ARTICLE IV

SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

SECTION

4-1 TEMPORARY USE REGULATIONS Amended Resolution # 121718129

4-2 CUSTOMARY INCIDENTAL HOME OCCUPATION *(Deleted in its Entirety and Replaced with New Section by Resolution, February 17, 1997.)*

4-3 GASOLINE SERVICE STATION RESTRICTIONS

4-4 SWIMMING POOL Restrictions *(Deleted in its Entirety and Replaced with New Section by Resolution 051605063, May 16, 2005.)*

4-5 DEVELOPMENT STANDARDS FOR GROUP HOUSING PROJECTS

4-5.1 Procedure for Submission and Review

4-5.2 Required Development Standards

4-6 DEVELOPMENT STANDARDS FOR MOBILE HOME PARKS

4-7 DEVELOPMENT STANDARDS FOR AUTOMOBILE WRECKING, JUNK AND SALVAGE YARDS

4-8 DEVELOPMENT STANDARDS FOR CEMETERIES

4-9 MINIMUM DESIGN STANDARDS FOR TRANSMISSION AND COMMUNICATION TOWERS AND STATIONS

4-10 RESIDENTIAL CLUSTER DEVELOPMENT AND OPEN SPACE CONSERVATION DESIGN OVERLAY PROVISION (Amended by Resolution082106080 8-21-06)

4-10.1 Purposes

4-10.2 Design and Approval Process

4-10.3 Eligibility Criteria

4-10.4 Design Criteria

4-10.5 Types of Cluster Developments

4-10.6 Development Standards

4-10.7 Open Space Standards and Requirements

4-10.8 Ownership, Management and Maintenance of Open Space

4-10.9 Sewage Disposal

4-10.10 Scenic, Natural Feature and Historic Preservation

4-10.11 Roads and Pedestrian Ways

4-11 SPECIAL CONDITIONS FOR PERMITTING A BED AND BREAKFAST HOME

(Added by Resolution 061607077)

4-1 TEMPORARY USE REGULATIONS Amended by Resolution 121718129

The following regulations are necessary to govern the operation of certain necessary or seasonal uses nonpermanent in nature. Application for a Temporary Use Permit shall be made to the Board of Zoning Appeals through the office of the building commissioner. 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. Carnivals or Circuses: May obtain a Temporary Use Permit in the Agricultural, Commercial, or Flood Districts; however, such permit shall be issued for a period of not longer than fifteen *(15)* days. Such use shall be permitted on lots where adequate off-street parking can be provided.

B. Limited Duration Goods and Merchandise: May obtain a thirty *(30)* day Temporary Use permit for the display and sale of limited duration goods and merchandise on open lots in any district.

C. Temporary Buildings: In any district, a Temporary Use Permit may be issued for contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one *(1)* year, but may be renewed for six (6) month extensions; however, not more than three *(3)* extensions for a particular use shall be granted. Such use shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs sooner.

D. Real Estate Sales Office: In any district, a Temporary Use Permit may be issued for a temporary real estate sales office in any new subdivision which has been approved by the planning commission under the Robertson County Subdivision Regulations. Such office shall contain no living accommodations. The permit will be valid for one *(1)* year, but may be granted two *(2)* six *(6)* month extensions. Such office shall be removed upon completion of sales of the lots therein, or upon expiration of the Temporary Use Permit, whichever occurs sooner.

E. Religious Tent Meeting: In any district, except the ***I-2***, General Industrial District, a Temporary Use Permit may be issued for a tent or other temporary structures to house a religious meeting. Such permit shall be issued for not more than a thirty *(30)* day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.

F. Seasonal Sale of Farm Produce: In any district except the industrial districts, a Temporary Use Permit may be issued for the sale of farm produce grown on the premises. Structures utilized for such sales shall be removed when not in use. The permit shall be issued for a five *(5)* month period. All structures must be set back from the right-of-way.

G. Temporary Dwelling Units in Case of Medical Hardships: In any district, a Temporary Use Permit may be issued to place a mobile home 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 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 Robertson County Health Department approving the sewage disposal system of the proposed temporary structure.

Such permit may be initially issued for eighteen *(18)* months. A permit may be renewed for six *(6)* months at a time, subject to producing a new statement from a physician certifying that the assistance is still required due to the disabling condition. The temporary permit shall be revoked and the structure removed immediately upon expiration of the permit or upon a change in the conditions 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.

H. Temporary Portable Structure Regulations for Special Hardships: A portable structure is defined as any structure enclosed by walls and a roof designed to be transported on its own wheels or on a flatbed truck or trailer and delivered to a site ready for occupancy or use for temporary purposes. This definition shall not include mobile homes as defined elsewhere herein or factory manufactured modular units that comply with the adopted building code.

1. In any residential zone, a portable building shall be an accessory use and used only for storage of materials commonly incidental to the occupancy of the principal residential use.

    a. No more than one (1) portable structure may be utilized for temporary storage during remodeling or for household moves but shall be located on the premises no longer than sixty (60) days. One permit extension

for no more than sixty (60) additional days may be requested and granted by the Planning Director.

b. Portable structure shall be located to meet the required front yard setback requirement and located outside all septic tank and field line areas, and at least ten (10) feet from all other property lines. In residential areas, structures may be placed in the driveway of the principal use being served, provided that adequate parking space for at least two (2) vehicles is maintained.

2. In any residential zone, usage of recreation vehicles or camping trailers on a lot for living, sleeping or housekeeping purposes will only be allowed under the following circumstances:

a. Bona fide temporary instances of visiting relatives or invited guests not to exceed 10 (ten) days in any calendar year per visit.

b. In cases where fire or natural disasters have occurred, subject to the following restrictions:

i. A temporary use permit may be issued for a period of six months;

ii. An additional three-month temporary use permit may be issued by the Planning Director if deemed warranted;

iii. The unit must be served by approved water, sewer and electric facilities;

iv. Consistent with the International Building Code, as adopted by Robertson County, the unit must meet all building separation standards;

v. Residential use of the unit must be discontinued and removed from the property upon the issuance of a certificate of occupancy for the replacement principal dwelling unit.

c. In cases where the property owner desires to live on-site while the principal residence is being constructed or renovated, subject to the following restrictions:

i. A temporary use permit may be issued for a period of six months by the Board of Zoning Appeals;

ii. A building permit for the construction/renovation of the principal dwelling unit must be issued prior to a temporary use permit being issued. The building permit must remain valid in order for the temporary use permit to remain valid;

iii. An additional three-month temporary use permit may be issued by the Planning Director. A renewal shall be not be granted if a valid building permit is not in effect;

iv. Consistent with the International Building Code, as adopted by Robertson County, the unit must meet all building separation standards;

v. The unit must be served by approved water, sewer and electric facilities;

vi. Residential use of the unit must be discontinued and removed from the property upon the issuance of a certificate of occupancy for the principal dwelling unit.

3. In all non-residential districts, no portable structure may be used for any kind of human occupancy. Such structures may be used for storage in zoning districts that permit outside storage as otherwise permitted herein provided all site planning standards are met.

4. In any district, the Director of Building Codes may issue a temporary building permit for a contractor's temporary office and equipment sheds that are incidental to a construction project. Such buildings or sheds shall be removed when the certificate of occupancy is issued for the reconstructed building or when the certificate of occupancy is issued for the last house in a new housing development.

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

Such a permit may be initially issued for a nine *(9)* month period. 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 twenty-four *(24)* months.

