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ARTICLE VII

PLANNED UNIT DEVELOPMENT REGULATIONS FOR SPECIAL OVERLAY DISTRICTS REGULATIONS

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7-1 PLANNED UNIT DEVELOPMENT REGULATIONS *(This Section amended in its entirety by, Resolution 051605062)*

7-1.1 DISTRICT DESCRIPTION

To provide maximum flexibility in the application and implementation of design standards within areas specifically designated by an adopted Community Master Plan. This district is created with the intent of achieving a scale and form of development that emphasizes sensitivity to pedestrian movement, minimizes intrusion of the automobile into new streets and roads, and provides for the sensitive placement of open spaces in relation to building masses, street design and accessories, and landscaping features in a manner otherwise not insured by the application of conventional developments and standards. The village concept combines a mixture of compatible uses including single-family, semi-detached, townhouse and neighborhood commercial and office areas. This shall be blended in a compact, walkable layout with landscaped streets, a network of sidewalks, open space that preserves the natural features of the land and provides the necessary public and community facilities.

This district shall create a traditional type of development that nurtures diversity in social and economic backgrounds while enhancing aesthetics and maintaining a small town character.

7-1.2 SITE LOCATION CRITERIA AND DEFINITIONS

A. <u>Site Location Criteria</u>

1. The proposed site is recommended for roads classified as an arterial or a collector road as identified on the Major Thoroughfare Plan of Robertson County. Any site proposed for a road that does not meet these requirements is required to provide a "Traffic Study" prepared by a competent professional demonstrating the ability of the road to handle the proposed traffic volumes.

2. All Planned Developments containing Commercial activities or High-Density Residential activities will be located on an arterial or collector road as identified on the Major Thoroughfare Plan of Robertson County.

3. Located within an area that the water system is capable of providing fire flows and sprinkled service to all buildings.

4. Area has access to a public sewer system.

5. Electric power can be provided by underground service.

B. DEFINITIONS

1. Application

In the construction of this article, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise:

2. Terms Defined

ACTUAL CONSTRUCTION - The excavation of a site and/or the placement of building materials in conjunction with the construction of a building or other structure.

COMMON OPEN SPACE - A parcel or parcels of land and/or an area of water within the site designated, designed and intended for benefit, use or enjoyment 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.

DWELLING, ATTACHED - A building located upon one zone lot containing not more than two *(2)* dwelling units, attached at the side or sides in a series of three or more principal buildings each containing not more than two dwelling units.

DWELLING, DETACHED - A building located upon one zone lot containing not more than two *(2)* dwelling units, separated from structures on adjacent lots.

DWELLING, SEMI-DETACHED - A building located upon one zone lot containing not more than two *(2)* dwelling units, attached at the side to not more than one other building containing not more than two *(2)* dwelling units.

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

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

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

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 or the general public.

RESTRICTED USE OPEN SPACE - Open areas located within a planned 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.

SHARED USE OPEN SPACE - Shared use open space may exist within a planned development both as limited use or general use shared open space. Limited use shared open spaces are those limited to use by only a portion of the individuals who reside within the planned development. Shared general use open space is intended to be available for use by any resident of the development, but may be limited to use only by residents and their guests.

7-1.3 ADMINISTRATIVE PROCEDURE

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

A. Steps of Approval Process

1. The applicant must request a pre-application conference with county staff to evaluate a concept plan of the proposal and to determine and clarify any issues that may arise.

2. The applicant shall submit a preliminary master plan and rezoning request to the Planning Commission for their consideration along with the required fees.

3. The Planning Commission may approve or reject the request. If approved, the Planning Commission shall recommend the necessary PUD zoning to the County Commission. If rejected, the applicant may appeal the decision to the County Commission.

4. After approval of the preliminary master plan and amendment of the zoning map, preparation of the final master plan may begin.

5. 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.

6. Prior to the sale or transfer of any property, the applicant shall submit and have approved a final subdivision plat.

B. Concept Plan

Prior to filing an application for approval of a planned unit development the applicant shall present a concept plan to the Planning Commission concerning the layout and design of the proposed development. The Planning Commission after review of the plan shall determine if a formal "work Session" of the Planning Commission is needed before the proposed plan is submitted for approval and rezoning.

C. 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:

1. The preliminary master plan for the proposed planned development shall be a general concept plan which shall include such items as the Planning Commission by general rule shall specify in order to disclose;

    (a) The location and size of the area involved,

    (b) Transportation routes including streets, driveways, sidewalks, and pedestrian ways, and off-street parking and loading areas,

    (c) A traffic study prepared by a licensed engineer is required for all developments twenty (20) acres or more or with seventy-five (75) residential units or more.

    (d) Location and approximate dimensions of structures including approximate height and bulk, building elevations and materials and the utilization of structures including activities and the number of living units,

    (e) Estimated population and density and extent of activities to be allocated to parts of the project,

    (f) Reservations for public uses including schools, parks and other open spaces,

    (g) Availability commitments from the appropriate water and sewer provider,

    (h) Major landscaping features, including topography,

    (i) The general means of the disposition of sanitary wastes and storm water, and

    (j) North arrow, graphic scale, and location map showing relationship to the existing street system and adjoining properties.

2. A tabulation of the land area to be devoted to various uses and activities and overall densities.

3. 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.

4. The general substance of covenants, grants of easements, deed restrictions, or other restrictions to be imposed upon the use of the land, buildings and structures including proposed easements for public utilities.

5. A development schedule, setting forth when the landowner intends to commence construction and an estimated completion period.

6. When it is proposed that the final master development plan will be submitted in stages, a schedule of submission thereof.

7. A filing and review fee in an amount determined according to the standard fee schedule as approved by the County Commission.

8. 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.

D. 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.

1. Application for Final Approval

   After zoning a Planned 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 development are in substantial compliance with the substance of the preliminary approval of the Planning 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.

2. 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 development.

3. Final Master Development Plan

The final master plan of a planned development, or as submitted in stages if authorized, shall be substantially consistent with the approved preliminary master plan and in addition must show the following:

(a) Detailed building plans including the use and architectural design of each building. Architectural design including the location and approximate dimensions of structures, other than one and two family dwellings including the architectural features of the buildings to determine design of the development and to ensure compatibility with surrounding properties. Example of architectural features includes: building height and bulk roof slopes, building orientation, porches and exterior materials.

(b) Plan book for one and two-family dwellings, with typical building elevations, details of building materials and building floor plans.

