

**ZONING
ORDINANCE**

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WILSON COUNTY ZONING REGULATIONS

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WILSON COUNTY ZONING REGULATIONS

ARTICLE 1 **TITLE, AUTHORITY AND PURPOSE**

SECTION 1.10 **Title of Resolution:**

A RESOLUTION ESTABLISHING ZONING DISTRICTS WITHIN THE UNINCORPORATED TERRITORY OF WILSON COUNTY, REGULATING THE USES OF PROPERTY THEREIN, ADOPTING A MAP OF SAID DISTRICTS, REQUIRING ZONING PERMITS FOR THE USE OF BUILDINGS AND PREMISES WITHIN SAID DISTRICTS, ESTABLISHING THE PLANNING COMMISSION, THE OFFICE OF BUILDING INSPECTOR, ESTABLISHING A BOARD OF ZONING APPEALS AND FIXING THE POWERS AND DUTIES THEREOF, AND PROVIDING FOR THE ADJUSTMENT, ENFORCEMENT, AND PENALTIES FOR VIOLATION OF THIS RESOLUTION.

SECTION 1.20 **Authority for Resolution:**

WHEREAS, Authority has been conferred by the Tennessee General Assembly in Chapter 3 of the Public Acts of the State of Tennessee for 1935, Sections 13-3-101 through 13-3-105, to provide for the establishment of districts or zones in portions of the county which lie outside the limits of the municipal corporations of Lebanon, Mt. Juliet and Watertown, and for the location, height, and size of buildings and structures, the percentage of lot occupancy, the required open spaces, the density and distribution of population, and the uses of lands, buildings, and structures, and

WHEREAS, The Planning Commission of Wilson County, after a comprehensive study and mapping of present land uses, development, and development trends, has prepared, adopted, and recommended zones and appropriate regulations to be enforced therein, and public hearings have been held, at which all owners of property affected were given ample opportunity, after public notice as required by law, to file their protests or criticisms, thereon, if any,

NOW, THEREFORE, BE IT RESOLVED BY THE WILSON COUNTY BOARD OF COMMISSIONERS as follows:

SECTION 1.30 **General Purpose**

In order to provide for the public health, safety, morals, and general welfare and to secure for the citizens of Wilson County, outside the municipal corporations of Lebanon, Mt. Juliet and Watertown the social and economic advantages resulting from an orderly planned use of land resources within the county; to regulate and redistrict the location and use of buildings, structures and land for residence, trade, industry and other purposes, the height, number of stories, and size of buildings and other structures, and size of yards, courts and other open spaces on the lot, parcel, or tract; to provide definite official land use plans consistent with the General Plan for Wilson County for property publicly and privately owned in Wilson County outside the municipal corporations of Lebanon, Mt. Juliet and Watertown; to guide, control and regulate the future growth and development of said county in accordance with said plan; and to provide for the administration and otherwise carrying out of said plan; there is hereby adopted and established an official zoning plan for Wilson County, Tennessee.

ARTICLE 2 **DEFINITIONS**

SECTION 2.10 **GENERAL TERMS**

For the purpose of this article, certain words and terms are defined as follows: Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word “shall” is mandatory and not directory.

SECTION 2.20 **SPECIFIC TERMS**

The following definitions of terms are included in order to help carry out the purposes of this land development regulation. The words, terms, phrases and meanings are intended to be used and interpreted as hereinafter defined.

The following guides shall apply in interpreting these definitions:

Words used in the present tense shall include the future tenses; words which are identified for the singular number also include the plural, and words in the plural number include the singular; the term “person” includes a company, partnership or corporation as well as an individual; the term “may” is permissive, and the terms “shall” is always mandatory and not directory. Terms not defined shall have the meaning customarily assigned to them.

ACCESSORY DETACHED DWELLING UNIT - A detached structure to be used in a capacity that is secondary and accessory to a primary residential structure on the same property for the purposes of establishing a one-bedroom efficiency dwelling for any number of purposes. Such uses routinely include Grandmother suites, in-law’ quarters, guest houses, pool houses, servants, caretakers’, or housekeepers’ quarters, etc. Such Dwelling units must be below 1000 square feet in total dedicated space used for the elements of the dwelling unit (ONE bedroom or sleeping quarters area, ONE full bathroom, ONE accessory kitchen, and ONE living/dining area). ACCESSORY DETACHED DWELLING UNITS will not be permitted within FEMA designated or other Regulatory FLOOD PLAIN OR FLOODWAY portions of a property in keeping with ARTICLE 5.6 - The Floodplain Zoning Ordinance. (revised Resolution 20-10-20) (revised Resolution 26-2-1)

ACCESSORY STRUCTURE: A structure other than the principal structure, the use of which is incidental to that of a principal or main structure. An accessory structure is located on the same lot as the principal structure.

ACCESSORY USE: A use which is generally subordinate but appropriate to the principal use of land or buildings.

ADULT ORIENTED BUSINESSES: Including but not limited to, adults-only bookstores, adult cabaret, adult entertainment centers, adults-only motion picture theaters, adult motel, erotic dance facilities, rap parlors, and saunas. Adult Adult-oriented business is a business which provides entertainment or merchandise only for adult consumption or use and includes such entertainment

establishments which present various stages of nudity as allowed by state statutes.

AREA, BUILDING: The total land area on a building lot which is taken on a horizontal plane at the average ground elevation of the principal or main building and the accessory building(s). The area as calculated shall be exclusive of uncovered patios, driveways and porches, through permits are required for construction of such improvements.

AUTOMOBILE GRAVEYARD: Any lot used for the purpose of dismantling and/or storing on the site more than two (2) motor vehicles which are not maintained in operating condition. (Resolution 19-6-12)

AUTOMOBILE SALVAGE YARD: An automobile graveyard which is operated as a business involving the dismantling and sale, trade or other exchange of motor vehicle parts. A motor vehicle is defined as any self-propelled vehicle not operated exclusively on a track, including motorcycles. Auto salvage yard is further defined as having more than two (2) unserviceable vehicles as defined in Article 2 of this Ordinance. (Resolution 19-6-2)

BASEMENT: The portion of a building which is located between floor and ceiling and has a part of the building above and part below the grade of the structure. The area in question is so located that the vertical distance from the average finished grade to the floor below is less than the vertical distance from the average finished grade to the ceiling.

BED AND BREAKFAST/INN OR ANY OTHER FORM OF SHORT-TERM RENTAL: A private residence that offers overnight accommodations for transient guests. A transient guest is a person who rents a room at a bed and breakfast/Inn or any other form of short-term rental in a single-family residential zone district, or commercial zoned district; who is not either related to the property owner or who is not living within an approved group home under the Wilson County Zoning Resolution; for anything less than thirty days. A bed and breakfast/Inn or other form of short-term rental will have an onsite caretaker to oversee operations, including operations outside of traditional 8-5 business hours. The Caretaker must live on-site OR within ten (10) miles of the facility being used for these short-term rental operations. Facilities that DO take transients who are not related to the property owner for overnight accommodations and do not possess listed caretakers who are registered with the County Zoning Office and the County Emergency Service Dispatch agency, caretakers will be considered in violation of definitions for single-family residence and of this definition. This term shall here-to-forward be interchangeable with the terms "Bed and Breakfast" and INN" or "short-term rental" as found within this zoning resolution. This definition is not inclusive of RV or Mobile Home accommodations as those would be defined and permitted under provisions found in the zoning resolution for RV parks, camping, or public recreation if not covered under state agricultural provisions. Furthermore, these facilities shall not generally be located within 1,000 feet of the property corners of a facility that is referenced in Tennessee Code Annotated 40-39-211 Section D including but not limited to a school, a daycare, public park or playground. The regulation of Bed and Breakfasts/ Inns/ and short-term rental

shall be subject to limitation as provided for in Tennessee Code Annotated 13-7-601 thru 606 where operation of short-term rental predating local adoption of short-term rental regulations is present. (Resolution 18-3-6 amended Resolution 24-4-2).

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

BUFFER AREA: A strip of land or structure established to protect and/or screen one (1) type of land use from another which is, may be, or may become incompatible.

BUILDABLE AREA: The portion of a building lot which is bounded by the required side and rear yards and the building setback line of the lot.

BUILDING: A structure, whether stationary or mobile, built for the purpose of providing space in an enclosed area for support and shelter of persons, animals or property and used for activities including living, business or related purposes. For the purpose of these regulations, the term "building" shall include tent, lunch wagon, dining car, mobile home, travel trailer, and similar structures.

CARETAKER APARTMENT: A dwelling unit for a resident manager attached to, and incorporated into, a commercial facility.

CLUSTER: Single family residential uses that include common open space as part of the subdivision design. [printed 03/28/02]

COMMERCIAL/INDUSTRIAL BUILDING SALES/RENTAL/LEASING/DISPLAY: The land use activity associated with the sale/rental/lease or display of commercial/industrial buildings for use on a separate lot of record.

COMMERCIAL HOME SALES/RENTAL/LEASING/DISPLAY The land use activity associated with the sale, rental, leasing, or display of residential homes from a retail/wholesale lot. This land use activity is to include sale, rental, leasing, or display of mobile homes, manufactured homes, modular homes, stick-built or steel framed homes, and log homes for use on a separate lot or record. [Printed 03/18/02]

COMMON OPEN SPACE: Open space used for active or passive recreational uses or resource protection purposes and not including the minimum lot area required for any housing type or street right-of-way.

CRITICAL LOT: Any lot having an existing or proposed topographic slope of less than one and one-half percent (1.5%) or more than (15%) and any other lot deemed by the County Engineer to have unique drainage, topographic, or environmental circumstance as to warrant more detailed evaluation prior to issuance of a building permit. This may include but not be limited to lots in which the ground water table is found to be within five feet of the surface. Such lots will typically be evidenced by the natural occurrence of aquatic/wetlands loving

vegetation and animal life and habitat (crayfish, crayfish holes, cat tails, button bush, poison sumac, etc.) (added 12/18/2006)

DAY-CARE NURSERY, PRIVATE: A business which has as its purpose the care of twelve (12) or more children, not related by blood, marriage to, or not legal wards or foster children of the attendant adult. The business may be operated by an agency, organization, or individual.

