

**ZONING RESOLUTION  
OF  
BEDFORD COUNTY, TENNESSEE**

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

**Effective Date  
January 14, 1998**

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**ARTICLE I**  
**ENACTMENT**

**SECTION**

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

1.010. Authority. A resolution, in pursuance of the authority granted by Sections 13-7-101 through 13-7-117, Tennessee Code Annotated to regulate, in the portions of Bedford County, Tennessee, which lie outside of the municipal corporation:

- a. the location, height, bulk, number of stories and size of buildings and other structures;
- b. the percentage of the lot which may be occupied;
- c. the sizes of yards, courts and other open spaces;
- d. the density and distribution of population;
- e. the 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;
- f. to provide for the orderly and reasonable uses of solar, wind, water and other possible energy sources in the interest of public health, safety and general welfare;
- g. to provide methods of administration of this resolution; and
- h. to prescribe penalties for the violation thereof.

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

1.030. Enactment. WHEREAS, Section 13-7-101 through 13-7-117 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 13-7-117 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 BEDFORD COUNTY, TENNESSEE, THAT "THE ZONING RESOLUTION OF BEDFORD COUNTY, TENNESSEE", BE ENACTED INTO LAW.

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

- a. enhancing the character and stability of 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 Bedford County, Tennessee;
- k. to protect the safety of the citizens of the County;
- l. to protect the natural resources of the land, such as the Duck River Basin.

## ARTICLE II

### GENERAL PROVISIONS

#### SECTION

- 2.010 Scope
- 2.020 Only one (1) principal building on any lot
- 2.030 Lot must abut a public street
- 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
- 2.100 Corner lots

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

**2.020. Only one (1) principle building on any lot.** Only one (1) principal building and its customary accessory buildings may hereafter be erected on any lot. Provided, however, that these provisions shall not apply to apartment dwellings and mobile home parks approved under the provisions of ARTICLE III, Section 3.060 AND planned unit developments (PUD's) approved under the provisions of ARTICLE IV, Section 4.043 of this resolution.

On lots which exceed fifteen (15) acres in the A-1 district, up to two (2) additional dwelling units (for a total of three (3) dwelling units) may be located for those persons owning or operating the premises; members of the immediate family of the owner or operator thereon; or persons employed full-time and their families thereon. The site of each dwelling unit shall meet all minimum lot and yard requirements of the A-1 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) public street for a distance of at least fifty (50) feet, with the fifty (50) feet width extending to the front building setback line of the lot. This section shall not apply to properties abutting a cul-de-sac, which shall abut the street for at least thirty (30) feet; or to properties whose access is provided by a private easement; provided, however, that when a permanent easement to a public street is used as access to a lot or tract of land having been or being separated by deed from other property, such easement shall be at least fifty (50) feet in width, extending the entire length of the permanent easement, from and after the time of adoption of this zoning resolution and shall not be used to provide access to more than one (1) lot or tract of land. This section shall not be construed to prohibit the development of buildings on lots or tracts with permanent access provided by private streets, provided such development is in the form of condominium ownership of such private improvements which has 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 any requirements of the zoning resolution are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

**2.050. Obstruction to vision at street intersection prohibited.** On a corner lot in any district, within the area formed by the center line of intersecting streets and a line joining points on such center lines at a distance of twenty-five feet (25) 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 ½) and ten (10) feet above the center line grades of said intersecting streets. This deemed to prohibit any necessary retaining walls.

**2.060. Access Control.** In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations apply:

A. No curbs, or shoulders on county streets or rights-of-way shall be cut or altered without approval of the Bedford County Road Superintendent, or if a state highway, a permit must be obtained from the Tennessee Department of Transportation.

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

- A. Be customarily incidental to the principal use established on the same lot.
- B. Be subordinate to and serve such principal use.
- C. Be subordinate in area, intent, and purpose to such principal use.
- D. Contribute to the comfort, convenience, or necessity of users of such principal use.
- E. An accessory structure shall also meet the following requirements, where applicable:
  - 1. All accessory structures and uses shall comply with the use limitations applicable in the zoning district in which they are located.
  - 2. In all residential districts, detached accessory structures and uses shall be located in the rear yard not less than ten (10) feet from the principal structure and not less than ten (10) feet from any other accessory structure. In addition, all detached accessory structures and uses shall be located not less than ten (10) feet from all side and rear lot lines. With corner lots, the setback from the secondary (side) street for the accessory structure shall be the same as the front setback for the principal structure in the zoning district in which the structure is located or to be constructed.
  - 3. In all residential districts, attached accessory structures and uses shall maintain the same setbacks as required for the principal structures.
  - 4. In the agricultural district, accessory structures may be located in the front yard at a distance of at least three (3) times the required minimum front setback.

5. In commercial and industrial districts, accessory structures shall comply with the same front, side, and rear yard setbacks as are required for the principal structure(s).
6. Construction trailers used by a building contractor during the construction phase of a building project may not be located less than five (5) feet from any front, side, or rear lot line and must be removed from the job site within 30 days after the completion of the construction project.

**2.080. Site plan requirements for commercial and industrial developments.**

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

B. Proposals for mobile home parks shall follow separate provisions outlined in ARTICLE III, Section 3.060.

C. The above applications must be supported by any other reasonable information or data as might be deemed necessary by the Bedford County Regional Planning Commission.

D. The above applications must be supported by any other reasonable information or data as might be deemed necessary by the Bedford County Regional Planning Commission.

**2.090. Buffer Strips.** Where a use is developed in areas zoned (C-1, C-2, M-1, or M-2) which abuts at any point upon property zoned (A-1, and R-1), the developer of said use shall provide a buffer strip as defined in ARTICLE VII, Section 7.020.

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

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



## ARTICLE III

### SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

#### SECTION

- 3.010 Temporary use regulations
- 3.020 Customary incidental home occupations
- 3.030 Gasoline service station restrictions
- 3.040 Cluster residential development
- 3.050 Development standards for automobile wrecking, junk and salvage yards
- 3.060 Development standards for mobile home parks
- 3.070 Development standards for bed & breakfast homes
- 3.080 Development standards for vehicular storage
- 3.090 Development standards for “Personal structures for use by the property owner”

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

- A. Special Event Vendors: May obtain a Temporary Use Permit in the A-1, C-1, C-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 Sale: May obtain a 30-day Temporary Use Permit for the display and sale of Christmas trees on open lots in any district.
- C. Temporary Buildings: In any district, a Temporary Use Permit may be issued for contractor’s temporary office and equipments sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six-month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon 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 M-1 and M-2 Districts, a Temporary Use Permit may be issued for a tent or other temporary structures to house a religious meeting. Such permit shall be issued for not more than 30-day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.
- E. Temporary Dwelling Unit in Cases of Medical Hardship: In any residential district, a Temporary Use Permit may be issued to place a mobile home (double-wide's excluded) temporarily on a lot which already contains a residential structure, provided that the purpose of such temporary placement shall be to make it possible for a resident of either structure to provide assistance to a person who requires daily assistance due to a physical

or mental disability, and provided further that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community.

An applicant for a Temporary Use Permit as provided under this Subsection must produce a written statement from a physician certifying that the specific disability requires assistance from someone in close proximity as evidence of such disability, and a written statement from the Bedford County Health Department and/or the Utilities System approving the water supply and the sewage disposal system of the proposed temporary structure.

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

The person requiring assistance due to the disabling condition may be a resident of either the temporary or permanent structure. The temporary residence shall be treated as an accessory building.

- F. Temporary Dwelling Unit in Cases of Special Hardship: In any residential district, a Temporary Use Permit may be issued to place a mobile home (double-wide's excluded) temporarily on a lot in which the principal structure was destroyed by fire, explosion, or natural phenomenon. The purpose of such placement temporarily shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent an exceptional hardship on the same. Placement of such temporary structure must not represent a hazard to the safety, health, or welfare to the community. An applicant for Temporary Use Permit as provided under this Subsection must produce a written statement from the Bedford County Health Dept. and/or the Utilities System approving the water supply and sewage disposal systems of the temporary structure. Such permit may be initially issued for nine (9) months. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of eighteen (18) months.
- G. Fireworks: May obtain a Temporary Use Permit in the A-1, C-1, C-2 Districts for a period not to exceed the time-frame as stipulated in the State Fire Marshall's Office Regulations, as well as meeting all other requirements of the State Fire Marshall's Office. Structures utilized for such sales shall be removed when not in use. Such structures must be setback from the edge of the roadway in accordance with those requirements of the zoning district in which the structure is located, but no less than thirty-five (35) feet. Adequate off-street parking must be provided by the applicant so as to prevent traffic congestion or hazardous conditions for parking.

### **3.020. Customary incidental home occupations.**

#### **A. Type I Home Occupations**

A Type I Home Occupation 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 a family residing on the premises or only

one person in addition to those persons residing therein and conducted entirely within the principal dwelling unit. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any structure shall indicate from the exterior that the structure is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory structures. 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 or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation. Type I Home Occupations will require a special exception permit from the Board of Zoning Appeals.

### **B. Type II, Home Occupations**

The purpose of the Type II Home Occupations section of this resolution is to provide the opportunity for the use of the home or an accessory structure 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 structure 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, gases, excessive lighting, glare, fumes, electrical interference or any similar activity) shall emanate from the conduct of the home occupation which would adversely affect the health, safety, or tranquility of the surrounding neighborhood. This includes delivery or storage of trucks greater than eleven thousand (11,000) pounds gross vehicle weight.

Type II Home Occupations will require a special exception permit from the Board of Zoning Appeals.

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

1. No 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

structure 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, if newly constructed, shall be incidental to and subordinate in size to the principal structure. Pre-existing agricultural structures, even if they are larger than the allowed square footage, can be converted and re-utilized for incidental home occupations if approved by the Board of Zoning Appeals. Refer to Article II, Section 2.070 for applicable provisions related to accessory structures. Any Type II Home Occupation that utilizes an accessory structure shall have a minimum lot size of five (5) acres. Accessory structures 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 structures used for home occupations shall be suitably screened from view from the road and adjacent residential and agricultural lots. This may be 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 structure 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 the 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 structures, 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  
 Baking/Confectionary  
 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.  
 Cooking/Food preparation  
 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  
 Small-scale meat processing/butcher  
 Tailor Shops  
 Taxidermy  
 Textiles  
 Upholstery Shops  
 Welding Shops

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

**3.030. Gasoline service station restrictions.** The following regulations shall apply to all gasoline services stations:

A. There shall be a building setback from all street right-of-way lines of a distance of not less than forty 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.

**3.040. Cluster residential development (Subdivided):**

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

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

A. Procedure for Approval.

1. Initial Sketch and Consultation.

Before preparing a formal proposal for cluster residential development, the applicant shall submit five (5) copies of a sketch of the proposed development to the planning commission as a basis for reaching general agreement on major aspects of the project. The sketch shall indicate, at a scale no smaller than 1"=200:

- boundaries and acreage of the site
- number and building types of dwelling units
- arrangement of streets, structures, and lots
- access to existing streets
- local open space tracts and prospective uses
- any convenience service area
- location and size of water, sewer lines.

2. Plat Approval Procedures.

Proposals for cluster residential developments shall be subject to the Bedford County Subdivision Regulations, shall be prepared and reviewed under the plat approval procedure of that resolution, and shall be in accordance with the provisions of this section.

B. Development Requirements.

1. This section shall apply only to residential structures located within the R-1 zone, excluding mobile homes.
2. Minimum number of dwellings units per cluster development.....40.
3. Maximum Density.

The average number of dwelling units per acre of buildable land (not including land for street right-of-way) shall not exceed the minimum land area requirements as cited in the R-1 District. Maximum buildable acreage shall consist of seventy-five (75) percent of the total residentially-zoned acreage available, with twenty-five (25) percent of said total to be allocated for street right-of-way regardless of the acreage actually required.

4. Minimum lot size, width or yard requirements.....None.

5. Structure location requirements.

Minimum distance between structure and street right-of-way line.....30 feet.

Minimum spacing between structures.....30 feet.

6. Convenience commercial services.

Food and drug stores, beauty and barber shops, coin laundries, or similar commercial facilities only, may be permitted within developments of one hundred (100) units or more for the purpose of serving local residents.

Such facilities must be designed as an integral part of the development, and external advertising or other characteristics which alter the residential scenic quality, noise level, or traffic load shall not be permissible. Commercial facilities shall not be established before residential construction commences.

7. Utilities.

The developments shall be serviced with public or package sanitary sewerage and shall also be serviced by public water as per the regulations of the utility district representing the development. Larger size utility lines may be required on review of the proposal.

8. Local open space.

(a) Minimum local open space requirement.

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

(b) Permitted local open space uses.

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

Private recreational facilities, such as golf courses or swimming pools, which are limited to the use of the owners or occupants of the lots located within the subdivision.

Historic building sites or historical sites, parks and parkway areas, extensive areas with tree cover, low land along streams or areas of rough terrain when such areas are extensive and have natural features worth of scenic preservation.

(c) Legal requirements for operation and maintenance.

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

When such tracts are retained by the developer, plans for improvement and maintenance of these tracts must be approved by the planning commission, and deed covenants, made to assure continuing use of the tracts for local open space purposes.

When such tracts are to be deeded to a homeowners association, the developer shall provide:

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

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

- that when more than fifty (50) percent of the lots within the cluster development are sold, there shall be a special meeting of the homeowners association within sixty (60) days.

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

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

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

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

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

**3.050. 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 used as a guide in evaluating whether proposed land uses, such as those outlined above, will have properly minimized their objectionable characteristics:

- A. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
- B. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than five hundred (500) feet from any established residential lot or house.
- 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. 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.
- F. Application for Automobile Wrecking, Junk or Salvage Yard Permit: No person shall own or maintain an automobile wrecking, junk, or salvage yard within Bedford County until he has secured a permit from the Bedford County Board of Zoning Appeals. An application for said permit shall be filed in accordance with ARTICLE VIII, Section 8.060, 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 8.060.

**3.060. Development standards for mobile home parks.**

A. Definitions.

Mobile Home - a vehicular, portable structure built on a transportable chassis which remains intact, designed for year-round occupancy and designed to have no permanent foundation other than wheels, jacks, or skirting, and which is capable of being moved, towed, or transported by another vehicle.

Mobile Home Park - any area, tract, site, or plot of land whereupon mobile homes are placed, located, or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

B. Procedure for Submission and Review.

A site development plan shall be submitted for review on all proposals subject to this provision. The approval of said plan along with any accompanying conditions associated with a particular development is precedent to any approval under this section. The Bedford County Planning Commission is the agency responsible for this review. Only after the site plan has been approved, shall a development permit be issued to the applicant or developer, allowing for the initiation of a mobile home park development within the County. If at any time during the development process, unapproved deviations from the officially approved site plan occur, the development permit granted to the applicant or developer shall be subject to immediate revocation, until such time as such discrepancies are removed, corrected, or officially approved by the Bedford County Regional Planning Commission.

C. Site Plan Requirements.

The following information, which shall be submitted at least fifteen (15) calendar days prior to the official planning commission meeting wherein such information is to be considered, 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 the internal street circulation pattern.
6. The location of all off-street parking facilities.
7. The location of park and recreation areas.
8. The location of buffer strip(s).
9. The name and address of the applicant.
10. A comprehensive drainage plan.
11. Such other architectural, engineering, and topographic data as may be required to permit the local health officer and the Bedford County Regional Planning Commission, to determine if the provisions of these regulations are being complied with shall be submitted with the site plan.
12. The location and size of all servicing utilities, i.e., water lines, fire hydrants, sewer lines, drain field areas, gas lines, electric lines, etc. Official approvals of all servicing utilities shall be documents and submitted with the site plan.
13. A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.

D. Required Development Standards.

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

E. Dimensional Requirements for Parks:

1. Each mobile home park shall have a front yard of fifty (50) feet exclusive of any required yards for each mobile home space, extending for the full width of the parcel devoted to said use.

2. Each mobile home park shall provide rear and side yards of not less than thirty (30) feet, exclusive of any required yards for each mobile home space, from the parcel boundary.
3. In instances where a side or rear yard abuts a public street, said yard shall not be less than fifty (50) feet.
4. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or twenty-five (25) 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 the park and may be lighted by indirect lighting only.

F. Dimensional Requirements for Mobile Home Spaces:

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

1. Each mobile home space shall be at least thirty-six (36) feet wide and such space shall be clearly defined by permanent markers.
2. There shall be a front yard setback of twenty (20) feet from all access roads within the mobile home parks.
3. Mobile homes shall be harbored on each space so that 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 homes 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 of said trailer space.
5. Each mobile home space shall be provided with a paved patio of at least two hundred (200) square feet.
6. Each mobile home space shall be provided with a pad which shall be a minimum of twelve (12) feet by fifty (50) feet, which shall be constructed of four (4) inches of compacted gravel.
7. The minimum lot area per mobile home space shall be three thousand-six hundred (3,600) square feet. For double-wide mobile homes, the minimum lot size shall be six thousand (6,000) square feet.

G. Required Improvements:

1. Roads within the mobile home park shall have a roadway width of not less than twenty (20) feet in accordance with the procedures and standards for minor residential streets as specified in Bedford County Highway Departments specifications. However, 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 as described in subsection G.1. of this section.
3. No mobile home park shall be permitted unless such park is served by a public water supply.
4. All mobile home parks shall be serviced with public or package sanitary sewerage and public water on available trunk lines, and the proposed water system shall be approved by the Tennessee Department of Environment and Conservation as well as by the Superintendent of the regulating utility district. Septic sewerage disposal shall be permitted only on mobile home lots having sufficient area to meet the requirements of the Bedford County Health Department.
5. Mobile homes, with or without toilet facilities, which cannot be connected to an approved sewer system shall not be permitted in a mobile home park.
6. Cabanas, travel trailers, and other similar enclosed structures are prohibited.
7. Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within the mobile home park, except that one (1) mobile home in the park may be used to house a rental office.
8. Ground anchors shall be installed at each mobile home space to permit tie downs of mobile homes.
9. Specifications for drives in mobile home park developments shall be the same as the roadway specifications contained in the Bedford Highway Department's specifications to which reference is hereby made and incorporated herein.
10. Any central refuse disposal area shall be maintained in such manner as to meet county health requirements, and shall be screened from view.
11. Service buildings housing laundry, sanitation; or other facilities for use by occupants shall be permanent structures complying with all applicable codes.
12. A planted buffer strip (greenbelt planted strip) not less than ten (10) feet in width shall be established along the outer boundaries or periphery of the mobile home park. Said planted strip 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 in height.
13. Outside antennas (T.V., Radio, Communications, etc.) shall not be installed in close proximity to overhead power lines; a safety clearance zone shall be maintained equivalent to overall installed height of the antenna/mast plus ten (10) feet, as measured from antenna mast base horizontally or diagonally from said overhead power lines.