(c) Landscaping plans prepared by a Landscape Architect.

(d) Location of gas, water, sewerage, and drainage facilities,

(e) Details and locations of signs,

(f) Plans for street and parking lot improvements,

(g) Location common open space areas and recreation facilities, with a maintenance plan.

(h) Grading and drainage plans showing existing and proposed topography, drainage structures, water features and erosion control measures. Plan will need to demonstrate that the plans meet all Federal and State regulations.

(i) Additional information as determined by the Planning Commission to indicate fully the ultimate operation and appearance of the PUD.

E. Platting Procedure

After approval of the Final Master Plan any section of the development containing individual lots or any public improvements must submit all plats and plans required by the Subdivision Regulations for a typical subdivision.

F. Amendments and Additions to the Planned Unit Development

The terms, conditions of the approved and recorded final master and all supporting data shall control all development of the Planned Unit Development. The recorded final Master Plan and supporting data together

with all recorded amendments shall be binding on the applicants, their successors, grantees, and assigns and shall limit and control the use of premises and location of the structures in the Planned Unit Development. All proposed major and minor changes must be submitted with amended master plan, and all supporting documents that are affected by change. Changes in site engineering, unforeseen site conditions or changes in the target market must justify all amendments since the Master Plan was approved.

Major changes that will alter the concept or intent of the approved Planned Unit Development include the following:

1. Increase in density and intensity of the development exceeding a five *(5)* percent increase in the units per acre density.

2. Reduction in the amount of open space or the elimination of Common open space facilities.

3. Changes in the use or types of structures or the addition of structures not approved with the Final Master Plan.

4. Size of lots and building areas for Residential/ Commercial structures by more than ten *(10)* percent.

5. Alteration of the approved building elevations or materials.

6. Changes in the development schedule that would affect construction of recreational facilities or the dedication of common open space.

7. Changes by the developer of the final governing agreements and restrictive covenants.

The landowner, the residents and/or owners of or in 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 Planned Unit Development or any adjoining properties.

Minor Changes

The Planning Commission may approve minor changes to the Preliminary/Final Master Plan and supporting documents which do not alter the concept or intent of the development are considered minor amendments.

Major Changes

Before Final Master Plan Approval: After receiving preliminary approval by the Planning Commission, if major changes are made to the Master Plan, the Planning Commission shall hold a Public Hearing to determine if the intent and concept of the development has changed. If it is determined that the intent and concept has changed then the Planning Commission may cancel the Preliminary Master Plan approval.

After Final Master Plan approval: If major changes are made to the approved Master Plan, the Planning Commission shall hold a Public Hearing to determine if the intent and concept of the development has changed. If it is determined that the intent of the development has changed, the Planning Commission shall require the Zoning Administrator to stop the issuance of building permits and revoke any permits issued that are in conflict with the approved Master Plan. All amendments and changes to the approved Master Plan are required to be recorded with the county register's office.

G. Cancellation of an Adopted Planned Development

In the event that actual construction has not begun within twenty-four *(24)* months from and after the date of the ordinance adopting or amending a planned development, (or after any period of extension officially authorized), the Planning Commission may conduct an official meeting with notice to the landowner, to review the zoning and feasibility of the Planned Development and may act to cancel or extend approval of the master plan depending on the circumstances of each case or any case where said Planned Development has:

1. Received Preliminary Master Plan Approval and the Rezoning Ordinance has been adopted and the Final Master Plan has not been submitted for approval within one year.

2. Received Final Master Plan approval and construction has not begun within one year. In this instance, the zoning administrator shall not issue new permits.

3. Received Final Master Plan approval and construction has lapsed for more than one year. In this instance, the zoning administrator shall not issue new permits and revoke existing permits.

4. Received Final Master Plan approval and construction of the development falls more than two *(2)* years behind schedule filed with the Final Master Plan. In this instance, the zoning administrator shall not issue new permits and revoke existing permits.

H. Building Permits

A building permit shall be issued for structures, buildings, activities, or uses as a part of a finally adopted planned development only in strict compliance with the master development plan of the particular planned 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 until a final master development plan, restrictive covenants and final plat have been approved and recorded with the county register’s office and the developer has obtained all state and federal permits.

I. <u>Certificate of Occupancy</u>

A use and occupancy permit shall be issued only when the building inspector determines that the structure, building, activity, or use conforms to the final master development plan as approved by the Planning Commission and meets all code requirements.

7-1.4 OPEN SPACE

Any common open space established by an adopted final Master Development Plan for a planned development shall be subject to the following:

A. The location, shape, site, and character of the 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.

B. Open space must be suitable for its intended uses but open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements, which are permitted in the open space, must be appropriate to the uses, which are authorized for the open space and must conserve and enhance the amenities of the open space with regard to its topography and unimproved condition.

C. The Planning Commission may 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.

D. 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 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 development and hold a public hearing. After thirty *(30*) days when deficiencies of maintenance are not corrected, the Planning Director shall call upon any public or private agency to maintain the common open space for a period of one year. When the Planning Director determines that the organization is not prepared for the maintenance for the common open space, such agency shall continue maintenance for yearly periods.

E. The cost of such maintenance by such agency shall be assessed proportionally against the properties within the planned development that have a right of enjoyment of the common open space, and shall become a lien on said properties.

F If 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. In Phased Planned Developments the covenants and restrictions shall be for the entire development. The covenants and restrictions shall be recorded with the final master plan and final subdivision plat or site plan of the first phase. The provisions shall include, but not be limited to the following:

1. The homeowners association must be set up before the lot and/or homes are sold.

2. Membership must be mandatory for each home buyer and any successive buyer.

3. The open space restrictions must be permanent, not just for a period of years.

4. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational, open space and other facilities.

5. Homeowners must pay their pro rata share of the cost, and the assessment levied by the association can become a lien on the property.

6. The association must be able to adjust the assessment to meet changing needs.

7. Developer voting rights: Developer shall have one vote per lot at the time 60% of the lots are in ultimate homeownership according to the approved and recorded final master development plan. The homeowners association must be funded and operational with elected board members at the time 60% of the lots are on private ownership according to the final master plan.

8. Any area reserved for environmental open space shall be left undisturbed.

G. A recreation plan shall be developed and presented with the Final Master Development Plan for any proposed residential planned 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.