4-2 CUSTOMARY INCIDENTAL HOME OCCUPATIONS *(Deleted in its Entirety and Replaced with New Section by Resolution, February 17, 1997.)*

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

A. Minor Home Occupations

A minor home occupation is a limited activity conducted on premises that in no way alters the residential character of the structure. Minor home occupations shall include offices for accountants, architects, artists, engineers and the like, and other uses that will not require an increased amount of traffic to and from the residence. Uses such as barber or beauty shops, auto repair or any similar use shall not be considered as a minor home occupation. Due to the small scale of operation, minor home occupations are not required to obtain special exception permits from the Board of Zoning Appeals.

B. Major Home Occupations

Uses classified as major home occupations are those conducted within homes that may cause an increase in the amount of neighborhood traffic. This increase in traffic may be in the form of persons served by the home occupation or by deliveries or pick-ups from the premises. An increased area for parking is required for uses that are classified as major home occupations. All major home occupations require approval of a site plan by the Planning Commission and approved by the Board of Zoning Appeals as a "Special Exception". Major home occupations shall include barber and beauty shops, teaching of music and dance, small engine and appliance repair, upholstery shops, dressmakers, real estate offices, and other similar uses that in the opinion of the Board of Zoning Appeals would meet the criteria of a major home occupation.

C. Accessory Agricultural Occupations

These provisions are established to provide supplemental occupations for residents located in a rural environment. All applicants requesting approval for this type of home occupation is required to meet the provisions set forth in ***Section 11-3.3***, and any other safeguards the Board of Zoning Appeals may deem necessary. All accessory-agricultural occupations require approval of a site plan by the Board of Zoning Appeals, as a "Special Exception". Uses permitted as accessory agricultural occupations shall include, but be limited to auto, truck and farm equipment repair, welding shops, wood working shop, manufacture or processing of garments, the sale of farm products, supplies and equipment and other similar uses that in the opinion of the Board of Zoning Appeals would meet the criteria of an accessory-agricultural occupation.

4-3 GASOLINE SERVICE STATION RESTRICTIONS

The following regulations shall apply to all gasoline services stations:

A. There shall be a building setback from all street right-of-way lines of a distance of not less than fifty *(50)* feet, except for canopies designed to cover the gasoline pump islands.

B. Gasoline pumps and canopies shall not be located closer than fifteen *(15)* feet to any right-of-way line.

C. Sign requirements as established in ***Article IV, Section 4.030***, shall be met.

4-4 SWIMMING POOL Restrictions *(Deleted in its Entirety and Replaced with New Section by Resolution 051605063, May 16, 2005.)*

The following regulations shall apply to all swimming pools:

A. No swimming pool or part thereof, excluding aprons, walks, shall protrude into any required front yard in the Agricultural and Residential Districts.

B. The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or adjacent properties. Said fence or wall shall be the height specified in the current Robertson County Building Code or any subsequent Building Code adopted by Robertson County.

C. Private swimming pools are permitted in Agricultural, Residential, and Commercial Districts provided that the pool is intended, and is to be used solely for the enjoyment of the occupants and their guests of the property on which it is located.

4-5 DEVELOPMENT STANDARDS FOR GROUP HOUSING PROJECTS

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

4-5.1 Procedure for Submission and Review

A site development plan as specified in ***Section 11-3.3*** shall be permitted for review on all proposals subject to this provision. The approval of said plan along with any accompanying conditions associated with a particular development is precedent to any approval under this section.

4-5.2 Required Development Standards

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

A. Location

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

2. The site shall abut a public street.

B. Density and Dimension

1. The average number of dwelling units per acre of buildable land, not including streets, shall not exceed that permitted within the applicable district.

2. All yard requirements as established for the districts in which such use is permitted are applicable, except where buildings may be joined by common walls.

C. Design

1. Internal Drives: The maximum grade on any drive shall be seven *(7)* percent, unless an alteration is specifically approved by the planning commission.

2. Where feasible, all drive intersections shall be at right angles.

3. Minimum distance between buildings shall be thirty *(30)* feet at any point.

D. Public Street Access

1. The minimum distance between access points along public street frontage, center line to center line, shall be two hundred *(200)* feet.

2. The minimum distance between the center line of an access point and the nearest curb line or street line of a public street intersection shall be one hundred *(100)* feet.

E. Required Improvements

1. Internal Drives: Specifications for drives in group housing developments shall conform to roadway specifications as specified by the Robertson County Regional Planning Commission Subdivision Regulations to which reference is hereby made and incorporated herein by reference.

2. Utilities: The development shall be served with public utility systems adequate to assure fire protection and removal of liquid waste via a central sewage collection and treatment facility.

3. Storage of Solid Waste: Any central refuse disposal area shall be maintained in such manner as to meet county health requirements, and shall be screened from view.

4. Service Building: Service buildings housing laundry, sanitation, or other facilities for use by occupants shall be permanent structures complying with all applicable codes.

4-6 DEVELOPMENT STANDARDS FOR MOBILE HOME PARKS

The following regulations are intended to supplement the state health regulations established by the Tennessee Trailer Court Act of 1957, ***Sections 68-24-101*** through

68-24-120, Tennessee Code Annotated, by ensuring a minimum standard of site development for mobile home parks where permitted as a special exception in a zoning district.

A. Mobile Home Park Building Permit

1. The application for a "mobile home park permit" shall be filed with and issued by the Robertson County Health Department as authorized by Section ***68-24-103,*** of the ***Tennessee Code Annotated***. However, construction or extension of a mobile home park may not commence within the area of jurisdiction of this resolution until a mobile home park building permit has been issued by the building commissioner. The mobile home park building permit may be issued only upon approval of the special exception by the Board. The Board shall act upon an application for a permit after receipt of a report from the Robertson County Regional Planning Commission. The Board may attach whatever conditions it sees fit to the permit in order to protect the neighborhood or adjoining properties.

2. Site Plan Required

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

a. The name and address of the applicant.

b. The location, area, and dimensions of the proposed mobile home park site as well as a legal description.

c. The location, size, and number of all mobile home spaces.

d. The location and size of all buildings, improvements, and facilities (including roads, water, sewer, refuse disposal).

e. The proposed use of buildings shown on the site plan.

f. The location and size of all points of entry and exit for motor vehicles and the internal circulation plan (roadways and pedestrian walkways).

g. The location and number of all off-street parking facilities.

h. The location of park and recreation areas.

i. A complete drainage plan with contour lines at five *(5)* feet.

j. A location map showing the park site in relation to the existing public street pattern and indication of uses of property adjacent to the site and the location of all buildings within two hundred *(200)* feet of the site.

k. A time schedule for development shall be prepared which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one *(1)* year.

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

3. Inspection Fee

An inspection fee shall be required for approval of a mobile home park which shall be made upon submission of a plan for approval. After completion of construction, a final inspection shall be made at no additional charge.

a. The inspection fee shall be ten dollars *($10.00)* per year plus two dollars *($2.00)* per space. The fee is nonrefundable.

b. The inspection fee shall be paid to the building commissioner prior to the beginning of work on the mobile home park.

B. Development Standards

1. General

a. A mobile home park shall be located only as a special exception within those districts where permitted.

b. No part of the park shall be used for nonresidential purposes, except such uses as are required for the direct servicing and wellbeing of park residents and for the management and maintenance of the park. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.

c. Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion subject to flooding or erosion and shall be used for any purpose which would expose persons of property to hazards.

2. Minimum Development Size

No mobile home park shall be approved which contains less than eight *(8)* acres in area or has less than fifteen *(15)* mobile home spaces.