**3.070. Development Standards for Bed and Breakfast Homes:** In addition to the requirements of the applicable district and the general requirements set forth in Section 8.060.C, the following special conditions shall be met prior to issuing a zoning compliance certificate:

1. Bed and Breakfast residences shall continuously maintain current licenses and permits as required by local and state agencies.
2. Bed and Breakfast residences shall be solely operated by members of the family residing in the residence.
3. No food preparation or cooking for guest shall be conducted within any bedroom made available for rent.
4. Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed or remodeled for rental purposes.
5. Bed and Breakfast residences shall be limited to a single on-premises sign which shall be no greater than eight (8) square feet in size, and shall be located no closer to the street right-of-way line than fifteen (15) feet.
6. One (1) off-street parking space shall be provided for each room rented in addition to the required for the single family residence. All such spaces shall be screened from view from adjoining property and shall not be located within any required front yard.
7. If food is prepared or cooked, a menu made available, and a price is charged therefore, a food server's license must be obtained from the Tennessee Department of Health.
8. A smoke detector shall be installed in each sleeping room, and a fire extinguisher ten pounds in size or larger shall be installed and made easily accessible on each floor or story.
9. An evacuation plan must be approved prior to the issuance of a zoning compliance certificate for a bed and breakfast residence.
10. Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood, and the intent of the zoning district in which it is located.
11. Certification shall be provided by the county health department approving the subsurface disposal system as being adequate to serve the total number of bedrooms occupied.

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

1. The Site of a properly zoned Automobile dismantler/Recycler that is listed by the Tennessee Motor Vehicle Commission.

2. The site of a properly zoned junkyard, salvage yard or automobile wrecking yard that is licensed as a business establishment.
3. The site of a properly zoned car repair or towing establishment.

A. Evidence of Violation

The presence of any such vehicle or parts thereof is hereby declared to be evidence of a violation of this zoning resolution. Such violation is punishable as provided in ARTICLE VIII, Section 8.100, Penalties.

B. Exemptions

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

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

**3.090. Development Standards for personal structures for use by the property owner:**

1. This type of structure shall be allowed without a principal structure and on any vacant lot within this district.
2. These structures include sheds, roofed storage areas, enclosed storage areas, or other similar uses of a permanent nature.
3. The plan for the site must show the future location of the principal permitted use and the septic field areas if the lot is less than 5 acres. The personal structure should be located to the rear of the future principal permitted use.
4. The personal structure may not be used as a permanent residential dwelling.
5. The personal structure may not be used as a commercial activity.
6. All setbacks that pertain to a principal structure must be met.
7. All structures must be kept clean and in good repair.
8. Agricultural structures are exempt from zoning and are not intended to be a part of this definition.
9. A permit is required from the Building Commissioner after the special exception from the Board of Zoning Appeals has been approved.

**ARTICLE IV**  
**ZONING DISTRICTS**

**SECTION**

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

**4.010. Classification of districts.** For the purpose of this resolution, the following zoning districts are hereby established in Bedford County, Tennessee.

<u>Zoning District</u>	<u>District Abbreviation</u>
Agriculture-Forestry District	A-1
Suburban Residential District	R-1
Residential Planned Unit Development Districts	R-1 PUD R-2 PUD
Rural Center District	C-1
General Commercial District	C-2
General Industrial District	M-1
Special Impact Industrial District	M-2

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

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

Where a district boundary line divides a lot, which was in single ownership at the time of passage of this ordinance, the regulations for either portion of the lot not to exceed five hundred (500) feet beyond the district line into the remaining portion of the lot.

Where the property on one side of a street between two intersecting streets is in a business or industrial district and the property on the intersecting street, except the corner or corners, is in a residential district the business 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 of this resolution 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 the resolution shall be observed.

**4.040. Specific district regulations.** The following regulations shall apply in the seven zoning districts established in SECTION 4.010 of this resolution:

**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 Bedford County. The primary intent of the A-1 District is to minimize conflicts between agricultural and forestry activities and various nonfarm 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 non-rural nature, due to topographic problems, location, or the inability to provide necessary urban services, from being encroached upon by these incompatible land uses. Areas assigned to the A-1 District are primarily areas where growth of an urban or non-rural nature is deemed undesirable for one or more of the reasons outlined above. Although the A-1 District is primarily a rural district, it also provides for low-density residential development with lot sizes for single-family dwellings being more restrictive than those of the R-1, Suburban Residential District. The following regulations shall apply in the A-1, Agriculture-Forestry District, as defined on the Zoning Map of Bedford County, Tennessee:

B. Uses Permitted:

In the A-1, 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 II.
2. Detached single-family dwellings.
3. Agricultural processing including ginning, and compressing, shelling, baling and threshing services.
4. Animal husbandry services including veterinarian services, animal hospital services and poultry hatchery services.
5. Forestry activities and related services, including sawmills.
6. Utility facilities necessary for the provision of public services, such as electric, water, phone, cellular and other services.
7. Single-wide mobile homes on individual lots.
8. Fisheries and related services.

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 in accordance with ARTICLE VIII, SECTION 8.060.

1. Public or private educational institutions, libraries, and fire stations.
2. Churches or other places of assembly.
3. Airports and medical facilities.
4. Marinas.
5. Neighborhood shopping facilities, providing the total floor space devoted to retail sales does not exceed 4,000 square feet in area.
6. Cemeteries, with access requirements, as regulated in Article II, Section 2.030.
7. Feed lots which comply with all applicable state and federal laws.
8. Type I and Type II Customary incidental home occupations, as regulated in Article III, Section 3.020.
9. Bed and breakfast home residence.
10. Public recreational facilities.
11. Private recreational facilities other than those permitted.
12. Government buildings and community centers.
13. Medical facilities.
14. Licensed professional offices.
15. Surface quarrying of topsoil which comply with all applicable state and federal laws.
16. Restaurants.
17. Gift and bric-a-brac shops. (Flea Markets)
18. Automotive body and repair shops, as regulated in Article III, Section 3.050.
19. Limited automotive restoration shops.
20. Hunting and sporting activities.
21. Antique repair and sales.
22. Farm tractor and agricultural equipment sales and repair business.

23. Accessory dwelling unit (guest house).
24. Personal structures for use by the property owner.
25. Family Childcare and Group Childcare Homes
26. Childcare Centers

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 of Zoning Appeals 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 VI.

1. Front Yard: The minimum depth of the front yard shall be fifty (50) feet. Lot size shall contain adequate space to allow all houses to be built uniformly with respect to setback.
2. Rear Yard: The minimum depth of the rear yard shall be forty (40) feet.
3. Side Yard: The side yard shall be a minimum of twenty-five (25) feet for a single-story structure, plus an additional five (5) feet for each additional story.
4. Lot Width: No lot shall be less than one hundred and fifty (150) feet wide at the front setback line of the lot.
5. Land Area: One (1) acre or greater according to the required soils analysis indicate compliance with the required standards of the Tennessee Department of Environment and Conservation, the Bedford County Environmentalist shall submit a written statements certifying same to the Bedford County Zoning Compliance Officer, who shall issue a zoning compliance certificate to the applicant, providing all other provisions of the Bedford County Zoning Resolution are met. In the event that the results of the soils analysis or other tests that may be required do not meet the required standards of the Tennessee Department of Environment and Conservation, then the Bedford County Environmentalist shall submit to the Bedford County Zoning Compliance Officer, prior to the issuance of a zoning compliance certificate, 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. The Zoning Compliance Officer shall notify the applicant of the necessary lot size or configuration or both, based upon the aforementioned Bedford County Environmentalist's written opinion. The Zoning Compliance Officer shall not issue a zoning compliance certificate until the necessary changes have been made and the Environmentalist submits to the Zoning Compliance Officer a

certification that with these changes the standards of the Tennessee Department of Environment and Conservation have been met. All lots proposed must be served by a sewage disposal system approved by the Bedford County Environmentalist.

6. Location of Accessory Structures: Accessory structures shall be located at least ten (10) feet from side and rear lot lines. Accessory structures shall also be located at least (10) feet away from the principal structure and/or any other accessory structures. No accessory structure is allowed in the required front yard, including corner lots as regulated in Article II, Section 2.100.

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

##### **A. District Description:**

The R-1 Suburban Residential District is only allowed in the Urban Growth Boundary along roadways designated as either a collector or an arterial as shown on the Major Thoroughfare Plan of Bedford County. An existing roadway, not classified as a collector or arterial, which is brought up to standards, by a developer, for such designation would qualify and allow for a possible rezoning. The R-1, Suburban Residential District, is suitable for low-density single and Multiple-family residential development. This district is only allowed for areas within designated urban growth boundaries (UGB's) of the incorporated municipalities of Bedford County, where an adequate public water supply or public wastewater service is available. The principal uses of land range from single-family to multi-family apartment uses. The following regulations shall apply in the R-1, Suburban Residential District, as defined on the Zoning Atlas of Bedford County, Tennessee:

##### **B. Uses Permitted:**

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

1. Detached single-family dwellings.
2. Single-wide mobile homes on individual lots.

##### **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 8.060.

1. Duplex and condominium dwellings.
2. Apartment dwellings.
3. Rooming and boarding houses
4. Churches and other places of assembly.
5. Educational institutions.

6. Public and private recreation facilities.
7. Utility facilities necessary for the provision of public services.
8. Mobile home parks as regulated in Article III, Section 3.060.
10. Cemeteries.
11. Government buildings and community centers.
12. Convenience sales and services.
13. Bed and breakfast home residence.
14. Accessory dwelling unit (guest house).
15. Family Childcare and Group Childcare Homes
16. Childcare Centers
17. Type I and Type II Customary home occupations, as regulated in Article III, Section 3.020.

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. **Lot size shall contain adequate space to allow all houses to be built uniformly with respect to setback.**
2. Rear Yard: The minimum depth of the rear yard shall be twenty-five (25) feet.
3. Side Yard: The side yard shall be a minimum of fifteen (15) feet for one and two-story structures, plus an additional five (5) feet of side yard for each additional story.
4. Lot Width: For lots served by public sanitary sewers, no lot shall be less than one hundred (100) feet wide at the front setback line of the lot. For lots without public sanitary sewers, no lot shall be less than one hundred and twenty-five (125) feet wide at the front setback line of the lot.
5. Land Area: Notwithstanding cluster developments, individual lot(s) or parcel(s) of land shall not be reduced in size to provide separate lots or building sites of less than 30,000 square feet in area, except where public wastewater service is available, in which case the minimum lot area shall be 15,000 square feet. However, where there is an existing lot or record of less than 15,000 square feet, at the time of adoption of this resolution, this lot may be utilized for the construction of one single-family dwelling, providing the lot in question has public water supply and providing that said lot of record is not less than 7,500

square feet in area, and meets all the requirements of the Bedford County Environmentalist.

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

Number of Dwelling Units	With Public Water and Public Wastewater	With Public Water but without Public Wastewater*
1	22,000 sq. ft.	30,000 sq. ft.
2	25,000 sq.ft.	40,000 sq. ft.
3	30,000 sq. ft.	60,000 sq. ft.
4	35,000 sq. ft.	80,000 sq. ft.
Over 4 units	5,000 sq. ft. plus each unit over 4	Not permitted

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

6. **Maximum Lot Coverage:** On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed forty (40) percent of the total area of such lot or parcel or the buildable area of said lot as defined by the front, side, and rear yard setbacks, whichever is less.
7. **Height Requirement:** No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Article VI, Section 6.030.
8. **Location of Accessory Structures:** Accessory structures shall be located at least ten (10) feet from side and rear lot lines. No accessory structure is allowed in the required front yard, including corner lots as regulated in Article II, Section 2.100.

**4.043. Planned Unit Development Districts (PUD’s.)**

**A. District Description**

The Planned Unit Development (PUD) is intended to promote flexibility in design and permit planned diversification in the location of structures; to promote efficient use of land that will facilitate a more economic arrangement of buildings; circulation systems, land use, and utilities; to preserve as much as possible existing landscape features and utilize them in a harmonious fashion; to encourage the total planning of tracts of land; and to provide a mechanism for the ownership of land, utilities, streets, and facilities in common as well as the maintenance and disposition thereof. These districts are freestanding and are not to be used as an overlay zone. As a prerequisite, all PUD developments will be required to be accessible to arterial or collector roadways, as classified on the Bedford County Major Thoroughfare Plan.

**B. Residential Planned Unit Developments**

1. **Type of Developments** – There are hereby created two districts of Residential Planned Unit Developments (PUDs) as follows:

**Low Density Residential PUD R-1 PUD**  
**Medium Density Residential PUD R-2 PUD**

2. Purpose – The purpose of a Low Density Residential R-1 PUD is to permit development of land in a cohesive planned development in order to increase useable recreation space, provide for pedestrian circulation, and to prohibit the use of land which by reason of topography or floodplain contains some areas unsuitable for development, and to permit the cluster of lots in order to leave the unsuitable land as permanent open space.

The purpose of a Medium Density Residential R-2 PUD is the same as the R-1 PUD except that the R-2 PUD permits increased density, a variety of housing types, and limited commercial activities.

3. Minimum Size – The minimum amount of acres for each PUD type is as follows:

R-1 PUD	10 Acres
R-2 PUD	3 Acres

4. Permitted Activities in a Residential PUD – The following activities listed in Table I, may be permitted in a Residential PUD only when deemed appropriate by the Planning Commission and the County Commission as approved with the Preliminary Master Plan. Other activities not listed are prohibited.
5. Limitation on Commercial Activities - The commercial activities permitted in Table I, shall be limited to no more than (five) 5 percent of the total gross area within such development and

**TABLE I**  
**PERMITTED USES AND STRUCTURES**  
**RESIDENTIAL PLANNED UNIT DEVELOPMENT**

<b><u>RESIDENTIAL ACTIVITIES</u></b>	<b><u>DISTRICTS</u></b>	
<b><u>Permanent Residential</u></b>	<b><u>R-1PUD</u></b>	<b><u>R-2PUD</u></b>
Dwelling Attached	P	P
Dwelling One-Family Detached	P	P
Dwelling Two-Family Detached	N	P
Dwelling Semi-Detached	P	P
Dwelling Mobile Home	N	N
Dwelling Multi-Family	N	P
Boarding House	N	N
Rooming House	N	N
<b><u>Community Facilities Activities</u></b>		
Golf Courses	P	P
Libraries	P	P
Parks and Playgrounds	P	P
Recreation Centers	P	P
Public or private Swimming Pools	P	P
Schools Grades K to 12- Public and Private	P	P
Retirement and Nursing Homes	N	P
Churches and Other Religious Assembly	P	P
<b><u>Commercial Activities</u></b>		
Convenience Stores	N	P
Convenience Services	N	P
Country Club	P	P
Day Care Centers	N	P
Group Child Care Home	P	P
Health Care Facilities ( <i>Designed Primarily to Serve Residents of the PUD</i> )	N	P
<b><u>KEY TO INTERPRETING USES</u></b>		
<b>P - Permitted use</b>		
<b>N - Not permitted in the district</b>		

provided further that the maximum floor area for any single establishment shall be five thousand (5,000) square feet. Such commercial activities shall be designed to serve primarily the residents within the PUD and shall not be constructed until at least one-half (1/2) of the residential units are complete unless other phasing has been approved as part of a preliminary master plan. In addition to the aforementioned limitations the commercial structure shall normally be located within the perimeter of the PUD.

6. R-1 Low Density Residential PUD (R-1PUD)

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

**Minimum Lot Size – None**  
**Maximum Density – 3 Dwelling Units per acre**

Density bonuses shall be given as follows:

Dedication of land for school, library, fire station, or similar public use, if so approved by the County Commission, is ten (10) percent.

Alternately on developments with less than twenty-five (25) acres the actual area of the land to be dedicated may be used as bonus density.

Areas in road right of ways are not included in calculating the number of dwelling units, instead calculated from the total gross acreage. When calculations are made as to the number of permitted dwelling units, the number of units may be rounded up provided that at least 1/2 of a unit is calculated. Areas dedicated for schools, fire stations, etc. are also excluded but do receive a density bonus.

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

b. Yards

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

<b>Minimum Front Yard</b>	<b>20 ft.</b>
<b>Minimum Side Yard</b>	<b>8 ft.</b>
<b>Minimum Rear Yard</b>	<b>10 ft.</b>

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

7. R-2 Medium Density Residential PUD (R-2 PUD)



a. Density, Bulk and Open Space Regulations

<b>Minimum Lot Size</b>	<b>None</b>
<b>Maximum Density</b>	<b>6 Dwelling Units per acre</b>

Density bonuses shall be given as follows:

Dedication of land for school, library, fire station, or similar public use, if so approved by the County Commission, is ten (10) percent.

Alternately on developments with less than twenty-five (25) acres the actual area of the land to be dedicated may be used as bonus density.

Areas in road right of ways are not included in calculating the number of dwelling units, instead calculated from the total gross acreage. When calculations are made as to the number of permitted dwelling units, the number of units may be rounded up provided that at least ½ of a unit is calculated. Areas dedicated for schools, fire stations, etc. are also excluded but do receive a density bonus.

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

b. Yards

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

<b>Minimum Front Yard</b>	<b>20 ft.</b>
<b>Minimum Side Yard</b>	<b>8 ft.</b>
<b>Minimum Rear Yard</b>	<b>10 ft.</b>

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

C. Development Standards Applicable to All Residential Planned Unit Developments

1. Perimeter Requirements - Along the perimeter of the Planned Unit Development, buildings shall be designed to harmonize in scale, setbacks, and mass with existing adjacent areas. A minimum setback of forty (40) feet shall be required around the perimeter of all residential planned unit developments. Perimeter landscaping shall also be required when deemed necessary to minimize the impact of the PUD on adjacent property. If the development is adjacent to farmland, fencing may also be deemed necessary.

