. Where there is a question concerning the appropriate activity classification for any use not listed herein, the Board of Zoning Appeals shall make the determination based upon the characteristics of the unlisted use.

##### A. Listing of Activity Classifications

All activities are hereby classified into the following activity types:

## 1. Residential Activities

### a. Permanent

- Dwelling, Single Detached
- Dwelling, Duplex
- Dwelling, Mobile Home
- Dwelling, Multi-Family
- Mobile Home Park

### b. Semi-Permanent

- Boarding House
- Rooming House

## 2. Community Facility Activities

- Administrative
- Community Assembly
- Community Education
- Cultural and Recreation Services
- Essential Service
- Extensive Care
- Health Care
- Intermediate Impact
- Personal and Group Care Facilities
- Religious Facilities

## 3. Commercial Activities

- Animal Care and Veterinarian Services
- Automotive Parking
- Automotive Service and Repair
- Building Materials and Farm Equipment
- Consumer Repair Services
- Construction Sales and Services
- Convenience Commercial
- Entertainment and Amusement Services
- Financial, Consulting, and Administrative
- Food and Beverage Service
- Food Service – Drive-In
- General Business and Communication Services
- General Personal Service
- General Retail Trade
- Group Assembly
- Medical and Professional Services
- Transient Habitation

- r. Transport or Warehousing
- s. Undertaking Services
- t. Vehicular, Craft, and Related Equipment
- u. Sales, Retail, and Delivery
- v. Wholesale Sales

#### 4. Manufacturing Activities

- a. Limited
- b. Intermediate
- c. Extensive

#### 5. Agricultural, Resources Production, and Extractive Activities

- a. Agricultural Services
- b. Crop, Animal, and Poultry Raising
- c. Mining and Quarrying
- d. Commercial Feed Lots and Stockyards

### B. Accessory Uses

In addition to the principal activities expressed above, each activity type shall be deemed to include activities customarily associated with, and appropriate, incidental, and subordinate to the principal activity. The accessory uses permitted are presented with the regulation section of each district as set forth in this zoning ordinance.

### C. Residential Activities

#### 1. Permanent Residential

The occupancy of living accommodations on a monthly or longer basis with none of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis. This shall not include institutional living arrangements involving the provision of any kind of special care or forced residence such as nursing homes, orphanages, asylums, half-way houses or prisons, except as provided by general law of the state. The following dwelling types as defined by this ordinance are permanent residential activities; however, only those dwelling types as indicated by individual district regulations may be permitted therein.

- a. Dwelling, Single Detached
- b. Dwelling, Duplex
- c. Dwelling, Mobile Home
- d. Dwelling, Multi-Family (apartment, townhouse)
- e. Mobile Home Park

#### 2. Semi-Permanent Residential

The occupancy of living accommodations partly on a monthly or longer basis and partly for a shorter time period, but with less than thirty (30) percent of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis. This shall not include institutional living arrangements involving the provision of a special kind of care or forced residence, such as nursing homes, orphanages, asylums, half-way houses, and prisons, except as provided by general law of the state. The following dwelling or rooming unit types as defined by this ordinance are considered as semi-permanent residential activities; however, only those dwelling or rooming unit types as indicated by individual district regulations may be permitted therein.

- a. Boarding House
- b. Rooming House

#### D. Community Facility Activities

##### 1. Administrative Services

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

- a. City, County, State, and Federal Offices
- b. Civil Defense Facilities
- c. Court Buildings
- d. Fire Department Facilities
- e. Police Department Facilities
- f. Post Offices

##### 2. Community Assembly

The 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:

- a. Civic, Social, Fraternal, and Philanthropic Associations
- b. Private(nonprofit) Clubs, Lodges, Meeting Halls, and Recreational Centers
- c. and Recreational Centers
- d. Temporary Nonprofit Festivals

##### 3. Community Education

The activities typically performed by the following institutions:

- a. Public and Private Nursery Schools
- b. Kindergarten, Primary and Secondary Schools

#### 4.Cultural and Recreational Services

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

- a. Art Galleries
- b. Libraries
- c. Museums
- d. Parks, Playgrounds, and Playfields
- e. Planetariums and Aquariums
- f. Recreational Centers and Gymnasium
- g. Swimming Pools and Beaches
- h. Zoological and Botanical Gardens

#### 5.Essential Services

Includes the maintenance and operations of the following installations:

- a. Electrical and Gas Substations
- b. Electrical, Gas, Water, and Sewer Distribution and Collection Lines
- c. Public Transport, Utility and Communication Towers
- d. Pumping Facilities for Water and Sewer Systems
- e. Rights-of-Way for Transportation Modes
- f. Telephone Switching Facilities

#### 6.Extensive Impact Facilities

The activities that have a high degree of impact upon surrounding land uses due to their hazards or nuisance characteristics, as well as traffic generation, parking, and land requirements and typically performed by, or the maintenance and operation of, the following institutions and installations:

- a. Airports, Air Cargo Terminals, Heliports, or Other Aeronautical Devices
- b. Correction and Detention Institutions
- c. Electricity Generating Facilities and Transmission Lines
- d. Garbage Incineration Plants, Including Cogeneration Facilities;
- e. Sanitary Landfills
- f. Major Fuel Transmission Lines and Facilities
- g. Major Mail Processing Centers

- h. Military Installations
- i. Public and Private Utility Corporations and Truck Yards, Including Storage Yards
- j. Railroad Yards and Other Transportation Equipment Marshaling and Storage Yards

#### 7. Health Care Facilities

Includes the activities typically performed by the following institutions but not including the offices, clinics, etc., of private physicians or other healthcare professionals:

- a. Centers for Observation or Rehabilitation
- b. Convalescent Homes
- c. Hospitals
- d. Medical Clinics

#### 8. Intermediate Impact Facilities

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

- a. Cemeteries, Columbarium's, and Mausoleums
- b. Colleges, Junior Colleges, and Universities, but Excluding Profit-Making Business Schools
- c. Commercial Boat Docks, Marinas, and Yacht Clubs
- d. Golf Courses
- e. Water Storage Facilities, Water and Sewage Treatment Plants
- f. Radio and TV Transmission Facilities
- g. Country Clubs

#### 9. Personal and Group Care Facilities

The activities and facilities to provide for the care of pre-teenage children, disabled and handicapped persons needing special care or supervision, care for the elderly and other individuals requiring supervised care, but excluding facilities for delinquent, criminally dangerous, or psychotic people. These activities would include:

- a. Applications for Physically or Mentally Handicapped Persons
- b. Day Care Centers
- c. Group Homes for Physically or Mentally Handicapped Persons



- d. Nursing Homes
- e. Retirement or Rest Homes
- f. Orphanages

10. Religious Facilities

- a. Chapels
- b. Churches
- c. Convents or Monasteries
- d. Sanctuaries
- e. Synagogues
- f. Temples

E. Commercial Activities

1. Animal Care and Veterinarian Services

- a. Include the provisions of animal care, treatment, and boarding services.
- b. Veterinarian Clinics and Kennels

2. Automotive Parking

- a. Includes the parking and/or storage of motor vehicles but excluding junk or scrap vehicles.
- b. Auto Parking Lots
- c. Parking Garages

3. Automotive Services and Repair

Includes the sale, from the premises, of good and the provision of services which are generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs, as well as clean-up, painting and repair of automotive vehicles, including body work and installation of accessories.

- a. Auto Cleaning and Repair Services
- b. Auto Glass Repair and Replacement Shops
- c. Auto Inspection and Diagnostic Services
- d. Auto Paint Shops
- e. Auto Towing Services
- f. Car Washes
- g. Gasoline, Fuel, and Oil Sales and Service
- h. Radiator and Muffler Shop
- i. Tire Retreading and Repair Shops
- j. Wheel Alignment and Transmission Repair Shops

4. Building Materials and Farm Equipment

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

- a. Farm Equipment and Supplies
- b. Feed Milling and Sales
- c. Heating, Plumbing, and Electrical Supplies
- d. Lumber and other Building Material Dealers
- e. Retail Nurseries, Lawn and Garden Supply Stores
- f. Seed Storage and Sales

#### 5.Consumer Repair Services

Include the servicing and repair of appliance, furniture, and equipment generally used or owned by individuals, not including the repair of any type of automobile.

- a. Blacksmith Shops
- b. Electrical Repair Shops
- c. Gunsmith Shops
- d. Instrument Repair Shops
- e. Locksmith Shops
- f. Office Equipment Cleaning and Repair
- g. Re-upholstery and Furniture Repair
- h. Saddlery Repair Shops
- i. Watch, Clock, and Jewelry Repair
- j. Lawn Mower Repair Shop

#### 6.Construction Sales and Services

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

- a. Builder's Hardware
- b. Carpentering Contractors
- c. Concrete Contractors
- d. Excavation Contractors
- e. General Building Contractors
- f. Glazing Contractors
- g. Highway and Street Construction Contractors
- h. Masonry, Stonework, Tile Setting, and Plastering Contractors
- i. Painting, Paper Hanging, and Decorating Services
- j. Plumbing, Heating, and Electrical Contractors
- k. Roofing and Sheet Metal Contractors

## 7. Convenience Commercial

Includes the retail, sale, from the premises, of groceries, drugs, and other frequently needed personal convenience items, as well as the provision of personal convenience services which are typically needed frequently or recurrently, provided that no establishment shall exceed five thousand (5,000) square feet of gross floor area.