3. Dimensional Requirements for Parks

a. Along the entire periphery of the mobile home park, yards and setbacks meeting the district regulations shall be provided.

b. Within the interior portions of the mobile home park, no yards except as required to meet other provisions set forth in this section are required.

c. No building or structure erected or stationed in a mobile home park shall have a height greater than two *(2)* stories or thirty *(30)* feet.

d. Each mobile home park shall be permitted to display, on each street frontage, one *(1)* identifying sign 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.

e. At no time shall the density for the park exceed the maximum permissible density for the district it is located in.

4. Spacing of Mobile Homes and Site Coverage

a. Mobile homes shall be so harbored on each space that there shall be at least a twenty-five *(25)* foot clearance between mobile homes; for mobile homes parked end-to-end, the end-to-end clearance may be less than twenty-five *(25)* feet but not less than fifteen *(15)* feet. No mobile home shall be located closer than twenty *(20)* feet from any building within the park.

b. There shall be a minimum distance of ten *(10)* feet between the nearest edge of any mobile home and an abutting access street.

c. Each mobile home stand shall not occupy an area in excess of twenty-five *(25)* percent of the respective lot area. The total area occupied by the mobile home and its accessory structures shall not exceed fifty *(50)* percent of the respective lot area.

5. The Mobile Home Lot

a. General: The limits of each mobile home lot shall be marked on the ground by suitable means. Location of lot limits on the ground shall be the same as shown on accepted plans. No lot shall be smaller than five thousand *(5,000)* square feet.

b. Mobile Home Stands: The mobile home stands shall be improved to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. In addition, such stand shall comply with the publication of FHA "Minimum Property Standards for Mobile Home Parks", May, 1977.

c. Outdoor Living Area: Each mobile home lot should be provided with an outdoor living and service area. Such area should be improved as necessary to assure reasonable privacy and comfort. The minimum area should be not less than two hundred *(200)* square feet and shall be paved.

d. Tenant storage shall be provided for each mobile home at the rear of the mobile home space.

6. Utilities and Other Services

a. An accessible, adequate, safe and potable supply of water shall be provided in each mobile home development on trunk lines not less than six *(6)* inches. Where a public supply of water of satisfactory quantity, quality, and pressure is available at the site or at the boundary of the site, connection shall be made thereto and its supply use exclusively.

b. Each mobile home site shall be provided with the connection to the sanitary sewer line or to a sewer system approved by the Robertson County Health Department and the Board of Zoning Appeals.

c. Solid waste collection stands shall be provided for waste containers for each mobile home. Any central waste container shall be screened from view with access appropriately provided.

d. Service buildings housing sanitation and laundry facilities shall be permanent structures complying with all applicable ordinances and statutes, regulations, buildings. electrical installations and plumbing and sanitation systems.

e. Each mobile home park shall be equipped with fire hydrants spaced no more than five hundred *(500)* feet apart. The water system shall be capable of providing a required fire flow of five hundred *(500)* gallons per minute for a one *(1)* hour duration.

f. Each mobile home park shall be maintained free of litter and accumulation of any kind of debris which may provide rodent harborage or breeding places for flies, mosquitoes, or other pests.

7. Streets

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

a. Circulation

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

b. Pavement Widths

Pavement widths shall be as follows:

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

c. Construction

The internal streets and drives shall be paved in accordance with county subdivision regulations.

8. Walks

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

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

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

9. Recreation Area

Adequate recreation facilities for the residents of the 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. Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.

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

10. Buffer and Screening

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

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

11. Site Design

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

12. Parking

a. Off-Street Parking

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

C. Responsibility of Park Management

1. The permittee shall operate the mobile home park in compliance with this resolution and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

2. The permittee shall notify park occupants of all applicable provisions of this resolution and inform them of their duties and responsibilities under this resolution.

3. The permittee shall supervise the placement of each mobile home on its mobile home stand to the satisfaction of the building commissioner which includes securing its stability to anchor pins and installing all utility connections.

4. The permittee shall maintain a register containing the following information:

a. The name and address of each mobile home occupant.

b. The name and address of the owner of each mobile home and motor vehicle by which it was towed.

c. The make, model, year, and license number of each mobile home and motor vehicle.

d. The date of arrival and of departure of each mobile home.

5. The mobile home park shall keep the register record available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.

6. The register record shall not be destroyed for a period of three *(3)* years following the date of departure of the registrant from the park.

7. The permittee shall notify the health authority immediately of any suspected communicable or contagious disease within the park.

8. The permit to operate shall be conspicuously posted in the mobile home park office at all times.

9. The permittee shall be answerable for the violation of any provision of this section.

D. Responsibilities of Park Occupants

1. The park occupants shall comply with all applicable requirements of this Zoning Resolution and shall maintain his/her mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.

2. The park occupant shall be responsible for proper placement of the mobile home on its mobile home stand and proper installation of all utility connections and anchoring in accordance with the instruction of the park management.

3. Skirting's, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed, they shall be maintained in good repair. The space immediately underneath each mobile home shall be used for storage only if permitted by the park management. If permitted, the following conditions shall be satisfied:

a. The storage area shall be provided with a base of impervious material.

b. Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.

c. The storage area shall be enclosed by skirting.

4. The park occupant shall store and dispose of all rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent proof, insect proof, and watertight.

5. Fire extinguishers for Class B and C fires shall be kept at the premises and maintained in working condition.

6. All park occupants shall be required to register their pets (dogs and cats) with the park management.

7. All park occupants shall be required to have their pets *(dogs and cats)* on a leash and shall not be allowed to roam free and unleashed.

8. Park occupants shall not be allowed to construct or place pens for animals on the park premises.

9. No inoperative automobiles, junk, or noncontained trash shall be allowed within the park.

E. Inspections

1. The building commissioner is hereby authorized and directed to make annual inspections to determine the conditions of mobile home parks, in order to insure the health and safety of occupants of mobile home parks and of the general public.

2. The building commissioner shall have the power to enter upon any private and public property for the purpose of inspecting and investigating conditions relating to the annual inspection as it is related to the enforcement of this section.

3. Penalties

a. Any person violating any provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars *($5.00)* nor more than fifty dollars *($50.00)* for each offense.

b. Each day that a violation is permitted to exist shall constitute a separate offense.

c. Any extension of an existing mobile home park is considered a noncomplying use and is hereby prohibited unless said park is brought up to the standards herein stated.

F. Revocation of Permit

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

G. Prohibited Structures

1. Cabanas, travel trailers, and other similarly enclosed structures are prohibited.

2. Trailers with or without toilet facilities that cannot be connected to approved sewer systems shall not be permitted in a mobile home park.

3. Mobile homes shall not be used for commercial, industrial or other nonresidential uses within a mobile home park, except that one *(1)* mobile home in the park may be used to house a rental office.

4-7 DEVELOPMENT STANDARDS FOR AUTOMOBILE WRECKING, JUNK AND SALVAGE YARDS

A site development plan specified in ***Section 11-3.3*** 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 Robertson County Regional Planning Commission is the agency responsible for this review.

Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property values by their general appearance. The following standards shall be used as a guide 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 one thousand *(1,000)* feet from any established residential zone.

C. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, from eight *(8)* to twelve *(12)* feet in height. Storage between the road or street and such fence, screen, or wall is expressly prohibited. Any fence, screen, or wall for concealment shall be maintained in good condition.

D. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.

E. Off-Road Parking: As regulated in ***ARTICLE V***.

F. Ingress and Egress: The number of vehicular access driveways permitted on any single street frontage shall be limited to:

1. One *(1)* driveway where the parcel to be used has a maximum road or street frontage of one hundred *(100)* feet or less.

2. Two *(2)* driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be

limited to twenty-five *(25)* feet in width maximum, exclusive of curb returns.

G. No automobile wrecking, junk, or salvage yard shall be permitted within three hundred *(300)* feet of any public road in Robertson County, except where a more stringent state or Federal law applies.