2. Pedestrian Circulation - All PUD's shall be designed so as to allow a safe pedestrian circulation between dwelling units as well as to provide access to improved open space or other amenities. Sidewalks shall be located on at least one side of any proposed street or common drive area. Sidewalks should normally be separated from the road surface by at least five (5) feet and may be buffered from the street by trees or other vegetation. Sidewalks shall be at least five (5) feet wide and built at reasonable slopes and grades.
2. Open Space Requirements - No open area may be accepted as common open space under the provisions of this section unless the location, shape, size and character of the common open space is appropriate to the scale and character of the development considering its size, density, expected population, topography, and the number and type of dwellings to be provided.

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

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

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

4. Arrangement - Lots along existing County roads shall be arranged so as to either be screened from or front the existing road. However, driveways shall normally access only roads within the development. Driveway connections to existing collector or arterial roads shall be kept to a minimum, with any such driveways designed or arranged so vehicles will not back onto such collectors or arterials.
5. Landscaping Requirements - Each PUD shall be attractively landscaped and the proposed landscaping shall be included in the preliminary master plan. Areas to be landscaped include the perimeter of the development, such as parking lots, waste containers, utility structures such as pumping stations or electrical substations, and multi-family structures.
6. Parking and Storage - Storage areas shall be enclosed or concealed by berms and/or buffers. Parking lots shall be landscaped.
7. Signs - The location and design of all signs shall be shown as a separate element of the preliminary master plan.
8. Access - Planned Unit Developments with more than twenty-five (25) units must have two points of ingress/egress. PUDs with between fifteen (15) and twenty-four (24) units may use two ingress/egress points or a single boulevard road with either a median or a third lane. The minimum right of way for a boulevard shall be sixty (60) feet.

9. Street Improvements - All streets, public or private, shall be constructed to the road specifications contained in the Bedford County Subdivision Regulations with the following exceptions:
  - a. The right of way may be reduced where curb and gutter streets are used.
  - b. Traffic calming methods are permitted and encouraged.
  - c. Alleys are permitted.
  - d. Landscaping of the center of cul-de-sac turnarounds is permitted and encouraged.
  - e. If deemed necessary by the planning commission or County Commission, the developer shall also prepare and submit to the county engineering consultant, an impact study of the effect of the PUD on the existing transportation system.
18. Utilities -The development shall be serviced with public sanitary sewerage systems. The water systems shall be capable of providing needed fire flows for the development as well as domestic water supply. Fire hydrants shall be installed to be within five hundred (500) feet of any lots designated for detached dwellings. However, a fire hydrant must be placed within two hundred-fifty (250) feet of any dwelling unit part of an attached structure or multi-family building.
19. Waste Disposal - If any central waste disposal containers are provided, they shall be completely enclosed and screened from view.

D. Development Standards for Multi-Family Projects

1. The spacing of all buildings contained in multi-family dwellings shall be in compliance with the building codes adopted by Bedford County.
2. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise.
3. 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.
4. The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and the screen out objectionable features. The planting plan shall be submitted with the preliminary master plan.
5. 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.
6. 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.

7. Well-equipped playgrounds of adequate size and number shall be provided, where it is anticipated that children will occupy the premises.
8. Access and circulation shall adequately provide for firefighting equipment, service deliveries, and moving vans and refuse collection.
9. Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least one (1) parking space per dwelling unit shall be located so as to provide a maximum walking distance of two hundred (200) feet from the nearest entrance of the dwelling unit the space is to serve.

E. Development Standards for Attached Dwellings

1. No attached dwelling shall exceed three (3) stories in height.
3. Parking for attached dwellings may be constructed with two (2) off street parking space required and the other required space constructed in bays either adjacent to the streets or in the interior of blocks. Such spaces shall be located within two hundred (200) feet of each unit to be served. Where appropriate, common driveways, parking areas, walks and steps shall be provided, maintained and lighted for night use. Screening of parking and service areas shall be encouraged through ample use of trees, shrubs, hedges, and screening walls.
4. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise.
5. 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.

F. Administrative Procedures Applicable to Planned Unit Development

1. General Provisions

- a. Master Plan Required - No application for a Planned Unit Development (PUD) District shall be considered unless a master plan meeting the requirements outlined in Section G, #2 is submitted therewith. Such application shall indicate that the services of one (1) or more design professionals were utilized in the preparation of the plan.
- b. Ownership and Division of Land - No tract of land may be considered for or approved as a planned unit development unless such tract is under single ownership. The holder(s) of a written option to purchase, any governmental agency, or a redeveloper under contract shall be considered landowners for purposes of this section. Unless otherwise provided as a condition of approval of a PUD, the landowner of an adopted PUD may divide and transfer parts of such development. The transferee shall complete each such unit, and use and maintain it in strict conformance with the adopted final master plan. Prior to the transfer of

any section, a subdivision plat shall be filed with the Planning Commission.

- c. Relationship to Subdivision Regulations - The uniqueness of each proposal for a planned unit development may require that specifications for the width and surfacing of streets, public ways, public utility rights-of-ways, curbs, and other standards may be subject to modification from the specifications established in the subdivision regulations adopted by the Planning Commission. Modifications may be incorporated only with the approval of the Planning Commission as a part of its review of the master plan for a PUD and granted as a variance in the preliminary approval of the subdivision, which must be concurrent with the final approval, by the Planning Commission of the master plan.
- d. Combination of Separate Types of Planned Unit Developments - The Planning Commission and the County Commission may consider separate types of Planned Unit Developments, such as residential and commercial within a consolidated Master Plan as a single administrative procedure provided that the total tract is in single ownership by a landowner and the land area is sufficient to comply with the separate type requirements combined.
- e. Development Period, Staging Schedule - The expeditious construction of any PUD shall be undertaken to assist in the assurance of the full completion of the development in accordance with the approved master plan.

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

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

- f. Common Open Space and Facilities - Any common space or public or private facilities shall be subject to the following provisions:
  - (1) The location, shape, site, and character of the common open space shall be reviewed in detail, and it must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development considering its size, density, expected population, topography, and the number and type of dwellings or structures to be provided.
  - (2) Common open space must be suitable for its intended uses but common open space containing natural features worthy of preservation may be left unimproved.

- (3) The Planning Commission shall require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space and facilities and such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to an appropriate public agency and said dedication be approved by the Planning Commission. However, the conditions of any transfer shall conform to the adopted final master plan.
- (4) In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of the planned unit development fail to maintain the common open space in reasonable order and condition in accordance with the adopted master plan, the codes director may serve written notice upon such organization and/or the owners or residents of the planned unit development and hold a public hearing. After thirty (30) days when deficiencies of maintenance are not corrected, the codes director may call upon any public or private agency to maintain the common open space for a period of one (1) year. When the codes director determines that the organization is not prepared for the maintenance for the common open space such agency shall continue maintenance for yearly periods.
- (5) The cost of such maintenance by such agency shall be assessed proportionally against the properties within the planned unit development that have a right of enjoyment of the common open space, and shall become a lien on said properties.
- (6) When the common open space is deeded to a Homeowners Association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for preliminary approval. The provisions shall include, but not be limited to the following:
  - (a) The homeowners association shall be formed prior to the final plat approval of any phase of the development.
  - (b) Membership must be mandatory for each homebuyer and any successive buyer.
  - (c) The open space restrictions must be permanent, not just for a period of years.
  - (d) The association must be responsible for liability insurance, local taxes, and the maintenance of recreational, open space and other facilities.
  - (e) Homeowners must pay their pro rata share of the cost, and the assessment levied by the association can become a lien on the property.

(f) The association must be able to adjust the assessment to meet changing needs.

(7) A recreation plan shall be developed and presented with the Preliminary Master Development Plan for any proposed residential planned unit development. This plan shall indicate the general demographic characteristics of the anticipated market being targeted by the proposed development. The plan shall indicate the recreation facilities proposed and the age groups these facilities are designed to serve, as well as provide the number and detailed specifications of each type of recreational equipment and facility proposed. The size of each type of recreational facility or type of recreational equipment shall be directly related to the age and number of the anticipated user population. These facilities may be devoted to either: (1) Shared limited use facilities designed so as to assure privacy and control of access by and for the exclusive use of a specific residential clientele within the development or (2) Shared general use recreation facilities which are available to all residents of the proposed development. All recreational equipment provided should be durable commercial grade equipment.

A minimum of five (5) percent of the net area of every residential PUD shall be devoted to improved and developed recreational open space.

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

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

1. Steps of Approval Process

- a. The applicant may request a pre-application conference with planning staff to evaluate the proposal and to determine and clarify any issues that may arise.
- b. Applicants may, at their discretion, submit a sketch preliminary master plan so as to receive feedback from the Planning Commission and/ or the County Commission before proceeding with the additional cost of preparing a more detailed preliminary master plan.
- c. The applicant shall submit a preliminary master plan and rezoning request to the Planning Commission for their consideration along with the required fees.

- d. The Planning Commission may recommend approval or disapproval of a developer's request. If approved, the Planning Commission shall recommend the necessary PUD zoning to the County Commission.
  - e. After approval of the preliminary master plan and amendment of the zoning map, preparation of the final master plan may begin. The preliminary master plan shall be filed by the developer with the Bedford County Registrar of Deeds prior to the application of the final master plan.
  - f. The applicant shall submit a final master plan to the Planning Commission for their consideration. If any part of the PUD is to be subdivided, a preliminary subdivision plat shall also be submitted. Both documents may be considered simultaneously. Approval of the final master plan shall form the basis for all permits, variances, and standards for the PUD.
  - g. Prior to the sale or transfer of any property, the applicant shall submit and have approved a final subdivision plat.
2. Application for Approval of the Preliminary Master Plan and Zoning Request  
- Application for approval of the preliminary master plan shall be made by the landowner of the affected property or his authorized agent, to the Planning Commission in accordance with such written general rules regarding general procedure, form of application, and required information as the Planning Commission may determine, provided they are not inconsistent herewith. The application for preliminary approval shall consist of the following:
- a. The preliminary master plan for the proposed planned unit development shall be a general concept plan which may include such items as the Planning Commission by general rule which may include, but is not limited to the following items:
    - (1) The location and size of the area involved.
    - (2) Transportation routes including streets, driveways, sidewalks, and pedestrian ways, and off-street parking and loading areas.
    - (3) Location and approximate dimensions of structures including approximate height and bulk, and the utilization of structures including activities and the number of living units.
    - (4) Estimated population and density and extent of activities to be allocated to parts of the project.
    - (5) Reservations for public uses including schools, parks and other open spaces.
    - (6) Availability commitments from the appropriate water and sewer provider.
    - (7) Major landscaping features, including topography.



- (8) The general means of the disposition of sanitary wastes and storm water.
  - (9) North arrow, graphic scale, and location map showing relationship to existing street system and adjoining properties.
  - (10) Specify the various uses of structures within the RPUD, for example the percentage of structures that are residential and the percentage of structures that are non-residential.
  - (11) Elevations as necessary.
  - (12) Location of gas, water, sewerage, and drainage facilities.
  - (13) Details and locations of signs.
  - (14) Plans for street and parking lot improvements.
  - (15) Location and use of all common open space area.
  - (16) Approximation of proposed topography.
  - (17) Additional information as determined by the Planning Commission to indicate fully the ultimate operation and appearance of the PUD.
- b. A tabulation of the land area to be devoted to various uses and activities and overall densities.
  - c. The nature of the landowner's interest in the land proposed to be developed and a written statement or concurrence from all parties having a beneficial interest in the affected property.
  - d. The substance of covenants, grants of easements, deed restrictions, or other restrictions to be imposed upon the use of the land, buildings and structures to include total square footage, building materials, architectural drawings, and proposed easements for public utilities.
  - e. A development schedule, setting forth when the landowner intends to commence construction and an estimated completion period.
  - f. When it is proposed that the final master development plan will be submitted in stages, a schedule of submission thereof.
  - g. A filing and review fee in an amount determined according to the standard fee schedule as approved by the County Commission.
  - h. A general summary explaining the character, intent, and financing of the PUD.

If the application is incomplete, the Planning Commission shall hold in abeyance their formal review until such time as complete information is submitted.

3. Application for Approval of the Final Master Plan – The action of the County Commission on the zoning request and the preliminary master plan shall authorize and form the basis for the Planning Commission approval of a final master plan.
4. Application for Final Approval - After zoning a Planned Unit Development District, the landowner may make application to the Planning Commission for approval of a final master development plan, provided that the proposed master development plan and other elements associated with the planned unit development are in substantial compliance with the substance of the preliminary approval of the County Commission. The application shall include all aspects of the preliminary application, the proposed final master development plan, other required drawings, specifications, covenants, easements, and conditions and forms of bonds as were set forth by the Planning Commission's preliminary approval. Copies of all legal documents required for dedication or reservation of group or common open space and/or for the creation of a non-profit association shall also be submitted. When appropriate, this application shall contain the stage development schedule.
5. Final Approval of Stages - The application for final approval and the final approval by the Planning Commission may be limited to each stage as appropriate in a large planned unit development.
6. Final Master Development Plan - The final master plan of a planned unit development, or as submitted in stages if authorized, shall be substantially consistent with the approved preliminary master plan.
7. Amendments to the PUD - The terms, conditions, and the final master plan of a PUD may be changed from time to time by official action of the Planning Commission if requested to do so by the Developer of the property. Any such amendments must remain in compliance with the appropriate zoning regulations and comply with the following.

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

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

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

9. Building Permits - A building permit shall be issued for structures, buildings, activities, or uses as a part of a finally adopted planned unit development only in strict compliance with the master development plan of the particular planned unit development including the conditions of approval and only after the administrative procedure outlined in this section has been strictly adhered to. No building permit shall be issued for the area included in a preliminary planned unit development until a final master development plan has been approved.

#### **4.044. C-1, Rural Center District.**

##### **A. District Description:**

The C-1, Rural Center District recognizes the need to provide for areas within Bedford County where residents of the more isolated agricultural and rural residential districts and residents located beyond the limits of service can receive certain merchandising and technical services. In Bedford County, several small rural centers exist, primarily to provide such convenience goods and services to residents of the surrounding areas. These centers serve a necessary economic function and the mixed land uses that characterize these centers are not particularly detrimental. This district is intended to be flexible zone, which is necessary in a rural center. It is designed to allow for change and growth within these areas, but also to prevent this mixture of land uses from unnecessarily spreading into the adjacent countryside. This district shall be allowed only on roadways classified as either a collector or arterial as shown on the Major Thoroughfare Plan of Bedford County. The following regulations shall apply in the C-1, Rural Center District, as defined on the Zoning Map of Bedford County, Tennessee:

##### **B. Uses Permitted:**

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

1. Detached single-family and two-family dwellings.
2. Agriculturally oriented commercial or light industrial uses.
3. Educational institutions.
4. Utility facilities necessary for the provision of public services.
5. Churches and other places of assembly.
6. Governmental buildings and community centers.
7. Medical facilities.
8. Individual detached retail stores, professional and services offices, commercial amusement establishments, boarding houses and strip malls.
9. Service stations and automobile repair establishments, subject to the provisions of Article III, Sections 3.030.

10. Warehouses or storage facilities (including mini-warehouses) except those facilities for storing petroleum, propane gas or other potentially hazardous materials.

C. Uses Permitted as Special Exceptions:

In the C-1, Rural Center District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VIII, Section 8.060.

1. Livestock, sales or feeding yards.
2. Multi-family dwellings (apartments).
3. Kennels or animal hospitals.
4. Funeral parlors.
5. Drive-in commercial establishments.
6. Light industrial uses not specifically listed.
7. Cemeteries.
8. Mobile homes on individual lots.
9. Homeless Shelters
10. Family Childcare and Group Childcare Homes
11. Childcare Centers
12. Type 1 Customary Incidental Home Occupations, as regulated in Article III, Section 3.020

D. Uses Prohibited:

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

E. Dimensional Regulations:

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

1. Front Yard: The minimum depth of the front yard shall be 30 feet.
2. Rear Yard: The minimum depth of the rear yard for (a) residential uses – 25 feet; (b) nonresidential uses – 20 feet.
3. Side Yard: The minimum width of the side yard for (a) residential uses – 20 feet for single-story structures, plus five (5) additional feet for each additional story;

(b) nonresidential uses – 20 feet for single-story structures, plus ten (10) additional feet for each additional story.

4. Land Area: The following land area will be required in the C-1, Rural Center District:

(a) Residential: No lot or parcel of land shall be reduced in size to provide separate lots, for single-family dwellings, of less than 30,000 square feet where only public water is available. Where public water and sewerage services are available 15,000 square feet shall be the minimum residential lot size. Where no public water is available, residential lots shall be a minimum of one (1) acre in area. All lots proposed must be served by disposal systems approved by the Bedford County Environmentalist.

The minimum land area for two-family and multi-family dwellings shall be the minimum area for a single-family dwelling, plus 10,000 square feet for each unit over one, notwithstanding the requirements of the Bedford County Environmentalist.

(b) Commercial: No lot or parcel of land shall be reduced in size to produce separate lots, for commercial uses, of less than 30,000 square feet. Where no public water is available, commercial lots shall be a minimum of one (1) acre in area. All proposed lots must be served by sewage disposal systems approved by the Bedford County Environmentalist.

(c) Manufacturing: No lot or parcel of land shall be reduced in size to provide separate lots for manufacturing uses of less than five (5) acres in area where public water is available and where the method of sewage disposal has been approved by the Bedford County Environmentalist. Where no public water is available, manufacturing uses shall not be permitted in the C-1, Rural Center District.

Where there is an existing lot of record of less than the minimum land areas outlined above, at the time of adoption of this resolution, this lot may be utilized for the construction of one single-family dwelling, providing said lot is not less than 10,000 square feet where a public water supply is available and 22,000 square feet where a public water supply is not available, and provided it meets all the requirements of the Bedford County Environmentalist.

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

6. Lot Width: No lot shall be less than one hundred (100) feet wide at the front setback line of the lot.

7. Height Requirement: No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in ARTICLE, SECTION 6.030.

#### **4.045 C-2, General Commercial District.**

##### **A. District Description:**

The C-2, General Commercial District is established to provide areas in which the principal use of land is devoted to general and highway commercial activities along roadways classified as arterials as shown on the Major Thoroughfare Plan of Bedford County. Regulations are designed to preserve the traffic-carrying capacity of the streets and roads in Bedford County. The following regulations shall apply in the C-2, General Commercial District, as defined on the Zoning Map of Bedford County, Tennessee.