- a. Barber Shops
- b. Beauty Shops
- c. Drug Stores
- d. Fruit and Vegetable Markets
- e. Grocery Stores
- f. Hardware Stores (no outside storage)
- g. Laundry and Dry-Cleaning Pick-up Stations
- h. Liquor Stores
- i. News Stands
- j. Self-Service Gasoline Pumps
- k. Tobacco Shops

## 8. Entertainment and Amusement Services

Include the provisions of cultural, entertainment, educational, and athletic services, other than those classified as Community Facility Activities, to assembled groups of spectators or participants.

- a. Art Galleries (Commercial)
- b. Batting and Golf Driving Ranges
- c. Bowling Alleys and Billiard Parlors
- d. Coin Operated Amusement Arcades
- e. Dance Halls and Studios
- f. Exhibition Halls and Auditoriums
- g. Recording and TV Production Services
- h. Skating Rinks
- i. Theaters
- j. Theatrical Produces, Bands, Orchestras, and Entertainment

## 9. Financial, Consulting, and Administrative Services

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

- a. Agricultural Credit Institution

- b. Banking and Bank-Related Functions
- c. Credit Unions
- d. Holding and Investment Organizations
- e. Insurance Carriers, Agents, Brokers, and Service
- f. Money Management and Investment Offices
- g. Real Estate Brokers, Managers and Appraisers
- h. Rediscount and Financing Institutions for Credit Agencies
- i. Other Than Banks
- j. Savings and Loan Associations
- k. Securities Commodities, Brokers, Dealers, and Exchanges
- l. Title Offices

10. Food and Beverage Services

Include the retail sale of prepared food or beverages for primarily on-premises consumption within the principal structure on the zone lot.

- a. Restaurants
- b. Taverns

11. Food Service Drive-In

Includes the retail sale of prepared food or beverages for either home or on premises consumption either within the principal structure or within a parked car on the same zone lot.

- a. Drive-In Restaurant
- b. Fast Food Restaurants with Drive-Thru Service

12. General Business and Communication Services

Include the provisions of service of a clerical, goods brokerage, and communications of a minor processing nature, copying and blueprinting services, custom printing (except books) but include the sale and/or storage of goods and chattel unless otherwise permitted by this ordinance.

- a. Advertising Agencies and Services
- b. Commercial Cleaning Services
- c. Commercial Testing Laboratories
- d. Communications Services
  - Radio and Television Broadcasting Studios
  - Telegraph Offices and Message Centers
  - Telephone Exchanges and Relay Towers
  - Television and Recording Production Studios
- e. Computer and Data Processing Services

- f. Credit Reporting, Adjustment, and Collection Agencies
- g. Detective Agencies and Protective Services
- h. Drafting Services
- i. Employment, Personnel, and Temporary Help Services
- j. Exterminating Services
- k. Interior Decorator and Consulting Services
- l. Mailing, Reproduction, and Public Relations Services
- m. Membership Organizations
  - Automobile Clubs
  - Better Business Bureaus
  - Chamber of Commerce
  - Labor Unions
  - Political Organizations
  - Professional Associations
- n. News Syndicates
- o. Photofinishing Services
- p. Research and Development Laboratories
- q. Trading Stamp Services
- r. Travel Agencies
- s. Vehicular and Equipment Rental and Leasing Services

### 13. General Personal Service

Include the provision to individuals of informational and instructional services as well as the provision of care and maintenance for personal items. These activities do not include the storage or sale of goods or chattel unless otherwise permitted herein.

- a. Catering Services
- b. Laundry, Cleaning, and Garment Services
- c. Miscellaneous Personal Services
- d. Clothing Rental Agencies
  - Health Spas
- e. Photographic Studios
- f. Shoe Repair and Hat Cleaning Shops
- g. Special Training and Schooling Services
  - Art and Music Schooling Services
  - Barber and Beauty Schools
  - Business Schools
  - Dancing Schools/Exercise Studios
  - Driving Schools

### 14. General Retail Trade

Includes the retail sales or rental from the premises, primarily for personal or household use, of good and/or services but excluding goods and services listed in the other classifications herein.

- a. Antique and Second-Hand Merchandise Stores
- b. Automotive Parts (No exterior storage)
- c. Book and Stationery Stores
- d. Camera Stores
- e. Candy, nut and Confectionery Stores
- f. Children's and Infant's Stores
- g. Dairy Products Stores
- h. Department Stores
- i. Drapery, Curtain, and Upholstery Stores
- j. Drug Stores and Proprietary Stores
- k. Family Clothing Stores
- l. Floor Covering Stores
- m. Florists
- n. Fruit Stores and Vegetable Markets
- o. Furniture Stores
- p. Furriers and fur shops
- q. Gift Shops
- r. Grocery Stores
- s. Hardware Stores
- t. Hobby, Toy, and Game Stores
- u. Household Appliance Stores
- v. Jewelry Stores
- w. Liquor Stores
- x. Luggage Shops
- y. Meat and Seafood Markets
- z. Men's and Boy's Clothing and Furnishing Stores
- aa. Miscellaneous Apparel and Accessory Stores
  - Bathing Suit Stores
  - Custom Tailors
  - Sports Apparel Stores
  - Uniform Stores
- bb. Miscellaneous General Merchandise Stores
  - Direct Selling Organizations
  - Mail Order Houses
- cc. Miscellaneous Home Furnishing Stores
  - Bedding and Linen Stores
  - Cookware Stores
  - Cutlery Stores
  - Glassware and China Shops
  - Lamp and Shade Shops
  - Paint and Wallpaper Stores
- dd. Music Stores
- ee. News Stands
- ff. Radio and Television Stores
- gg. Retail Bakeries