4-8 DEVELOPMENT STANDARDS FOR CEMETERIES

A. The following standards shall be imposed upon the development and construction of cemeteries in Robertson County:

1. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare.

2. Any new commercial cemetery shall be located on a site containing not less than twenty *(20)* acres.

3. All structures including but not limited to mausoleums, permanent monuments, or maintenance buildings shall be setback not less than twenty-five *(25)* feet from any property line or street right-of-way.

4. All graves or burial lots shall be setback not less than twenty-five *(25)* feet from any property line or street right-of-way line.

5. All required yards shall be landscaped and maintained in good order in accordance with state and local regulations.

4-9 MINIMUM DESIGN STANDARDS FOR TRANSMISSION AND COMMUNICATION TOWERS AND STATIONS

(Added Section, by Resolution, May 19, 1997)

Standards for Telephone, Telegraph, and Communications Transmitter Stations and Towers; all transmitter stations, including towers and operating equipment shall adhere to the following standards:

A. All towers with a height of one hundred fifty *(150)* feet (from base to top) or more shall be constructed in accordance with Electronic Industries Association ("EIA") Standard 222E-1991, utilizing a wind rating of eighty (80) miles per hour plus ice loading for Robertson County, Tennessee. Each application for a building permit shall be accompanied by a certification by a professional engineer licensed in the State of Tennessee and competent in such design.

B. A site plan in compliance with ***Section 11-3.3*** shall be approved by the Planning Commission prior to the issuance of a building permit.

C. All towers shall be set back from all property lines by a distance that is equal to:

1. for a guyed tower, twenty *(20)* percent of the height, and

2. for a self-supporting tower, fifty *(50)* percent of the height.

D. All applications for permits to build towers in Robertson County must be accompanied with a "Determination of No Hazard" from the Federal Aviation Administration, as well as all required Federal Communications Commission permit information.

E. The entire tract containing the tower and equipment shall be enclosed with a fence no shorter than six *(6)* feet in height. Access gates will be locked at all times when the site is not occupied.

F. Where the tower site abuts or is contiguous to any residential district, there shall be provided a continuous, solid screening, and it shall be of such plant material as will provide a year-round evergreen screening. Screening, as required herein, shall not be less than four *(4)* feet in height at the time of planting, and shall be permanently maintained.

G. All towers that require marking or lighting shall be done incompliance with Federal Aviation Administration regulations, but no tower shall be lighted from dusk to dawn by any form of white flashing light unless required by the Federal Aviation Administration.

4-10 RESIDENTIAL CLUSTER DEVELOPMENT AND OPEN SPACE CONSERVATION DESIGN OVERLAY PROVISION

(Deleted in its Entirety and Replaced with New Section by Resolution 082106080, August 21, 2006.)

4-10.1 Purposes

To establish an optional process allowing greater flexibility in development design to encourage more sensitive "density-neutral' layouts that are more harmoniously designed to preserve open space and the County's essentially rural character. Among the important public purposes served by this Section are the following:

A. To help maintain the County's distinctive rural character by locating new residential development in areas where the development's visibility from public roads, watercourses, neighboring dwellings and parks would be minimized, with an emphasis upon conserving scenic vistas, and by using design methods for such purposes;

B. To encourage the preservation of productive agricultural land by including such areas within undivided open space and by improving the efficiency of land design practices associated with residential development;

C. To steer development to those areas that are better suited for it by virtue of environmental conditions and availability of public infrastructure;

D. To encourage high-quality, attractive lot layout, site planning, street alignment and landscaping design that in respectful of the traditional landscape of the County;

E. To reduce construction costs by lowering improvement costs per dwelling thereby encouraging affordable housing;

F. To allow each property owner reasonable use of his or her land, related directly to its natural features, location, and accessibility;

G. To preserve and protect environmentally sensitive lands such as steep slopes, floodplains, wetlands and areas of soil characterized by high water table and stream banks by including such areas within undivided open space maintained through homeowner's associations or through public or semi-public ownership;

H. To facilitate development of centralized sewage collection and treatment thereby reduce the potential for groundwater pollution;

I. To avoid severe soil erosion and sedimentation increased storm water flow and speeds and the degradation of water quality that results from such conditions.

4-10.2 Design and Approval Process

A. The Site Planning Process

The following sequence shall be followed in approving developments under authority of this section. These steps may be combined only at the discretion of the Planning Commission:

1. *Pre-Application Discussion* with staff.

2. *Existing Features (Site Analysis) and Concept Plan* prepared and presented for determination of completeness, review of overall planning concepts, and staff recommendation.

3. *On-Site Visit* by staff.

4. *Concept Plan* submitted to staff for review and decision.

5. *Site Master Development Plan* submission to Planning Commission for determination of completeness, review and decision.

6. *Preliminary Plat* submission to Planning Commission for determination of completeness, review and decision.

7. *Construction Drawings and Engineering Certification* submission, determination of completeness, review and decision by staff.

8. *Final Plat Submission* to planning commission for determination of completeness, review and decision.

9. *Recording of Final Plat* at County Registrar of Deeds.

B. Elements of the Site Planning Process

1. Pre-Application Discussion

Prior to any formal presentation of plats, plans or other documents associated with a proposed development a pre-application discussion involving the applicant, the site designer*(s)*, and the Zoning Administrator shall be conducted. The purpose of such meeting is to introduce the applicant and the site designer*(s)* to the county's zoning and subdivision regulations and procedures.

2. Existing Features Inventory (Site Analysis)

An inventory and analysis of each site's special features is required for all developments proposed under authority of this section. The Site Analysis shall form the basis for the Conceptual Plan, which will show the tentative location of houses, streets, lot lines, and open space lands in the proposed development.

3. The Site Visit

After the Site Analysis has been prepared and presented for review, the Zoning Administrator will schedule a mutually convenient date to walk the property with the applicant and the site designer. The purpose of this visit is to familiarize officials with the property's special features, and to provide an informal opportunity to discuss the development concept.

4. The Conceptual Plan

A "Conceptual Plan" meeting the specifications established in this section shall be presented for the proposed development. This plan shall indicate the layout of proposed streets, house lots, and open space areas. Each "Conceptual Plan" shall be designed using the four-step process found in *Subpart C*, (The Four-Step Process) of this section.

5. The Preliminary Plat/Master Site Development Plan

Upon approval of a Conceptual Plan the applicant may proceed to prepare and present a Site Master Development Plan. This document is intended to combine into a single submittal the process of platting as controlled by the Subdivision Regulations with a detailed site development plan required by this ordinance. The preliminary plat shall contain the information required and otherwise comply with the provisions of **Section 5-102 (Preliminary Plat)** of the ***Subdivision Regulations***. The Site Development Plan shall provide the information and otherwise comply with the provisions of ***Article 11, Section 11-3.3***, (Site Plan and Plot Plan Procedures), of this ordinance.

6. Completing the Platting Process

Following approval of the Site Master Development Plan, the remaining steps in the process specified for platting of subdivisions shall be

pursued in the sequential order specified in the ***Subdivision Regulations***

C. The Four-Step Design Process

Each Conceptual Plan shall follow a four-step design process, as described below. When the Conceptual Plan is submitted, applicants shall be prepared to demonstrate to the Planning Commission that these four design steps were followed in preparing the plan.

1. Designating Conservation Lands

The first step involves identifying all "Green Space Areas", using the information provided in the Site Analysis. Green Space Areas consist of wetlands, floodplains, slopes over twenty-five (25) percent, and all other portions of the site defined as "unsuitable for development" in ***Subsection 4-101.401***, ***(Land Unsuitable for Development)*** of the ***Subdivision Regulations***. If "Community Open Space Areas" are to be included in the design of the site these areas shall also be identified at this time.