##### **B. Uses Permitted:**

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

1. Motor vehicles and automotive equipment.
2. Drugs, chemicals and allied products;
3. Dry goods and apparel;
4. Groceries and related products;
5. Farm products;
6. Electrical goods;
7. Hardware, plumbing, heating equipment and supplies;
8. Machinery, equipment and supplies;
9. Building materials, hardware, and farm equipments;
10. General merchandise;
11. Food;
12. Automotive, marine craft, and accessories;
13. Apparel and accessories;
14. Furniture, home furnishings and equipment;
15. Eating and drinking;
16. Drug, antiques, books, sporting goods, garden supplies, jewelry, fuel and ice;
17. Hotels, motels, and tourist courts;
18. Churches.

19. Professional services.
20. Gasoline service stations.
21. Commercial recreation uses.
22. Finance, insurance and real estate services.
23. Personal services.
24. Business services.
25. Repair services.
26. Contract construction services.
27. Governmental services.
28. Educational services.
29. Transportation, communication and utility services except solid waste disposal.
30. Restaurants with dancing for patrons.

C. Uses Permitted as Special Exceptions:

In the C-2 General Commercial District, the following uses and the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VIII, Section 8.060.

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 (recreational vehicle) parks and overnight campgrounds.
3. Childcare Centers

D. Uses Prohibited:

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

E. Dimensional Regulations:

All uses in the C-2 General Commercial District, shall comply with the following requirements except as provided in Article 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 agriculture, rural residential, suburban residential or rural center district, all structures shall be so located as to comply with the side yard requirement of the adjacent district on the side adjoining said district. Commercial buildings may be built on a common lot line 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-2, General Commercial District where public water and sanitary sewer service is available. Where only public water is available, there shall be a minimum land area of 30,000 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, and also provided that the required subsurface disposal system serving such lot is approved by the Bedford County Environmentalist. Where no public water or sewer service is available, there shall be a minimum land area of three (3) acres.
5. Maximum Lot Coverage: No maximum lot coverage shall be imposed in the C-2, General Commercial District.
6. Lot Width: No lot shall be less than one hundred (100) feet wide at the front setback line of the lot.
7. Height Requirement: No building shall exceed four (4) stories or fifty (50) feet in height, except as provided in Article VI, Section 6.030.

#### **4.046. M-1, General Industrial District.**

##### **A. District Description:**

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

##### **B. Uses Permit**

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



1. Food and kindred products manufacturing, except meat products.
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 ordinance 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. Office functions only where it is directly related to the industrial establishment in which it is located.

C. Uses Permitted as Special Exceptions:

In the M-1, General Industrial Districts, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VIII, Section 8.060.

1. Automobile wrecking salvage, and junk yards, subject to the provisions of Article III, Section 3.050.
2. Meat products manufacturing.
3. Dyeing and finishing of textiles.
4. Paper and allied products manufacturing.
5. Chemicals and allied products manufacturing.
6. Rubber and miscellaneous plastic products manufacturing.

7. Primary metal industries. (smelting & refining from ore)
8. Ordnance and accessories manufacturing.
9. Airports.

D. Uses Prohibited:

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

E. Dimensional Regulations:

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

1. Front Yard: The minimum depth of the front yard shall be forty (40) feet.
2. Rear Yard: The minimum depth of the rear yard shall be thirty (30) feet. No yard shall be required for that portion of a lot which fronts on a railroad or rail spur line.
3. Side Yard: The minimum depth of the side yard shall be thirty (30) feet, except the side yards for industrial lots adjacent to suburban residential, rural residential, or rural center districts shall be a minimum of fifty (50) feet. No yard shall be required for that portion of a lot which fronts on a railroad or rail spur line.
4. Land Area: Where public water and sewer service is available, there shall be required a minimum land area of two (2) acres. In areas where only public water is available, there shall be a minimum of five (5) acres. No industrial land uses shall be permitted in areas where a public water supply is not available.
5. Maximum Lot Coverage: No maximum lot coverage shall be imposed in the M-1 District.
6. Lot Width: No lot shall be less than one hundred fifty (150) feet wide at the front setback line of the lot.
7. Height Requirements: No height limitations shall be imposed in the M-1, General Industrial District, except as provided in Article VI, Section 6.030.

**4.047. M-2, Special Impact Industrial District.**

A. District Description and Purpose

This district is designed to provide suitable areas for those uses which have some special impact or uniqueness such that their effect on the surrounding area and environments cannot be determined in advance of the use being proposed for a particular location. At the time the application is filed, a review of the location, design configuration and its impact will be conducted by comparing the proposed use, the

preliminary development plan, the operational data, and the environmental assessments to the site location criteria. This review will evaluate whether the proposed use should be permitted through a rezoning to the M-2, Special Impact Industrial District, by weighing public need for and benefit to be derived from against the local impacts which it may cause. The review considers the proposal in terms of existing zoning and land use in the vicinity of the site, planned and propose public and private developments which may be adversely affected by the proposed use, and to what extent the public health, safety, and general welfare of the citizens of Bedford County will be affected. This district shall only be allowed in an urban growth boundary (UGB) of a municipality within Bedford County and along a roadway classified as an arterial as shown on the Major Thoroughfare Plan of Bedford County.

B. Site Location Criteria

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

C. Administrative Procedure

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

1. Preliminary Review

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

a. Preliminary Development Plan to Include the Following Information:

- (1) Letter from the owner detailing the proposed zoning change.
- (2) Location map of the proposed site, including size of the property.
- (3) Site plan and topographic map prepared by a Tennessee licensed engineer at a scale of one inch equals two hundred feet (1"=200').
- (4) Land use evaluation, including all building locations and historical sites within a one (1) mile radius of the proposed site, including property owners.
- (5) Highway assessment indicating all roads with access to the property, showing the existing width, condition, type of surface, weight loads and existing traffic data, and classification of all access roads according to the Bedford County Major Road Plan.
- (6) Location and approximate dimensions of all structures, including appropriate height and bulk and the utilization of all structures and land areas within the site.
- (7) A tabulation of the land areas to be devoted to all uses and activities.
- (8) Ability of the site to be able to meet the Site Location Criteria in Subsection B., above, along with the General Requirements, in Subsection H., and the Requirements for Specific Uses, in Subsection I., below, for the proposed use of the property.

b. Operational Data to Include the Following Information

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

c. Environmental Assessments to Include the Following Information

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

2. Zoning Amendment

After review of the preliminary development plan, operational data, and environmental assessments, the planning commission shall recommend to the County Commission whether the proposed use should be rezoned to the M-2, Special Impact Industrial District. If the County Commission approves the zoning amendment, the landowner may proceed with his development by submitting a final development plan to the planning commission for their approval.

3. Final Development Plan Review

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

a. Final Development Plan shall include the Following

- (1) Final site plan prepared by a Tennessee licensed engineer for the development to include, location of all buildings, interior roads and parking areas, detailed landscaping plan of the buffer zone prepared by a landscape architect, location and type of all fences, utilities, and all other features and facilities to be installed or used in connection with the proposed operation.
- (2) Site plan to be at a scale of one inch equals two hundred feet (1"=200).
- (3) Contours at vertical intervals of not more than two (2) feet where the proposed development has an average slope of five (5) percent or less, or at vertical intervals of not more than five (5) feet where the average slope exceeds five (5) percent (contours to be field surveyed or taken from aerial photographs acceptable to the planning commission).
- (4) Stages of development of the site and the expected time of completion.

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

b. Site and Geological Data

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

D. Uses Permitted

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

1. Arsenals.
2. Atomic Reactors.
3. Explosives Manufacturing and Storage.
4. Fireworks Manufacturing.
5. Hazardous Wastes.
6. Radioactive Wastes.
7. Solid Waste Landfills.
8. Solid Waste Processing and Recycling.
9. Waste Incinerators, including Hospital & Medical Waste.
10. Lots or yards for scrap or salvage operations or for processing, storage, display or sales of any scrap, salvage or second hand building materials.
11. Petroleum refining and related industries.
12. Mining activities and related services.
13. Surface and subsurface quarrying of natural mineral resources, excluding topsoil.
14. Adult-oriented businesses.

E. Accessory Uses and Structures

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

F. Uses Permitted as Special Exception

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

G. Uses Prohibited

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

H. General Requirements Applicable to All Uses

1. No excavation or filling shall be made within one hundred (100) feet of any boundary of the site.
2. Side slopes of excavation and fills in earth; sand or gravel shall not exceed one (1) foot vertical to three (3) feet horizontal and shall be blended into undisturbed existing surfaces.
3. A chain link wire fence six (6) feet high and three (3) strands of barbed wire over the top shall be installed along the boundaries of the area developed or the area of active operation and provided with gates of the same construction as the fence. The gates shall remain locked at all times when active operations are not taking place. All fences and gates shall be properly maintained until all operations are completed.
4. Provisions shall be made for the disposal of surface water falling on or crossing the site at all times, during and after completion of the operations. The operations shall not obstruct the normal flow of any public drain, or abrogate the riparian rights of any other party to a stream or drain.
5. The depth of excavation and the materials to be used for fill shall not have any adverse effect on the supply, quality or purity of ground water or wells, or to any property owner.
6. A layer of clean earth at least two (2) feet thick shall be deposited and thoroughly compacted over all fill to bring the surface to the finished surface grade as shown on the topographic plan filed with the application.
7. The finished surface of the site shall bear the proper relationship to that of adjoining properties.
8. The installation of roads, parking areas, buildings, structures and operational facilities and equipment shall be located on the site so that adjoining properties will not be adversely affected.
9. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or candescence. The premises shall be

kept in a neat and clean condition at all times. No loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by the use of calcium chloride or some other approved method.

10. The proposed site must have a public supply of water available, capable of providing the required fire flow to a fire hydrant on site.
11. Sanitary toilet facilities shall be provided on-site in accordance with the requirements of the Department of Environment and Conservation.

## I. Requirements for Specific Uses

### 1. Requirements for Incinerators and Atomic Reactors

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

### 2. Requirements for the Manufacture or Storage of Explosives, Munitions or Fireworks.

- a. Any such facility shall not be located on a site having an area of less than fifty (50) acres.
- b. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the



operation shall be located closer than one hundred (100) feet from any site boundary line.

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

### 3. Requirements for Solid Waste Landfills

- a. All areas used for filling operations shall maintain the minimum setback as required by this section.
- b. No fires shall be permitted. Any smoldering flame or spontaneous combustion in the fill shall be immediately extinguished.
- c. All separation or picking of waste materials shall be conducted in an enclosed building only.
- d. The premises shall be kept neat and clean at all times, no loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by use of calcium chloride or some other approved method.
- e. Entrance to the site shall be controlled at all times to prevent improper dumping on the site.

### 4. Requirements for Hazardous and Radioactive Wastes

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

## J. Dimensional Requirements

All uses permitted in the M-2, Special Impact Industrial District, shall comply with the following requirements:

### 1. Minimum Lot Size

Minimum Lot Area

25 Acres

Lot Width at Building Setback 500 Feet

2. Minimum Yard Requirements

Front Yard Setback 200 Feet

Side Yard Setback 200 Feet

Except where the side yard abuts or is adjacent to a residential zoned property, in which case the minimum setback for that side yard shall be two hundred-fifty (250) feet.

Rear Yard Setback 200 Feet

Except where the rear yard abuts or is adjacent to a residential zoned property, in which case the minimum setback for that rear yard shall be two hundred-fifty (250) feet.

3. Maximum Lot Coverage

On any lot or tract containing one or more structures, the area occupied by all structures, including accessory structures, including accessory structures shall not exceed forty (40) percent of the total area.

4. Height Requirements

No principal structure shall exceed forty (40) feet in height except as provided in Section 5.030.

5. Accessory Structures

- a. With the exception of signs, fences, and security buildings, no accessory structures shall be erected in a required front yard.
- b. Accessory structures shall be located at least one hundred (100) feet from any side or rear lot line, twenty-five (25) feet from any building on the same lot.

6. Peripheral Buffer Zone Requirements

A peripheral buffer zone of one hundred (100) feet shall be established and maintained throughout the life of the facility along all property boundaries. This buffer will consist of three (3) rows of trees and shrubs spaced no more than twenty (20) feet apart, staggered with each row being twenty (20) feet apart. A minimum of sixty (60) percent of all trees and shrubs placed in the buffer shall be evergreens or conifers. All trees planted on the site shall be a minimum of ten (10) feet in height that will mature at a height of at least forty (40) feet. In addition to the rows of trees, a row of shrubs in front of the trees is required plantings; it is recommended that manmade and natural berms be used to further the effectiveness of the natural planted buffer. The peripheral buffer should only be broken by

driveways and walkways that provide access to the site. Any required fencing shall not be located within the buffer zone or between the buffer zone and the property boundaries.

**K. Performance Bond Required**

Any application for final site plan approval shall be accompanied by a performance bond in the amount of the estimated cost of site improvements including, but not limited to water and sewer installation, parking lot and driveway paving, construction of fencing, screening, and landscaping. Such bond may be in form of cash, certified check, irrevocable letter of credit, or surety bond. In the event that the applicant fails to comply with the approved site plan, the Zoning Compliance Officer shall cause the bond to be forfeited and have the necessary improvements constructed or completed. The time for completion may be extended with the permission of the planning commission, upon the owner-builder furnishing a bond or letter of credit for any approved extended period. Posting of the required performance bond by the developer shall constitute prior permission for the proper designated parties to enter upon said property to complete these improvements.

## ARTICLE V

### BEDFORD COUNTY FLOOD DAMAGE PREVENTION PROVISIONS

#### SECTION

- 5.010 Statutory Authorization, Findings of Fact, Purpose and Objectives
- 5.020 Definitions
- 5.030 General Provisions
- 5.040 Administration
- 5.050 Provisions for Flood Hazard Reduction
- 5.060 Variance Procedures

#### **5.010 Statutory Authorization, Findings of Fact, Purpose and Objectives**

##### **Section A. Statutory Authorization**

This Legislature of the State of Tennessee has in sections 13-7-101 through 13-7-115, Tennessee Code Annotated delegated the responsibility to the county legislative body to adopt floodplain regulations designed to minimize danger to life and property and to allow its citizens to participate in the National Flood Insurance Program. Therefore, the Board of County Commissioners of Bedford County, Tennessee, does resolve as follows:

##### **Section B. Findings of Fact**

1. The Bedford County Board of County Commissioners wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-04 Edition).
2. Areas of Bedford County are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

##### **Section C. Statement of Purpose**

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

1. Restrict or prohibit uses that are vulnerable to water or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including County 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 that are involved in the accommodation floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage or erosion, and;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters Or which may increase flood hazards to other lands.

#### **Section D. Objectives**

The objectives of this article are:

1. To protect human life, health 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 floodable areas;
6. To help maintain a stable tax base by providing for the sound use and developments of flood prone areas in such a manner as to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a floodable area;  
and
8. To maintain eligibility for participation in the National Flood Insurance Program.

#### **5.020 Definitions**

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

**“Accessory Structure”** shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

1. Accessory structures shall not be used for human habitation.
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 that may result in damage to other structures.

5. Service facilities such as electrical and heating equipment shall be elevated or flood proofed.

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

**“Addition (to an existing building)”** means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition that is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered “New Construction”.

**“Appeal”** means a request for a review of the local enforcement officer’s interpretation of any provision of this Article or a request for a variance.

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

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

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

**“Base Flood”** means the flood having a one percent chance of being equaled or exceeded in any given year.

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

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

**“Building”** means any structure built for support, shelter, or enclosure for any occupancy or storage (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 permanent 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 fill, 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 landmasses. This peril is not per se covered under the Program.

**“Exception”** means a waiver from the provisions of this Article that relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Article.

**“Existing Construction”** means any structure for which the “start of construction” commenced before the effective date of this first floodplain management code or Article adopted by the community as a basis for that community’s participation in the National Flood Insurance Program (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 Article adopted by the community as a basis for that community’s participation in the National Flood Insurance Program (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 Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

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

**“Flood Hazard Boundary Map (FHBM)”** means an official map of a community, issued by the federal Emergency Management Agency, 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 the Federal Emergency Management Agency, 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 the Federal Emergency Management Agency, evaluation 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 “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 expanded 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, 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 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 flood plain management regulations.

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

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

**“Freeboard”** means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway



conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

**“Functionally Dependent Use”** means a use that 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 preliminary 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 a local inventory of historic places and determined as eligible by communities with historic preservation programs that has been certified either:
  - a. By an approved state 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 Article.

**“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”, unless such transportable structures are placed on a site for 180 consecutive days or longer.

**“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 the Agency.

**“Mean Sea Level”** means the average height of the sea for all stages of the Tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Article, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

**“National Geodetic Vertical Datum (NGVD)”** as corrected in 1929 is 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 after the effective date of this Article or the effective date of the first floodplain management Article and includes any subsequent improvements to such structure.

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

**“North American Vertical Datum (NAVD)”** as corrected in 1988 is 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.

**“Recreational Vehicle”** means a vehicle which is:

1. Built on a single chassis.
2. 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; and
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 Hazard Area”** means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

**“Start of Construction”** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 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 Departments of Economic and Community Development’s, Local Planning Assistance Office as designated by the Governor of the State of Tennessee at the request of the Administrator to assist in the implementation of the National Flood Insurance Program for the state.

**“Structure”** for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

**“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 50 percent of the market value of the structure, before the damage occurred.

**“Substantial Improvement”** means any repairs, reconstruction’s, rehabilitation’s, additions, alterations or other improvements to a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure before the “start of construction” of the improvement. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed.

For the purpose of this definition, “Substantial Improvement” is considered to occur within the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. 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 of; (2) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historical structure”.

**“Substantially Improved Existing Manufactured Home Parks or Subdivision”** is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

“**Variance**” is a grant of relief from the requirements of this Article which permits construction in a manner otherwise prohibited by this Article where specific enforcement would result in unnecessary hardship.

“**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 Article 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, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

### **5.030 General Provisions**

#### **A. Application**

This article shall apply to all the unincorporated area of Bedford County, Tennessee.

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

The Areas of Special Flood Hazard identified on the Bedford County, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 0025, 0050, 0075, 0100, 0125, 0150, 0175, 0189, 0190, 0200, 0225, 0250, 0275, 0282, 0284, 0285, 0300, 0301, 0302, 0304, 0306, 0308, 0310, 0325, 0350, 0375, 0400, 0425, 0450, **dated August 2, 2007**, along with all supporting technical data, are adopted by reference and declared to be a part of this Article.