DENSITY, GROSS: The ratio derived by dividing the number of dwelling units by the gross site area.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DOG KENNEL: A commercial establishment which boards dogs, cats, or other domestic animals typically kept as house pets by the general public.
(Resolution 03-12-2)

DRIVE-THROUGH COMMERCIAL USE: A retail commercial use which provides significant off-street parking and includes purchase opportunities to clients who remain within their vehicles during the transaction.

DWELLING: A house, mobile home, apartment building, boarding house, tourist home, or other structure designed or used primarily for human habitation.

DWELLING UNIT: One or more rooms, including a single kitchen, designed and used as a unit for occupancy by one family for cooking, living, sleeping and general housekeeping purposes.

ATTACHED DWELLING: A dwelling unit with one (1) or more party walls.

CONDOMINIUM: A multiple dwelling designed and used as dwelling units by individual owners but distinguished from other dwelling types by having joint ownership and/or responsibility for the maintenance of building, grounds and other areas owned in common.

MULTIPLE FAMILY DWELLING: A building which is designed and used by three or more families who live independently of one another.

SINGLE-FAMILY DETACHED DWELLING: A building designed and used exclusively by one family, which building occupies a building lot, and has no attachment to another building used for the same purpose.

TWO FAMILY DWELLING: A building designed and used for living purposes by two occupant families who live independently of one another.

EASEMENT: A grant by a property owner to the public, a corporation, or persons of the use of land for specific purposes.

FAMILY: One (1) or more persons occupying a premise and living as a single,

nonprofit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity, rooming house, hotel or other structures designed for transient residence.

FENCE: An artificially constructed barrier made of wire, wood, metal, masonry or other material. [added 7/17/00]

FINISHED GRADE: The average elevation of a building lot around the perimeter of a structure, after final grading has been completed.

FLOOR AREA: The area located within the inside perimeter of the exterior walls of a structure, and including the area occupied by corridors, stairs, closets and other features protected by enclosed surfaces. The floor area is considered to be exclusive of those areas which are open and unobstructed to the sky. The floor area includes the area of all floors, including attic and/or basement.

FLOOR AREA RATIO: The relationship which is expressed by calculating the number of square feet of floor area in buildings and the number of square feet of gross site area, and establishing the percentage relationship between the two (floor area/gross site area = FAR).

GAS STATION: use primarily engaged in retail sales provision to the travelling public, including the sale of motor fuels or other petroleum products to those individuals travelling in smaller scale 4-, 6-, 8- and 10-wheeled vehicles. Said uses may also include a restaurant, and/retail store front. However, Gas Stations as defined within this zoning ordinance would not include Truck Stops which are accompanied by other uses aimed at specifically servicing the over the road freight and commercial vehicle industry. See Definition of Truck Stop for more detail on differentiation between these separate uses. The term Gas Station is hereby interchangeable with the terms "Gasoline Service Station", "Convenience Market", and "Gasoline and Service Stations" as applied within the context of the Wilson County Zoning Resolution. (Resolution 13-2-10)

GROUP HOME: A home, whether operated as not for profit or for profit, which is licensed by the appropriate governmental agency and which provides food and shelter to at least three but not more than twelve persons who are unrelated to the proprietor. The group home also provides any personal care or service beyond basic food, shelter, and laundry services.

GROUP HOUSING DEVELOPMENT: Two (2) or more dwellings located on the same tract in one ownership and constructed as a planned development

HOME OCCUPATION: resolution 24-8-3

An incidental occupation customarily carried on in the residence, employing no more than one (1) person not residing on the premise. and utilizing no more than twenty-five (25) percent of the usable floor area of all buildings: provided, (1) no article or service be sold or offered for sale on the premise other than that produced by such occupation, and (2) Such occupation shall use no more than 600 square feet of space in any case, (3) such occupation shall not require the alteration of buildings or outdoor storage of equipment and machinery not customarily used in residential areas. Such home occupation provisions will also include the following characteristics:

- A. No use of commercial dumpsters or commercial waste receptacles ((Beyond use in relation to temporary on-site construction or roof repair OR in relation to a natural or man-made disaster that has befallen a particular property (fire, earthquake, tornado, flood, severe storm damage, etc.) Temporary use of such waste receptacles for the above-listed excusable reason should be for no more than 90 days.))
- B. No security lighting beyond 30 feet in height. Security lighting may not encroach beyond one foot-candle of light encroachment at property lines.
- C. No more than one commercially branded vehicle OR one heavy vehicle such as a dump truck or semi-tractor only, no semi*trailers and no more than one piece of heavy equipment that can be carried by trailer.
- D. No outdoor storage of anything beyond parking area for the single business-related vehicle and business-related single piece of equipment and associated trailer listed as allowable.
- E. Home Occupations must generally receive inventory shipment by UPS or Amazon delivery rather than by semi-delivery.
- F. Any vehicles or equipment related to the claimed home occupation must be stored on-site, in a driveway OR within rear yard and off Public Right of Way, out of Front Yard, and out of Side Yard (beyond parking in a designated driveway).
- G. No outdoor Storage of business inventory or scrap materials beyond the single vehicle and trailer with equipment outlined as allowable for home occupation in Item D above.

This Home Occupation definition and related restrictions outlined above shall not be used to obstruct the use of equipment on-site at any residential property for the purpose of farming and agricultural activities on the property as defined under Tennessee Statutory definitions and provisions, so long as the same equipment is used only in the pursuit of these farming and agricultural activities.

Barber and Salon Services shall generally be viewed as a home occupation so long as the facility possesses no more than three client seats on-site.

A Real Estate office may also be considered a home occupation under County Zoning, so long as the office meets the other criterion of the Home Occupation definition, and the Agent lives on site within the primary residence and does not employ more than one off-site employee who reports to work at the residence.

Firearm Sales and Firearm repair or smithing operations will generally be viewed as allowable home occupations so long as stated hours of operation are between 9 AM and 3 PM and so long as there are no more than three (3) clients on-site at any given time.

A Lawn Care Business will be considered a home occupation so long as it does not bring refuse and scrap materials back to the location of the claimed home occupation for burning, composting, or stockpiling when the property is less than five (5) acres. For properties greater than five (5) acres burning composting may not occur within 250' of a neighboring residential dwelling, burning must be to the rear of the property. All lawn care equipment beyond that allowed otherwise items A thru G of the definition of a home occupation shall be stored indoors.

Art, Pottery, or Photography Studios shall generally be viewed as a home occupation so long as home occupation provisions above are ascribed to and so long as no more than 2 sessions are on-site at any given time.

The existence of County Business Licenses shall not ordain a claimed home occupation as a legally operating business within residential zone districts.

A detached structure MAY be used in the operation of a home occupation so long as it does not exceed 25% of ground floor area of all structures on the property and so long as the overall "home occupation" does not exceed 600 square feet in size.

INTERNAL ACCESSORY DWELLING QUARTERS - Space within a primary residential structure that is to be dedicated to use as an accessory dwelling quarters. Such accessory use within a primary residence is evidenced by the existence of a secondary kitchen area in addition to a somewhat separated area for a one bedroom sleeping quarters and a bathroom for use by the inhabitants of this secondary internal living space. Such use is differentiated from a two family dwelling as defined by the Wilson County Zoning Ordinance by the lack of a second front of building entrance for entrance into the accessory quarters, and by total area dedicated to such use falling below 600 square feet when accounting for a **ONE** bedroom sleeping quarters, the secondary kitchen area, the secondary bathroom area and any secondary dining area, living room, or entertaining area associated with the secondary dwelling quarters. Internal Accessory Dwelling Quarters will not be required to pay Adequate Facilities Tax to offset the cost of public improvements to serve this additional dwelling unit in order to be considered compliant with the Wilson County Zoning Ordinance so long as the square footage and building entrance requirements as outlined above are complied with and so long as the dwelling falls under the existing or proposed roof line of the primary structure. (revised 10/19/2020 Resolution 20-10-20)

JUNK YARD: A yard, field, or other area used as a place of storage for discarded, worn-out, or junked plumbing, heating supplies, household appliances, furniture, discarded scrap and junked lumber, old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel, and other scrap ferrous or non-ferrous material, garbage dumps, waste dumps and sanitary fills.

KENNEL: An enclosed shelter or fenced area of a lot on which or within which five or more dogs are fed and housed for persons other than the owner of the property, as a for profit business enterprise.

LANDSCAPING: The use of both natural and artificial materials to enhance the physical appearance of a site, to improve its environmental setting or to screen all or part of one land use from another.

LOADING AND UNLOADING SPACE: An area for the loading and unloading of trucks or other vehicles at least fifty (50) feet in depth, twelve (12) feet in width, (with an overhead clearance of not less than fourteen (14) feet, exclusive of access, platform, or maneuvering area.

LOT: A parcel of land which is or may be occupied by a principal building and accessory building, together with such yards or open spaces bounded by the lot lines as required by the provisions of this resolution.

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

LOT COVERAGE: The relationship between the size of the building site and the amount of land utilized by principal and accessory structures.

LOT LINES: The lines which bound a building lot and divide that lot from public road right(s) of way or adjacent lots.

LOT OF RECORD: A substandard lot for which the existence, location, boundaries and dimensions have been legally recorded in a plat, and a deed if appropriate, and filed as a legal record prior to July 10, 1974.

LOT WIDTH: The minimum distance between side lot lines measured at the building setback line. [revised 6/22/90]

MARINA: A facility operated for the purpose of storing, servicing, fueling, and berthing of boats used for pleasure. The facility may include facilities which provide eating, sleeping and retail operations for the convenience of owners, guests, and employees.

MOBILE HOME OR HOUSE TRAILER: A detached residential dwelling designed for transient use when utilized with a motor vehicle and considered as a permanent dwelling when all sanitary and utility connections are in place. Modular housing units will not be considered as proper dwelling units for a mobile home park.

MOBILE HOME PARK: A place or tract of land upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes are located on a single lot or tract of land not subdivided.

MODULAR HOME: A structure, transportable in one or more sections, which is not built on a permanent chassis and is designed for use with a permanent foundation when attached to the required utilities.

NON-CONFORMING USE: A use of a building or land which is not in conformance with the provisions of this regulation for the zoning district in which the land is located.

NON-CONFORMING STRUCTURE: A structure which does not conform to yard, height, coverage and any other provisions of these regulations for the zoning district in which the structure is located.

PERIPHERAL BOUNDARY: The boundary of a development. Such boundary separates the development property from adjacent properties.

POINT OF ACCESS: On a public street, a driveway cut not exceeding twenty-five (25) feet in width, except as otherwise provided in these regulations.