H. Within any development subject to the provisions of this section, open space shall be provided that is adequate to:

1. Buffer both internal and external activities from objectionable or conflicting characteristics associated with such uses:

2. Assure adequate space, light and air along with visual and acoustical privacy:

3. Assure protection of steep slopes, floodable areas, wetlands and any area considered undesirable for building;

    a. Use of Common Open Space

        All open space shown on a development plan of a Residential Planned Development shall be indicated as to its intended use. Common open space may consist of the following:

        i. Cultural and environmental open space.

        ii. Improved recreational open space.

    b. Cultural and Environmental Open Space

        Except for those portions of a Residential Planned Development required for the installation of streets and utilities, the following areas shall be designated as environmental open space and no development shall take place thereon, these areas can only count as fifty *(50)* percent of the required open space for the development.

        i. Natural slopes of twenty *(20)* percent or greater.

        ii. Areas shown on a Flood Hazard Boundary Map.

        iii. Streams, creeks and major drainage ways.

        iv. Areas classified as wetlands.

        v. Sites of paleontology, prehistoric, historic or of archeological significance.

        vi. All areas which present geological hazards specifically those areas with unstable geological and karst formations; and

        vii. Areas presenting environmentally or ecological unique resources.

    c. Improved Recreational Open Space

        A recreation plan shall be developed and presented with the Final Master Development Plan for any proposed residential planned 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, *(2)* shared general use recreation facilities which are available to all residents of the proposed development or *(3)* non-common recreational open space that is restricted to the use approved by the Final Master Plan, but open to the general public. Minimum of five *(5)* percent of the gross area of every residential Planned Unit Development shall be devoted to improved recreational open space. These areas shall only count as fifty *(50)* percent of the required open space for the development.

d. Recreation Plan

In phased developments every phase shall have common open space proportioned to each phase and recreation improvements must be installed in each phase with the recreational improvements receiving approval before the next phase can begin or if the master plan includes the recreation improvements for the entire development in one phase then the recreational improvements must be completed and accessible to the first phase. All recreational improvements will need to be bonded with other improvements if not completed before the final subdivision plat of the phase is recorded. The recreation plan must be submitted with a site plan detailing landscaping, drainage, lighting, access, building locations and detailed plans of the recreational equipment. The recreational plan shall determine the percentage in which the dwelling units and commercial structures are to be constructed in relation to the construction of recreation improvements.

e. Open Space Maintenance Plan

The Planning Commission shall require a maintenance plan be submitted with the recreation plan. This plan shall detail the organization responsible for or other method of the maintenance of the common open space. Included in the maintenance plan shall be a program and financing for caring out the plan.

f. Open Space Drainage Design

No more than fifty *(50)* percent of designated drainage structures or drainage ways can be counted to the minimum required open space of the development. Any drainage designed as usable developed open space or other innovative design and use are exempt from this provision.

7-1.5 RESIDENTIAL PLANNED DEVELOPMENTS

A. Type of Developments

There are hereby created two *(2)* types of residential PUD's as follows:

Suburban Residential Planned Development	SRPUD
Neighborhood Center Residential Planned Development	NCRPUD

B. Purpose

The purpose of a SRPUD is to permit development of land which by reason of topography or floodable land 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 NCRPUD is to permit a variety of housing types within a totally planned environment.

C. Minimum Size

The minimum size of either residential PUD shall be five *(5)* acres. The Planning Commission and County Commission may, within their discretion, approve developments considered as an infill on less acreage.

D. Permitted Activities in a Residential PUD

The following activities listed in Table I may be permitted in a RPUD only when deemed appropriate by the Planning Commission and the County Commission as approved with the preliminary master plan. Other activities not listed below are prohibited.

E. Limitation on Commercial Activities

The commercial activities permitted in Table I, shall be limited to no more than five *(5)* percent in SRPUD's and no more than twenty *(20)* percent in NCRPUD's.

Table I

Permitted Uses and Structures

Residential Planned Development

Residential Activities	Districts	
Permanent Residential	SRPUD	NCRPUD
Dwelling Attached	N	P
Dwelling One-Family Detached	P	P
Dwelling Two-Family Detached	P	N
Dwelling Semi-Detached	P	P
Dwelling Mobile Home	N	N
Dwelling Multi-Family	N	P

Semi-Permanent Residential	N	N
Community Facilities Activities		
Administrative Services	S	S
Community Assembly	S	S
Community Education	S	S
Cultural & Recreation Services	S	S
Essential Services	S	S
Personal & Group Care Facilities	N	S
Religious Facilities	S	S
Commercial Activities		
Consumer Repair Services	P	P
Convenience Commercial	P	P
Entertainment & Amusement Services	P*	P*
Financial, Consultative &Administrative	P	P
Food & Beverage Services	P*	P*
General Business Services	P*	P*
General Personal Services	P*	P*
Medical and Professional Services	P	P
Transient Habitation	N	P*

Key to Interpreting Uses

P - May be considered as a permitted use.
N - Not permitted in the district.
S – Permitted as “Special Exception”

* May be considered only when the PUD contains 200 units or more.

F. Suburban Residential Planned Development

1. Density and Open Space Regulations

Maximum Density	–3.5 Units/Acre
Minimum Lot Size	7,500 sq. ft. per dwelling unit

The remaining area shall be left as common open space and used for designated purposes as approved by the Planning Commission. The minimum required ratio of dedicated common open space shall be in terms of the maximum density of the planned development. The percentage of the total acreage dedicated to open space shall be as follows:

Maximum Density	Minimum Open Space %
2.5 Units/Acre or Less	10
2.5 to 3.0 Units/Acre	15
3.0 to 3.5 Units/Acre	20

2. Yards

Minimum Front Yard	15 ft.
Minimum Side Yard	5 ft.
Minimum Rear Yard	5 ft.

A twenty-five *(25)* foot building setback consisting of dedicated open space or alternative buffering plan is required around the outside boundary of the development.

G. Neighborhood Center Residential Planned Development

1. Density, Bulk and Open Space Regulations for One Family Detached Dwellings

a. Density and Open Space Regulations

Maximum Density	5.5 Units/Acre
Minimum Lot Size	4,000 sq. ft. *

* The Planning Commission may vary this design where creative site and building design are proposed.

A minimum 100-foot building setback where a residential collector intersects a major collector or arterial shall be observed. This requirement may be waived for innovative/alternative designs.

The remaining area shall be left as common open space and used for designated purposes as approved by the Planning Commission. A minimum of five *(5)* percent of the site shall be improved recreational open space.