- hh. Sewing and Piece Goods Stores
- ii. Shoe Stores
- jj. Sporting Goods Stores
- kk. Tobacco Shops
- ll. Variety Stores
- mm. Women's Accessory and Specialty Stores
- nn. Women's Read-to-Wear Store

15. Group Assembly

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

- a. Amusement Parks
- b. Commercial Camp Grounds
- c. Commercial Resorts
- d. Commercial Sports Arenas and Playing Fields
- e. Drag Strips
- f. Race Tracts (Auto, Motorcycle, Dog, and Horse)

16. Medical and Professional Services

Includes the provision of therapeutic, preventive, or corrective personal treatment services by physicians, dentists, and other practitioners, as well as testing and analysis and the offices of various other professionals, the service of which is provided in an office environment.

- a. Accounting, Auditing, and Bookkeeping Services
- b. Art Studios (Excluding Commercial Artists)
- c. Attorneys and Law Offices
- d. Chiropractor Offices
- e. Consulting Scientists
- f. Dental Offices and Laboratories
- g. Educational and Scientific Research Services
- h. Engineering and Architectural Services
- i. Optometrists
- j. Physicians' Offices and Clinics (Out Patient Services)
- k. Physiologists and Psychotherapists
- l. Songwriters and Music Arrangers
- m. Urban Planning Services
- n. Writers and Lectures

17. Transient Habitation

Includes the provision of lodging services to transient guests, having at least

seventy (70) percent of its accommodation available on a less-than-weekly basis, other than those classified as residential activities.

- a. Hotels
- b. Motels
- c. Tourist Courts
- d. Bed and Breakfasts

#### 18. Transport and Warehousing

Includes the provision of warehousing, storage, freight handling, shipping, and trucking services.

- a. Bus and Truck Maintenance and Repair
- b. Food Lockers
- c. General Warehousing
- d. Household Good Storage
- e. Packing and Cheating Services
- f. Railroad, Bus and Transient Terminals
- g. Refrigerated Warehousing
- h. Truck Terminals Freight Handling Services

#### 19. Undertaking Services

Include the provision of undertaking and funerals services involving the care and preparation of the human deceased prior to burial.

- a. Funeral and Crematory Services

#### 20. Vehicular, Craft, and Related Equipment

Includes the retail or wholesale sale or rental from the premises of vehicular and related equipment with incidental maintenance.

- a. Boat and Motor Dealers
- b. Mobile Home Dealers
- c. Motor Vehicle Dealers
- d. Motorcycle Dealers
- e. Recreational Vehicle and Utility Trailer Dealers

#### 21. Wholesale Sales

Includes the storage and sale from the premises of goods to other firms for resale, as well as the storage of goods and their transfer to retail outlets; but exclude sale or storage of motor vehicles, except for the parts and accessories. These would include such uses as:



- a. Apparel, Piece Goods, and Notions
- b. Beer, Wine, and Distilled Alcoholic Beverages
- c. Chemicals and Allied Products
- d. Drugs, Drug Proprietaries, and Sundries
- e. Electrical Goods and Appliances
- f. Farm Products Raw Materials
- g. Farm Supplies
- h. Furniture and Home Furnishings
- i. Groceries and Related Products
- j. Hardware, Plumbing, and Heating Equipment and Supplies
- k. Lumber and Other Construction Materials
- l. Machinery, Equipment, and Supplies
- m. Metals and Minerals
- n. Motor Vehicles and Automotive Parts and Supplies
- o. Paper and Paper Products
- p. Petroleum and Petroleum Products
- q. Sporting, Recreational, Photographic, and Hobby Goods
- r. Tobacco and Tobacco Products
- s. Toys and Supplies

F. Manufacturing Activities

Manufacturing activities include the on-site production of goods by methods other than agricultural or extractive in nature.