PRINCIPAL USE: The specific primary purpose for which the land is used.

PUBLIC SEWER SYSTEM: Any system designed and constructed for purpose of sanitary sewerage disposal that is operated by a governmental entity which has a legally enforceable obligation to provide the perpetual repair, maintenance and operation of the system. Repair, maintenance and operation of such systems shall be governed by the governmental entity furnishing the service, subject to all rules and regulations and appropriate permitting of the State of Tennessee as attested to by public utility providers or the State of Tennessee where Public Utility Providers are not being used. State law notwithstanding; in residential applications; Public Sewer shall be defined as serving multiple lots, connected by a trunk sewer line to a treatment facility. [Resolution 07-7-4]

QUARRYING: The practice of extracting stone, sand or gravel for the purpose of sale.

REAR LOT LINE: The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line, not less than ten feet long and wholly within the lot.

RIGHT-OF-WAY: An area of land which is taken by or dedicated to the public for use as a public way.

RIGHT-OF-WAY LINE: The line surveyed and/or approved by the appropriate governmental authority as the outer boundary of a street. Such line is identical to the front lot line.

SETBACK LINE: A line between the right-of-way line (either existing or proposed) and the proposed location of a principal structure. No structure or portion of a structure may be erected between the set back line and the right-of-way line.

SITE AREA, GROSS: The total area of the site within the boundaries shown on a plat of survey and described by a legal description for the site.

SPECIAL EXCEPTION: A special exception in a zoning regulation is one allowable where facts and conditions detailed in the regulation, as those upon which an exception may be permitted, are found to exist. Special exceptions may be granted by the Board of Zoning Appeals only in those districts where special exceptions are permitted, such as uses permitted on appeal, and where the proposed use would, in the opinion of the Board, not be detrimental to the character, pattern, and general welfare of the area or neighborhood.

STORY: That portion of a building which is included between the upper surface of any floor and the upper surface at the floor or roof located next above, or any portion of a building used for human occupancy between the topmost floor and the roof.

STREET: A public thoroughfare which has been dedicated to and accepted by the public for public use. The word “street” shall include the words “road”, “highway”, and “thoroughfare”.

ARTERIAL STREET OR SYSTEM: A continuous highway or system of highways which connects cities and concurrently absorbs collector traffic.

CENTER LINE OF STREET: That line surveyed and monumented by appropriate governmental authority as the center of a street. If such line has not been surveyed, it shall be that line running midway between the outside curbs or accepted boundaries, such as ditches or fence lines of such streets.

COLLECTOR STREET: An urban street which collects traffic from minor streets and feeds it into the arterial system.

MINOR STREET: A street used primarily for access to abutting properties. A minor street is not intended to carry through traffic.

STRUCTURE: Any constructed or erected material or combination of materials requiring space, including, but not limited to, buildings, stadiums, radio towers, sheds, storage dens, emergency shelters, swimming pools, signs, patios and tennis courts, but does not include driveways or sidewalks.

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

SUBDIVISION, MAJOR Divisions of land subdivisions of more than 5 lots that would have required preliminary plat submitted for development under the Wilson County Subdivision regulations, regardless of the actual extraterritorial planning jurisdiction the land falls within so long as county zoning jurisdiction applies.

TRAVEL TRAILER: A vehicular portable structure having a body width not exceeding eight (8) feet (pick up, piggy back, or motorized camper, converted bus, tent-trailer or trailer designed as a temporary dwelling for travel and recreational purposes including but not being limited to items typically referred to as Motorhomes, Recreational Vehicles (RV's), Pop-Up Campers, and Other Pull Behind campers and horse trailers. (Resolution 19-6-16)

TRUCK STOP: Use primarily engaged in the maintenance, servicing, storage, parking or repair of commercial vehicles, including the sale of motor fuels or other petroleum products, and the sale of accessories or equipment for over-the-road trucks and similar commercial vehicles. A truck stop may also include overnight accommodations, showers, vehicle scales, restaurant facilities, game rooms, and/or other services intended mainly for use by truck drivers and interregional travelers. Said use may also be indicated by freight-scaled elements such as freight trucking parking areas, freight-length gas islands with freight scale pump separation and high rate of delivery freight diesel pumps. (Resolution 13-2-10)

UNSERVICEABLE VEHICLE(S) - Any motor vehicle or motorized piece of equipment intended by its design or use to afford mobility which is stored outside (not within an enclosed shelter) and which cannot be effectively started and moved or propelled by its gas, propane, natural gas, electric, water or solar powered engine in a forward and backwards motion at the request of the Zoning Administrator or their designated Inspection Staff. Upon inspection or investigation of a potential unserviceable vehicle, owner operator must also be able to show that the vehicle in question is properly tagged and has current registration. An exception to this definition is a designated farm truck, tractor or other farm vehicle for specific use on the parcel of property that is involved in an active agricultural operation as determined by Greenbelt Designation within the Wilson County Property Assessor's Records. Such onsite agricultural vehicles will not require proof of registration or current tags to be considered serviceable. (Resolution 19-6-12)

USABLE LOT AREA: That portion of a building lot which is available for building purposes, following observance of all required building setbacks and requirements for maximum lot coverage.

USE: The specific purpose for which land or a building is designed and intended, or for which it is or may be occupied.

USE ON APPEAL: The procedure for determining whether or not to allow, and under what conditions to allow a special exception to the uses permitted in a district. A special exception may be made in the uses allowed in a district to accommodate uses that, while not always appropriate in a district, could be appropriate in some instances, subject to appropriate location, site, design, access, and other standards or conditions. A special exception can only be made for uses identified under the procedure "Uses Permitted on Appeal" in that district.

WATERCOURSE: A channel, natural depression, slough, gulch, stream, creek, pond, reservoir or lake in which storm water runoff and flood water flows either regularly or infrequently and includes major drainage ways for carrying urban storm water runoff.

YARD: An open space located between a building and the adjoining lot lines. The space is intended and required to be unoccupied and unobstructed by any portion of a principal structure from the ground upward.

FRONT YARD: The open space between the right-of-way line and the principal structure.

REAR YARD: A space which extends from the rear of the principal building to the rear lot line for the entire width of the lot.

SIDE YARD: The yard extending along a side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of a principal structure.

ARTICLE 3 **GENERAL PROVISIONS**

SECTION 3.10 **ZONING DISTRICTS**

In order to designate zones for the purpose of this article the County of Wilson, outside the limits of the municipal corporations of Lebanon, Mt. Juliet and Watertown, is hereby divided into the following zoning districts:

- R-1 Rural Residential District
- R-2 Suburban Residential District
- R-3 Planned Residential District
- C-1 Neighborhood Commercial District
- C-2 General Commercial District
- C-3 Highway Commercial District
- C-4 Planned Commercial District
- C-5 Interchange Commercial
- CO Commercial Overlay District
- LOC Limited Office Commercial
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- PUD Planned Unit Development
- A-1 Agricultural District
- A-2 Agricultural Preservation District
- Flood Plain Zoning Regulations
- AO Airport Overlay District

SECTION 3.11 **BOUNDARIES**

- 3.11.01 The boundaries of the aforesaid zoning districts are hereby established as shown on the maps which are designated as the official Zoning Atlas of Wilson County, Tennessee, and are on file in the office of the County Building Inspector. Said Zoning Atlas of Wilson County, Tennessee, including a chart which explains the several symbols and indications which appear on said atlas, is hereby made a part of this resolution.

- 3.11.02 The boundaries of the various zones, as shown on the atlas, shall be determined by use of the scale shown on said atlas, unless the actual measurements are noted.

- 3.11.03 In cases of uncertainty, the Board of Zoning Appeals shall interpret the zoning atlas to fix the exact location of boundaries. Requests for interpretation of the location of zoning boundaries shall be submitted to the Board of Zoning Appeals. Requests for interpretation of the location of zoning boundaries shall be processed as a variance request and require the same fee as a variance request.

SECTION 3.12 **LOTS AND BUILDINGS AFFECTED**

3.12.01 Except as hereinafter provided, no building or structure shall be erected or altered, or shall any building or premises be used, for any purpose other than a use permitted by this resolution in the zone in which such building or premises is located.

3.12.02 No lot may be so reduced in area that yards or other open spaces will be smaller than prescribed by this resolution, and no building shall be occupied by more families, or no use shall be intensified than hereinafter prescribed for the zone in which it is located.

3.12.03 No existing yard or lot shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this regulation shall meet at least the minimum requirements established by this regulation. This section shall not apply when a portion of a lot is acquired for a public purpose, or in projects approved under cluster residential development provisions.

3.12.04 **FOUNDATION REQUIREMENTS for RESIDENTIAL STRUCTURES :
(Resolution 05-7-2)**

All principal single-family, two family, and multi-family residential structures which have a finished floor elevation above grade of the surrounding land area shall have a brick, stone, masonry or stucco/drivit panel curtain wall whichever is deemed appropriate by building permit applicant; installed around the periphery of the structure in such a manner as to enclose the area underneath the home from just below the finished floor elevation to ground level. Said curtain wall shall remain un-pierced except for required ventilation, utility connections and access.

Exceptions for foundation Requirements:

- a. Primary residential structures within the confines of an approved mobile home park.
- b. Any principal single-family, two-family, and multi-family residential structures that were in place prior to the passage of this section. The sections of this ordinance applicable to pre-existing or non-conforming uses shall be applicable to such uses. However, replacement of these structures will mandate compliance.
- c. Any temporary housing structure placed on property until such time as permanent residence is ready for occupancy; provided that a curtain wall will be required around the foundation at any time an active building permit is not in place and valid.

SLAB AND CRAWLSPACE (Resolution 19-6-14)

Elevation requirements within a FEMA designated Floodplain heightened risk zone A or AE and where the Stormwater Department deems a lot “CRITICAL”.