#### **C. Requirement for Development Permit**

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

#### **D. Compliance**

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

#### **E. Abrogation and Greater Restrictions**

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

#### **F. Interpretation**

In the interpretation and application of this Article, 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 article 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 article 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 article shall not create liability on the part of Bedford County, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made hereunder.

#### **H. Penalties for Violation**

Violation of the provisions of this Article 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. Each day such violation continues, shall be considered a separate offense. Nothing herein contained shall prevent Bedford County, Tennessee from taking such other lawful actions to prevent or remedy any violation.

### **5.040 Administration**

#### **A. Designation of Article Administrator**

The County Planning Director is hereby appointed as the Administrator to implement the provisions of this Article.

#### **B. Permit Procedures**

Application for a development permit shall be made to the Administrator on forms furnished by the Administrator 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 BFE's are available, or to the highest adjacent grade when applicable under this Article.
- b. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed where BFE's are available, or to the highest adjacent grade when applicable under this Article.
- c. Design certificate from a registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in Section 5-B (Specific Standards).
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

##### **2. Construction Stage**

Within unnumbered A zones, where flood elevation data are not available, the Administrator shall record the elevation of the lowest floor on the development permit. 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.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or flood proofing level upon the completion of the lowest floor or flood proofing. Within unnumbered A zones, where 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.

Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a registered land surveyor and certified by same. When flood proofing is utilized for a non-residential building said certification shall be prepared by or under the direct supervision of, a professional engineer or architect and certified by same.

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

### **C. Duties and Responsibilities of the Administrator**

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

1. Review of all development permits to assure that the permit requirements of this Article have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.
3. Notification to 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 submission of evidence of such notification to the Federal Emergency Management Agency.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
5. 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 or substantially improved buildings, in accordance with section 4-B (Permit Procedures).

6. Record the actual elevation; in relation to mean sea level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been flood-proofed, in accordance with Section 4-B (Permit Procedures).
7. When flood proofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with section 4-B (Permit Procedures).
8. 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 filed conditions) the Administrator shall 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 the Article.
9. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Administrator shall 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 Community FIRM meet the requirements of this Article.

Within unnumbered 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 or flood-proofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Section 2 of this Article). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Section 4-B (Permit Procedures).

10. All records pertaining to the provisions of this Article shall be maintained in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Article shall be maintained in a separate file or marked for expedited retrieval within combined files.

## **5.050 Provisions for Flood Hazard Reduction**

### **A. General Standards**

In all flood prone areas the following provisions are required:

1. New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. Manufactured homes shall be elevated and anchored to prevent floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
3. New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;

4. New construction or substantial improvements to existing buildings shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Article, shall meet the requirements of “new construction” as contained in this Article; and,
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Article, shall be undertaken only if said non-conformity is not further extended or replaced.

## **B. Specific Standards**

These provisions shall apply to ALL Areas of Special Flood Hazard as provided herein:

1. Residential Construction. Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated 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 and to ensure unimpeded movement of floodwater, shall be provided in accordance with the standards of Section 5-B (Specific Standards).

Within unnumbered 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 or flood-proofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article II of this Article). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in section 4-B (Permit Procedures).

2. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building, when BFE data is available, shall have the lowest floor, including basement, elevated or flood-proofed no lower than one (1) foot above the level of the base flood elevation.

Within unnumbered 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 or flood-proofed to a level of at least three (3) feet



above the highest adjacent grade (lowest floor and highest adjacent grade being defined in section 2 of this Article). All applicable data including elevations or flood-proofing certifications shall be recorded as set forth in Section 4-B (Permit Procedures).

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 registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in Section 4-B (Permit Procedures).

3. Elevated Building. All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, 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 professional engineer or architect or meet the following minimum criteria.
  1. Provided a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  2. The bottom of all openings shall be no higher than one foot above the finish grade; and
  3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the elevated living area (stairway or elevator); and
- c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Section 5-B (Specific Standards) of this Article.

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 subdivision, or (3) in new or substantially improved manufactured home parks or subdivision, must meet all the requirements of new construction, including elevations and anchoring.

- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
  - 1. When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one (1) foot above the level of the base flood elevation; or,
  - 2. Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three (3) feet in height above the highest adjacent grade.
- c. Any manufactured home which has incurred “substantial damage” as the result of a flood or that has substantially improved must meet the standards of Section 5-B #4 of this Article.
- 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 on identified flood hazard sites must either:
  - 1. Be on the site for fewer than 180 consecutive days;
  - 2. Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions.
  - 3. The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than 180 consecutive days.

5. Standards for Subdivisions

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision 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 proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty lots and/or five acres in area.

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

Located within the Areas of Special Flood Hazard established in Section 3-B (Basis for Establishing the Areas of Special Flood Hazard) 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 developments 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, when combined with all other existing and anticipated development, shall not result in ANY increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.
2. New construction or substantial improvements of buildings, shall comply with all applicable flood hazard reduction provisions of Section 5.

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

Located within the Areas of Special Flood Hazard established in section 3-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 structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (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 or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Section 5-B.

**E. Standards for Streams without Established Base Flood Elevations or Floodways (A Zones)**

1. When base flood elevation data or floodway data have not been provided in accordance with Article III, then the Administrator shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, state or other source, in order to administer the provisions of Section 5. ONLY if data is not available from these sources, then the following provisions (2 & 3) shall apply:

2. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by 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.

3. In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 5-B, and "Elevated Buildings".

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

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

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1') foot above the flood depth number specified on the flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section 5-B, and "Elevated Buildings".

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 specified FIRM flood level, 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, the lowest floor, including basement, shall be flood proofed to at least three (3) feet above the highest adjacent grade. A 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 Article and shall provide such certification to the Administrator as set forth above and as required in Section 4-B.

3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

4. The Administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

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

Located within the areas of special flood hazard established in Article III. Are areas of the 100 year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of Section 4 and Section 5-A shall apply.

**H. Standards for Unmapped Streams**

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

1. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
2. When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood proofed to elevations established in accordance with Section 4.

**5.060 Variance Procedures**

The provisions of this section shall apply exclusively to Areas of Special Flood Hazard within the unincorporated areas of Bedford County, Tennessee.

**A. General**

1. The Bedford County Board of Zoning Appeals shall hear and decide appeals and request for variance from the requirements of this Article.
2. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
3. In passing upon such applications, the Bedford County Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Article, and:
  - a) The danger that material 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 County;
- e) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
- f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
- j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

4. Upon consideration of the factors listed above, and the purposes of this Article, the Bedford County Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Article.

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

#### **B. Conditions for Variances**

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

2. Variance 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; and 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 Articles.

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 level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

4. The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

## ARTICLE VI

### EXCEPTIONS AND MODIFICATIONS

#### SECTION

- 6.010 Scope
- 6.020 Nonconforming uses
- 6.030 Exceptions to height limitations
- 6.040 Lots of record
- 6.050 Exception to front setback requirements
- 6.060 Absolute minimum lot size
- 6.070 Agricultural use of land

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

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

- A. An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same or higher classification provided, 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 area occupied by such use as of the effective date of this resolution. A nonconforming use of a building or buildings shall not be enlarged by purchasing additional land after the effective date of this resolution.
- C. When a nonconforming use of any structure or land has been discontinued for a period of one (1) year, it shall not be reestablished or changed to any use not in conformity with the provision of this resolution.
- D. Any nonconforming building or nonconforming use which is damaged by fire, flood, wind, or other act of God, may be reconstructed and used as before, if it be done within one (1) year of such damage in which case any repair or reconstructions shall be in conformity with the provisions of this resolutions.
- 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.

**6.030. Exceptions to height limitations.** The height limitations of this resolution shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, windmills, chimney, smokestacks, conveyors, flag poles, radio towers, masts, silos and aerials.

**6.040. Lots of record.** The following provisions shall apply to all existing lots of record:

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

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

**6.060. Absolute minimum lot size.** In no case shall the Zoning Compliance Officer or the Board of Zoning Appeals permit a residence to be erected on a lot, vacant at the time of adoption of this zoning resolution, whose width at the building line is less than seventy-five (75) feet and/or whose total lot area is less than ten thousand (10,000) square feet.

**6.070. Agricultural use of land.** This resolution shall not be construed as authorizing the requirement of zoning compliance certificates 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. Nor shall this resolution be construed as limiting or affecting in any way or controlling the agricultural uses of land.

## ARTICLE VII

### DEFINITIONS

#### SECTION

7.010 Scope

7.020 Definitions

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

- a. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- b. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- c. The word “shall” is mandatory.
- d. The word “may” is permissive.
- e. The words “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”.
- g. The particular shall control the general.
- h. The word “structure” includes all other structures, or parts thereof, of every kind regardless of similarity to buildings; and the phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.
- i. In the case of any difference of meaning or implication between the text of this resolution and any caption, illustration or table the text shall control.
- j. The word “permitted” or words “permitted as of right”, mean an activity, use or structure is permitted without meeting the requirements for a conditional use permit.
- k. The words “permitted with supplemental provisions” mean an activity, use or structure is permitted subject to a finding by the zoning administrator that the specific standards indicated for the use in question have been met.
- l. Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:

“And” indicates that all connected items, conditions, provisions or events shall apply.

“Or” indicates that the connected items, conditions, provisions, or events shall

apply.

“Either or” indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

- m. All public officials, bodies, and agencies to which reference is made are those of Bedford County, Tennessee.

**7.020. Definitions.** The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this resolution. Terms not herein defined shall have their standard dictionary definition or such as the context may imply.

ABUTTING: Having a common border with, or being separated from, such a common border by a right-of-way easement.

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

ACCESSORY BUILDING OR STRUCTURE: A subordinate building (not the main building), the use of which is incidental to that of a principal building and located on the same lot therewith. A single-wide mobile home shall not be allowed as an accessory building under any circumstances.

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

ACTIVE FARMING OPERATIONS: A “farm” as defined in this resolution consists of land that is actively being utilized for commercial production of farm crops, such as vegetables, fruit, fiber or grain, pasturage, dairy products, stock and poultry.

ACTIVITY: The performance of a function or operation which constitutes the use of land.

ACTUAL CONSTRUCTION: Excavation of a site and/or the placement of building materials in conjunction with construction of a building or other structure.

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: This 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:

- (1) 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
- (2) Any sexually-oriented material which has a substantial portion of its contents devoted to the pictorial depiction of sadism, masochism or bestiality; or

- (3) 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: 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: 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.

AGRICULTURE USE: The use of a tract of land of five acres or more in size including all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forest, and woods, provided that all appropriate laws and regulations are complied with. The feeding or disposal of community or collected garbage to animals shall not be deemed as an agricultural use.

AGRICULTURE USE (INTENSIVE): These agricultural uses include operations where animals are tightly confined in buildings or outdoor pens including operation of one or more of the following:

- a. Dairy Farm: This term means any place or premises where cows are kept and from which a part or all of the milk or milk products is provided, sold or offered for sale to milk plant, transfer station or receiving station.
- b. Egg Production House: Means any place or premises where chickens are kept for production of eggs for resale to processors, wholesalers or retailers.
- c. Feedlot: Means a lot, yard, corral or other area in which livestock are confined primarily for the purposes of feeding, growing, raising, or birthing prior to slaughter. Feedlot does not include areas that are used for the raising of crops or other vegetation upon which livestock are allowed to graze or feed.
- d. Agricultural Services: This term is intended to encompass a wide variety of service activities that directly support production of crops and animals but are not in and of themselves agricultural activities.
- e. Plant and Forest Nursery: This category includes nurseries with or without retail sales or accessory greenhouses. A minimum of fifty-one (51) percent of all materials sold by a nursery must be grown on-site.

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

AIRPORT: Any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

ALLEY: A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to 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 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.

ANTENNA: (See SATELLITE DISH ANTENNA AND TOWER.) Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.

AQUACULTURE: Land devoted to the hatching, raising, and breeding of fish or other aquatic plants or animals for sale or personal use.

AQUIFER: A geological unit in which porous and permeable conditions exist and thus are capable of yielding usable amounts of water.

AQUIFER RECHARGE AREA: An area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater.

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

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

AUTOMOBILE DISMANTLERS AND RECYCLERS: Any person, firm, association, corporation, or trust resident or nonresident, who is engaged in the business and/or providing facilities for the purpose of recovering parts from automobiles and trucks, which have been wrecked or otherwise rendered inoperable as transportation vehicles with the parts recovered being for resale and further reduce used automobiles and trucks to a condition capable of salvage for the metal scrap content by scrap processors.

AUTOMOBILE GRAVEYARD: Any lot or place of business which is exposed to weather and upon which three (3) or more inoperative motor vehicles, of any kind, not currently registered and/or tagged, are placed, located, found, maintained, dismantled, bought, or sold in whole or in part. This definition also includes AUTOMOBILE WRECKING and AUTOMOBILE JUNK YARDS.

AUTOMOBILE WRECKING: The dismantling, storage, sale or dumping of used motor vehicles, trailers, or parts thereof.

AUTOMOBILE SALVAGE YARDS: Any lot or place which is exposed to weather and upon which more than five (5) inoperative motor vehicles, of any kind, are placed, located, or found, including an automobile repair establishment.

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.

**BED AND BREAKFAST HOME RESIDENCE:** A residence within which not more than three (3) sleeping rooms (limited to three (3) persons or one family unit per room) are provided for occasional paying guests on an overnight basis for periods not to exceed fourteen (14) consecutive days in any thirty (30) day period of time, with breakfast being available on the premises. A bed and breakfast home is allowed only in a building originally constructed as a one-family dwelling subject to the provisions prescribed in the zone district where in the use is located.

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

**BORROW PIT:** Any place or premises where dirt, soil, sand, gravel or other material is removed below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or building construction.

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

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

**BUILDING ENVELOPE:** (See BUILDING AREA OF A LOT.)

**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 an existing or official future street right-of-way 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.

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

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

CANOPY: A permanent covering with unenclosed sides that is traditionally used to protect service islands at a petroleum retail or wholesale establishment from inclement weather.

CAR WASH: An area of land and/or structure with machine-or-hand-operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles.

CEMETARY: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbarium's, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

CHILD CARE: The provision of supplemental parental care and supervision:

- a. For a nonrelated child or children:
- b. On a regular basis;
- c. For less than twenty-four (24) hours a day; and
- d. Under license issued by the Tennessee Department of Human Services.

As used in this resolution, the term is not intended to include baby-sitting services of a casual, non-recurring nature or in a child's own home. Likewise, the term is not intended to include cooperative reciprocal child care by a group of parents in their domiciles or the keeping of four (4) or less preteen age children which is an activity regulated as a minor home occupation by this resolution and requires no licensing by the State of Tennessee.

CHILDCARE FACILITY: A licensed establishment wherein an agency, person or persons regularly provides nonmedical care for a group of five (5) or more children for periods of less than twenty-four (24) hours a day. Childcare facilities as herein defined do not include pre-schools, nursery schools, kindergartens, or other facilities the primary purpose of which is educational, recreational or medical. Childcare facilities include the following:

- a. Family Childcare Home – A licensed family dwelling of a person or persons who regularly provides direct care during part of a twenty-four (24) hour day to five (5) to seven (7) children.
- b. Group Childcare Home – A licensed, childcare home or an agency that regularly provides care for eight (8) to twelve (12) children in either a family dwelling of the licensee/care provider or in a premises other than the family dwelling. The number of children being provided care may be increased to fifteen (15), if four or more of the children are of school age and if adequate space is available to accommodate the additional children as provided in Tennessee State law and this resolution.
- c. Childcare Center – A licensed agency that provides for the care of thirteen (13) or more children.

CLINIC: (See Section 7.020, MEDICAL FACILITIES).

CHURCH OR PLACE OF WORSHIP: The premises, site and/or facility used primarily or exclusively for religious worship and related religious services or established place or worship, retreat site, camp, convent, seminary or similar facility operated by a religious group for religious activities.

CLEAR-CUTTING: The indiscriminate removal of trees, shrubs, or undergrowth with the intention of preparing real property for nonagricultural development purposes. This definition shall not include the selective removal of non-native tree and shrub species when the soil is left undisturbed; removal of dead trees; or normal mowing operations.

CLUSTER RESIDENTIAL DEVELOPMENT: A development that concentrates dwellings in specific areas on a tract to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive areas, or for farmland usage. Open space is preserved by permitting flexibility to the developer for smaller lots than specified in the zoning district, coupled with the requirement that the land saved be reserved for permanent open space. The number of units allowed in the development shall be based upon total acreage of the tract to be developed, including the area reserved for open space. (see also PLANNED DEVELOPMENT.)

COMMERCIAL COMPLEX: A commercial complex shall mean two (2) or more buildings constructed or to be constructed upon a zone lot and used or designed to be used for two or more occupancies.

COMMERCIAL USE: An occupation, employment, or enterprise that is carried on for profit by the owner, lessee or licensee.

COMMON OPEN SPACE: A parcel or parcels of land and/or an area of water within the site designated, designed and intended for use or enjoyments of the occupants of said development. "Common Open Space" may contain such complementary structures and improvements as necessary and appropriate for the benefit and enjoyment of the occupants of such development.

COMMUNICATION TOWER: Means commercial AM/FM radio, television, microwave and cellular telephone transmission towers and accessory equipment and buildings.

COMMUNITY ASSEMBLY: An establishment providing meeting, recreational, or other social facilities for a private or non-profit association, primarily for use by members and guests. This term also includes community centers.

COMMUNITY CENTER: A place, structure, area, or other facility used for and providing religious, fraternal, social, and or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

COMPLETELY ENCLOSED: Refers to a building or other structure having a roof, and separated on all sides from the adjacent open area or from other buildings or other structures, by exterior walls or party walls, pierced only by windows or entrance and exit doors normally provided for persons, goods or vehicles.

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

CONVENIENCE SALES: The retail sale of small CONVENIENCE items such as toiletries, tobacco, and magazines having a gross floor area of less than 4,000 square feet. 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.

COUNTRY CLUB: A chartered, nonprofit membership club, with facilities catering primarily to its membership.

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

CURB LEVEL: The mean of the elevations of the side lot lines extended to the street line.

CURB LINE: The line formed by a curb extending along its roadbed or street bed.

DAY CARE HOME OR CENTER: (See CHILDCARE FACILITY)

DENSITY: The ratio of the number of dwelling units located on a lot to the horizontal area of the lot, expressed in dwelling units per acre.

DETACHED: A building which is surrounded by yards or other open area on the same zone lot.