2. Location of House Sites

During the second step, potential "building envelopes" (see definition) are tentatively located. Because the proposed location of houses within each lot represents a significant decision with potential impacts on the ability of the development to meet the evaluation criteria contained in ***Subpart (d)***, (Design Evaluation Criteria) of this section, subdivision applicants shall identify tentative building envelopes on the Conceptual Plan and actual building envelopes on the Preliminary Plat/Master Site Development Plan.

3. Street and Lot Layout

The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in such a way as to avoid or at least minimize adverse impacts on conservation areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over fifteen *(15)* percent shall be avoided. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the county and to facilitate easy access to and from homes in different parts of the property (or on adjoining parcels). Where cul-de-sacs are necessary, those serving six *(6)* or fewer homes may be designed with "hammer-heads" facilitating three-point turns.

NOTE: In situations where more formal "neo-traditional" or village-type layouts are proposed, Steps Two and Three may be reversed, so that the location of house sites follows the location of streets and squares.

4. Lot Lines

The fourth step is simply to draw in the lot lines (where applicable). These are generally drawn midway between the house locations and may include L-shaped “flag lots.

D. Design Evaluation Criteria

In evaluating the layout of lots and open space, the following criteria will be considered by the Planning Commission as indicating design appropriate to the site’s natural, historic and cultural features, and meeting the purposes of this ordinance. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between development and conservation areas. Accordingly, the Planning Commission shall evaluate proposals to determine whether the proposed conceptual plan:

- *Protects and preserves environmentally sensitive areas* from clearing, grading, filling, or construction.
- *Preserves and maintains mature woodlands, and creates sufficient buffer areas* to minimize conflicts between residential and agricultural uses.
- *Maintains or creates buffers of natural native species vegetation* in accordance with requirements and standards of this ordinance
- *Protects wildlife habitat areas* of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency.
- *Designs around and preserves sites of historic, archaeological, or cultural value*, including stone walls, spring houses, barn foundations, earthworks, and burial grounds and their environs.
- *Protects rural roadside character* and improves public safety and vehicular carrying capacity by avoiding development with sites that individually access onto existing public roads. Establishes buffer zones along the scenic corridor of rural roads with historic buildings, stone walls, hedgerows, and similar features.
- *Provides buffers that protect the proposed residential development* from potential adverse impacts of adjoining agricultural operations.
- *Includes a pedestrian circulation system* designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system.

E. Site Development Plan Required

1. Contents

A site master development plan shall be prepared and submitted to the Planning Commission for its review and approval. The site master development plan shall be submitted at a scale no smaller than 1' = 100' and contain the following information:

a. The actual shape, location and dimensions of the lot.

b. The shape, size, and location of all existing buildings.

c. The existing and intended use of the property and proposed location of structures other than single-family dwellings.

d. Topographic features (contours not greater than five *(5)* foot intervals.

e. Except for single-family dwellings, location of all driveways and entrances.

f. Location of all accessory off-street parking areas to include a plot plan showing design and layout of such parking facilities.

g. Location, calculations and intended use of open space.

h. Building setbacks and other yard requirements.

i. Location of any fences and walls.

j. Location of required screening.

k. Proposed means of surface drainage.

l. Location and calculations of all easements and rights-of-way.

m. Location and availability to servicing utilities.

n. Location and calculation of areas subject to flooding.

o. Location and calculation of slopes twenty *(20)* percent or greater.

p. Location of tree masses and any environmental limitations.

2. Coordinated Review

Upon receipt of a site master development plan and sketch plat containing information as required above, the Planning Commission may:

a. Concurrently review the site development plan and sketch plat;

b. Jointly approve, approve with modification, or disapprove these documents; and

c. In the instance of approval, or approval with modification, transfer the site development plan to the Planning Staff for enforcement.

3. Enforcement

Upon approval of a site master development plan, the Zoning Administrator shall become responsible for enforcement of the plan. Only minimal adjustments involving the placement of any structure in common open space will be permitted once a site development plan has been approved. Any other change shall require submission of a proposed amendment to the approved plan.

4-10.3 Eligibility Criteria

To be eligible for open space community consideration, the applicant must present a proposal for residential development that meets each of the following:

A. Minimum Project Size

The minimum "Tract-Area of an open space community development shall be five *(5)* acres of contiguous land. *("Tract-Area")* shall be defined to include the total lot area or the total lot area of contiguous lots or lots directly across a street or waterway from each other and that;

- involves all of the lots in common ownership or common equitable ownership at the time of the development applications or adjoining lots under separate ownership when a joint application is filed.
- includes the land area of rights-of-way of any future streets proposed within the tract.
- includes the land area of any proposed open space.

B. Unified Control

The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its, entirety as proposed.

C. Cluster Required

The Planning Commission may require that cluster development be used if street right-of-way dedication is required.

4-10.4 Design Criteria

A. Location

A development pursuant to the provisions of this section may be approved upon any agriculturally or residentially zoned land in the County.

B. Base Zoning Regulation

All Zoning Resolution requirements for the underlying zoning district, except for minimum lot area, lot width at the building line and minimum yard requirements shall remain in full force.

C. Dwelling Density

The permitted density of residential uses within an open space community shall not exceed the density allowed by the underlying zoning district based upon the number of dwelling units per acre indicated for the base zoning district *(See Table 4-10.4A)*. All computations shall be rounded to the closest unit. In any instance where a proposed development is located in more than one base zoning district the density permitted shall be separately calculated for the portion of such development that is located within each base district.

The total number of residential units allowable within an open space development shall not exceed the number of units that would otherwise be allowed in the existing zoning district using conventional development. The total number of units allowed shall be determined using the following formula:

TDU = BD [A - (U+R)]

Where:

TDU = Total Dwelling units

BD = Base Density (dwelling units/acre)

A = Total Site Area (acres)

U = Unbuildable Land as defined in (acres). Article II, Section 2-2.1, (General Definitions)

R = Road and Utility Right of Way (acres)

TABLE 4-10.4-A

LOT SIZE AND DENSITY STANDARDS FOR SINGLE FAMILY CLUSTER DEVELOPMENT

BASE ZONING DISTRICT	MINIMUM LOT SIZE (IN SQ. FT.)	DENSITY FACTOR IN DWELLING UNITS PER ACRE
AG-1	40,000	0.25
AG-2	40,000	0.25
RP-80	30,000	0.50
R-40	7,000	1.09
R-30	6,000	1.45
R-20	5,000	2.18

NOTE: In overlay districts, greater requirements may apply. See any relevant overlay district regulations.

4-10.5 Types of Cluster Developments

In order to achieve these purposes, this section provides flexibility in designing new residential developments by allowing the following types of developments:

1. Type I: Farmhouse Cluster permits the subdivision of land in the Agricultural District for up to five *(5)* houses accessed by way of a shared private road. Open space land can be owned by and association or the individually by one of the homeowners in the development.

2. Type II: Neutral Density permits the subdivision of land for single-family residential dwellings in all Residential Districts at the density permitted in each district. Developments must have a minimum of forty (40) percent of the total development devoted to permanent open space owned by the homeowners association.

3. Type III: Mixed Use allows for the development of residential developments with both single-family and multi-family housing types with in the same development providing that the zoning district allows for the type dwelling proposed. Limited commercial activities may be permitted as a "Special Exception" for developments with three hundred *(300)* or more lots subject to approval by the Planning Commission and Board of Appeals.