- a. In Flood Zones AE and A zones where, Base Flood Elevations have been determined in accordance with Wilson County’s adopted FEMA Flood Insurance Rate maps and/or the Wilson County Flood Plain management resolution; Article 5.6 of the Wilson County Zoning Resolution; The following requirement will apply to all structures to be constructed, whether primary or accessory to the principal use of the property:
 1. All slab construction; including but not limited to items such as slab on grade homes or buildings and attached or detached garages and sheds and storage barns or carports or other covered structures; shall have a grade elevation that is One Foot (1’) above the determined base flood elevation. This requirement will be verified with submittal of a valid and completed FEMA Elevation Certificate that has been prepared and stamped and sealed by a surveyor or other individual licensed to do such work in the State of Tennessee. All driveways or other appurtenances that are to be used to access such structures will need to be constructed accordingly to accommodate the elevated top of slab.
 2. All structures constructed in such a manner as to include crawl space area within the construction shall be elevated; by fill if necessary; to establish a top of grade of the crawl space area and immediate exterior perimeter of the building that is at least one foot (1’) above the determined base flood elevation. This requirement will be verified with submittal of a valid and completed FEMA Elevation Certificate that has been prepared and stamped and sealed by a surveyor or other individual licensed to do such work in the State of Tennessee. All driveways or other appurtenances that are to be used to access such structures will need to be constructed accordingly to accommodate the elevated top of slab.
- b. In Flood Zone A-unnumbered areas where base flood elevations have not been determined and are not readily available, the Wilson County Floodplain management resolution, Article 5.6 of this Zoning Resolution, indicates that the required finished floor elevation shall be at least 3 feet above surrounding natural grades for habitable structures located within these A-unnumbered flood zone areas. As an additional level of safeguard to inhabitants of structures designated as flood zones where flood elevation studies have not been completed by FEMA or by local means; the following additional provisions are hereby adopted:

1. All construction within an unnumbered A-zone; as determined by FEMA Flood Panel and County Parcel information; shall be automatically considered a Critical Lot under Wilson County Storm Water provisions and will thus require a local flood study to be undertaken by applicant so that a base flood elevation and a minimum pad elevation can be determined

OR

The property owner may sign an affidavit that they are aware the location of their building falls within an A-Unnumbered Flood Zone and assume the risk associated with not constructing an elevated pad. Affidavit will further attest that they will be building in compliance with the Wilson County's Flood Plain Regulations found in Article 5.6; will elevate the finished floor of any habitable structure and all associated mechanical equipment at least 3' above highest and lowest adjacent grades; and WILL install engineered and certified hydrostatic flood venting with the bottom of each vent - no more than twelve inches (12") above grade on the proposed structure. Property owner will further agree to install referenced Hydrostatic venting on at least two (2) adjacent perimeter walls of the structure and install enough venting to account for one square inch of water flow per respective square foot of ground floor area of the proposed structure.

2. In the case of non-residential structures such as accessory sheds or barns or other accessories structures, elevation of finished floor will not be required but hydrostatic venting will still be required. Commercial Building may also be floodproofed in the alternative but certification of floodproofing will be required to be stamped approved by a civil engineer who is licensed in the State of Tennessee to perform such certification.
- C. In the case of both provisions A and B, Appeal may be made to the Board of Zoning Appeals to permit slab or pad construction below the construction elevation requirements outlined above. However, if the Board of Zoning Appeals chooses to grant said variances, then Flood Venting requirements outlined in Article 5.6 of this Zoning Resolution WILL be complied with.

3.12.06

**HOURS OF OPERATION FOR CONSTRUCTION ACTIVITIES THAT
REQUIRE A BUILDING PERMIT** (Resolution 16-9-9)

All construction activities associated with a valid permit that are capable of producing excessive noise (generally determined to be above ambient noise levels between 30 and 50 decibels) shall not occur in the time period outlined below:

30 minutes after sunset for the Nashville area, as determined by the National Weather Service, and 6:30 AM the following morning.

SECTION 3.20 **GENERAL EXCEPTIONS**

- 3.20.01 SUBSTANDARD LOT OF RECORD. Where the owner of a lot of record is defined in Article 2, Definitions does not own sufficient land to enable him to conform to the yard and other requirements of this Resolution, such lot may be used as a building site by the same or a subsequent owner provided that the yard space and other requirements shall conform to the requirements for the zone in which it is located. The lot must have been of official record as of July 10, 1974.
- 3.20.02 HEIGHT. The following requirements are intended to provide exceptions or qualify and supplement the specific zone regulations set forth herein.
- A. The height of a structure is the distance from the average finished grade at the building line to the highest point of the structure.
 - B. The following structures or parts thereof are hereby exempt from the height limitations set forth in the zoning districts, so long as the height of the structure does not exceed the distance from property lines.
 - 1. Agricultural buildings, including barn, and silo, but not including dwellings.
 - 2. Chimneys, smokestacks, steeples, flagpoles, ventilators, skylights, conveyors, and cooling towers.
 - 3. Radio and television antenna and towers, microwave towers, observation towers, power transmission line towers, and cellular telephone towers.
 - 4. Water tanks and standpipes.
 - C. Churches, schools, hospitals and other public buildings may be allowed to exceed the height limitations of the zoning district if the minimum depth of the front, side, and rear yards required in the zone is increased one (1) foot for each two (2) feet by which the height of such public or semi-public structure exceeds the prescribed height limit. A request for such a variance must be approved by the Board of Zoning Appeals.

- 3.20.03 **SIGNS.** The following signs may be erected without obtaining a building permit.
- A. Signs not exceeding nine (9) square feet in area in a Residential Zone, and thirty-two (32) square feet (four (4) feet by eight (8) feet) in area in all other zones, pertaining only to the prospective sale or lease of the premises upon which the sign(s) is (are) displayed.
 - B. Signs not exceeding six (6) square feet in area displaying the name only of the property or premises upon which displayed or of the owner or lessee thereof.
 - C. Signs not over twenty-four (24) square feet in area advertising the sale of a subdivision and located therein or adjacent thereto.
 - D. Directional or informational signs, not over twenty-four (24) square feet in area, of a public or quasi-public nature, erected and maintained by an official or civic body.
 - E. Official highway identification and traffic safety signs which have been erected by the government with jurisdiction over such signs.
 - F. Political signs.
 - G. Farm uses.

3.20.04 **AGRICULTURAL USE OF LAND** . This regulation shall not be construed as authorizing the requirement of building permits nor providing for any regulation of the erection, construction, or reconstruction of any building or other structure on lands now devoted to agricultural use or which may hereafter be used for agricultural purposes, except on agricultural lands adjacent or in proximity to state/federal aid highways, public airports, or public parks, provided, however, such building or structure is incidental to the agricultural enterprise. Nor shall this ordinance be construed as limiting or affecting in any way or controlling the agricultural uses of land, except on those areas within the flood plain, floodway, and/or the natural strip areas along streams. However, this shall not be construed to exempt all buildings in an Agricultural District.

3.20.05 **UTILITY USES** . An un-manned utility use may be placed on a lot smaller than the minimum size required by a zoning district.
(approved 05.21.01)

Due to the location sensitive nature of public utility uses, and due to the benefit received by the general public from public utility uses, an unmanned public utility that does not exceed eight (8) feet in height, twelve (12) feet in length and eight (8) feet in width may be located within an utility easement located adjacent to a public right-of-way without meeting the setbacks of the zoning district in which the easement is located. The following requirements for this section of utility uses shall apply:

- a. The utility easement shall be a maximum of two thousand (2000) square feet, excluding the square footage required for ingress and egress.
- b. A fifty (50) foot right-of-way shall be assumed on all roadways where a right-of-way has not been acquired as of the date of this resolution. All components shall be located a minimum of twenty-five (25) feet from the centerline of all public roadways.
- c. Each public utility shall install appropriate vegetation to provide adequate buffer from any adjacent residential uses.
- d. Any utility component located within the utility easement shall not obstruct vehicular sight-line vision, with respect to intersections. Structures and/or components shall not be located within one hundred and twenty-five (125) feet from all public road intersections.
- e. A site plan depicting the location, landscaping and other applicable requirements as stated in Section 6.20.25 (Site Plan Requirements) shall be submitted to the Wilson County Planning Commission. A building permit will not be issued without Planning Commission approval.

All other public utilities shall be located on a utility parcel and must meet the setback requirements within the zoning district of the zoning ordinance. The plat creating such a lot shall bear the following note: "This lot shall be used only for utility purposes and shall not permit installation of a sub-surface sewage disposal system." Due to the location-sensitive nature of public utility uses, and due to the benefit received by the general public from public utility uses, the fifty (50) foot public road frontage requirement for building permits may be waived for parcels with public utilities (such as water tanks and transmission towers and other similar public utility uses). Board of Zoning Appeals approval shall be required for the utility use and a site plan in accordance with the provision of Section 6.20.25 submitted to the Planning Commission. [revised 5/21/01]

3.20.06

RADIO, CELL TOWER & TELECOMMUNICATIONS POLICY
(Resolution 14-4-5) (Resolution revised 15-6-7)

- A. Applicant shall provide written evidence that they have investigated co-location on an existing tower within two miles of the proposed site. New towers shall not be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence to the effect may consist of the following:
1. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
 2. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 3. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing tower.
 5. Applicant is unable to work out an acceptable agreement to co-locate.

- B.
 - 1. Applicant shall provide written evidence that any construction or alteration of more than 200 feet in height above the ground level at its site complies with all FAA requirements.
 - 2. Applicant shall provide written evidence that any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes meets all applicable FAA requirements:
 - a. 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport in or near, Wilson County, excluding heliports.
 - b. 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport in or near Wilson County.
- C. Applicant shall provide room for vehicles doing maintenance to maneuver on the property.
- D. On-site buildings shall only be used for the storage of necessary on-site equipment. Offices shall be prohibited on the same site as a tower, unless permitted on the same site in that zoning district.
- E. Provide survey distance to residences on adjoining property.
- F. Provide visual assessment by balloon with photo imagery of what structure will look like no less than two prominent off-site vantage points on the north, south, east and west. Provide map of these locations for reference as well.
- G. Provide language confirming tower structures will be removed if no longer in active use for telecommunications purposes or other viable use as accepted by the Board of Zoning Appeals at the tower owners expense. State law notwithstanding said removal will be required no later than 12 months after active use has ceased.
- H. In an effort to encompass potential hazards of a tower collapse through such forces as wind shear or tornado, a utility lot that encompasses 1.5 times the total height of any proposed tower must be created by subdivision plat using the provision for an unmanned utility lot prior to site plan approval. Lot size limitations and/or easement size limitations outlined in Article 3.20.05, for unmanned utility uses under paragraph A, shall not apply to telecommunication tower sites. The provisions of this paragraph shall be used instead.