1. Limited Manufacturing Activities

Include the following operations:

- a. The manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of the following products:
  - Apparel and Accessories
  - Art Objects
  - Bakery Goods
  - Beverages
  - Dairy Products
  - Instruments for Scientific, Medical, Dental, Engineering, and Other Professional Purposes
  - Optical Instruments and Lens
  - Printed Matter
  - Signs

b. Activities and operations which include the following:

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

## 2. Intermediate Manufacturing Activities

Include the following:

a. The manufacture, compounding, processing, assembling, packaging, treatment or fabrication of products, except for the following:

- Cotton Seed Oil
- Explosives
- Fireworks
- Organic Fertilizers

b. Other activities and operations, except for the following:

- Abrasive, Asbestos, and Nonmetallic Mineral Processing
- Arsenals
- Asphaltic Cement Plants
- Atomic Reactors
- Automobile Wrecking Yards, Scrap and Waste Materials
- Cement and/or Concrete Plants
- Chemical Manufacturing more than One (1) Ton Per Day
- Cotton Ginning
- Fat Rendering
- Foundries
- Grain Milling
- Junk Yards

- Offal Processing
- Ore Reduction
- Paper Mills
- Petroleum Refining
- Pulp Manufacturing
- Rolling and Finishing Ferrous Materials
- Slaughtering of Animals
- Smelting and Refining of Metals and Alloys
- Steel Works (Other than those listed)
- Tanning
- Solid Waste Landfills (generated on site only)

### 3. Extensive Manufacturing Activities

- a. Include all intermediate manufacturing activities (described above) and the exceptions listed above, except as follows:

- Arsenals
- Atomic Reactors
- Explosives Manufacturing and Storage
- Fireworks Manufacturing
- Hazardous Wastes Storage and/or Transfer
- Radioactive Waste Handling
- Solid Waste Landfills
- Solid Waste Incinerators, Including Hospital and Medical Waste
- Biosolids- handling and distribution

The above exceptions are Special Impact Facilities and are permitted only as such in the appropriate district.

## G. Agricultural, Resources Production, and Extractive Activities

### 1. Agricultural Services

Include Various activities designed to provide needed services for agricultural uses and are appropriately located in close proximity thereto.

- a. Crop Drying, Storage, and Processing
- b. Crop Planting, Cultivating, and Protection Services
- c. Horticultural Services
- d. Soil Preparation Services
- e. Riding Stables
- f. Livery Stables

## 2. Commercial Feed Lots and Stockyards

Include facilities and operations involved in the storage and feeding (other than pasture grazing) of animals for resale or slaughter.

## 3. 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.

- a. Dairies
- b. Farms
- c. Raising of Plants, Animals, and Fish
- d. Truck Gardens

## 4. Mining, Drilling, and Quarrying

Includes drilling operations and facilities either utilized by, or in support of the extractions of minerals, ores, petroleum, and natural gas or in the quarrying and collection of stone, gravel, sand, clay, and other nonmetallic minerals.

- a. Chemical Fertilizer and Nonmetallic Mineral Mining
- b. Clay, Ceramic, and Refractory Minerals
- c. Coal Mining
- d. Crude Petroleum and Natural Gas Production
- e. Metal Ore and Mineral Mining
- f. Sand and Gravel Quarrying
- g. Stone Quarrying

## 5. Plant and Forest Nurseries

- a. Includes the cultivation for sale of horticultural specialties, such as flowers, shrubs, and trees, intended for ornamental, landscaping, or tree planting purposes.
- b. Forest Nursery
- c. Plant Nursery

## ARTICLE VII

### ADMINISTRATION AND ENFORCEMENT

#### SECTION

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

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

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

- A. Issue all building permits and make and maintain records thereof.
- B. Conduct all Inspections of Compliance and make and maintain records thereof.
- C. Issue and renew, where applicable all Temporary Use Permits and make and maintain records thereof.
- D. Maintain and keep current zoning maps and records of amendments thereto.
- E. Receive, file and forward to the Board of Zoning Appeals all applications for variances, appeals or other matters on which the Board is required to act.
- F. Conduct inspections as required in this resolution and such other inspections as are necessary to insure compliance with the various other general provisions of this

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

7.030. Zoning compliance permit (Building Permits).

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

A Application

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

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

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

- 1. Less than 3 stories in height.
- 2. Less than 5,000 sq. ft. in total gross area.
- 3. Is a one- or two-family dwelling or domestic out building
- 4. Farm buildings not designed or intended for human habitation.
- 5. Except as stated above, all other plans must be "sealed plans", that is plans prepared by a registered architect or engineer.
- 6.

C. Fees.

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

1. A building permit fee may be doubled if any construction is begun before obtaining a permit, and; **(Added by Resolution 08-19, May 23<sup>rd</sup>, 2008)**
2. A reinspection fee of fifty dollars (\$50.00) is allowed where an inspection is requested, and the structure is not ready to be inspected. **(Added by Resolution 08-19, May 23<sup>rd</sup>, 2008)**

D. Issuance of Permit.

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

E. Construction Progress.

Any Building Permit issued becomes invalid if work authorized is not commenced within twelve (12) months of the date of issuance or if the work authorized by the permit is suspended or discontinued for a period of one (1) year.