DEVELOPER: Includes the legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including an optionee or contract purchaser. Any person that is involved in any man-made change to improved or unimproved real estate, including mining, dredging, filling, grading, paving, excavating, and drilling operations, as well as all types of building activities.

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

DEVELOPMENT AREA (MINIMUM): The minimum amount of land area required for each dwelling unit located upon a zone lot. The minimum lot size provision shall apply to all lots within the district. However, the minimum developments area provision may require a lot larger than the minimum lot size where the intended intensity of use would so require.

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

DORMITORY: A facility providing group living quarters for a student body, or other group as an associated use to a college, university, boarding school, orphanage, religious institution or other similar use. This term is intended to include university dormitories as well as fraternity or sorority houses.

DRIVE-IN FACILITY: Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transaction.

DRIVE-IN RESTAURANT: (See RESTAURANT, FAST FOOD).

DUST FREE SURFACE: For the purposes of this ordinance, dust free shall be defined as any surface which is concrete or asphalt, or double-bituminous only when approved by the planning commission. With the exception of single family or two family dwellings, all other types of land uses shall have their access points, parking aisles, and parking areas surfaced in a dust free manner.

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. Multi-family dwelling *means* a building and accessories thereto principally used, designed, or adapted for use as occupancy by three (3) or more households each 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. 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 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.
- f. 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.
- g. Townhouse *means* a residential structure containing three (3) or more single non-detached dwelling units separated by a common vertical wall.
- h. Condominium *means* the ownership of single units in a multiple unit structure or structures with common elements.
- i. Attached Dwelling *means* a one-family dwelling unit, with a private entrance, which is part of a structure of three or more dwelling units that are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation. (See Townhouse.)
- j. Detached Dwelling *means* a building located upon one lot containing not more than two dwelling units, separated from structures on the same or adjacent lots. May be further defined as one-family detached or two-family detached.

- k. Semi-Detached Dwelling means a building containing two adjacent dwelling units that share a common wall at the lot line and that is separated from other structures.

EASEMENT: The right given by the owner of land to another party (either public or private) for a specific limited use of the land. An easement does not constitute a public right-of-way which may be eligible for public dedication and acceptance as a public dedication and acceptance as a public road.

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

EASEMENT, VEHICULAR: The right granted by the owner of land to another party by deed or prescription, to allow vehicular access across one (1) parcel of land to another.

EMERGENCY SHELTER: A facility providing temporary housing for one (1) or more individuals who are otherwise homeless.

ENTERTAINMENT AND AMUSEMENT SERVICES (LIMITED): A recreational activity operated as a profit making enterprise, conducted entirely within an enclosed building and serving groups of less than one hundred (100) assembled spectators and/or participants.

ENVIRONMENTAL OPEN SPACE: A parcel or parcels of land and/or an area of water within the site designate, designed and intended for protection of the natural landscape or certain specified resources.

ESSENTIAL PUBLIC TRANSPORT, COMMUNICATION AND UTILITY SERVICES: Public or quasi-public facilities necessary and incidental to the operation of transport, communication and utility services. These facilities operate primarily as distribution networks and do not include production, storage or processing facilities for the product or service being distributed.

EXTENSIVE IMPACT FACILITIES: This is a diverse grouping of facilities that share the characteristic of potentially exerting high level impact upon surrounding properties. While the nature of the impact varies with the particular use, all the activities included within this grouping must be carefully managed if surrounding activities are to be adequately protected from adverse characteristics associated with the activities included within this grouping.

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.

FARM: A parcel of land equal to or exceeding fifteen (15) acres in size and used for residential and “agricultural” purposes (as defined by this resolution) and meeting the following conditions:

- a. The parcel must be used for residential and agricultural purposes including farming, dairying, pasturing, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry.
- b. Necessary accessory uses for packing, treating, or storing products produced upon a farm may be permitted; provided however, that the operation of any such accessory uses shall be secondary to that of the principal use.

FEED LOT: A parcel, lot, yard, corral or other area in which livestock are confined for a limited period of time primarily for the purposes of feeding, growing, raising, or birthing prior to slaughter. Feed lot does not include areas which are used for the raising of crops or other vegetation upon which livestock are allowed to graze or feed.

FENCE OR WALL: An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

FESTIVAL: A nonprofit temporary celebration marked by special observances or entertainment.

FLEA MARKET: An occasional or periodic sales activity held within a building, structure or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage and yard sales.

FLOOD: (See ARTICLE V., PROVISIONS GOVERNING FLOODPLAIN DISTRICTS).

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 property on one side of a street between two intersecting streets measured along the line of the street. For dead-end streets; all property abutting on one side between an intersecting street and the dead end of the street.

FUNERAL HOME: A building or part thereof used for human funeral services and includes all related services, such as embalming, autopsies and the storage of all funeral related supplies and equipment.

GARAGE, PRIVATE: A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

GARAGE, PUBLIC: A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles (See PARKING LOT).

GARAGE, REPAIR: A building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work.

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.

GENERAL BUSINESS AND COMMUNICATIONS SERVICES: A commercial activity engaged in providing services to other commercial enterprises.

GLARE: A sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and visibility.

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

GRANDFATHERED: See Section 6.020.

HAZARDOUS SUBSTANCES: Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

HAZARDOUS OCCUPANCY: The principal use of a building or structure, or any portion thereof, that involves the manufacture, use or storage of highly combustible, flammable or explosive materials that constitute a high fire hazard and as further defined as a Type “H” Occupancy, in Section 407, Standard Building Code.

HEALTH DEPARTMENT: The Bedford County Health Department.

HEALTH/RECREATIONAL FACILITY: An indoor facility including uses such as game courts, exercise equipment, locker rooms, jacuzzi, and/or sauna and pro shop.

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.

HOMELESS SHELTERS: A facility providing, without charge, single night, temporary lodging, with or without meals, for people with no ordinary or regular home or residence address. Such shelters should not be providing lodging on a regular basis to the same individuals. These uses are operated by not-for-profit organizations or other charitable organizations.

HOME OCCUPATION: (See Section 3.020.)

HOMEOWNER’S ASSOCIATION: A formally constituted nonprofit association or corporation made up of the property owners and/or residents of a fixed area; and which may take permanent responsibility for costs and upkeep of semi-private community facilities.

HOSPITAL: See Medical Facilities.

HOTEL: A facility offering transient lodging accommodations on a daily rate to the general public and may provide additional services, such as restaurants, meeting rooms and recreational facilities. This term also includes motel, resort and travel lodge.

HOUSEHOLD: All the persons occupying the premises and living as a single nonprofit housekeeping unit regardless of marital status or relationship as distinguished from a group occupying a lodging house or dormitory or similar type of group use.

INOPERATIVE MOTOR VEHICLE: A motor vehicle that cannot be cranked and/or driven upon public roads for reasons including, but not limited to, being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

INTERMEDIATE IMPACT FACILITIES: This classification includes a diverse listing of activities that share the characteristic of exerting a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements or potential nuisances associated with such uses.

JUNK: Old, dilapidated, scrap, or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles, and parts, thereof. Used machinery, scrap, iron, steel, other ferrous and nonferrous metals, tools, implements or portions

thereof glass, plastic, cordage, building materials, or other waste that has been abandoned from its original use and may be used again in its present or in a new form.

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.

KENNEL: An establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or sale of domesticated animals is conducted as a business.

LANDFILL: A disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

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

LANDSCAPING: The planting and maintenance of trees, shrubs, lawns, and other ground cover or materials, provided that terraces, fountains, earthen berms or retaining walls, street furniture, sculptures or other art objects, and similar accessory features may be considered as landscaping if integrally designed.

LANDSCAPING BUFFER STRIP: (See BUFFER STRIP)

LAUNDRY, SELF-SERVICE: A business that provides home-type washing, drying, and/or ironing machines for hire to be used by customers on the premises.

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

LIVERY OR BOARDING STABLE: Any parcel of land which is utilized to board ten (10) or more horses which are owned by persons not residing on the premises.

LIVESTOCK: A term meant to include cattle, sheep, swine, poultry and other animals or fowl that are being produced primarily for use as food or food products for human consumption.

LIVESTOCK, DAIRY, POULTRY STRUCTURE: Any building, structure, installation, storage container, or storage site used in the operations of a livestock, dairy, or poultry facility, including, but not limited to, feed storage bins, litter storage sites, incinerators, manure storage sites, poultry disposal pits, and dead poultry cold storage chests.

LIVESTOCK YARDS: An enclosure designed or used for holding livestock for purposes of sale or transfer by auction, consignment, or other means.

LOADING SPACE: An area ten (10) feet by forty (40) feet with a fourteen (14) foot height clearance providing for the standing, loading, or unloading of a truck or other vehicle. All loading spaces must contain an impervious surface such as asphalt or concrete.

LODGING HOUSE: This is a general term and includes all places of semi-transient residential occupancy (as herein defined). The term lodging house is intended to include dormitories, rooming houses, boarding houses, apartment hotels, residential hotels and all similar facilities coming within the general definition of semi-transient residential activities.

LOT: A piece, plot, or parcel of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one or more principal buildings, or not more than three principal dwellings in the A-1 zone 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 FLAG: A single lot with access provided to the bulk of that lot by means of a narrow corridor having a minimum of fifty (50) feet of frontage on a public street or right-of-way.

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, THROUGH: A lot having its front and rear yards each abutting on a street.

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

MANUFACTURED HOME: (See Section 7.020, DWELLING, Mobile Home).

MANUFACTURED HOME SPACE: A designated area within a mobile home park for the exclusive use of the occupants of a single home.

MANUFACTURING (BASIC INDUSTRY): An establishment engaged in basic processing, conversion and manufacturing of materials or products predominantly from extracted raw material or manufacturing processes utilizing flammable or potentially explosive materials or storage or manufacturing processes that involve commonly recognized offensive conditions, other than those classified in the Hazardous Operations Activity Type.

MANUFACTURING (GENERAL): This grouping includes all manufacturing operations excepting those classified as Basic Industry or Hazardous Operations.

MANUFACTURING (HAZARDOUS OPERATIONS): Any establishment engaged in storage, processing and/or transport of raw materials or finished goods classified as hazardous including materials, processes and/or activities that may present serious hazards to human life and health.

MANUFACTURING (LIMITED): An establishment primarily engaged in the on-site compounding, processing, fabrication, assembling and packaging of materials by the use of hand or small power tools, and may include the incidental direct sale of those goods to consumers.

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

MEDICAL FACILITIES:

Center for Observation and Rehabilitation: A licensed medical facility wherein services more intensive than those required for room, board, personal services and general nursing care are provided to an in-patient population, but which involves no form of forced residency of the type required within drug and alcohol rehabilitation facilities.

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 FIRE FLOW: For purposes of this Resolution the term "Minimum fire Flow" shall mean a five-hundred gallon per minute (500 gpm) water flow calculated at a twenty pound per square inch (20 PSI) residual pressure delivered from a water line that is six (6) inches or greater in diameter.

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

MINING AND QUARRYING OPERATIONS: An establishment engaged in excavation or extraction of any earth products or natural mineral deposit, except where such excavation is for purposes of grading for a building lot or a roadway, where grass sod is removed to be used for landscaping, or where materials are extracted for use on that same lot by the owner of the property. Specifically excluded from this is grading and removal of dirt associated with an approved site plan or subdivision, the removal of topsoil when associated with a legitimate business, or excavations associated with and for the improvement of, a bona fide agricultural use.

MINIWAREHOUSES: (See SELF-SERVICE STORAGE FACILITIES)

MIXED BUILDING: A building containing residential activities along with commercial and/or community facilities activities.

MOBILE HOME PARK: (See Section 3.060.)

MODULAR HOME: (See Section 7.020, DWELLING, Prefabricated.)

MOTEL: (See Section 7.020, HOTEL)



MOTOR VEHICLE: Every vehicle which is self-propelled including every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

NONCOMPLYING:

- a. Any lot of record that does not contain sufficient lot area to conform to the area requirements for the zoning district wherein the lot is located.
- b. Any lawful building or other structure that does not comply with any one (1) or more of the applicable bulk regulations, or
- c. Any lawful use other than a nonconforming use, which does not comply with any part or any one (1) or more of the applicable regulations pertaining to:
  1. Location along a district boundary; or
  2. Accessory off-street parking and loading;

either on the effective date of this resolution or as a result of any subsequent amendment.

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.

OCCUPANCY: The principal use of land for the performance of a function or operation by a person, firm, corporation, or association as a single legal entity. For the purposes of this resolution there shall be only one principal use of land by any one person, firm, corporation, association or legal entity.

OFFICE: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

OFFICE PARK: An area on the same lot 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.

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.

ORDNANCE: A use engaged in the manufacturing of weapons, ammunition, combat vehicles and necessary maintenance tools and equipment.

OUTDOOR STORAGE: The keeping, in an unroofed area, or any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

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

PARK: Any public or private land available for recreational, educational, cultural, or aesthetic use.

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

shall contain an impermeable surface according to the provisions of this ordinance. (See definition, DUST FREE SERVICE.)

PARKING SHARED: The developments and use of parking areas on two (2) or more separate properties for joint use by the businesses on those properties.

PARKING SPACE: An off-street space available for parking one motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passageways and driveways giving access thereto, containing no less than ten (10) feet at its narrowest dimension, and having access to a street or alley.

PARTY WALL: A wall on an interior lot line, used or adopted for joint service between two (2) buildings. Such walls shall extend from the foundation to the underside of roof sheathing without openings which would permit the spread of fire from one building to another and shall fully comply with fire and all other provisions and standards established for such walls in the Standard Building Code.

PERMANENT ACCESS EASEMENT: A perpetual easement guaranteeing right of ingress and egress to and from the premises of a lot owner to a street appurtenant to the land of the owner. Any permanent access easement utilized as the sole means of providing legal access to two (2) or more parcels of land shall: (1) be so designed as to assure continuing adequate ingress and egress for emergency vehicles; (2) be assured adequate continuing maintenance by an owners association or similar organization and be constructed to the standards of a public street as specified in the Subdivision Regulations. In any instance where a permanent access easement is located within a PUD District, the design standard shall be as approved in the development plans required, therefore.

PERSON: An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and included a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

PHOTOCOPY SERVICE: A business that reproduces drawings, plans, maps, or other copy by means of blueprinting or photocopying.

PLANNED DEVELOPMENT: A single planned area of land which (1) has both individual building sites and common property such as a park, and (2) is designed and organized to be capable of satisfactory use and operation as a separate entity without necessarily having the participation of other building sites or other common property; the ownership of the common property may be either public or private.

PLANNED UNIT DEVELOPMENT: A tract of land, adhering to a master development plan, developed as a unit under single ownership or unified control, which includes one or more principle buildings or uses. PUD's receive design flexibility from traditional bulk regulations, ie., acreage, setbacks, height limitations, housing density, building location, etc., and combining various land uses to achieve certain economics in construction, in exchange for preservation of open space and the inclusion of many amenities.

PLANNING COMMISSION: The Bedford County Regional Planning Commission.

PLANT NURSERY: Any land used to raise trees, shrubs, flowers, and other plants for sale or transplanting.

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 o 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 with to meeting any yard requirement.

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

PRINT SHOP: A retail establishment that provides duplicating services using photocopy, blueprint, and offset printing equipment, including collating of booklets and reports.

PRIVATE USE OPEN SPACE: Open areas located upon a lot and held for the exclusive use and enjoyment of owner(s) of such property.

PRIVATE RECREATIONAL FACILITY: A facility used for and providing recreational programs operated as a business enterprise with a service charge or fee being paid to the owner or operator of the facility.

PRIVATE WASTEWATER TREATMENT: Individual subsurface sewage disposal 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 professions.

PROFESSIONAL SERVICES (MEDICAL): This activity classification is intended to include establishments primarily engaged in providing therapeutic, preventative, or correctional personal treatments services on an out-patient basis by physicians, dentist, and other medical practitioners, as well as testing and analysis services. Offices of doctors, dentists and other health care providers are included within this classification. This grouping is limited and does not include the broad ranging services provided at general health care facilities such as hospitals but does include the limited outpatient services provided at outpatient clinics, whether operated for profit or otherwise.

PUBLIC RECREATIONAL FACILITY: A facility used for and providing recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

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

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

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

RECREATIONAL OPEN SPACE: A parcel or parcels of land and/or an area of water within the site designated, designed and intended for benefit, active or passive recreational use or enjoyment of the occupants of said development.

RECREATIONAL VEHICLE (RV): (See Section 7.020, TRAVEL TRAILER)

RECREATIONAL VEHICLE (RV) PARK: (See Section 7.020. TRAVEL TRAILER PARK)

RECYCLING CENTER: A building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

RECYCLING COLLECTION POINT: An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas, such as in churches and schools.

RECYLCING PLANT: A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal cans; and other product, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

RELIGIOUS FACILITIES: Any structure or site such as a church, synagogue, chapel, sanctuary or cathedral used for purposes of individual or collective involvement with a religious activity, such as rites, rituals, ceremonies, prayers and discussions.

RESIDENCE: A building or part of a building containing one (1) or more dwelling units or rooming units, including one-family or tow-family houses, multiple dwellings, boarding or rooming houses, or apartment hotels, However, residences do not include:

- a. Such transient accommodations as transient hotels, motels, tourist homes, or similar establishments, or
- b. Dormitories, fraternity or sorority houses, monasteries, or convents, or similar establishments containing group living or sleeping accommodations, or
- c. Nurses' residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility buildings or portions of buildings used for community facilities, or
- d. In a mixed building, that part of the building used for any nonresidential uses, except uses accessory to residential uses.

RESIDENTIAL BUILDING: Any building utilized solely for residential activities and their accessory functions.

RESTAURANT (DRIVE-IN): An establishment where the principal business is the sale of food and beverages in a ready-to-consume state by customers in parked motor vehicles.

RESTAURANT (FAST FOOD): An establishment where the principal business is the sale of food and beverages in a ready-to-consume state by customers in the restaurant of for carry-out. Orders are made from a limited menu and are not taken from customer's table, and food is generally served in disposable wrapping or containers.

RESTAURANT (FULL SERVICE): An establishment where the principal business is the sale of food and beverages in a ready-to-consume state and where the design or principal method of operation consists of one or more of the following:

- a. A sit-down restaurant where customers, normally provided with an individual menu, are generally served food and beverages in non-disposable containers by a restaurant employee at the same table or counter at which said items are consumed; or
- b. A cafeteria or cafeteria-type operation where foods and beverages generally are served in nondisposable containers and consumed within the restaurant; or
- c. Small specialty restaurants having floor area exclusively within a shopping center or office park, sharing common parking facilities with other businesses within such centers, and having access to common interior pedestrian access way.