- I. If certain regulations in the Wilson County Zoning Ordinance are found to imply different requirements regarding telecommunications facilities, then the stricter of or more stringent the regulations shall apply.
- J. The Wilson County Board of Zoning Appeals and Wilson County Planning Commission may consider stealth type installation within church steeple on top of governmental buildings and other similar co-use installation sites on a case-by-case basis. Fall zone criteria may be modified in relation to these types of installation however distance to property line requirements stated in H above will be complied with.
- K. For Any Tower or Antenna requiring Federal Aviation Administration or Federal Communications Commission (FAA/FCC) lighting beacons; generally any tower above 200feet in height from the earth's surface and any tower within the flight path of an FAA approved aircraft landing approach zone associated with an FAA permitted and approved aircraft landing strip, FAA permitted and approved Helipad, or FAA permitted and approved Airport runway; the applicant shall be required to apply for a Special Exception, Use Permissible Upon Appeal to be heard and considered by the Wilson County Board of Zoning Appeals. A Public Hearing will be held at the Board of Zoning Appeals on the request for Special Exception Use Permissible Upon Appeal. After hearing from any interested parties from the public and the applicants, the Board shall consider and take action upon such request.

L. For any tower NOT requiring FAA/FCC lighting beacons, the Wilson County Zoning Administrator, with the assistance of Planning Department and County Engineering Staff, shall evaluate such requests for compliance with the Telecommunications related requirements outlined above in Section 3.20.06 Items A-H and for compliance with Site Plan requirements as outlined in Section 6.20.25. Based upon this evaluation, the County Building Inspector (Wilson County Zoning Administrator) shall have authority to administratively issue zoning approval and subsequent building permits for these facilities when found to be compliant with Section 3.20.06 and Section 6.20.25, and other pertinent portions of the zoning resolution. As with the remainder of the Wilson County Zoning resolution, any applicant aggrieved with the determination of the Building Inspector (Zoning Administrator) may apply for hearing of their grievance to the Board of Zoning Appeals within (45) forty-five days.

M. Retention of Expert Assistance and Reimbursement by the Applicant:

- i): The County may hire any consultant and/or expert necessary to assist the County in reviewing and evaluating the application, including any plans for the construction and modification of a site, and any site inspections. The County may refer any application or part thereof to any advisory or other committee for a non-binding recommendation. The consultant's opinion is merely a recommendation and as such is not binding in any way on the governmental body tasked with making the final determination.
- ii): The applicant will be assessed a fee by Wilson County before any final decision is reached in an amount sufficient to reimburse the County for all reasonable costs of consultant and expert evaluation and consultation to the County in connection with the review of any application.
- iii): The total amount of the funds needed as set forth in Subsection (ii) of this Section may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed to complete the necessary review, analysis, and inspection of any construction or modification.

N. Performance Security - Surety Requirement:

In an effort to insure removal of obsolete structures and non-functioning structures, as well as, to insure continued compliance with the requirements of the Wilson County Zoning Resolution;

- i) The applicant and the owner of record of any proposed wireless telecommunications facilities not in existence at the time of adoption of this Ordinance shall, at its cost and expense, be required to execute and file with the County a bond, or other form of security acceptable to the County as to type of security and the form and manner of execution, in an amount of at least \$75,000 for a tower facility to assure the faithful performance of the terms and conditions of this Ordinance and conditions of any Zoning Certificate issued pursuant to this Ordinance.

- ii) The full amount of the bond or security shall remain in full force and effect throughout the term of the Zoning Certificate and/or until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the original Zoning Certificate.

SECTION 3.30 **HIGHWAY SETBACK LINES**

- 3.30.01 On corner lots the minimum width of the designated side yard next **to the designated side road shall be one and one-half (1½) times** the typical side yard setback for the district. No accessory building shall be any closer to the road right of way than the required setback. All corner lots are considered to have designated rear yards on property lines not abutting a road. (revised 10/20/08 Resolution 08-10-3)
- 3.30.02 Where there is no established right-of-way line, the setback line shall be not less than twenty-five (25) feet from the centerline of the road plus the setback requirements of the zone in which it is located.
- 3.30.03 Where a road is in the process of being relocated or altered the setback line shall be from the proposed right-of-way line, as determined by the Building Official, or as based on the Wilson County Major Thoroughfare Plan.
- 3.30.04 When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line, center line of the street, or property line, as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street.
- 3.30.05 On a corner lot within the area formed by the center line of intersecting streets and a line joining points on such center lines at a distance of one hundred (100) feet from their intersection, there shall be no obstruction to vision between a height of three and one-half (3 1/2) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. This section shall not be deemed to prohibit any necessary retaining wall.

SECTION 3.40

NUMBER AND LOCATION OF BUILDINGS ON LOT

- 3.40.01 No part of a yard or other open space or automobile storage area, or loading and unloading space, required about or in connection with any structure for the purpose of complying with this regulation, shall be included as a part of a yard, or other open space, or automobile storage area, or loading or unloading space similarly required for any other structure.
- 3.40.02 With the exception of group housing developments, including mobile home parks, only one principal structure and its customary accessory structures shall hereafter be erected on any lot in any residential district or any residential lots in any agricultural district.
- 3.40.03 No building shall be erected on a lot which does not continuously abut at least one public street for at least fifty (50) feet; the lot must be a minimum of fifty (50) feet in width to the building setback line. A lot with more than one-half (1/2) of its frontage on the bulb of a cul-de-sac lot must continuously abut the street for at least thirty (30) feet; the lot must be a minimum of thirty (30) feet in width to the building setback line. This section shall not apply to a lot of record (previously existing), with an easement of at least thirty (30) feet in width to a public street.
- 3.40.04 With the exception of churches, farming and home occupations conducted within the principal structure, only one use shall be allowed per tract of land on any lot in a residential district or any residential lots in any agricultural district.
- 3.40.05 FRONT YARDS. The front yard requirements of this regulation for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots located within 200 feet of each side of such lot and within the same block and zoning district and fronting on the same street as such lot is less than the minimum required front yard depth. In such case the minimum front yard shall be the average of the existing front yard depths of the developed lots. (revised 9/25/92)

SECTION 3.41

COMMERCIAL OR INDUSTRIAL USE OF PROPERTY

Within any commercial or industrial zone district the following will be required:

1. Prior to any commercial or industrial use of property, a public sewer system as defined by this zoning ordinance must be in place for the provision of sewerage disposal.
[Resolution 07-7-4]

- Exclusions:
- a. Temporary Roadside stands (Fireworks Stands, Produce Stands, Christmas Tree Sales, Pumpkin Sales, etc.)
 - b. Any Commercial or Industrial use of property that commenced prior to the passage of this section. The section of this ordinance applicable to pre-existing or non-conforming uses shall be applicable to such uses.
 - c. Any other use of a specific tract approved to be excluded from the requirements of this section by the Board of Zoning Appeals.
 - d. These regulations will not affect those commercial uses as allowed on appeal within A-1 Agricultural Zoning Districts

SECTION 3.50 **OFF-STREET PARKING REQUIREMENTS** (Resolution 16-8-9)

3.50.01 GENERAL REQUIREMENTS

- A. In all zones there shall be provided at such time any building or structure is erected, enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the requirements of this section.
- B. Off-street parking existing at the effective date of these regulations in connection with the operation of an existing building or use shall not be reduced to an amount less than that required herein for a similar new building or use. Where a proposed use has no parking standard identified herein, the applicable Institute of Traffic Engineers (ITE) standards shall apply.
- C. Residential off-street parking shall consist of a parking lot, driveway, garage, or combination thereof and shall be located on the same lot they are intended to serve.
- D. Off-street parking for other than residential use shall be located on land owned by the owner or owners of the principal use it is intended to serve. Such parking shall be on the same lot as the principal use served by the parking or, if not on the same lot, on a separate lot zoned for permitting such use within four hundred (400) feet of the building it is intended to serve measured from the nearest point of the building to the nearest point of the off-street parking lot, without crossing any major thoroughfare; provided, however, that churches may establish joint parking facilities, not to exceed fifty (50) percent of the required spaces, with other uses that do not have a time conflict in parking demand. Such joint parking facilities shall be located not to exceed four hundred (400) feet from the church sanctuary. Such a request must be filed as a Variance Request, to be considered by the Board of Zoning Appeals.
- E. An area once designated as off-street parking to conform to these minimum regulations shall not be changed to any other use unless and until equal facilities are located elsewhere in conformance with these requirements.

- F. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall be not less than the sum of the requirements for the several uses computed separately; provided, however, that the same off-street parking may serve more than one principal use where operating hours do not overlap, but only upon approval by the County Board of Zoning Appeals.
- G. Every company-owned car, truck, tractor, and trailer normally stored at the building site shall be provided with an off-street parking space in an area reserved for their use.
- H. The storage of merchandise, motor vehicles for sale, unserviceable vehicles, or the repair of vehicles on required off-street parking is prohibited.
- I. For all properties to be used for single family detached residential dwellings and two-family dwelling as defined in Article 2 of the Wilson County Zoning Resolution; a minimum of two parking spaces per dwelling unit; measured side by side rather than in-line; must be provided on the property to be used for such residential purposes.
 - a. The Planning Commission may consider and approve an alternate arrangement that meets the intent of this resolution as need arises.