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

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

7.060. Procedure for authorizing special exceptions. The following procedure is established to provide procedures for review of a proposed use as a conditional use or special exception by the Board of Zoning Appeals. The procedure shall be the same whether review is required under Sections 13-7-107 and 13-7-108 of the Tennessee Code Annotated, by this resolution, or whether a review is requested by the Building Commissioner to determine whether a proposed use is potentially noxious, dangerous or offensive.

A. Application.

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

material pertinent to the request which the Board may require.

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

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

C. Criteria for Review.

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

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

D. Restrictions.

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



E. Validity of Plans.

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

F. Time Limit.

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

7.070. County Board of Zoning Appeals. A Hickman County Board of Zoning Appeals is hereby established in accordance with 13-7-106 through 13-7-109 of the Tennessee Code Annotated. The Board of Zoning Appeals shall consist of five (5) members appointed by the Hickman County Commission. The Board members shall be appointed to five-year terms; however, the initial appointments shall be arranged so that the term of one (1) member will expire each year.

A. Procedure.

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

B. Appeals to the Board.

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

C. Stay of Proceedings.

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

D. Appeal to the Court.

Any person aggrieved by any decision of the Board may seek review by a court of competent jurisdiction of such decision in a manner provided by the laws of the State of Tennessee.

E. Powers of the Board.

The Board of Zoning Appeals shall have the following powers:

1. Administrative Review.

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

2. Special Exceptions.

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

3. Variances.

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

7.080. Variances. The purpose of this variance is to modify the strict application of the specific requirements of this resolution in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. Variances shall be granted from zoning restrictions such as heights, setback and lot density where such variances are reasonable and necessary to assure unobstructed access to direct sunlight. Variances shall not be granted which would cause an unreasonable obstruction of direct sunlight to adjacent property if there is a reasonable probability of utilization of passive or active solar radiation on said adjacent property. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this resolution.

A. Application.

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

B. Variance Fee.

A fee as established from time-to-time by the Hickman County Commission shall be charged to cover partial review and processing of each application for a variance, except that the fee shall be waived for a governmental agency.

C. Hearings.

Upon a receipt of the application and fee, the Board shall hold a hearing to decide whether a variance is, in fact, necessary to relieve unnecessary hardships which act

to deprive the property owner of the reasonable use of his land. The Board shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below.

D. Standards for Variances.

In granting a variance, the Board shall ascertain that the following criteria are met.

1. Variances shall be granted only where special circumstances or conditions, fully described in the finding of the Board, do not apply generally in the district.
2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.
3. For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this resolution would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.
4. The granting of any variance shall be in harmony with the general purposes and intent of this resolution and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.
5. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the persons applying therefore.
6. Variances shall not be granted within any flood prone area if an increase in the level of the 100-year flood would result from the proposed development.

7.090. Amendments.

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

(e) Before finally adopting any such amendment, the County Commission shall hold a public hearing thereon, at least 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 County. **(Amended by Resolution No. 05-42, October 24, 2005)**

(f) Zoning Amendment and Rezoning Fees.

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

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

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

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

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

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

Certified by the Hickman County Regional Planning Commission

5-10-05  
Date

Polly Dyer  
Secretary

Date of Passage of Resolution by the Hickman County Commission

7-18-05  
Date

[Signature]  
County Mayor



**APPENDIX A**  
**RESOLUTION NO. 06-36**  
**AIRPORT ZONING**

## **AIRPORT ZONING PROVISIONS**

### **A. Statutory Authorization**

This resolution shall be known and may be cited as the Hickman County Airport Zoning Resolution.

### **B. Definitions**

As used in this resolution, unless the context otherwise requires:

AIRPORT – The Centerville Municipal Airport.

AIRPORT ELEVATION – Seven hundred-sixty-eight (768) feet above mean-sea-level.

APPROACH SURFACE – A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Subsection D, of this resolution. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES – These zones are set forth in Subsection C, of this resolution.

BOARD OF APPEALS – The duly appointed Centerville Board of Zoning Appeals to hear and decide on issues related to adjustments, appeals, special exceptions or variances to the established zoning resolution. The Board of Appeals may also be referred to as the Board of Zoning Appeals.

COINCAL SURFACE – A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of four thousand (4,000) feet.

HAZARD TO AIR NAVIGATION – An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable air space.

HEIGHT – For the purpose of determining the height limits in all zones set forth in this resolution and shown on the zoning map, the datum shall be mean-sea-level elevation, unless, otherwise, specified.

HORIZONTAL SURFACE – A horizontal plane one hundred-fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

LARGER THAN UTILITY RUNWAY – A runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand-five hundred (12,500) pounds maximum gross weight and jet powered aircraft.



NONCONFORMING USE— Any pre-existing structure, object of natural growth, or use of land that is inconsistent with the provisions of this resolution or an amendment, thereto.

NONPRECISION INSTRUMENT RUNWAY – A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

OBSTRUCTION – Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Subsection D, of this resolution.