RESTRICTED USE OPEN SPACE: Open areas located within a planned unit development that are held in some form of common ownership and restricted to use only as vegetative buffers, or other forms of environmental protection. These areas may include floodplains, steep slopes or other environmentally sensitive lands.

RIGHT-OF-WAY LINE: Right-of-way line is a line contiguous with a lot line dividing a lot from an abutting street.

ROAD, PRIVATE: (See EASEMENT.) A way open to vehicular ingress and egress established as a separate tract for the benefit of certain, adjacent properties. This definition shall not apply to driveways.

ROAD, PUBLIC: All public property reserved or dedicated for street traffic.

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

ROOMING HOUSE: (See Section 7.020, DWELLING, Rooming House.)

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 Health and Environment.

SATELLITE DISH ANTENNA: A round, parabolic antenna intended to receive signals from orbiting satellites and other sources. Noncommercial satellite dish antennas are defined as being less than four (4) meters in diameter, while commercial dish antennas are usually larger than four (4) meters in diameter and typically used by broadcasting stations.

SCENIC EASEMENT: An easement, the purpose of which is to limit developments in order to preserve a view or scenic area.

SCHOOL: A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

SCREENING: The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features (See also, BUFFER STRIP).

SELF-SERVICE STORAGE FACILITIES: A structure or group of structures for the dead storage of customer's goods and wares where individual stalls or lockers are rented to different tenants for storage and removal of personal effects.

SEMI-TRANSIENT RESIDENTIAL ESTABLISHMENT: An establishments where lodging is provided for compensation partly on a weekly or longer basis and partly for a shorter time period, but with less than thirty (30) percent of the living units under the same ownership or management on the same zone lot being occupied on a less than monthly basis; but excluding institutional living arrangements involving the provision of specific kinds of forced residence, such as nursing homes, orphanages, asylums, and prisons.

SETBACK LINE: A line which establishes the minimum distance the principal building must be setback from the street line.

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.

SHELTER: (See Section 7.020, EMERGENCY SHELTER)

SHELTER, FALL-OUT: A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fall-out, air raids, storms, or other emergencies.

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.

SINGLE OWNERSHIP: Means a proprietary interest of a landholder as defined herein.

SINKHOLE: A topographic feature defining a depression in the ground's surface, typically formed by the collapse of underlying strata, which surface water drains into, yet drains out of primarily via infiltration. For the purpose of this Ordinance, a sinkhole shall be considered as encompassing the entire area lying within the depression, plus an additional area fifty (50) feet wide around the edge of the depression.

SITE PLAN: A scaled graphic schematic of a development site indicating the location of buildings, walkways, parking, drainage facilities, topography and landscaping as they are to appear upon the completion of development. Site plans may be required to contain such other information as may be deemed necessary by the Planning Commission to insure proper development of the site.

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

SPECIAL INSTITUTIONAL CARE FACILITIES: This is a general term that is intended to include all facilities that involve forced residency, full time supervision and care for:

(1) individuals who are legally confined due to violations of law; (2) individuals who are addicted to drugs and/or alcohol; and (3) individuals who are mentally ill, including the criminally dangerous or others who for their own protection or the protection of society must be confined.

**SPECIAL PERSONAL AND GROUP CARE FACILITIES:** This is a general term that is intended to include residential facilities for the care of elderly or infirm persons who may require special care and/or supervision. The term is intended to include facilities that are principally residential in nature but wherein long term medical or rehabilitative services are provided for the residents. This term is not intended to include facilities for the criminally dangerous or psychotic. Special personal and group care facilities include the following:

- a. **Assisted Living Facilities for Elderly or Handicapped Persons:** A residential facility other than a dwelling unit (as defined above) intended for occupancy by unrelated individuals who are handicapped, aged, or disabled and wherein meals are prepared and served in a common dining facility and limited assistance is provided for daily activities.
- b. **Convalescent Homes:** (See Nursing Homes.)
- c. **Family Care Facilities:** A licensed facility wherein residential services are provided to eight (8) or fewer unrelated individuals who are handicapped, aged, disabled or otherwise in need of adult supervision in accordance with their individual needs. This grouping does not include facilities providing residential services to delinquent minors, the criminally dangerous, the addicted, and/or mentally ill individuals.
- d. **Group Care Facilities:** A licensed facility wherein residential services are provided to nine (9) or more unrelated individuals who are handicapped, aged, disabled or otherwise in need of adult supervision in accordance with their individual needs. This grouping does not include facilities providing residential services to delinquent minors, the criminally dangerous, the addicted, and/or mentally ill individuals.
- e. **Day-Care Facilities for Elderly Persons:** A licensed establishment wherein an agency, person or persons regularly provides nonmedical care for a group of unrelated individuals who are handicapped, aged, disabled or otherwise in need of adult supervision in accordance with their individual needs for periods of less than twenty-four (24) hours a day.
- f. **Nursing Homes:** A general term used to describe a licensed establishment providing bed care and inpatient services for individuals needing regular medical attention, but excluding a facility providing surgical or emergency medical services or providing care for mental illness or communicable disease. Retirement or rest homes, and convalescent homes are included within this term.

**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 areolae; or
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**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.

**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 object constructed or installed by man, including but not limited to buildings, towers, smokestacks, and overhead transmission lines.

**SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction, or improvement of a principal structure, the cost of which equals or exceeds fifty (50) percent of the market 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, that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for the improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions or (2) any alteration or restoration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**TAVERN:** Any premises or establishments serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and minors are excluded therefore by law. This term also includes bars, cocktail lounges and nightclubs.

**TEMPORARY OVERNIGHT SHELTERS:** These shelters are for the homeless and must be an accessory use to a religious or other nonprofit agency. Temporary shelters shall operate no more than a total of thirty (30) days per calendar year. These uses shall be contained within the principal structures on the property. These shelters must meet all applicable codes but are allowed wherever such religious or nonprofit agencies are located.

**TEMPORARY SALE:** (See Section 7.020, FLEA MARKET.)



TEMPORARY USE: A prospective use, intended for limited duration, to be located in a zoning district not permitting such use, and not continuing a nonconforming use or building.

THROUGH LOT: (See Section 7.020, LOT, THROUGH.)

TOWER: (See Section 7.020, ANTENNA.) A structure situated on a nonresidential site that is intended for transmitting or receiving television, radio, or telephone communications, excluding those used exclusively for dispatch communications.

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

TRANSFER OF DEVELOPMENT RIGHTS: The conveyance of development rights by deed, easement, or other legal instrument authorized by local law to another parcel of land and the recording of that conveyance.

TRANSIENT HABITATION: Separate lodging or living accommodations for rent or lease of a commercial nature. Such uses as hotels, motels, tourist homes and courts, as well as commercial camp grounds (sporting and recreational camps) fall under this classification. Multi-family dwelling complexes of all types in which more than thirty (30) percent of their units are occupied on a biweekly basis or less shall be considered as being transient habitation.

TRANSITIONAL USE: A permitted or structure that by nature or level of scale of activity acts as a transition or buffer between two (2) or more incompatible uses.

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. This term also includes recreational vehicles.

TRAVEL TRAILER PARK: A plot of land designed and equipped to accommodate TRAVEL trailers for short periods of time. This term also includes recreational vehicle parks.

TRUCK CAMPER: A portable unit constructed to provided temporary living quarters for recreational, travel or camping use, consisting of a roof, floor and sides, designed to be loaded onto and unloaded form the bed of a pickup truck.

TRUCK TERMINAL: A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks, are parked or stored.

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

USE AND OCCUPANCY PERMIT: A written permit issued by the Zoning Administrator required before occupying or commencing to use any building or other structure or any zone lot.

VARIANCE: A dispensation permitted on individual parcels of property as a method of alleviating unnecessary hardship by allowing a reasonable use of the building, structure, or property, which, because of unusual or unique circumstances, is denied by the terms of the zoning ordinance.

VEHICLE: Every device in, upon or by which any person or property is or may be transported or drawn upon a roadway, excepting devices used exclusively upon stationary rails or tracks.

WAREHOUSE: A building used primarily for the storage of goods and materials.

WAREHOUSING AND DISTRIBUTION: A use engaged in storage, wholesale, and distributions of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that creates hazardous or commonly recognized offensive conditions.

WETLAND: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrotopic vegetation.

VEHICULAR USE AREA: Vehicular use area as used in this resolution shall mean any group surface area, except public right-of-way, used by any type vehicle whether moving or at rest for the purpose of driving, parking, loading, storage or display (automotive sale lots). Also included, are activities of a drive-in nature in connection with banks, restaurants, service stations and grocery stores.

WASTE TRANSFER STATIONS: This activity includes a convenience center for collection and mechanical compaction of domestic waste transported in from individual households.

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

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

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

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

YARD REQUIRED: That part of a zone lot extending open and unobstructed from the lowest level to the sky along the entire length of a lot line, and from a lot line equivalent for a depth of width set forth in the applicable regulations. Only such obstructions, projections and specific minor uses or structures allowed in such open space under the provisions of this resolution may be permitted in any required yard.

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

ZONE OR ZONING LOT: For the purpose of this resolution, a zone lot is a parcel of contiguous land that is or may be developed or utilized under one ownership as a unit site for a use or group of uses and which is of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- a. A single lot of record;
- b. A portion of a lot of record;
- c. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of records;
- d. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this resolution.

ZONING COMPLIANCE CERTIFICATE: See Section 8.030.

ZONING COMPLIANCE OFFICER: The official in charge of enforcing zoning compliance or his/her authorized representative appointed by the Bedford County Commission.

ZONING MAP: A map or series of maps and special overlays (the official copy being maintained by the county clerk) showing districts and special districts that are established under the provisions of and, hereby, being a part of this resolution.

ZONING PERMIT: A written permit issued by the Building Inspector, same being required before commencing any construction, reconstruction, alteration of any building or other structure or before establishing, extending or changing any activity or use on any zone lot. This term also includes building, use and occupancy permits (See Section 8.030).

## ARTICLE VIII

### ADMINISTRATION AND ENFORCEMENT

#### SECTION

- 8.010 Administration of the resolution
- 8.020 The zoning compliance officer
- 8.030 Zoning compliance certificates
- 8.040 Temporary use permits
- 8.050 Inspections of Compliance
- 8.060 Procedure for authorizing special exceptions
- 8.070 County Board of Zoning Appeals
- 8.080 Variance
- 8.090 Amendments to the resolution
- 8.100 Penalties
- 8.110 Remedies
- 8.120 Separability
- 8.130 Interpretation
- 8.140 Effective date

**8.010. Administration of the resolution.** Except as otherwise provided in ARTICLE VI, Section 6.070, no structure or land shall after the effective date of this resolution be used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this resolution shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolution, or regulations is mandatory.

**8.020. The Zoning Compliance Officer.** The provisions of the resolution shall be administered and enforced by the County Zoning Compliance Officer appointed by the County Board of Commissioners, and he/she shall have the power to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this resolution. The County Zoning Compliance Officer is accountable to the County Board of Commissioners through the County Executive officer who shall administratively supervise his/her activities. In performance of administering and enforcing this resolution, he/she shall:

- A. Issue all zoning compliance certificates 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 or other matters on which the Board is required to act under the provisions of this resolution.

- 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 Zoning Compliance Officer shall possess the right to enter upon any premises for the purpose of making inspections of premises necessary to carry out his authorized duties.
- G. Notify the district's County Commissioners as to any request for a special exception, variance or rezoning before said meeting.

**8.030. Zoning Compliance Certificate.** It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or expansion of any structure 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 within any flood prone area without a permit thereof, issued by the Zoning Compliance Officer.

No zoning compliance certificate shall be issued by the Zoning Compliance Officer 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 by this resolution.

A. Application

Application for zoning compliance certificate shall be made in writing to the Zoning Compliance Officer on forms provided for that purpose. All applications for Zoning compliance certificates shall be accompanied by a plan or a plat in duplicate, drawn to scale, with adequate documentation to ensure compliance with dimensional requirements, and showing the following:

1. The approximate 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 when the site falls within a designated flood hazard area.
3. The existing and intended use of all such buildings or other structures.
4. The tax map and parcel numbers of the lot.
5. The Zoning Compliance Officer shall require the following specific information to be included as part of an application for zoning compliance certificate for new construction, substantial improvements to existing structure, or other development proposed to be located within an area subject to flood as defined in ARTICLE V.
  - a. Copies of all federal and state permits required for the construction of the development as shown on the plans.
  - b. The name and address of the engineer, architect, surveyor, or other qualified person responsible for providing the information required under this section.

- c. Site plans for developments other than subdivisions or mobile home parks showing the location of the proposed building or structure and existing buildings or structures on site or lot, watercourses, easements, or other information as the Zoning Compliance Officer may deem necessary.
- d. Where the developments lies partially or completely within an area subject to flooding, the site plan shall include detailed information giving the location and elevation of sites. The plans shall show existing and proposed land contours at intervals not to exceed two (2) feet. The limits of the area subject to flooding and floodway boundaries shall be accurately shown on the plans. Each lot shall contain a building site safe from the threat of flood.
- e. Any person, firm, or corporation hereafter constructing a building or structure within an area subject to flood shall submit to the Zoning Compliance Officer a surveyor or engineer's certification stating the actual of the lowest floor (including basement) of the building or structure upon application for a zoning compliance certificate. If the structure (nonresidential only) was flood proofed, the certification which shall come from a registered engineer or architect shall also state the height to which the structure was flood proofed.
- f. The minimum height of the lowest floor shall be one (1) foot above the level of the 100-year flood, site plans shall show information pertaining to the methods of lifting the proposed structure, including details of proposed fills, pile structures, retaining walls, foundations, and erosion protection measures. When required by the Zoning Compliance Officer, these plans shall be prepared by a registered professional engineer or architect.
- g. For structures to be flood proofed (non-residential only) at or above the level of the 100- year flood, plans shall show details of flood proofed measures. The plans shall be prepared by a registered professional engineer or architect which shall certify that the proposed structure, together with utilities and sanitary sewer facilities, is designed so that the structure is watertight with walls substantially impervious to the passage of water, and is designed to withstand the hydrostatic, hydrodynamics, buoyant, impact, or other forces resulting from the flood depths, velocities, pressures, debris, and other factors associated with the flooding conditions at the site.

B. Fee:

The Bedford County Commission shall establish a schedule of fees and a collection procedure for zoning compliance certificates. The schedule of fees shall be posted in the Office of the Zoning Compliance Officer. Only the County Commission may alter or amend the fee schedule. However, any change to the fee schedule shall first be submitted for review to the planning commission prior to adoption by the County Commission. Until the appropriate fee has been paid in full, no action shall be taken on any application.

C. Issuance of Permit:

If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this resolution, the Zoning Compliance Officer shall issue a zoning compliance certificate for such excavation or construction. If an application for a Zoning Compliance certificate is not approved, the Zoning Compliance Officer 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.

D. Construction Progress:

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

**8.040. Temporary use permits.** It shall be unlawful to commence construction or development of any use of a temporary nature unless a Permit has been obtained from the County Zoning Compliance Officer, as provided for in ARTICLE III, SECTION 3.010 of this resolution. Application for a Temporary Use Permit shall be made in writing to the Zoning Compliance Officer on the form provided for that purpose. A schedule of fees shall be established by the Bedford County Commission as per Section 8.030.B of this resolution. Such schedule shall be posted in the office of the Zoning Compliance Officer. Until the appropriate fee has been paid in full, no action shall be taken on any application.

**8.050. Inspection of Compliance.** After a building or premise or any part thereof is ready for occupancy and within one (1) year following occupancy, the Zoning Compliance Officer 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 of this resolution.

**8.060. 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 ordinance, or whether a review is requested by the Zoning Compliance Officer to determine whether a proposed use is potentially noxious, dangerous or offensive.

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

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

4. Conforms to all applicable provisions of this ordinance for the district in which it is to be located as well as the provisions cited in Section 8.060 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. 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. Required yard and other open space.
7. 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 ordinance.

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 sixty (60) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

G. Special Conditions for Multi-Family Dwelling and Mobile Home Park Activities:

In addition to the standards contained elsewhere in this resolution for these type developments, the Board of Appeals shall specifically find that there will be no adverse impact upon adjoining properties or the neighborhood in which such use is



proposed. In making this finding, the Board shall consider the effect upon traffic congestion, overcrowding of schools availability of necessary public utilities, and character of adjoining structures, and suitability of the site for the use and such other factors as the Board may deem necessary.

H. Special Conditions for Administrative Services.

1. There must be demonstrated need for such activities to serve the neighborhood or the total community.
2. All lot, yard, and bulk regulations of the zone district shall apply.
3. Appropriate off-street parking requirements shall apply.
4. Fencing, screening, and landscaping shall be provided as appropriate to protect surrounding properties and reduce any potential adverse impact.
5. The site and architectural plans shall be approved by the Planning Commission.
6. The location of such facility shall not materially increase traffic on surrounding streets.

I. Special Conditions for Day Care Homes:

1. All Childcare facilities, as defined in ART VII, that are permitted as Special Exceptions shall be subject to the following provisions:
  - a. The required lot size, yard, and bulk regulations of the district shall apply. No variances shall be permitted for lots on which such use is to be located.
  - b. All public utilities and sanitary sewers shall be available and connected to the site unless the site is over one (1) acre in size. The Fire Inspector shall approve the facility for safety.
  - c. All requirements of the State of Tennessee Department of Human services that pertain to the use shall be met, and necessary paperwork provided to the Board at the time of review.
  - d. An outdoor play area of at least fifty (50) square feet per child in size shall be available and shall be fenced.
  - e. The facility shall be located so as to be compatible with the surrounding area and provide safety to those using the facility. Entrances and exits to the site shall comply with ART II, Sections 2.050 and 2.060 of this resolution. Further, the access shall be designed so as to prevent vehicles from backing into the roadway, and to provide adequate on-site parking and drop-off capability.
  - g. Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.

- g. No such facility shall be permitted on a lot unless such lot contains at least one (1) acre.
2. Childcare Centers permitted as Special Exceptions shall be subject to the following additional provisions:

No such facility shall be permitted on any road classification except arterial and collector roads, as identified on the Major Thoroughfare Plan of Bedford County.