3.50.02

NUMBER OF PARKING SPACES REQUIRED

The minimum number of off-street parking spaces provided in all districts shall be determined by the following table. In any determination of parking requirement as set forth herein, where the resultant figure contains a fraction, any fraction less than one-half (1/2) may be dropped and any fraction one-half (1/2) or more shall be counted as one parking space.

| <u>USE</u> | <u>PARKING SPACES REQUIRED</u> |
|------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Automobile wrecking, junk or salvage yard which offers for sale to the public any new or used merchandise. | One (1) space for each two (2) employees, plus one (1) space for each ten thousand (10,000) square feet of lot area. |
| Automobile and/or truck repair shop. | Two (2) per service stall, or one (1) per two-hundred fifty (250) square feet of service area, whichever is greater, plus two (2) per (3) employees. |
| Automobile sales, new and/or used. | Two (2) per service stall, or one (1) per two-hundred fifty (250) square feet of service area, whichever is greater, plus one (1) customer and/or employee space per eight hundred (800) square feet of combined land and building floor area, exclusive of service area. |
| Bank, business office. | One (1) space per three hundred (300) square feet of usable floor area, plus one (1) per each three (3) employees. |
| Barber or beauty shop. | Two (2) per barber or three (3) per beautician. |
| Bowling alley. | Five (5) per lane. |

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| Carpet, rug, linoleum and floor covering | One (1) per four hundred (400) square feet of sales retail floor area, plus two (2) per three (3) employees; or one (1) per eight hundred (800) square feet of gross floor area, whichever is greater. |
| Car wash (coin operated, automatic). | Three (3) stacking spaces per washer bay, plus one (1) per employee. |
| Car wash (conveyor type). | One stacking space per five (5) feet of convey or tunnel, plus two (2) spaces per each three (3) employees. |
| Church | One (1) per four seats or one (1) per thirty (30) square feet of usable floor area of sanctuary, whichever is greater. |
| Commercial Home Sales/Rental/Leasing/Display | One (1) space per onsite building model plus one (1) space per employee. |
| Commercial Industrial Building Sales/Rental/Leasing/Display | One (1) space per onsite building model plus one (1) space per employee. |
| Commercial recreation. | One (1) per three (3) patrons, based on the design capacity of the facility. |
| Convenience market. | One (1) per employee, plus one (1) per two hundred (200) square feet of gross floor area. |
| Country club. | One (1) per five (5) members or one (1) per one hundred (100) square feet of gross floor area or sixty (60) spaces, whichever is greater. |

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| Day care center. | One (1) per employee, plus one (1) per two hundred (200) square feet of gross floor area or one (1) per eight (8) pupils, whichever is greater. |
| Dry cleaning and laundry collection station. | One (1) per four hundred (400) square feet of gross floor area, plus two (2) per each three (3) employees. |
| Furniture and/or major appliance sales. | One (1) per five hundred (500) square feet of retail floor area or one (1) per thousand (1,000) square feet of gross floor area, whichever is greater. |
| Gasoline service station. | One (1) per employee, plus two (2) per service bay or one (1) per three (3) fuel pumps, whichever is greater. |
| Hospital. | One (1) per three (3) patient beds (exclusive of bassinets), plus one (1) per staff doctor, plus one per each two (2) employees (including nurses) on the maximum working shift, plus adequate parking for emergency vehicles. |
| Hotel. | One (1) per two (2) rooms or suites, plus two (2) per three (3) employees |
| Hotel (apartment). | One (1) per each two (2) individual rooms or apartments. |
| Industrial establishment. | One (1) per two (2) employees or the combined two (2) largest successive shifts or one (1) space per five hundred (500) square feet of usable floor area, whichever is greater, plus adequate space for customer and visitor vehicles as determined by the Planning Commission. |

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| Laundry and/or cleaning establishment (coin operated). | One (1) per two (2) washing, drying, and/or dry-cleaning machines; or one (1) per two hundred (200) square feet of gross floor area, whichever is greater. |
| Marina | Two (2) per each three (3) boat mooring or storage space, boat for rent, and/or houseboat, based on the design capacity of the facility. If public boat launching facilities are provided, the number of parking spaces shall be increased by fifty (50%) percent of the number computed above. |
| Medical clinic. | Three (3) patient spaces per staff doctor, plus two (2) per three (3) employees, plus one (1) per staff doctor |
| Mortuary or funeral parlor. | Five (5) spaces per parlor or chapel unit, or one (1) per four (4) seats, whichever is greater. |
| Motel and/or tourist court. | One (1) per guest bedroom. |
| Nursing home for the aged, sanatorium, convalescent home. | One (1) per each four (4) patient beds, plus one (1) per staff doctor, plus one (1) per each two (2) employees (including nurses). |
| Nursery and/or greenhouse. | One (1) per employee, plus one (1) per one thousand (1,000) square feet of net area of the nursery/greenhouse operation. |
| Office (professional). | One (1) per two hundred and fifty (250) square feet of usable rentable office space. |
| Private club, lodge, or union headquarters | One (1) per three (3) members based on the design capacity of the facility. |

Residential use:

Single and two-family dwelling.

Two (2) per dwelling unit.

Multiple family dwelling.

One and one-half (1 1/2) per dwelling unit for the first twenty (20) units, plus one (1) space per each one (1) bedroom unit in excess of twenty (20) plus one and one-half (1 1/2) spaces for each two (2) (or more) bedroom unit in excess of twenty (20)

Restaurant.

One (1) per employee, plus eight (8) per one thousand (1,000) square feet of gross floor area; or one (1) per three (3) seats, whichever is greater.

Retail store, supermarket, department store, and personal service establishment except as otherwise specified herein.

Five (5) per one thousand (1,000) square feet of retail floor space.

School:

Elementary and Junior High.

One (1) per employee, plus one (1) space per two hundred (200) square feet of school auditorium

Senior High.

One (1) per employee, plus one (1) per five (5) students, plus one (1) per two hundred (200) square feet of the largest auditorium, gymnasium, or cafeteria.

Swimming pool

One (1) per thirty (30) square feet of water surface area.

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| Tavern (establishment for sale and consumption, on the premises, of beverages, food, and/or refreshments). | One (1) per three (3) employees, plus one (1) per one hundred (100) square feet of usable floor space; or one (1) per three (3) fixed seats, whichever is the greater. |
| Theater, auditorium, and place of assembly without fixed seats. | One (1) per three (3) people, based on the design capacity of the facility. |
| Warehousing, Distribution, Light Manufacturing/Assembly & Office Facilities When building is 25,000 (twenty-five) thousand square feet to 100,000 (one hundred thousand) square feet | One (1) space per 750 (seven hundred fifty) square feet of gross floor area- |
| Warehousing, Distribution, Light Manufacturing/Assembly & Office Facilities When building is 100,001 (One hundred thousand one) square feet to 200,000 (two hundred thousand) square feet | One (1) space per 1,000 (one thousand) square feet of gross floor areas |
| Warehousing, Distribution, Light Manufacturing/Assembly & Office Facilities When building is 200,001 (two hundred thousand one) square feet or larger | One (1) space per 1250 (one thousand two hundred fifty) square feet of gross floor area |
| Wholesale establishment and/or business service. | One (1) per each fifty (50) square feet of customer service area, plus two (2) per three (3) employees based on the design capacity of the largest shift. |
| Other structures or use customarily requiring automobile storage space. | Five (5) parking spaces per each one thousand (1,000) square feet of floor area occupied. |

3.50.03 **PARKING LOT LAYOUT, CONSTRUCTION AND MAINTENANCE**

Whenever the required off-street parking requires the building of a parking lot, and wherever a parking lot is built, such parking lot shall be laid out, constructed, and maintained in accordance with the following regulations:

- A. Except for parcels of land devoted to one (1) and two (2) family uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.

- B. Parking Stalls
 - 1. Each parking space shall be not less than one hundred seventy-one (171) square feet in area with minimum dimensions of nine and one-half (9 1/2) feet in width and eighteen (18) feet in length and shall be a designated stall adequate for one motor vehicle. Such stalls shall be designated by painted lines or curb markers.
 - 2. Exception to Minimum Size:
Where all cars are parked and returned to driver by attendant- each parking space may be not less than one hundred fifty (150) square feet in area; provided attendant is a full-time paid employee and is on duty throughout normal hours of operation of the parking lot.

- C. Minimum width of aisles providing maneuvering space within a parking lot for ingress to and egress from parking stalls shall be as follows:
 - 1. 90-degree parking - 24 feet
 - 2. 60-degree parking - 18 feet
 - 3. 45-degree parking - 18 feet
 - 4. Other - to be determined on basis of above.

- D. Clearly defined driveways shall be provided for ingress and egress

to the parking lot which shall meet the following requirements:

1. Maximum width of driveway opening at the property line:
 - a. Residential uses - Twenty-five (25) feet.
 - b. Gasoline service stations, freight and trucking terminals, or other commercial and industrial uses customarily having a large volume of tractor-trailer vehicle traffic: Forty (40) feet.
 - c. All other non-residential uses: Thirty-five (35) feet.

2. Minimum distance from an adjoining interior lot line and a driveway opening - at the street right-of-way line:
 - a. Residential uses: Five (5) feet.
 - b. Non-residential uses: Twelve and one-half (12 1/2) feet.

3. Minimum distance from the intersection of street right-of-way lines on a corner lot and a driveway opening at the right-of-way line.

All uses: Thirty (30) feet.

4. Minimum distance between two driveways serving the same property and which provide access to the same street - measured at right-of-way lines:
 - a. Residential uses: Twenty-five (25) feet.
 - b. Non-Residential uses: Twenty-five (25) feet.
 - c. All uses on a state highway: Twenty-five (25) feet or the same width as the widest driveway, whichever is greater.

5. Radius of Curb Return: The curb return radius shall meet the following requirements, provided, however, that no such radius shall exceed the distance between the driveway opening at the property line and the adjoining property line or one-half (1/2) the distance to an adjacent driveway.
 - a. Residential uses: Five (5) feet minimum, fifteen (15) feet maximum.
 - b. Non-Residential uses: Five (5) feet minimum, twenty (20) feet maximum.

E. Paving

All areas devoted to off-street parking and access drives, as required under this section, shall be of a sealed surface construction of plant mix asphalt or concrete construction. A 6" X 12" curbing shall be installed on all off-street parking areas. This requirement shall not apply to farming, single family, two family uses, or places of worship not located on arterial thoroughfares, as designated by the Wilson County Major Thoroughfare Plan [6/23/00]

F. Drainage

The parking lot shall be drained to eliminate standing surface water.

G. Parking Lot Setbacks

1. Where the parking lot abuts side lot lines of a residential zone, there shall be established a setback line ten (10) feet from such side lot lines.
2. Where the parking lot is in a non-residential zone but is contiguous to a residential zone which has common frontage in the same block with the parking lot, there shall be established a minimum setback from the street lot line for the parking lot which is the same as is required in the contiguous residential zone.
3. Where the parking lot abuts rear property lines of a residential zone, there shall be established a setback line five (5) feet from the rear lot line.
4. Where parking is to be provided in the front yard there shall be established a setback line ten (10) feet from the street lot line.
5. The land between the setback line and the lot line in a parking lot is for these regulations called a buffer strip. The ground in the front buffer strip shall be prepared and shall be planted with trees, shrubs and grass.

H. Parking Lot Entrance on Street

Wherever a parking layout plan is required by this Section no building permit shall be issued prior to approval of entrance as shown on the site development plan to affected streets by the appropriate government official.