PERSON – An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or similar representative of any of them.

PRIMARY SURFACE – A surface longitudinal centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. The width and elevation of the primary surface is set forth in Subsection C, of this resolution.

RUNWAY – A defined area on an airport prepared for landing and take-off of aircraft along its length.

STRUCTURE – An object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, cranes, smoke-stakes, earth formations, and overhead transmission lines.

TRANSITIONAL SURFACES – These surfaces extend outward at ninety (90) degree angles to the runway center line and the runway center line extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces.

TREE – Any object of natural growth.

UTILITY RUNWAY—A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

VISUAL RUNWAY – A runway intended solely for the operation of aircraft using visual approach procedures.

### **C. Airport Overlay Districts**

In order to carry out the provisions of this resolution, there are, hereby, created and established certain surfaces that include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Centerville Airport. Such surfaces are to be included as overlay districts to the existing Official Zoning map of Hickman County, Tennessee. An area located in more than one of the following surfaces is considered to be only in the surface with the more restrictive height limitation. The various airport overlay districts are, hereby, established and defined as follows:

#### **1. Primary Surface**

Established as the imaginary surface five hundred (500) feet wide, longitudinally centered on the runway and extends a length of two hundred (200) feet beyond each end of the runway. The elevation of any point on the longitudinal profile on the primary surface coincides with the elevation of the center line of the runway. The highest determined elevation of the Centerville Airport is seven hundred-sixty-eight (768) feet above mean-sea-level.

2. Horizontal Surface

All the airspace that lies directly under an imaginary horizontal surface one hundred-fifty (150) feet above the established airport elevation, or a height nine hundred-eighteen (918) feet above mean-sea-level. The horizontal surface is, hereby, established as being an area defined by two semi-circles, each having a radius point located two hundred (200) feet beyond the runway ends and on the runway center line extended, the radius of each semi-circle being ten thousand (10,000) feet; and lines parallel with the runway center line connecting the semi-circles. The horizontal surface does not include the approach/departure surface and the transitional surface.

3. Conical Surface

All the airspace that lies directly under an imaginary surface extending upward and outward from the periphery of the horizontal surface at a slope of twenty to one (20:1) (20 feet outward for each foot upward) and extending to a height of three hundred-fifty (350) feet above the airport elevation (or one thousand-one hundred eighteen (1,118) feet above mean-sea-level).

4. Approach/Departure Surface (Utility Runway, Non-precision)

An approach/departure surface is established at each end of the runway which shall have a width of five hundred (500) feet at a distance two hundred (200) feet beyond each end of the runway, widening, thereafter, uniformly to a width of three thousand-five hundred (3,500) feet at a distance of ten thousand-two hundred (10,200) feet beyond the end of the runway, its center line being the continuation of the center line of the runway. The approach/departure surface inclines upward from the base elevation at a slope of twenty to one (20:1) (20 feet outward for each foot upward) at the end of the runway.

5. Approach/Departure Surface (Utility Runway, Visual)

An approach/departure surface is established at each end of the runway which shall have a width of five hundred (500) feet at a distance two hundred (200) feet beyond each of the runway, widening, thereafter, uniformly to a width of three thousand- five hundred (3,500) feet at a distance of ten thousand-two hundred (10,200) feet beyond the end of the runway, its center line being the continuation of the center line of the runway. The approach/departure surface inclines upward from the base elevation at a slope of twenty to one (20:1) (20 feet outward for each foot upward) at the end of the runway.

6. Transitional Surface

All the airspace which lies directly under an imaginary surface extending upward and outward perpendicular to the runway center line (and extended runway center

line) at a slope of seven to 1 (7:1) from the sides of the primary surface and approach/departure surface until they intersect the horizontal surface.

**D. Height Limitations**

Except as, otherwise, provided in the resolution, no structure shall be erected, altered, or maintained and no tree shall be allowed to grow in any zone created by this resolution to a height in excess of the applicable height, herein, established for such zone. Such applicable height limitations are, hereby, established for each of the zones in question as follows:

1. Approach/Departure Zones (Utility Runway)

*Runway 02 (Non-Precision)* -One foot in height for each twenty (20) feet in horizontal distance beginning at a point of two hundred (200) feet beyond and at the elevation of the end of the runway extending to a point ten thousand-two hundred (10,200) feet from the end of the runway.

*Runway 20 (Visual)*-One foot in height for each twenty (20) feet in horizontal distance beginning at a point of two hundred (200) feet beyond and at the elevation of the end of the runway extending to a point ten thousand-two hundred (10,200) feet from the end of the runway.

2. Transition Zones

One foot in height for each seven (7) feet in horizontal distance beginning at a point two hundred-fifty (250) feet normal to and at the elevation of the center line of the runway extending two hundred (200) feet beyond each end, thereof, and extending to a maximum height of one hundred-fifty (150) feet above the established airport elevation which is seven hundred-sixty eight (768) feet above mean-sea-level. In addition to the foregoing, there are established height limits of one foot vertical for each seven (7) feet horizontal distance measured from the edges of all approach zones extending upward and outward to the points where they intersect the horizontal surface.