Maximum Density	Minimum Open Space %
3.0 to 4.0 Units/Acre	15
4.0 to 5.0 Units/Acre	20
5.0 Units/Acre or More	25

b. Yards

Minimum Front Yard	10 ft.
Minimum Side Yard	5 ft. or zero lot line
Minimum Rear Yard	5 ft.

A twenty-five *(25)* foot building setback consisting of dedicated open space is required around the outside boundary of the development.

2. Density, Bulk and Open Space Regulations for Multi-Family Dwellings

a. Density, Bulk and Open Space Regulations

The following requirements shall apply to multi-family dwellings within a high-density residential planned development:

Maximum Area per Dwelling Unit	3,000 Sq. Ft.
Minimum Required Open Space	30 percent
Minimum Developed Open Space	10 percent
Maximum Building Height	35 Feet

b. The maximum overall densities shall be in terms of the number of dwelling units per gross acre of all the area within said development.

c. The maximum floor area shall be in terms of a ratio of total floor area per total area within said development, as provided herein.

d. Yard requirements are waived and the above minimum controls shall be applied with the following exception a twenty-five *(25)* foot building setback consisting of dedicated open space is required around the outside boundary of the development.

e. The minimum total outdoor area (including all uncovered outdoor areas, such as streets, parking, lawn, landscaped areas, patios, recreation, as well as usable roofs and uncovered balconies) shall be provided at no less than a minimum ratio of outdoor area per total floor area, as provided herein.

f. The minimum total living space (that part of the total outdoor area which includes lawn, landscaping, and recreation areas and excluding streets and parking) shall be provided at no less than a minimum ratio of living space area per total floor area, as provided

H. Limitation on Density

The Planning Commission and County Commission may, within their discretion, limit the density to a figure lower than the maximum permitted above. This type of limitation shall be exercised only if the character of the adjoining neighborhood is inappropriate for the proposed development or if the development would place an excessive burden on the existing street and utility system.

7-1.6 COMMERCIAL PLANNED DEVELOPMENTS

A. Type of Developments

There are hereby created four *(4)* types of commercial planned developments as follows:

Core Commercial Planned Development	***CCPUD***
Commercial Planed Development	***CPUD***

General Office Planned Development ***GOPUD***
Restricted Office Planned Development ***ROPUD***

B. Purpose

The general purpose of Commercial PUD Districts is to provide for a wide range of activities developed for high quality and under controlled conditions.

C. Feasibility Study

The Planning Commission and/or the County Commission may require a feasibility study/market analysis for any proposed commercial planned development. The study will be utilized, among other things, to determine the impact of the proposed development on the long-range development of the commercial land use in the county, the timing of any proposed development to ascertain the effects of a proposed development upon lands used or zoned for commercial purposes, to form a basis for evaluating the estimated effects on traffic, the financial capability of the developer, and other purposes which assist in an understanding of the public interest pertinent in the evaluation of a proposed development. The study, if required, shall be provided by the landowner and the landowner shall provide any other economic data or analysis as may be reasonably requested by the Planning Commission and/or County Commission.

D. Minimum Size

The minimum size for each type Commercial PUD shall be as follows:

CCPUD	No minimum
CPUD	5 acres
GOPUD	5 acres
ROPUD	1 acre

E. Permitted Activities

The activities listed in Table II, may be permitted as a part of PUD only when such activities are approved as a part of the final master plan and deemed appropriate by the Planning Commission. A change in use may be granted by the building inspector only when the change is to a similar use or activity. Activities not listed are prohibited.

F. Bulk Regulations for Commercial PUD's

The building intensity, height, and open space requirements shall be as follows:

1. Maximum Floor Area Ratio

CCPUD	1.0
CPUD	1.0
GOPUD	2.5
ROPUD	1.5

2. Maximum Building Height

CCPUD	2 stories
CPUD	3 stories
GOPUD	3 stories
ROPUD	2 stories

3. Open Space Requirements

The following building setbacks and open space requirements shall be observed:

Front

CCPUD	30 ft.
CPUD	50 ft.
GOPUD	40 ft.
ROPUD	30 ft.

Side and Rear

CCPUD	10 ft.
CPUD	20 ft.
GOPUD	15 ft.
ROPUD	10 ft.

For a building in excess of two ***(2)*** stories, the side and rear yard requirement shall be increased five ***(5)*** feet for each story.

Provided further that permanent open, landscaped areas meeting the requirements of ***Article III, Section 3.110***, shall be maintained. No buildings or parking areas shall be permitted in any required permanent open space.

Table II

Permitted Uses and Structures Within Commercial Planned Development Districts

	CCPUD	***CPUD***	***GOPUD***	***ROPUD***
Community Facility Activities				
Administrative Services	P	P	P	P
Community Assembly	P	P	P	N
Community Education	N	N	N	N
Cultural & Recreation Services	P	N	P	N
Essential Services	P	P	P	P
Extensive Impact Facilities	N	N	N	N
Health Care Facilities	P	N	P	N
Institutional Care Facilities	N	N	N	N
Intermediate Impact Facilities	N	N	N	N
Personal & Group Care Facilities	P	N	P	N
Religious Facilities				
Commercial Activities				
Animal Care & Veterinarian Services	N	N	N	N
Automotive Parking	P	P	P	P
Automotive Repair & Cleaning	N	N	N	N
Automotive Servicing	P	N	N	N
Building Materials & Farm Equipment	N	N	N	N
Consumer Repair Services	P	P	P	P
Construction Sales & Services	N	N	N	N
Convenience Commercial	P	P	P	P
Entertainment & Amusement Services	P	P	N	N
Financial, Consultative & Administrative	P	P	P	P
Food & Beverage Services	P	P	P	P
Food Service Drive-In	P	P	N	N
General Business & Communication Service	P	P	P	N
General Personal Services	P	P	P	P
General Retail Trade	P	P	P	P
Group Assembly	P	N	N	N
Medical & Professional Services	P	P	P	P
Scrap Operations	N	N	N	N
Transient Habitation	P	N	P	N
Transport & Warehousing	N	N	N	N
Undertaking Services	P	N	N	N
Vehicular, Craft, & Related Equipment Sales, Retail & Delivery	P	P	P	N
Wholesale Sales	P	N	P	N

Key to Interpreting Uses

P - May be considered in the District Indicated
N - Not Permitted In the District

G. Off-street Parking, Loading, and Vehicular Access

1. Off-street parking and loading space shall be provided in accordance with the provisions for off-street parking contained in ***Article IV***. Parking lot landscaping shall be provided in accordance with the landscaping provisions of ***Article V***.