SECTION 3.51

ON-STREET PARKING REQUIREMENTS ON ANY TRACT OF LAND IN WILSON COUNTY (added 07/17/2017 Resolution 17-7-3)

Because on-street parking in more densely subdivided portions of the County can cause nuisances and traffic congestion; the following provision is hereby enforced:

- A. It shall here to forward be prohibited to park or store motorized vehicles in a routine manner on the Public Road Right of Way.
- B. This provision will be enforced as a matter of Zoning by the Building Inspector's Office and not by the Wilson County Sheriff's Office.
- C. Exceptions to this provision:
 - a. In cases of emergency parking of a vehicle due to failure of the vehicle or nearby emergency; and then only for the minimal amount of time required to address the justifying issue and remove the vehicle from this on-street parked status.
 - b. In cases of moving in or out of a property for habitation or occupancy other than short term.
 - c. In cases of special events that are of a non- recurrent nature on average of less than once per year for a period not to exceed 24 Hours. It is strongly encouraged that adjacent property owners responsible for such non- recurrent events contact the emergency services and building inspector within the county to notify them of this non- recurrent special event.

SECTION 3.52

PARKING ENFORCEMENT BY ZONING REQUIRED HOMEOWNERS ASSOCIATION (HOA) AND OR ZONING REQUIRED PROPERTY OWNERS ASSOCIATION (POA) AND/OR DEVELOPER /OTHER ENTITY MAINTAINING CONTROL OF COMMON AREAS. (RESOLUTION # 24-5-14)

Where Homeowners Associations (HOAS's) and/or Property Owners Associations (POA's) or other Entities are required to maintain and undertake custodial responsibilities for common areas; Associated regulations are to include regulation against routine (daily) on-street parking. These HOA's, POA's and other

responsible entities shall be the first line of enforcement where issues arise regarding routine parking on public right of way.

SECTION 3.55

**SITE DEVELOPMENT AND LANDSCAPING STANDARDS
COMMERCIAL and INDUSTRIAL ZONE DISTRICTS**
(Resolution # 04-12-17)

3.55.01 Landscaping

A. All proposed commercial developments shall meet landscaping requirements listed elsewhere within this zoning ordinance as they are applicable.

B. Any proposed commercial or industrial use of property within a commercial or industrial zone district will meet the following requirements:

1. Street planting shall be planted in the front 10' of the property at on more than 40' centers (60' Centers in Industrial Districts). Species considered may include but not be limited to Sugar Maples, Red Maples, and Willow Oaks. Other species will be given consideration for special circumstance.
2. Shrubs shall be incorporated at 5' centers between street tree plantings. In front of parking areas and outdoor display or sales areas.
3. Where a commercial or industrial use of property abuts a residential or agricultural zone district; a landscape buffer area with a minimum width of 10' shall be incorporated along the edges of the property adjacent to the agricultural/residential zone district. This buffer shall be planted entirely within the confines of the commercial industrial parcel. Furthermore, this buffer shall include broadleaf and coniferous evergreen and semi-evergreen species. Evergreen trees shall be planted at 30' centers with a 5' offset. Said trees shall be tall enough in height at time of planting to provide an effective screen. Other evergreen/semi-evergreen shrubs and /or small deciduous ornamental trees shall be planted in the buffer between each of the evergreen trees planted. Cedar trees should not be used unless they already exist on site due to their difficulty establishing through transplant. The Planning Commission may allow existing vegetation to meet or partially meet this requirement if it is deemed that the existing vegetation meets the intent of this part.

4. Dumpster Areas, Outdoor Storage Areas (not including sales display areas of new retail/wholesale products, car sales, boat sales), and inventory/distribution/stock loading areas shall be screened from public. Each of these uses should be designed in such a way as to minimize their visual impact from the road. Dumpster areas and outdoor storage areas shall be screened from public view by a wood, stone, split face block, or brick privacy fence/wall at least 6' high. A 5' wide landscape area shall be placed along each side of these proposed site elements (excluding areas for door). This landscape area shall include shrubs.

If loading/distribution/stock loading areas are visible from the road, a landscape area at least 10' wide shall be installed along the viewable sides of the loading dock and shall include trees and shrubs planted at 20' centers.

5. To protect safe sight visibility lines for street intersections, do not locate screens within 25' of a street corner or a driveway entrance.
6. All species and planting methods shall meet the American Standard for Nursery Stock developed by the American Association of Nurserymen, Inc.
7. The Planning Commission may accept site specific landscape plans which vary from the provisions of these landscaping requirements upon reaching a determination that said plans reach the intent of this section.

3.55.02 Building Material

1. Within commercial zone districts, Metal siding as a primary/predominant element shall not be permitted along any side of a building facing a public road. Said elevations shall consist primarily of brick, stone, or some other product deemed acceptable by the Planning Commission. The above listed building materials shall be extended at least one fourth (¼) of the way down adjoining building elevations.
2. Within industrial zone districts, metal siding as a primary/predominant element shall not be permitted along any side of a building facing a public road. Said elevations shall consist primarily of brick, stone, split-face masonry products or some other product deemed acceptable by the Planning Commission.
3. The Planning Commission may accept site specific building material scenarios which vary from the provisions of these building material requirements upon reaching a determination that said scenarios reach the intent of this section.

3.55.03 Exceptions:

- a. Temporary Roadside stands (Fireworks Stands, produce stands, Christmas Tree Sales, Pumpkin Sales, etc.)
- b. Any Commercial or Industrial use of property that commenced prior to the passage of this section. The sections of this ordinance applicable to pre-existing or non-conforming uses shall be applicable to such uses. However, additions to these structures and required site elements will mandate compliance with these standards.
- c. Any other use of a specific tract approved to be excluded from the requirements of this section by the Board of Zoning Appeals.

3.55.04 Site Drains and Manhole Casings:

All site drains and manhole casing shall be cast, prior to installation,

with a label indication the following or something similar in intent:
“Do Not Dump, Drains To River”

SECTION 3.60 **NON-CONFORMING USES**

Except as herein provided, no structure or land shall be used and no structure or parts thereof shall be erected, moved, or altered, unless for a use permitted by and in conformity with the regulations for the district in which it is located.

3.60.01 **CONTINUANCE OF NON-CONFORMING USES AND/OR STRUCTURES**

Any existing structure or use which does not conform to the provisions of this regulation or subsequent amendment thereto may be continued with these limitations:

- A. A non-conforming use shall not be changed to another nonconforming use.
- B. A non-conforming use shall not be re-established after discontinuance of one (1) year.
- C. A nonconforming use of land shall be restricted to the lot occupied by such use as of the effective date of this regulation or the effective date of any amendment which creates a non-conforming use.
- D. A non-conforming use of a structure shall not be enlarged to include either additional land or structures.
- E. A non-conforming use may be extended throughout those parts of a structure which were manifestly arranged or designed for such use prior to the time of enactment of this regulation but shall not be extended to additional structures on the same lot or another lot.
- F. A non-conforming use or structure shall not be structurally altered. This provision shall not be construed to prevent normal maintenance required for structural safety nor shall it prohibit a structural alteration which will have the effect of making a nonconforming structure conform.
- G. A non-conforming use or structure shall not be rebuilt, reestablished, or repaired after damage exceeding sixty (60) percent of the fair sales value of the structure immediately prior to damage unless such a structure can be rebuilt or repaired in such a way that it will conform to the terms of this regulation.

- H. All non-conforming uses of land shall be discontinued and all nonconforming structures shall be torn down, altered, moved, or otherwise made to conform within twenty-five (25) years from the date of any amendment which shall create a nonconforming use or structure with the exception of junkyards, automobile graveyards, automobile salvage yards, signs, mobile home parks and travel trailer parks, commercial animal yards and lumber yards not on the same lot with a plant or factory, all of which shall be made to conform within three (3) years from the date of adoption of this regulation or any amendment which shall create a nonconforming use or structure.
- I. All nonconforming structures shall be razed or altered so that they conform after remaining vacant for one (1) year (three hundred sixty-five (365) days) after the date of adoption of this regulation or any amendment which will create a nonconforming structure.
- J. Any use legally established prior to 3-5-90 **[the effective date of these amendments]** may be permitted to expand by obtaining approval from the Wilson County Board of Zoning Appeals for such expansion.
- K. Notwithstanding any other provisions of this regulation, all uses heretofore established as pre-existing nonconforming uses are unaffected as to their nonconforming status and the schedule of amortization which has previously been initiated.

SECTION 3.70 DEVELOPMENT REQUIREMENTS NEAR WATERCOURSES

There shall be no construction, cutting, or filling of earth within thirty (30) feet or in accordance with TDEC stream buffer requirements, of the top of any bank of any watercourse. If there is a question as to the location of the top of a bank of any watercourse, the Planning Commission shall make that determination. The Planning Commission may require a more stringent footage requirement if, in its determination, the property in question or the watercourse requires it due to the conditions of the watercourse such as a flood potential or sensitive environmental area. (revised resolution 11-11-12)

SECTION 3.75

GRASS and WEEDS IN MAJOR SUBDIVISIONS

Deleted Resolution 24-4-4

SECTION 3.80 **FENCES** (revised 07/17/2000 and 11.19.2018 (Resolution 18-11-12)

- A. Any fencing shall not encroach upon Regulatory Floodways or floodplains as outlined in SECTION 5.6 of this Zoning Ordinance or upon various easements that may affect the property near a property line. The property owner who desires to build a fence may check with the County Building Inspector's office to verify whether or not such conditions above exist on their property so they can be directed to the Floodplain Administrator and/or the various authorities who may have rights to such easements as may exist on a particular property in an effort to seek permission to establish the desired fence or wall. Except for a building permit or flood permit being required for construction of fencing or Walls in a Floodplain or Floodway; no permit shall be required for construction or installation.
- B. No fence or wall shall be allowed within 10 feet of a property line that is above 8' in height in any zoning district of Wilson County; the only exception being for special purposes such as Jail or Prison Facilities, solid waste facilities or other government facilities.
- C. Fences may be constructed of the following materials, Wire- manufactured for fencing, chain link fencing, vinyl-coated fencing, or other metal or wood products originally manufactured for the specific intent of being used as a fence. Other items such as plywood, garage doors or scrap or salvaged wood or manufactured metal that was not originally manufactured in a form purposed for fencing shall not be used for establishment of a fence.
- D. Walls constructed within 10 feet of a property boundary must be of stone, or synthetic stone, stucco type material, brick, concrete, concrete block (CMU), or Split Face Concrete Block.
- E. Along property lines fronting on a public road right of way or within 10 feet of a public road right of way, all fences exceeding three and a half (3.5) feet in height shall be setback a minimum of ten (10) feet to prevent traffic hazards resulting from lack of visibility to and from oncoming traffic and driveways. This setback shall apply to fences on all properties within the unincorporated areas of Wilson County. No Opaque fencing or walls above 3.5' in height shall be permitted within 10 feet of the front property line in Agricultural or Residential Zone Districts along a property line that is adjacent a public right of way and considered a front yard by the definitions of Yard and Front Yard found in Article 2; except for corner lots as outlined in Item F.