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

1. No such facility shall be permitted on a zone lot unless it contains a minimum of one (1) acre.
2. All bulk regulations of the district shall be met.
3. The requirements of the accessory off-street parking regulations of this resolution shall apply.
4. All regulations of the State of Tennessee shall be met.
5. All public utilities and sewage disposal shall be available and connected to the site, and the site and architectural plans for such a facility be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors.
6. Special passenger loading and unloading facilities shall be provided on the same zone lot for vehicles to pick-up or deliver passengers. Such facilities shall provide for driveways that do not require any back-up movements by vehicle to enter or exit the zone lot.
7. The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facility.

K. Special Conditions for Community Assembly.

1. No such facilities shall be permitted on a lot unless it contains one (1) acre provided, however, that if such community assembly includes outdoor activities, the minimum lot area shall be four (4) acres.
2. All bulk regulations of the zone district shall apply:
3. Off-Street Parking.
  - a. For nonprofit clubs, lodges, meeting halls and recreation centers, one (1) space for each four (4) seats in an assembly area within the facility, or one (1) space for each seventy-five (75) square feet of gross floor area, whichever is greater, shall be provided.
  - b. For temporary nonprofit festivals, the required number of off-street parking spaces shall be determined by the Board, taking into account the traffic generation of such facility, the hours of other such factors as affect the need for off-street parking.

4. Except for temporary nonprofit festivals fencing, screening and landscaping shall be provided as appropriate for such facility, except that no landscaped screen shall be located closer than fifteen (15) feet of any vehicular entrance or exit to the property.
5. The location and operation of such community assembly facility shall be in keeping with the character of the surrounding area and shall not adversely affect the properties within the surrounding area.
6. All public utilities and sewage disposal shall be available and connected to the site.
7. Except for temporary nonprofit festivals, the site and/or architectural plans shall first be approved by the Planning Commission taking into account the above conditions.

L. Special Conditions for Cultural and Recreational Services.

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

M. Special Conditions for Community Education.

1. No such facilities shall be permitted on a zone lot unless such lot contains the acreage recommended for such facilities by the appropriate state agency.
2. The traffic generated by such facility shall be safely accommodated along the streets, which will provide access to the site.
3. The location and design of such facilities shall not have an adverse effect upon surrounding properties.
4. The off-street parking requirements of this resolution shall apply.

N. Special Conditions for Health Care.

1. Minimum Lot Area

- a. No health clinic shall be permitted on a zone lot unless it contains twice the lot area requirements of the district.

- b. No hospitals, or centers for observation or rehabilitation shall be permitted on a zone lot unless it contains a minimum of five (5) acres.
2. The minimum side and rear yards for hospitals and centers for observation or rehabilitation shall be fifty (50) feet for one (1) or two (2) story buildings, increased by five (5) feet for each story above two (2).
3. All other regulations of the district shall apply.
4. There shall be provided along the entire site boundaries fencing, screening, and landscaping as appropriate to protect the surrounding residential area.
5. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect on the properties in the surrounding area.
6. All public utilities and sewage disposal shall be available and connected to the site.
7. The site and/or architectural plans shall first be approved by the Planning Commission taking into account the above conditions.

O. Special Conditions for Intermediate and Extensive Impact.

1. The location, size, and design of such facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
2. The traffic generated by such facility shall be safely accommodated along major arterials or collectors without traversing local minor streets.
3. The proposed facility shall provide a basic community function or essential service necessary for a convenient and functional living environment in order to be located on the proposed site.
4. The off-street parking requirements shall be determined by the board taking into account characteristics of the use.
5. The site plan for such facilities shall be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facility.

P. Special Conditions for Religious Facilities.

1. No such facilities shall be permitted on a zone lot unless it contains one (1) acre.
2. The location, size, and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area thus reducing the impact upon such area.

3. All bulk regulation of the district shall be met.
4. The off-street parking requirements of this resolution shall apply.

Q. Special Conditions for Group Assembly Activities.

1. The location, size, and design of such facilities shall be situated so that the proposed development shall be compatible with the development within the surrounding area thus reducing the impact upon the surrounding area.
2. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
3. The off-street parking requirements shall be based on the type of use and the needs of the use to adequately accommodate the expected groups of people.
4. The site plan for such facilities shall be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facilities.
5. When an application for a group assembly permit included amusement parks, sports arenas, fairgrounds, racetracks and similar recreational pursuits, the following requirements shall be observed.
  - a. The minimum size site shall be twenty-five (25) acres.
  - b. The minimum setbacks of all structures from all public roads shall be one hundred (100) feet.
  - c. Such facility shall be situated so that no residential use is located closer than five hundred (500) feet from building entrance of the principal use at the time of approval.
  - d. Access to such facility shall be by paved road and such road shall be either a major arterial or major collector. Traffic shall not be directed through residential subdivisions or on minor residential streets.
  - e. Off-street parking shall be provided at a minimum of one (1) space for each four (4) patrons or seats. For those facilities which are not utilized on a regular and frequent basis, parking may be provided on adjacent parcels of land provided further that any parcel so used is located no more than five hundred (500) feet from the lot boundary.
  - f. Any lighting provided at such facilities shall be designed so that no direct light falls on adjacent residential property.
  - g. Accessory uses may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities.



1. Vegetation screen or ornamental fence which will substantially screen the campsites or recreational vehicle park from view of public right-of-way and neighboring properties shall be provided around or near the perimeter or that part of the campground or recreational vehicle park containing campsites. Such vegetation or fence shall be maintained in good condition at all times.
2. Each campground or recreational vehicle park shall reserve at Least twenty-five (25) percent of its total area as natural open Space excluding perimeter screening. Such open space may include recreation and water areas, but may no include utility areas, administration building, commercial areas, or similar activities.
3. Each campsite or recreational vehicle space shall have a Minimum setback of twenty-five (25) feet from any public road of fifty (50) feet.
4. Each separate campsite or recreational vehicle space shall contain a minimum of thirty- two hundred (3,200) square feet. (A campsite or recreational vehicle space shall be considered to consist of trailer or tent space, parking space, picnic table, fireplace, and one-half (1/2) the roadway providing access.)
5. Each campsite or recreational vehicle space shall be directly accessible by an interior road.
6. All interior roads shall be a minimum of ten (10) feet wide for one (1) way traffic and eighteen (18) feet wide for two-way traffic.
7. All interior roads shall meet the following curve requirements:
  - \* Minimum radius for a 90 degree turn – 40 feet
  - \* Minimum radius for a 60 degree turn – 50 feet
  - \* Minimum radius for a 45 degree turn – 68 feet
8. No camping vehicle, camping equipment or recreational vehicle shall be used for human habitation for a period exceeding thirty (30) consecutive days.

R. Special Conditions for Entertainments and Group Assembly.

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

1. No such facility shall be permitted on a zone lot, unless it contains sixty thousand (60,000) square feet.

2. The location, size and design of such facility shall be situated so that it will be compatible with the development within the surrounding area, thus reducing the impact upon such area.
3. No facility shall have a capacity for over one hundred (100) persons.
4. Each facility shall maintain a twenty (20) foot buffer strip between any residential area.
5. Any site lighting shall be indirect that will not illuminate the surrounding property.
6. Any proposed sign shall be limited to a monument sign no more than five (5) feet in height and twenty-five (25) square feet in surface area.
7. All off-street parking requirements of this resolution shall apply.
8. Any such facility may be considered an appropriate accessory use and structure to an existing residence so long as the existing residence serves as living quarters for persons regularly employed to provide catering and management services to the facility. The facility may be located in a separate building.

S. Special Conditions for Adult Entertainment Business.

1. No establishment shall be located within two thousand (2,000) feet (measured property line to property line) of any residence, church, school ground, college campus or park.
1. 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 7-51-1121 and any applicable regulations of Bedford County.
5. All bulk regulations of the zoning district shall apply.
6. The off-street parking requirements of this resolution shall apply.
7. Sign messages shall be limited to verbal description of material or services on the premises and may not include any graphic or pictorial depiction of material or services available on the premises.
8. Messages or signs which are visible or intended to be visible from outside the property (such as on or within doors or windows) shall not display materials, items, publication, pictures, films or live presentation of persons performing or services offered on the premises.

T. Special Conditions for Mining and Quarrying Activities.



1. The location of such an activity shall be in an area sparsely developed during the length of time the mining or quarrying activity is anticipated.
2. Any permit issued hereunder shall be based on a site plan or other documents submitted with an application, which shall provide for the following:
  - a. Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contour intervals shall be at two (2) foot intervals.
  - b. Location of the area in which the proposed quarrying activity is to be conducted.
  - c. Location of all proposed buildings, crusher and screening equipment, roadways and other facilities proposed on the site.
  - d. Proposed method of drainage of the quarry area.
  - e. Proposed method of drainage of the quarry area.
  - f. Methods proposed for blasting. Open blasting commonly referred to as "pop shots" shall be prohibited.
  - g. Methods proposed to control noise, vibration and other particulate matter.
  - h. Finished contours of the site after the quarrying operation has been terminated. The site shall be graded and/or filled so as to be in substantial conformity with the topography of the surrounding lands. All fill material shall be nontoxic, nonflammable, and noncombustible solids. All areas that are backed-filled shall be left so that adequate drainage is provided.
3. Approval for mining and quarrying activity may also include accessory concrete batching plants, asphaltic cement mixing plants and/or rock crushing activities on the same zone lot or adjoining zone lots which may have directly opposing frontages on the same public street. If such accessory activities are included on the quarry site, the total site must meet all the special condition requirements for mining and quarrying activities; however, in conditions of multiple zone lots, the outer perimeter of the site shall be considered the lot line.
4. Before issuing a permit the Board shall require the owner of the quarry facility to execute a bond in an amount to be determined by the Planning Commission per acre of active quarry throughout a five (5) year period to restore the lands in the manner prescribed herein, including the removal of all structures and machinery.
5. Any permit issued hereunder shall not be for a period exceeding five (5) years. After the expiration date of such special permit, the Board may review and grant an extension of time in the manner and procedure as prescribed for an original application.

6. The site plan is first approved by the Planning Commission taking into account the above conditions as well as any other factors related to the use and operation of such facilities.

U. Specific Standards for Intermediate Manufacturing Activities.

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

1. The activity takes place in completely enclosed buildings with no outdoor storage of materials or finished products.
2. Access for heavy trucks and employees is from a major thoroughfare or industrial access road from a major thoroughfare with residential streets unaffected.

V. Specific Standards for Extensive Manufacturing Activities.

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

1. No such facility shall be located on a lot unless such lot contains at least one (1) acre.
2. Access for heavy trucks and employees is from a major thoroughfare or industrial access road from a major thoroughfare with residential streets unaffected.
3. State permits for air pollution standards, ground water and emissions must be obtained and kept up-to-date.
4. The site plan is first approved by the Planning Commission taking into account factors related to the use and operation of the facility.

W. Specific Conditions for Mini-Warehouses.

1. Commercial or industrial storage shall be limited to less than fifty (50) percent of the total square footage of the facility.
2. No hazardous materials shall be allowed in any storage units.
3. Recreational vehicles, boats and all operational vehicles may be stored outside in designated areas only. All other storage must be within enclosed structures.
4. All lights shall be shielded to direct the light onto the established uses and away from all adjacent properties.
5. No sales, garage sales or miscellaneous services or business activities shall be conducted on the premises. The servicing or repair of motor vehicles, boats, lawn mowers and other similar equipment shall not be conducted on the premises.
6. The off-street parking requirements of this resolution shall apply.

X. Specific Conditions for Feedlots and Stockyards.

1. The location of such an activity shall be in an area sparsely developed during the length of time the use as a stockyard or feedlot is anticipated.
2. No such facility shall be permitted on a zone lot unless it contains twice the lot area requirements of the district; provided, however, that if such activity included outdoor animal pens, the minimum lot area shall be four (4) acres.
3. Any permit issued hereunder shall be based on a site plan or other documents submitted with an application, which shall provide the following:
  - a. Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contour intervals shall be at two (2) foot intervals.
  - b. Location of the area in which the proposed keeping of animals is to be conducted.
  - c. Location of all proposed buildings, animal pens, roadways and other facilities proposed on the site.
  - d. Proposed method of drainage of the animal pens.
  - e. Proposed fencing of the site.
  - f. Insect, rodent and odor control measures shall be provided to the satisfaction of the Board of Zoning Appeals.

Y. Special Conditions for Accessory Dwelling Units (Guest Houses).

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

1. No more than one accessory dwelling unit shall be permitted on a single property in conjunction with the primary single family dwelling unit.
2. The accessory dwelling unit shall be owned by same person(s) as the primary dwelling unit.
3. The accessory dwelling unit shall not be used as rental property.
4. The maximum size of an accessory dwelling unit shall be limited to the requirements of the zoning ordinance or 1100 square feet, whichever is more restrictive. Accessory dwelling structures shall always be subordinate in size to the principle structure. In the case where a pre-existing agricultural structure or barn is proposed to be improved with an accessory dwelling unit inside, the square footage of the heated living space must be subordinate in size or scope to the principle structure. Minimum dimensions of the accessory dwelling unit shall be determined by adopted building codes.

5. The total area of the primary and accessory dwelling units shall not exceed maximum lot coverage requirements of zoning districts.
6. Attached accessory dwelling units shall be under the same building setback requirements as the primary dwelling unit. A detached dwelling unit's location shall be based on accessory structure setback requirements of the zoning district.
7. The property shall contain adequate off-street parking for both the primary and accessory dwelling units.
8. Accessory dwelling units shall be designed to be an accessory to the primary structure. The Board of Zoning Appeals review may include not allowing separate doors visible from street, separate street drive access, property address, utility meters, and any other items deemed necessary to ensure that the accessory dwelling unit shall be designed to be an accessory to the primary residential dwelling unit and that the accessory dwelling unit shall not be a primary residential dwelling unit.

Z. Special Conditions for Homeless Shelters.

1. All public utilities, such as public water and sanitary sewer, shall be available and connected to the site. Septic tanks may be used on sites with an approved occupancy rate of twelve (12) residents or less.
2. Sites must contain a minimum of two (2) acres.
3. The fire inspector shall approve the site for safety before an occupancy permit is issued.
4. All State of Tennessee and Bedford County Regulations and Codes shall be met before an occupancy permit is issued.
5. A landscaping plan shall be submitted with the site plan showing a minimum of ten percent (10%) of the site with improved landscaping. Lawns shall not be included within this definition as landscaping.
6. Special passenger loading and unloading and parking facilities shall be on-site and shown on the site plan. Proper traffic flow for safety is required. No backing up shall be allowed onto public roadways.
7. See definition for "Homeless Shelters".
8. All shelters must be kept clean and in good repair.
9. A permit is required from the Building Commissioner after the special exception from the Board of Zoning Appeals has been approved.

Applicants requesting a special exception shall submit a written request and plans of the property and building to the Board of Zoning Appeals. The plans shall include enough detail to certify that requirements listed above will be met. If the special exception request is approved, the owner shall submit, prior to building permit application, a copy of recorded restrictive covenants

including above listed requirements and any additional requirements that may be stipulated by the Board of Zoning Appeals.

**8.070. County Board of Zoning Appeals.** A Bedford 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 Bedford 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. One member of this board shall be a County Commissioner and another member of the Planning Commission. One member of the board should be a full-time farmer.

A. Procedure:

Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records of applications and action taken thereon which shall be public records.

B. Appeals to the Board:

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

C. Stay of Proceedings:

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

D. Appeal to the Court:

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

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 Zoning Compliance Officer or other administrative official in the carrying out of enforcement of any provision of this resolution.

2. Special Exceptions:

To hear and decide applications for special exceptions as specified in this resolution, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass. In matters of direct heirs, the Board shall refer to Tennessee Code Annotated, Section 13-3-408, to determine the proper division of property.

3. Variances:

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

**8.080. Variances.** The purpose of this variance is to modify the strict application of the specific requirements of this resolution in 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 reasonable probability of utilization of passive or active solar radiation on said adjacent property. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this resolution.

A. Application:

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

B. Fee:

A fee, as regulated by the Fee Schedule posted in the Bedford County Zoning Compliance Office, payable to Bedford County shall be charged to cover partial review and processing of each application for a variance, except that the fee shall be waived for a governmental agency.

C. Hearings:

Upon a receipt of an application and fee, the Board shall hold a hearing to decide whether a variance to the resolution provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. The Board shall consider and decide all applications for variances within 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.

**8.090. Amendments to the resolution.** The regulations, restrictions, and boundaries set forth in this resolution may from time to time be amended, supplemented, changed, or repealed by the Bedford County Commission; but, in accordance with Tennessee enabling legislation.

Anyone seeking any change in the zoning plan adopted for Bedford County must submit such request to the Planning Commission. No change or departure from the text or maps as certified by the Planning Commission shall be made, unless such change or departure be first submitted to the Planning Commission and approved by it, or, if disapproved, receive the favorable vote of a majority of the entire membership of the County Commission.

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

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 country.

Whenever an application for a change in the zoning classification of any property (rezoning request) is denied, the application for such change shall not be eligible for reconsideration for one (1) year following the denial.

A. Fee:

A fee, as regulated by the Fee Schedule posted in the Bedford County Zoning Compliance Office, payable at the time of filing of petition shall be posted with requests to amend the zoning resolution. The fee is to be used by Bedford County to defray costs resulting from such petition and any subsequent amendment of the zoning resolution.

**8.100. Penalties.** Any 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.

**8.110. Remedies.** In case any building or other structure is erected, constructed, altered, or converted, or any building, structure, or land is used, in violation of this resolution, the Zoning Compliance Officer 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, conversion, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

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

**8.130. Interpretation.** Whenever the conditions of this resolution require more restrictive standards than are required in or under any other statute, the requirements of this resolution shall govern. Whenever the conditions of any other statute require more restrictive standards than are required by this resolution, the conditions of such statute shall govern.

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

Certified by the Bedford County Regional Planning Commission

January 18, 1997  
Date

Linda Yockey  
Secretary

Date of Passage of Resolution by the Bedford County Commission

January 13, 1998  
Date

Paul R. Parker  
County Executive

ATTESTED BY:

Kathy Prater  
Bedford County Clerk



December 12, 1997

Date of publication of caption and summary

\*Signed this 14<sup>th</sup> day of January, 1998 per T.C.A. 5-6-107(b)(2). Resolution to go into effect immediately.

ATTESTED BY:

Kathy Prater  
Bedford County Clerk

Paul R. Parker  
County Executive