2. Vehicular Access Locations

Vehicular access locations shall be provided so those vehicles entering or departing a commercial planned development site shall do so only at such locations. Elsewhere along the property lines of said commercial planned developments site a physical separation between the said site and public rights-of-way shall be provided. A vehicular access location shall consist of such entrance and exit driveway openings so designed and located so as to minimize hazardous vehicular turning movements and traffic congestion. Such design and location shall be subject to the approval of the County Engineer working in conjunction with the Planning Commission.

a. No vehicular access location serving a commercial planned development site shall be:

(1) Within twenty-five *(25)* feet of the intersection of street right-of-way lines, bounding, in part, the same commercial planned development site, and

(2) Within one hundred *(150)* feet of any interchange ramp, such distance shall be measured from a point where the centerline of the ramp intersects with the edge of the pavement of the travel way of the intersecting street.

H. Permitted Signs

Signs may be permitted in accordance with the provisions of the Robertson County Zoning Resolution. Sign locations and character shall be approved as a part of the final master plan.

I. Other Regulations

1. If an area is reclassified to any Commercial PUD and such area contains existing houses, then such house may not be converted into use as an office or commercial building, the intent being to encourage new construction and the aggregation of small parcels into a larger tract.

7-1.7 DESIGN AND DEVELOPMENT STANDARDS

A. Development Standards

1. Perimeter Requirements

Along the perimeter of the Planned Development, buildings shall be designed to harmonize in scale, setbacks, and mass with existing

adjacent areas. A minimum setback of twenty-five *(25)* feet shall be required around the perimeter of all residential planned developments. Perimeter landscaping shall also be required.

2. Landscaping Requirements

Every PUD shall be attractively landscaped. The site perimeter and parking lot, landscaping requirements of ***Article III*** shall apply and be included in the dedicated open space. All transitional buffers within single-family developments shall be in dedicated open space or within a Buffer Easement that will be maintained by the homeowners Association. All developments are required to have street trees along the right-of-way in the area reserved for them.

3. Parking and Storage

On-street parking shall be prohibited in all planned developments along on any arterial or collector road as identified on the Major Thoroughfare Plan of Robertson County. All parking lots and storage areas shall be enclosed or concealed by berms, buffers or through building design. Residential structures with garages facing the street are discouraged and garages that project out in front of the unit are prohibited. Developments with garages facing the street shall be limited to a maximum of twenty-five percent of the total number of dwelling units in the development and these lots shall be designated on the Final Master Plan as well as all Final Plats. Parking provided in alleys shall be a minimum of twenty *(20)* feet in addition to garages or carports. Lots of sixty (60) foot width or less are required to have alleys providing access to garages or parking areas.

4. Signs

The sign provisions contained in ***Article IX*** shall apply. Entry sign locations and designs shall be shown on or as a separate element of the final master plan and be consistent with the character of the development. Any sign located within a dedicated public right-of-way shall be perpetually maintained by the Homeowners

5. Building Design

a. Architectural design shall be regulated, governed and enforced as architectural design standards by an association of property owners in order to ensure compatibility of building types and to relate new buildings to the to the building design of the region. These standards shall be contained in private covenants, declarations or restrictions of the property owners associations and shall be approved in concept by the Planning Commission at the time of approval of the Master Plan. Changes in architectural design standards may occur from time to time thereafter if approved by the Planning Commission and the property owner's association.

b. Architectural design standards shall specify the materials and configurations permitted for walls, roof, openings, street furniture

and other elements. Architectural standards should encourage the following architectural compatibility among structures in the development, human scale design.

c. All building foundations are restricted brick or stone and a minimum of sixty *(60)* percent of the exterior walls shall include brick, stone or other masonry materials excluding windows and doors. The use of vinyl siding materials is discouraged.

6. Street Design

a. A street hierarchy should be established on the Master Plan shall specify standards for minimum pavement width, required right-of-way, presence of curbs, on-street parking, street trees, street furniture and sidewalks. Residential Collector Streets shall have limited access or have alternative/innovative methods of access incorporated into the plan. No individual driveway will be permitted within 100 feet of an entrance to the development.

b. The network of streets, alleys and pedestrian ways shall be designed to connect with other streets in the development and to existing or proposed thoroughfares outside the development. Cul-de-sacs are not permitted except where natural features such topography or water bodies prohibit connection. Where it is likely that a street may be extended in the future a stub street may be required.

c. Streets shall be designed for pedestrian safety by having the street width, and pattern to reduce speed and encourage pedestrian safety. To accomplish this street may vary from the Subdivision Regulations or provisions of this ordinance to control traffic and add aesthetics to the development.

d. All multifamily and townhouse developments as well as single family lots with lot widths of sixty *(60)* feet or less shall be served with alleys to the rear of buildings.

e. Sidewalks or pedestrian paths (minimum five *(5)* feet in width recommended) shall be provided on at least one side of the street. In developments with over five *(5)* units per acre, residential collectors or commercial areas a sidewalk should be provided on both sides of the all streets.

7. 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.

8. Street Improvements

Within any residential PUD, streets may be public or private provided that streets in a low density PUD shall be public. If the developer requests that the streets be dedicated to the public, specifications and procedures of the subdivision regulations shall apply. Streets may be privately constructed and maintained either by the landowner/developer or deeded to the homeowners association and subject to the following standards.

a. All streets shall be designed to comply with the construction standards established in the Robertson County Subdivision Regulations.

b. Minimum Pavement widths shall be as follows:

Residential Collector Street	22 ft.
Access Street -	20 ft.
Access Lane	18 ft.
One Way Street	16 ft.
Alleys	16 ft.

c. Dead-end streets where permitted by street design shall be provided with adequate turn-around space and shall not exceed five hundred *(500)* feet in length.

9. 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. All buildings will provided water flows capable sprinkling all buildings within the development.

All Planned Developments are required to have all electric power; telephone service and cable televisions located underground.

10. Waste Disposal

If any central waste disposal containers are provided, they shall be completely enclosed and screened from view.

11. Development Standards for Multi-Family Projects

a. All multi-family buildings shall be designed to meet The Design Standards established as part of the Preliminary Site Plan.

b. The spacing of all buildings in multi-family developments shall be designed to meet existing Robertson County Building Codes.

c. 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.

d. 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.

e. 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 site development plan.

   Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

f. 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.

g. Access and circulation shall adequately provide for firefighting equipment, service deliveries, and furniture moving vans and refuse collection.

h. Off-street parking shall be screened using buffers, berms or building design, whether 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 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. Where appropriate, common driveways, parking areas, walks and steps shall be provided, maintained and lighted for night use. Parking shall comply with ***Article V***. Screening of parking and service areas shall be in accordance with the landscape requirements of the approved landscaping plan for the development. Within each development a minimum of one visitor parking space shall be provided for each five *(5)* dwelling units. Visitor parking can be provided by designated areas or with on street parking.

12. Development Standards for Attached or Semi-detached Dwellings

a. The minimum lot required for any individual attached dwelling shall be as required to meet other provisions of these regulations. Individual attached dwellings may exceed the maximum lot coverage provisions established for the area in which such site is located. However, in no instance shall the aggregate site coverage of all dwellings, attached or otherwise, exceed the coverage provisions established for the PUD district in which such site is located.

b. Minimum width for the portion of the lot on which the town house is to be constructed shall be twenty-two *(22)* feet.

c. Not more than eight *(8)* contiguous town houses shall be built in a row with the same or approximately the same front line, and not more than twelve *(12)* town houses shall be contiguous.

d. The spacing of buildings containing attached dwellings shall be as required by ***Article IV, Section 4-5***, and standards in Zoning Resolution.

e. Yards

(1) For units located along the periphery of a site containing attached dwellings. The yard provisions established for the district within which the attached dwelling is located shall apply along the periphery of any site on which attached dwellings may be located.

(2) For units located entirely within a site. No side or rear yard as such is required in connection with any attached dwelling located entirely within a site containing attached dwellings but each such unit shall on its own lot have one yard containing not less than seven hundred fifty *(750)* square feet. This yard shall be reasonably secluded from view from streets or from neighboring property and shall not be used for off-street parking or for any accessory building.

(3) The minimum front yard shall in all cases be no less than twenty-five *(25)* feet.

f. No attached dwelling shall exceed two *(2)* stories in height.

g. No development shall be approved which contains less than ten *(10)* dwelling units.

h. Parking shall be provided as required in ***Article V***. However, attached dwellings may be constructed with parking space required in bays either adjacent to the streets where allowed by design standards or in the interior accessed by alleys, all parking shall be screened using buffers, berms of building design. 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. Within each development a minimum of one visitor parking space shall be provided for each five *(5)* dwelling units. Visitor parking can be provided by designated areas or with on street parking.

i. 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.

j. 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.

13. Quality Use and Improvement of Common Open Space

Common open space must be for amenity or recreational purposes. 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. Open space can consist of either improved or unimproved land.

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. In this regard, the Planning Commission may permit only fifty *(50)* percent of stream areas, bodies of water and slopes in excess of twenty *(20)* percent to be counted as required open space. Any buildings, structures, and improvements, which are permitted in the common open space, must be appropriate to the uses, which are authorized for the common open space having regard to its topography and unimproved condition.

No common open space may be put to any use not specified in the approved site master plan, unless such plan has been amended and approved by the Planning Commission. However, no change authorized may be considered as a waiver of any of the covenants limiting the use of common open pace areas, and all rights to enforce these covenants against any use permitted are expressly reserved.

If the master plan provides for buildings, structures, and improvements a recreation plan must be prepared, if the common open space improvements have a value in excess of ten thousand dollars *($10,000)*, the developer must provide a bond or other adequate assurance 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. Any development aimed at a certain demographic shall supply this information when developing the plan.

The minimum open space for an entire development shall total not less than one acre. No open space area, other than area reserved for a tail system, shall have dimensions less than fifty *(50)* feet; areas reserved for trail systems shall have a width of twenty-five *(25)* feet.

B. Design Standards

All Final Master Plans shall include a Design Plan containing the following:

1. Statement of Intent and Use
2. Street Design and Streetscapes
3. Pedestrian way layout
4. Sitting of Buildings
5. Massing, Facades and Roofs and examples of buildings
6. Parking Orientation and Layout including the sitting of garages
7. Open Spaces, Landscaping and Buffering
8. Lighting and Utilities
9. Building Materials and percentages

7-2 FLOODPLAIN DISTRICT REGULATIONS (*Amended by Resolution No. 012521007).*

7-2.2 GENERAL PROVISIONS

A. Application

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

B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the Robertson County, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) dated February 26, 2021 and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47147C0050C, 47147C0065C, 47147C0090C, 47147C0095C, 47147C0120C, 47147C0140C, 47147C0175C, 47147C0180C, 47147C0185C, 47147C0190C, 47147C0195C, 47147C0205C, 47147C0215C, 47147C0218C, 47147C0219C, 47147C0235C, 47147C0237C, 47147C0238C, 47147C0239C, 47147C0245C, 47147C0255C, 47147C0260C, 47147C0265C, 47147C0270C, 47147C0280C, 47147C0330C, 47147C0335C, 47147C0340C, 47147C0355C, 47147C0357C, 47147C0360C, 47147C0376C, 47147C0380C,

47147C0381C, 47147C0382C, 47147C0384C, 47147C0405C, 47147C0410C, and 47147C0415C, dated April 16, 2008, and 47147C0365D, 47147C0370D, 47147C0390D, 47147C0395D, 47147C0450D, 47147C0455D, and 47147C0460D, dated February 26, 2021, along with all supporting technical data, are adopted by reference and declared to be a part of this Resolution.

C. Requirement for Development Permit

A development permit shall be required in conformity with this Resolution 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 Resolution and other applicable regulations.

E. Abrogation and Greater Restrictions

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

F. Interpretation

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

G. Warning and Disclaimer of Liability

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

H. Penalties for Violation

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

shall prevent Robertson County, Tennessee from taking such other lawful actions to prevent or remedy any violation.

7-2.3 ADMINISTRATION

A. Designation of Resolution Administrator

The Planning Director or a designee is hereby appointed as the Administrator to implement the provisions of this Resolution.

B. Permit Procedures

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

1. Application stage

   a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Resolution.

   b. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Resolution.

   c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Section 7-2.4, A and B.

   d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

   e. A final Finished Construction Elevation Certificate *(FEMA Form 086-0-33)* is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities.

   f. In order to determine if improvements or damage meet the Substantial Improvement or Substantial Damage criteria, the applicant shall provide to the Floodplain Administrator a detailed cost to repair all damages and/or cost of improvements which includes the complete costs associated with all types of work necessary to completely repair or improve a building. These include the costs of

all materials, labor, and other items necessary to perform the proposed work. These must be in the form of:

- An itemized costs of materials, and labor, or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators

- Building valuation tables published by building code organizations and cost-estimating manuals and tools available from professional building cost-estimating services.