4. Type IV: Agricultural Perseveration allows for the development of residential developments that permanently preserve farm land, pasture land, orchards and any other are commonly considered an agricultural use by the Tennessee Code Annotated. Developments must have a minimum of twenty *(20)* percent of the total site devoted

4-10.6 Development Standards

The following standards and requirements shall apply to all developments subject to the provisions of this section.

A. Availability of Public Utilities

By reducing the required lot area and width these provisions are intended to reduce the linear footage and to otherwise facilitate extension of utility systems that are adequate to provide water service for fire protection and centralized sewage treatment.

B. Lot Area

Within all developments approved under authority of this section the area of lots designated as residential building sites shall be the greater of:

- that required by Table 4-10.4-A.
- where on-site sewage disposal systems are utilized, that required to meet requirements of the local health authority.

C. Yard and Setback Requirements

1. General

Yard and setback requirements that are generally applicable within developments subject to the provisions of this section are presented in Table 4-10.6-B.

TABLE 4-10.6-B

MINIMUM LOT FRONTAGE AND BUILDING SETBACK STANDARDS FOR SINGLE FAMILY CLUSTER DEVELOPMENT

ZONE DISTRICT	**AG-1**	**AG-2**	**RP-80**	**R-40**	**R-30**	**R-20**
Minimum Lot Frontage	**(in feet)**					
On street **(2)**	50	50	50	50	50	50
On cul-de-sac **(2)**	30	30	30	30	30	30
Minimum Building Envelope Spacing	**(in feet)**					
To off-site street or tract boundary **(1)**	200	200	75	75	50	50
To any Stream or Wetland	50	50	50	50	50	50
Lot Width at Building Line	150	150	80	70	60	50
Front Yard Setback **(2)**	50	50	40	35	30	15
Rear Yard Setback **(2)**	25	25	20	15	10	10
Side Yard Setback **(2)**	20	20	10	10	10	5
Side Yard Setback Zero Lot Line	25	25	15	15	10	10

NOTES:
(1) See Subsection 4-4.5, Subpart (5), (c), (ii), Special Provisions Applicable to Lots Abutting Conventional Residential Development.
(2) In developments with multiple housing types this requirement can be adjusted to fit the development being requested subject to review by the Planning Staff and Planning Commission.

2. Special Provisions Applicable to Lots Abutting Conventional Residential Development

All lots that directly abut the periphery of a development site adjacent to or directly across a street from existing conventional residential lots (without intervening open space) shall have the following minimum dimensions. The lot width shall be at least ninety *(90)* percent of the width (measured at the setback line) of that required for the base zoning district wherein the development is located. The area of such lots shall be at least seventy-five *(75)* percent of the lot area required for the base zoning district.

3. Zero Lot Line Provisions

The Planning Commission after review and recommendation from staff may permit zero lot-line development in all types of cluster

developments except for Type I cluster subject to the following provisions:

a. All lots must have the minimum required lot width and area required by ***Tables 4-10.4-A*** and ***4-10.4B***.

b. Any lot proposed for zero lot line development must be so indicated on the final plat of the subdivision.

c. All dwellings constructed in the development shall meet all current building and fire codes for the type of structure.

d. All lots being considered for zero lot line development are required to have a five *(5)* foot construction and maintenance easement on each side of the lot line.

4. Special Requirements

a. Farmhouse Cluster

Permits the subdivision of land for up to five *(5)* house lots accessed by way of a shared private drive when the following conditions have been met:

i. Minimum project size and frontage on public road: twenty-five *(25)* acres with a minimum of fifty *(50)* feet of frontage on a public road either by fee simple ownership or thirty *(30)* feet by exclusive ingress/egress easement.

ii. There shall be no more than two farmhouse cluster developments permitted per tract as that tract existed on August 21, 2006.

iii. A double bituminous private drive shall be constructed on a recorded easement not less than twenty (20) feet in width with a turnaround every 1,000 feet to serve the farmhouse cluster exclusively. All portions of the easement shall be constructed with the capacity to support all emergency vehicles.

iv. An association of all property owners shall be established for maintenance of all commonly held spaces, if any. Where there are no commonly held spaces except for a shared driveway or private street, a legally binding shared driveway and/or private street use and maintenance agreement shall be filed at the Register of Deeds of Robertson County. Furthermore, the shared driveway or private road shall be shown, along with all appropriate and necessary easements, on a recorded plat and a note shall be attached thereto stipulating the use and maintenance of the driveway and referencing the recorded agreement*(s)*.

v. The location of building sites shall be determined through a site analysis which identifies features listed in this article to be preserved as open space;

vi. Minimum lot size shall meet standards established in; ***Tables 4-104-A*** and ***4-10.4-B***.

vii. At least 50% of the tract shall be designated as open space. Open space can be either common open space or non-common open space. The designation of open space preservation shall be permanent and irrevocable. A metes and bounds description of the space to be preserved and limits on use shall be recorded on the subdivision plat and on individual deeds when open space lands are not held entirely in common. Open space lands may be part of a deeded lot so long as it reflects an irrevocable conservation or open space easement requiring such portions of individual lots to remain and be used as open space as provided in this section.

viii. Permitted uses of open space lands to be preserved shall correspond generally to physical conditions at the time of subdivision approval. Restrictive covenants shall limit uses to the continuation of certain agricultural activities (pastureland, crop cultivation) or recreation uses that preserve the view from public streets of rural heritage features to be preserved. For example, fields or pasture land preserved as required open space may continue to support cultivation or grazing; however existing woodlands may not be clear-cut.

ix. The project shall maintain a generally rural appearance from public road*(s)*.

x. Where a farmhouse cluster would eliminate a planned street connection or a street connection indicated on the Robertson County Major Thoroughfare Plan, and no alternate alignment can reasonably provide the connection, the design of the farmhouse cluster shall provide for said connection by the reserving a right-of-way for the streets.

xi. A Farmhouse Cluster requires an approved **subdivision plat,** according to the requirements of the Robertson County Subdivision Regulations and shall meet all other requirements for review and approval, which include a preliminary plat and construction plan approval prior to approval of a final plat.

4-10.7 Open Space Standards and Requirements

A. Amount of Open Space Required

The Open Space located within any development approved under authority of this section shall be comprised of “Green Space” and ‘Community Open Space” (as these terms are defined in ***Article II, Section 2-2.1***, (General Definitions). The total area of dedicated open space within a development shall equal or exceed the total area that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, or an approved land improvement. Such land shall be set aside as common land for recreation, conservation,

agriculture, area for off-lot sewage disposal as specified in ***Subsection 4-10.9*** (Sewage Disposal), area for stormwater management or natural resource protection according to an approved resource protection plan. Except as otherwise required all cluster subdivision developments shall have a minimum of thirty *(30)* percent of the total site devoted to permanent open space.

1. Open Space Designated as "Green Space"

   "Green Space" shall include all portions of a cluster development defined as "unbuildable land" in ***Section 2-2.1***, (General Definitions).

2. Open Space Designated as "Community Open Space"

   Community Open Space shall include land, other than "Green Space", that is not included within house lots. Such land may include all or part of the following kinds of resources: mature woodlands, aquifer recharge areas, significant wildlife habitat areas, prime farmland, historic, archaeological or cultural features listed (or eligible to be listed) on national, state or county registers or inventories, and scenic views into the property from existing public roads.

B. Contiguous Open Space

At least seventy-five ***(75)*** percent of designated open space shall be contiguous, with no portion less than one hundred ***(100)*** feet wide except for access points.

C. Use of Open Space

1. Restriction of Use

   Both Green Space and Community Open Space shall be placed in preserves and restricted from further subdivision through a permanent conservation easement, in a form acceptable to the county and duly recorded in the office of the County Register of Deeds.