3. Horizontal Zone

One hundred-fifty (150) feet above the established airport elevation or a maximum of nine hundred-eighteen (918) feet above mean-sea-level.

4. Conical Zone

One foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zone extending to a height three hundred-fifty (350) feet above the airport elevation or one thousand-one hundred eighteen (1,118) feet above mean-sea-level.

5. Except Height Limitations

Nothing in this resolution shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to fifty (50) feet above the surface of the land.

**E. Use Restrictions**

Notwithstanding any other provisions of this resolution, no use may be made of land or water within any zone established by this resolution in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or, otherwise, in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

**F. Nonconforming Uses**

1. Regulations Not Retroactive

The regulations prescribed in this resolution shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations on the effective date of this resolution, or, otherwise, interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change on the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this resolution and is diligently prosecuted.

2. Marking and Lighting

Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is, hereby, required to request a permit for the installation, operation, and maintenance, thereon, of such markers and lights as shall be deemed necessary by the Centerville Airport Board to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Centerville (Centerville Municipal Airport).

**G. Administration**

1. Future Uses

Except as specifically provided in A, B, and C, hereunder, no material change shall be made in the use of land, no structure shall be erected or, otherwise, established, and no tree shall be planted in any zone, hereby, created, unless a permit, therefore, shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations, herein, prescribed. If such determination is in the affirmative, the permit may be granted. No permit for a use inconsistent with the provisions of this resolution shall be granted, unless the Board of Appeals has approved a variance in accordance with the provisions of the applicable Hickman County Zoning Resolution.

- a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than fifty (50) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

- b. In areas lying within the limits of the approach zones, but at a horizontal distance of four thousand-two hundred (4,200) feet or more from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such transition zones.
- c. In areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features would extend above the height limit prescribed for such transition zones.
- d. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any tree or structure in excess of any of the height limitations established by this resolution.

2. Existing Uses

No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this resolution or any amendments, thereto, or than it is when the application for such a permit is made. Except as indicated, all applications for such a permit may be granted.

- a. Non-conforming Uses Abandoned or Destroyed—Whenever the building official determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from these regulations.
- b. Variances—Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this resolution, may apply to the Board of Zoning Appeals for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this resolution. Additionally, no application for variance to the requirements of this resolution may be considered by the Board of Zoning Appeals unless a copy of the application has been furnished to the Centerville Municipal Airport Board for advice as to the aeronautical effects of the variance. If the Centerville Municipal Airport Board does not respond to the application within fifteen (15) days after receipt, the Board of Zoning

Appeals may act on its own to grant or deny said application.

- c. Obstruction Marking and Lighting—Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this resolution and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owners' expense, such markings and lights as may be necessary. If deemed proper by the Board of Zoning Appeals, this condition may be modified to require the owner to permit the Town of Centerville at its own expense, to install, operate, and maintain the necessary markings and lights.

3. Permit Issuance

The Centerville Airport Board shall serve in an advisory capacity to the approving authority of zoning permit issuance on all new construction, and the alteration or maintenance of any existing tree or structure in the approach zones and transition zones requiring a permit under the provisions of this resolution. All permit applicants shall apply to the Office of the Hickman County Building Commissioner, which has zoning jurisdiction in the territory in question affected by the development or maintenance proposal. Permits shall be issued under the terms and requirements of the pertinent Zoning resolution and the regulations, herein, prescribed. No permit shall be issued until the applicant has provided substantial information regarding the nature of the project, including the precise location, proposed use and height limitation of any and all structures or trees.

4. Enforcement

It shall be the duty of the Hickman County Building Commissioner duly appointed to enforce the zoning codes and to administer, inspect, and enforce the provisions set forth in this resolution.

5. Appeals and Adjustments

Applicants may seek adjustments, appeals, special exceptions and interpretations to this resolution through the Board of Zoning Appeals in Hickman County, which has zoning jurisdiction over the territory in question. The Centerville Airport Board and the Hickman County Regional Planning Commission may make recommendations to the Board of Zoning Appeals.

6. Penalties

Any violation of this resolution or any regulation, order, or ruling promulgated, hereunder, shall be issued penalties as prescribed within the Hickman County Zoning Resolution, which has jurisdiction over the territory in question.

**H. Validity and Interpretation**

1. Conflicting Regulations

Where there exists a conflict between any of the regulations or limitations prescribed in the resolution and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use

of land, or any matter, the more stringent limitation or requirement shall govern and prevail.

2. Severability

If any of the provisions of this resolution or the application, thereof, to any person or circumstances are held invalid, such invalidity shall not affect without the invalid provision or application, and to this end, the provisions of this resolution are declared to be severable.