- A qualified estimate of costs that is prepared by the local official using professional judgement and knowledge of local and regional construction costs.

- A detailed cost estimate provided and prepared by the building owner. This must include as much supporting documentation as possible (such as pricing information from lumber companies, plumbing and electrical suppliers, etc). In addition, the estimate must include the value of labor, including the value of the owner's labor.

2. Construction Stage

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

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

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

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

3. Finished Construction Stage

For all new construction and substantial improvements, the permit holder shall provide to the Administrator a final Finished Construction Elevation Certificate *(FEMA Form 086-0-33)*. A final Finished Construction Elevation Certificate is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Administrator will keep the certificate on file in perpetuity.

C. Duties and Responsibilities of the Administrator

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

1. Review all development permits to assure that the permit requirements of this Resolution have been satisfied, and that proposed building sites will be reasonably safe from flooding.

2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

3. Notify adjacent communities and the Tennessee Emergency Management Agency, State NFIP Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.

5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Section 7-2.3, B.

7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Section 7-2.3, B.

8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Section 7-2.3, B.

9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to

be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Resolution.

10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Robertson County**,** Tennessee FIRM meet the requirements of this Resolution.

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

12. A final Finished Construction Elevation Certificate *(FEMA Form 086-0-33)* is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" × 3". Digital photographs are acceptable.

7-2.4 PROVISIONS FOR FLOOD HAZARD REDUCTION

A. General Standards

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

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;

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

3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Resolution, shall meet the requirements of "new construction" as contained in this Resolution;

10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Resolution, shall be undertaken only if said non-conformity is not further extended or replaced;

11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;

12. All subdivision proposals and other proposed new development proposals shall meet the standards of Section 7-2.4, B;

13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;

14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

B. Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Section 7-2.4, A, are required:

1. Residential Structures

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

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade *(as defined in Section 2-2.3)*. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”

2. Non-Residential Structures

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

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade *(as defined in Section 2-2.3)*. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance

with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Section 7-2.3, B.

3. Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.

1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;

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. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Section 7-2.3, B.

4. Standards for Manufactured Homes and Recreational Vehicles

a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or

2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by

reinforced piers *(or other foundation elements of at least equivalent strength)* that are at least three (3) feet in height above the highest adjacent grade *(as defined in Section 2-2.3)*.

c. Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of Section 7-2.4, A and B.

d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:

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)*, or;

3) The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals

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

a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data *(See Section 7-2.4, E)*.

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

Located within the Special Flood Hazard Areas established in Section 7-2.2, Section B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements or other development within the adopted regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof;

2. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the applicant first applies for a conditional letter of map revision *(CLOMR)* and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA;

3. ONLY if Section 7-2.4, C, provisions (1) through (2) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Section 7-2.4, A and B.

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

Located within the Special Flood Hazard Areas established in Section 7-2.2, B, where streams exist with base flood data provided but where no floodways have been designated *(Zones AE)*, the following provisions apply:

1. Require until a regulatory floodway is designated, that no new construction, substantial , or other development, including fill shall be permitted within Zone AE on the community's FIRM, unless it is demonstrated through hydrologic and hydraulic analyses performed 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.

2. A community may permit encroachments within Zones AE on the community's FIRM, that would result in an increase in the water surface elevation of the base flood, provided that the applicant first applies for a conditional letter of map revision *(CLOMR)* and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA;

3. ONLY if Section 7-2.4, D, provisions (1) through (2) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Section 7-2.4, A and B.

E. <u>Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)</u>

Located within the Special Flood Hazard Areas established in Section 7-2.2, B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Section 7-2.4, A and B.

2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.

3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade *(as defined in Section 2-2.3)*. All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Section 7-2.3, B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Section 7-2.4, B.

4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within Robertson County**,** Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Section 7-2.4, A and B. Within approximate A Zones, require that those subsections of Section 7-2.4, B dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

F. Standards for Areas of Shallow Flooding (Zone AO)

Located within the Special Flood Hazard Areas established in Section 7-2.2, B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Section 7-2.4, A and B, all new construction and substantial improvements shall meet the following requirements:

1. The lowest floor (including basement) shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map *(FIRM)*, in feet, plus a freeboard of one (1) foot above the highest adjacent grade; or at least three (3) feet above the highest adjacent grade, if no depth number is specified.

2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 7-2.4, F, (1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Section 7-2.3, B, (1), (c) and Section 7-2.4, B, (2).

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

G. Standards for Areas of Shallow Flooding (Zone AH)

Located within the Special Flood Hazard Areas established in Section 7-2.2, B, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding *(usually areas of ponding)* where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to meeting the requirements of Section 7-2.4, A and B, all new construction and substantial improvements shall meet the following requirements:

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

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

Located within the Areas of Special Flood Hazard established in Section 7-2.2, B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas *(A-99 Zones)* all provisions of Section 7-2.3 and Section 7-2.4 shall apply.

I. Standards for Unmapped Streams

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

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.

2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Sections 7-2.3 and 7-2.4.

3. ONLY if Section 7-2.2, B, provisions (1) through (2) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Section 7-2.4, A and B.

7-2.5 VARIANCE PROCEDURES

A. Board of Zoning Appeals

See Section 11-5, (Board of Zoning Appeals)

B. Variance Procedures

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

1. The Robertson County, Tennessee Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Resolution.

2. Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Resolution to preserve the historic character and design of the structure.

3. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Resolution, and:

    a. The danger that materials may be swept onto other property to the injury of others;

    b. The danger to life and property due to flooding or erosion;

c. The susceptibility of the proposed facility and its contents to flood damage;

d. The importance of the services provided by the proposed facility to the community;

e. The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

h. The safety of access to the property in times of flood for ordinary and emergency vehicles;

i. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

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

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

B. <u>Conditions for Variances</u>

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Section 7-2.5, A.

2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Resolutions.

3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance

(as high as $25 for $100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.

4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

7-2.6 LEGAL STATUS PROVISIONS

A. Conflict with Other Resolutions

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

B. Severability

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

C. Effective Date

This Resolution shall become effective on February 26, 2021, the public welfare demanding it.

7-3 AIRPORT ZONING PROVISION (Added by Resolution No. 081699111).

7-3.1 Statutory Authorization

This resolution shall be known and may be cited as the Springfield/Robertson County Airport Zoning Ordinance.