2. Use as Areas for Sewage Disposal

   Open space may be used for sewage disposal as specified in ***Section 4-10.9***.

3. Stormwater Management Ponds

   Stormwater management ponds or basins may be included as part of the open space, as may land within the rights-of way for underground pipelines.

4. Recreation Space

   Open space may be designated for use as sites for either active or passive recreational purposes. When open space is proposed for

recreational purposes the applicant shall document the purposes for which such areas are to be utilized.

5. Agricultural Uses

Open space may be designated for use by agricultural activities. In any instance where agricultural use is proposed, the "Open Space Management Plan", shall detail proposed uses and specific limitations for such operations.

D. Allowable Structures

Any structure*(s)* or building(s) accessory to a recreation, conservation or agricultural use may be erected within the dedicated open space, subject to the approved open space plan. These accessory structure*(s)* or building*(s)* shall not in the aggregate exceed one percent *(1)* of the required open space area.

4-10.8 Ownership, Management and Maintenance of Open Space

A. Ownership

Common open space within a development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, subject to approval by the county.

1. Offer of Dedication

The county shall have the first and last offer of dedication of open space in the event said land is to be conveyed. Dedication shall take the form of a simple ownership. The county may, but shall not be required to, accept open space provided:

a. Such land is accessible to county residents;

b. There is no cost of acquisition other than costs incidental to the transfer of ownership, such as title insurance; and

c. A satisfactory maintenance agreement is reached between the developer, condominium association, and the county.

Where the county accepts dedication of common open space that contains improvements, the county may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed eighteen *(18)* months from the date of acceptance of dedication. The amount of financial security shall not exceed fifteen *(15)* percent of the actual cost of said improvements.

2. Homeowners' Association

The undivided open space and associated facilities may be held in common ownership by a Homeowners' Association. The association shall be formed and operated under the provisions set out in ***Subpart***

(b), (Creation and Operation of Homeowners' Association) of this section.

3. Condominium

The undivided open space and facilities may be controlled through the use of condominium agreements, approved by the county. Such agreements shall be in conformance with the state's horizontal property act. All undivided open space land shall be held as a "common element."

4. Dedication of Easements

The county may, but shall not be required to, accept easements for public use of any portion or portions of undeveloped open space land, title of which is to remain in ownership by a condominium or homeowners' association, provided:

a. Such land is accessible to county residents;

b. There is no cost of acquisition other than costs incidental to the transfer of ownership, such as title insurance; and

c. A satisfactory maintenance agreement is reached between the developer, condominium association, and the county

5. Transfer of Easements to a Private Conservation Organization

With the permission of the county, an owner may transfer open space elements to a private nonprofit organization, among whose purposes it is to conserve open space and/or natural resources, provided that:

a. the organization is acceptable to the county, and is a bonafide conservation organization with perpetual existence;

b. the conveyance contains appropriate provisions for proper reverter and retransfer in the event that the organization becomes unwilling or unable to carry out its functions; and

c. a maintenance agreement acceptable to the county is entered into by the developer and the organization.

B. Creation and Operation of Homeowners' Association

Any Homeowners' Association created to own and maintain commonly held open space and facilities shall be established and operated in accordance with the following standards:

1. The developer shall provide a description of the association, including the bylaws and methods for maintaining the open space.

2. The association shall be organized by the developer and shall be operated with a financial subsidy from the developer, before the sale of any lots within the development.

3. Membership in the association is automatic (mandatory) for all purchasers of lots therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.

4. The association shall be responsible for insurance and taxes on open space, enforceable by liens placed by the county on the association. The association may place liens on the homes or lots of its members who fail to pay their association dues in a timely manner. Such liens may require the imposition of penalty interest charges.

5. The members of the association shall share equitably the cost of maintaining and developing such undivided open space. Shares shall be defined within the association by-laws.

6. In the event of a proposed transfer, within the methods here permitted, of undivided open space by the Homeowners' Association, or of the assumption of maintenance of open space by the county, notice of such action shall be given to all property owners within the development.

7. The association shall have or hire adequate staff to administer common facilities and properly maintain the open space.

8. The Homeowners' Association may lease open space lands to any other qualified person or corporation for operation and maintenance of open space lands, but such lease agreement shall provide:

   a. that the residents of the development shall at all times have access to the open space contained therein (except croplands during growing season);

   b. that the undivided open space to be leased shall be maintained for the purposes set forth in this ordinance;

   c. that the operation of open space facilities may be for residents only, or may open to the residents of the county, at the election of the developer and/or the Homeowners' Association, as the case may be, and;

   d. that the lease shall be subject to approval of the Board of Directors of the Homeowners' Association and any transfer or assignment of the lease shall be further subject to approval by the Board. Lease agreements so entered upon shall be recorded with the County Register of Deeds within thirty *(30)* days of their execution and a copy of the recorded lease shall be filed with the county.

C. <u>The Open Space Management Plan</u>

Within all developments approved under authority of this section an Open Space Management Plan shall be prepared and presented prior to approval of any final subdivision plat. Such plan shall contain the following:

1. <u>Documents for Creation of Ownership/Maintenance Organization</u>

A legal package that contains all legal documents necessary for creation and operation of any organization being created for purposes of owning, managing and maintaining any commonly held open space.

2. Legal Description and Boundary Marking of Commonly Held Property

A legal description adequate to fully describe the exact location, boundaries and limits of all land and a full description of all facilities to be deeded to the ownership/maintenance organization along with documents creating such organization. The boundaries of designated open space areas, recreation areas, stormwater management facilities, and green space shall be clearly delineated on plans, including record plats, and marked in the field with signage approved by the Planning Commission to distinguish these areas from private property.

3. A Document Indicating Proposed Use

Sufficient documentation to indicate the use(s) intended for all commonly held open space.

4. Maintenance Standards

a. Financial Responsibility

The ultimate owner of the open space *(typically a Homeowners' Association)* shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, etc. The Homeowners' Association shall be authorized under its by-laws to place liens on the property of residents who fall delinquent in payment of such dues, assessments, etc.

b. Failure to Adequately Maintain

Failure to adequately maintain the undivided open space in reasonable order and condition constitutes a violation of this ordinance. The County is hereby authorized to give notice, by personal service or by the United States mail, to the owner or occupant, as the case may be, of any violation, directing the owner to remedy the same within thirty *(30)* days.

c. Failure of Maintenance Organization

In the event that the association or any successor organization shall at any time after establishment of a development containing undivided open space, fail to maintain the undivided open space in reasonable order and condition in accordance with the development plan, the county may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the undivided open space in reasonable condition.

4-10.9 Sewage Disposal

A. Waterway Discharge and Feasibility

An Open Space Development shall be approved only if the applicant proves that:

1. The development will not involve a point-source discharge of waste water effluent into a waterway, or

2. Another form of appropriate public sewage disposal can be provided.

B. Utilities Within Open Space

A maximum of twenty-five *(25)* percent of the required "green space" within an Open Space Development may be used for approved methods of sewage disposal facilities for the development provided that land is owned by the Home Owners Association. Agricultural preservation developments may one hundred *(100)* percent of all areas within the sewage disposal facility devoted to agricultural uses no matter the ownership of the property. Such sewage disposal methods include, but are not limited to, individual septic absorption fields (with septic tanks located on the same lot as the dwelling it serves); community septic absorption fields, community mound systems, lagoon systems and spray irrigation systems or any combination of systems.

C. Ownership and Maintenance

1. Any area used for common sewage disposal facilities shall be owned and maintained in common through a legally binding Homeowners' Association or be provided for through a permanent easement.

2. The applicant shall prove that a long-term contract will be established (with provisions for renewals) with a professional company to operate and maintain all such sewage disposal facilities.