7-3.2 Definitions

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

AIRPORT – The Springfield/Robertson County Airport.

AIRPORT ELEVATION – Seven hundred-nine *(709)* feet above mean-sea-level.

APPROACH SURFACE – A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in ***Subsection 7-3.4***, of this resolution. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES – These zones are set forth in ***Subsection 7-3.3***, of this resolution.

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

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

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

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

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

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

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

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

OBSTRUCTION – Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in ***Subsection 7-3.4***, of this resolution.

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

PRECISION INSTRUMENT RUNWAY – A runway having an existing instrument approach procedure utilizing an Instrument Landing System *(ILS)* or a Precision Approach Radar *(PAR)*. It, also, means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRIMARY SURFACE – A surface longitudinal centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends two hundred *(200)* feet beyond each end of that runway. The width and elevation of the primary surface is set forth in ***Subsection 7-3.3***, of this resolution.

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

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

TRANSITIONAL SURFACES – These surfaces extend outward at ninety *(90)* degree angles to the runway center line and the runway center line extended at a slope of seven *(7)* feet horizontally for each foot vertically from the sides of the primary and approach surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand *(5,000)* feet measured horizontally from the edge of the approach surface and at ninety *(90)* degree angles to the extended runway center line.

TREE – Any object of natural growth.

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

7-3.3 Airport Overlay Districts

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

A. Primary Surface Zone

Established as the imaginary surface five hundred *(500)* feet wide, longitudinally centered on the runway and extends a length of two hundred *(200)* feet beyond each end of the runway. The elevation of any point on the longitudinal profile on the primary surface coincides with the elevation of the center line of the runway. The highest determined elevation of the Springfield/Robertson County Airport is seven hundred-nine *(709)* feet above mean-sea-level.

B. Horizontal Zone

All the airspace that lies directly under an imaginary horizontal surface one hundred-fifty *(150)* feet above the established airport elevation, or a height eight hundred-fifty-nine *(859)* feet above mean-sea-level. The horizontal zone is, hereby, established as being an area defined by two semi-circles, each having a radius point located two hundred *(200)* feet beyond the runway ends and on the runway center line extended, the radius of each semi-circle being ten thousand *(10,000)* feet; and lines parallel with the runway center line connecting the semi-circles. The horizontal zone does not include the approach/departure zones and the transitional zones.

C. Conical Zone

All the airspace that lies directly under an imaginary surface extending upward and outward from the periphery of the horizontal surface at a slope of twenty to one *(20:1) (20 feet outward for each foot upward)* and extending to a height of three hundred-fifty *(350)* feet above the airport elevation *(or one thousand-fifty-nine (1,059) feet above mean-sea-level)*.

D. Approach/Departure Zone (Runway 4, Non-precision)

An approach/departure zone is established at each end of the runway which shall have a width of five hundred *(500)* feet at a distance two hundred *(200)* feet beyond each end of the runway, widening, thereafter, uniformly to a width of three thousand-five hundred *(3,500)* feet at a distance of ten thousand-two hundred *(10,200)* feet beyond the end of Runway 4, its center line being the continuation of the center line of the runway. The approach/departure surface inclines upward from the base elevation at a slope of thirty-four to one *(34:1) (34 feet outward for each foot upward)* at the end of Runway 4.

E. Approach/Departure Zone (Runway 22, Visual)

An approach/departure zone is established at each end of the runway which shall have a width of five hundred *(500)* feet at a distance two hundred *(200)* feet beyond each of the runway, widening, thereafter, uniformly to a width of three thousand-five hundred *(3,500)* feet at a distance of ten thousand-two hundred *(10,200)* feet beyond the end of Runway 22, its center line being the continuation of the center line of the runway. The approach/departure surface inclines upward from the base elevation at a slope of thirty-four to one *(34:1) (34 feet outward for each foot upward)* at the end of Runway 22.

F. Transitional Zone

All the airspace which lies directly under an imaginary surface extending upward and outward perpendicular to the runway center line (and extended runway center line) at a slope of seven to one *(7:1)* from the sides of the primary surface and approach/departure surface until they intersect the horizontal surface.

7-3.4 Height Limitations

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

A. Approach/Departure Zones

One foot in height for each thirty-four *(34)* feet in horizontal distance beginning at a point of two hundred *(200)* feet beyond and at the elevation of the end of the runway extending to a point ten thousand-two hundred *(10,200)* feet from the end of the runway.

B. Transition Zones

One foot in height for each seven *(7)* feet in horizontal distance beginning at a point two hundred-fifty *(250)* feet normal to and at the elevation of the center line of the runway extending two hundred *(200)* feet beyond each end, thereof, and extending to a maximum height of one hundred-fifty *(150)* feet above the established airport elevation which is seven hundred-nine *(709)* feet above mean-sea-level. In addition to the foregoing, there are established height limits of one foot vertical for each seven *(7)* feet horizontal distance measured from the edges of all approach zones extending upward and outward to the points where they intersect the horizontal surface.

C. Horizontal Zone

One hundred-fifty *(150)* feet above the established airport elevation or a maximum of eight hundred-fifty-nine *(859)* feet above mean-sea-level.

D. Conical Zone

One foot in height for each twenty *(20)* feet of horizontal distance beginning at the periphery of the horizontal zone extending to a height three hundred-fifty *(350)* feet above the airport elevation or one thousand-fifty *(1,059)* feet above mean-sea-level.

E. Except Height Limitations

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

7-3.5 Use Restrictions

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

7-3.6 Nonconforming Uses

A. Regulations Not Retroactive

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

B. Marking and Lighting

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

7-3.7 Administration

A. Future Uses

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

1. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five *(75)* feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

2. In areas lying within the limits of the approach zones, but at a horizontal distance of four thousand-two hundred *(4,200)* feet or more from each end of the runway, no permit shall be required for any tree or structure less than seventy-five *(75)* feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such transition zones.

3. In areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five *(75)* feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features would extend above the height limit prescribed for such transition zones.

   Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any tree or structure in excess of any of the height limitations established by this resolution, the Robertson County Zoning Resolution.

B. Existing Uses

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

C. Permit Issuance

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

D. Enforcement

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

E. Appeals and Adjustments

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

F. Penalties

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

7-3.8 Validity and Interpretation

A. Conflicting Regulations

Where there exists a conflict between any of the regulations or limitations prescribed in the resolution and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any matter, the more stringent limitation or requirement shall govern and prevail.

B. Severability

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