4-10.10 Scenic, Natural Feature and Historic Preservation

A. Historic Structures and Districts

The Planning Commission may require reasonable adjustments in the plans for a Cluster Development if deemed necessary in the sole discretion of the County to protect a structure that the County determines to be historically (including its context) or architecturally significant or to protect the character of an officially designated or eligible Historic District. Applicants shall preserve historically significant structures and shall preserve the setting around such buildings, through setbacks, landscaping, and other appropriate treatments.

B. Protection of the Natural Landscape and Character of the Community

The following scenic features shall be carefully considered in the site layout:

- existing mature woods
- canopies of trees over a road.

- scenic meadows,
- significant clusters or rows of trees
- Interesting cliffs or rock outcrops
- lake, pond, river, creek or waterfall
- picturesque farmsteads
- stone walls
- historic site or landmark building
- varying, undulating views and directions along a road

4-10.11 Roads and Pedestrian Ways

A. Streets

1. General

a. The street network shall form a generally connected pattern, with a minimum of cul-de-sacs. Regular grids shall be varied with boulevards, diagonal streets, curving crescents, eyebrows, ovals and courts providing visual interest. Street patterns shall be designed to respect and following existing terrain as much as possible, to minimize earthmoving and disruption of the existing topography.

b. Streets shall be designed to:

i. Parallel and preserve existing tree lines, hedgerows, stone walls and watercourses.

ii. Minimize alteration of natural, cultural or historic features.

iii. Minimize the acreage devoted to streets.

iv. Calm traffic speeds.

v. Promote pedestrian movement.

vi. Secure the view to prominent natural vistas.

vii. Be aligned so that the "terminal vista" is of greenway land, either man-made *(greens, commons, squares, parks)* or natural (such as but not limited to meadows, large specimen trees, and woodlands.

viii. Minimize crossing of Primary Conservation Area.

c All streets, with the exception of loop streets and loop lanes, shall terminate at other streets within the development, and at least two *(2)* streets shall provide connections to existing or proposed through streets or collectors outside the development, whenever possible.

d. Loop lanes shall be designed with a central median running their entire length, bounded on each side by a one-way lane not less than eleven *(11)* feet in paved width. The median shall be at least

twenty *(20*) feet in width, and shall be planted with shade trees at intervals not less than thirty *(30)* feet.

2. Street Standards

All roadways constructed within cluster developments shall meet the provisions established in the Robertson County Subdivision Regulations, or have alternative roadway standards approved by the planning staff that are consistent with accepted "Traditional Neighborhood" development standards.

B. Pedestrian Ways

All lots within Type II, III and IV Cluster Developments shall provide public pedestrian ways serving each lot. This access can be public sidewalks, informal walkways or designated and defined trail system. The design of these pedestrian ways shall meet the following:

1. Be no less than four *(4)* feet wide in residential areas and no less than six *(6)* feet in commercial or mixed use areas, and shall be constructed of paving brick, concrete, concrete pavers, or concrete with brick paver borders. Asphalt shall not be used for any pedestrian way along a public right-of-way or any facility that will dedicated to a public agency.

2. Create a linked network of walkways connecting all uses with parks and other greenway land areas.

3. Link loop streets and the end of cul-de-sacs with the street network, trails or greenway land behind lots served those loop streets or cul-de-sacs.

4. Be separated from street curbs by a "planting strip" not less than three *(3)* feet in width planted with shade trees and maintained by the "Home Owners Association".

5. Any areas designated for Farm land Preservation are exempt from the provisions of this section provided that no gaps in the system exists that separate section of the development.

C. Parking

1. Off-Street Parking

a. Off-street parking for nonresidential buildings, townhouses, and multifamily residences shall be located at the rear of the lot in garages, carports or parking spaces accessed only by rear access lanes.

b. No off-street parking shall be permitted in front yards of buildings used for commercial purposes except for corner lots which will permit off-street parking in one of the front yards provided it is adequately screened.

c. When dwelling units are permitted above commercial uses, the additional parking required to accommodate such residential uses

shall be based on a formula approved by the Planning Commission.

d. Parking areas serving playfields, playgrounds or any other recreational use constructed in common areas shall be a minimum of a gravel service with adequate drainage. Points of ingress/egress shall have adequate sight distance and no lighting of the area will be permitted prior to the homeowners association assuming control over all common areas.

2. On-Street Parking

a. On-street parking spaces along the front property line shall count toward the minimum number of parking spaces required for the use on that lot *(except where there are driveway curb cuts)*.

b. On-street parking spaces shall be designed as either parallel to the curb on one of both sides of the streets or diagonal to the street on the storefront side with landscaped breaks every two hundred *(200)* feet.

c. On-street parking spaces shall measure eight *(8)* feet wide by twenty-two *(22)* feet long.

D. Farm Roads and Shared Driveways in Farmhouse Clusters.

1. Farm Roads and Country Lanes to be retained

Where feasible, old farm roads and country lanes should be retained and used instead of constructing now driveways *(unless needed widening of the lane would destroy mature trees or historic features)*.

2. Private Shared Driveways

The Planning Commission may allow private shared driveways, each serving a maximum of two dwelling units for tracts having frontage that may be combined with the five *e* lots being served by the private easement.

3. Construction

The following construction standards shall apply to all shared driveways unless alternative standards are accepted by the Planning Commission:

a. **Easement Width** All driveway easements shall be thirty *(30)* feet. Under no circumstances shall the commission permit the creation of a wider easement.

b. **Minimum Width** Twenty *(20)* feet, which shall be crowned.

c. **Construction Material** six *(6)* inches of 3/4 modified or other compatible material, with a double bituminous surface.

d. **Maxim Length** There is no maximum length for private drives except that there shall be a turnaround with a forty *(40)* foot radius every one thousand *(1,000)* feet and at the end of the private drive.

e. **Access by Emergency Vehicles** No private drive shall be constructed that will not support access by all emergency vehicles.

f. **Drainage** Appropriate drainage facilities will be provided in and along all private drives.

g. **Controlled Access** Any private drive installing a means to control ingress/egress to the drive shall first consult all emergency providers and provide them with a means of access to all properties.

4. Maintenance Agreement Required

A shared driveway or private street shall only be permitted if the developer establishes a legally binding mechanism to require owners of lots served by such driveway and/or private road to fund adequate maintenance in pre-determined proportions. Such mechanism shall be subject to approval by the County Attorney.

4-11 SPECIAL CONDITIONS FOR PERMITTING A BED AND BREAKFAST HOME

(Added by Resolution 061607077)

A. In addition to the requirements for the applicable district, the following special conditions shall be met prior to issuing a conditional use permit:

1. Bed and breakfast residences shall be established only within preexisting single family residences.

2. Bed and breakfast residences shall continuously maintain current licenses and permits as required by local and state agencies.

3. Bed and breakfast residences shall be solely operated by members of the family residing in the residence.

4. The only meal to be provided to guests shall be breakfast, and it shall only be served to guests taking lodging in the facility.

5. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.

6. Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed or remodeled for rental purposes.

7. 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.

8. One *(1)* off-street parking space shall be provided for each rental room in addition to the required two *(2)* spaces 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.

9. 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.

10. A smoke detector shall be installed in each sleeping room, and a fire extinguisher (ABC) ten *(10)* pounds in size or larger shall be installed and made easily accessible on the floor or story.

11. An evacuation plan must be approved by the county's building/fire official prior to the issuance of a use and occupancy permit for a bed and breakfast residence.

12. 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.

13. Prior to the issuance of a certificate of occupancy for the establishment of any bed and breakfast residence not connected to a public sewerage system, 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.