- F. Corner lots may have Opaque fencing or wall that exceeds 3.5' in height on one public road fronting side as long as said 3' height exceeding opaque fence does not pose a traffic hazard in the estimation of the Zoning Administrator. Said opaque fence or wall section must also be along the portion of the property that would otherwise be considered a rear yard if not for the corner lot provisions found elsewhere in this zoning resolution.

- G. EXCEPTION: Property used for agricultural purposes and containing acreages above 15 Acres or otherwise engaged in agriculture as determined by Greenbelt status of the property are not required to meet 10' setbacks outlined in items B thru F above listed above.

The above-listed amendments shall take effect upon approval of this amendment; the general welfare of the public requiring it. No part of this regulation shall have any impact on pre-existing use or use on appeal approvals. The Regulations in place at the time of approval of such activities shall take precedent.

SECTION 3.85

ACCESS RESTRICTION GATES AND GATEHOUSES

(Resolution 10-3-7)

Automated Gates and manned or unmanned Gatehouses which restrict access to a private property from the public road system may be established within the required front, side or rear yard of a property or across a private roadway network with the following provisions being met:

- A. Site plans and or plats must indicate such structures as applicable to the particular development when seeking subdivision or site plan approval in the case of private residential communities, multifamily developments, and other forms of commercial or industrial development.
- B. In the case of private residences or agricultural users who wish to erect such automated gates or gate houses, 2 copies of a plot plan must be submitted to the Wilson County Emergency Management Agency and the Wilson County Building Inspector's Office respectively. Upon review and approval of such gate mechanism, and its emergency access provisions, along with review and approval of the proposed structures as not posing a vehicular danger to those entering the public right of way from this or neighboring properties; a building permit should be issued for the above referenced structures. A copy of WEMA's approval letter should be submitted and kept in file with the request for building permit at the Building Inspector's Office.
- C. Structures erected using this provision shall be located at least 10 feet off of the property line that abuts the public right of way and 5 feet off of other property lines and shall not obstruct vision by maintaining a clear zone of vision between 3 and ten feet from the front of the structure to the public right of way for a width of 25 feet to either side of the gate or to the nearest property line, whichever is closer. This provision also applies to gates restricting access to private roadway networks for private developments with multiple residences or other inhabitants.

- D. When gate is open the minimum opening shall be 14 feet. The gate shall be set back and positioned such that a vehicle 40 feet long may turn into the roadway or driveway in a single turning motion.
- E. All automated gates must be accompanied by a gate preemption device as described below:
- A radio operated controller (“Click to Enter”) which will open the gate upon the approach of an emergency vehicle keying its radio for a period not in excess of 15 seconds. It is the responsibility of the gate owner/installer to determine and install the proper frequencies for fire, law enforcement, and emergency medical services. This device shall have activation light to indicate reception of emergency access signal.
- F. All automated gates shall be accompanied by a device known as a Knox Key Switch device that is specifically approved by the Wilson Emergency Management Agency regarding technical specifications and placement. The Wilson County Emergency Management Agency should be contacted for their current specification and placement requirements for this device. The purpose of this device is to provide a consistent means of access in an emergency situation to erected automated gates in Wilson County.
- G. This Ordinance is applicable to all new and replacement gates installed on or after March 15, 2010.

SECTION 3.90 **ACCESSORY STRUCTURES IN RESIDENTIAL AND/OR
AGRICULTURAL ZONE DISTRICTS** [Resolution 07-7-5]

3.90.01 Accessory structures as defined by this zoning ordinance may receive a building permit in instances where a principal residential structure has not yet been built or subject to the following additional conditions or requirements:

- A. The accessory structure being proposed does not exceed the following:
 - A-1 3% of total lot area or 2,000 square feet, whichever is less
 - R-1 4% of total lot area or 2,000 square feet, whichever is less
 - R-2 10% of total lot area or 1,500 square feet whichever is less
 - R-3 10% of total lot area or 1,500 square feet, whichever is less
 - LOC 4% of total lot area or 2,000 square feet, whichever is less
- B. The accessory structure being placed on the property prior to establishment of a primary residential use meets all setback, height and bulk requirements for accessory structures within the zone district it is located; and
- C. The above notwithstanding, any such use that can not meet all of the provisions of items A through B must be submitted to the Board of Zoning Appeals before issuance of a building permit.

ARTICLE 4 STANDARDS

4.10 SIGNS (Resolution 19-6-13)

4.10.01 DEFINITIONS FOR SIGNS

ADVERTISING SIGN: A sign which has as its purpose to direct attention to a particular, business, commodity or service which is conducted, or offered for sale elsewhere than on the premises of the sign location. For the purposes of these regulations, the terms “advertising sign” and “off-site sign” are interchangeable.

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

BUSINESS SIGN: A type of on-site sign which has as its purpose to direct attention to the business conducted on the premises.

GROUND SIGN: Any sign not attached to any part of any building and which is supported by uprights, braces or structure, placed upon the ground.

GROUND MOUNTED MONUMENT STYLE SIGN: A sign which is constructed with Brick, Stone, Synthetic Stone or some other material in such a way as to frame an identifying Business name, church name, school name, park name, subdivision name, or other similar land use identification. Ground mounted monument style signs will be the preferred site signage beyond wall mounted signage in all A- 1 Agricultural Zone Districts, A2 Agricultural Preservation Zone Districts, R-1 Rural Residential Zone Districts, R-2 Suburban Residential Zone Districts, R-3 Planned Residential Zone Districts, C-1 Neighborhood Commercial Zone Districts, LOC Limited Office Commercial Zone Districts, C-4 Planned Commercial Zone Districts, and within all PUD Planned Unit Development Overlay Zone Districts; unless the County Planning Commission deems some alternative solution meets the intent of these sign regulations and this particular definition.

Exceptions: for Site Ground signs located in one of these zone districts that is adjacent to a federally classified interstate highway.

ILLUMINATED SIGN: A sign that is illuminated by electric or other devices for night visibility.

ON-SITE SIGN: Any sign other than an off-site sign.

PORTABLE SIGN: A business or advertising sign which is moveable or portable by virtue of being mounted upon trailers or other structures designed to be easily transported.

SUBDIVISION ENTRANCE SIGN: Any sign, wall, or fence located at the entrance of a subdivision for the purpose of permanently identifying the subdivision or providing a unique appearance for the entrance to the subdivision.

4.10.02

REGULATIONS FOR SIGNS

The regulations concerning signs are established to control the use of advertising devices, including the total surface area allowed the height and setback from property lines and public right-of-way, and other issues related to the design, construction, maintenance and use of such devices.

These regulations are enacted to protect the public health, safety and welfare, with particular regard to the location, configuration, soundness of construction, and clarity of signs which are intended to be viewed by the general public.

A. GENERAL SIGN REGULATIONS

The following general regulations shall apply in any of the zoning districts enacted by adoption of the local legislative body:

1. Location of sign(s). No sign may be constructed at a location where any feature of the sign such as its position, physical configuration, illumination, message, color or material may obstruct or otherwise interfere with the public's view of a legally authorized traffic control sign, signal, or device.
2. Obstruction to vision. No portion of any sign face shall be permitted to be lower than ten (10) feet, except signs which are lower than three and one half (3 1/2) feet, measured from road grade within 25' of a property corner that is adjacent a street intersection or driveway intersection.
3. Message of sign(s). No sign may include any representative (word(s), symbol(s), or other image(s)) in such a manner that it will interfere with the officially authorized traffic control devices which are intended to serve as guides to the general public.

4. Sign animation. No sign may have flashing or intermittently displayed lighting features, with the exception of those signs which display the current time or temperature, signs which display a static digital display of gasoline or Diesel Fuel Pricing at Gas Stations, Truck Stops, or Convenience Markets, and Digital Reader Boards at Churches, Schools and retail businesses where the digital portion of the sign may take up no more than One Quarter (1/4) of the total height of advertising area of each of two sign sides. Reader boards should remain static for a minimum of 5 seconds before switching to a new message. Reader boards should not blink or scroll so as not to cause undue distraction to the motoring public. No signs may contain revolving or moving parts, nor signs employing the words “stop”, “help”, or “danger” or any other word implying distress or requesting sudden action on the part of the observer.
5. Sign lighting. No sign may use, as part of the sign, lights which are red, green, yellow, amber, or blue in color (no lights that may be confused with emergency, traffic control, etc. lights).
6. Sign illumination. Signs may be illuminated by a lighting source which is separate from the sign structure. No exterior illumination of a sign is permitted where the sign is located within two hundred (200) feet of property which is zoned for residential purposes. Internally illuminated signage which illuminates a sign from behind the sign panels will be permitted within Commercial and Industrial zone Districts and at church locations and school locations so long as the sign can be located in such a way as to maintain 200 foot separation from property zoned for residential purposes including the R-1, R-2, R-3, A-1 and A2 zone districts and as well as in other locations where alternately zoned property is specifically being used as a residence.

7. Sign height. No sign may be constructed to exceed thirty-five (35) feet in height, measured from the grade at the base of the sign. Along Interstate Highway 40 and Interstate 840, no sign may be constructed to exceed fifty (50) feet in height, measured from the grade at the base of the sign or road grade, whichever is higher.
8. Sign size and structure. Advertising signs shall be constructed on and supported solely by a monopole structure unless they are to be a ground mounted monument style sign. In either case the total size of advertising area or information communication by letter or number or picture on a business sign in a commercial or industrial zone shall be not greater than twelve feet (12') X sixteen feet (16') or 192 square feet per sign side. Each sign shall have no more than two sides used for advertisement or identification of a business, development, park, church, or other similar facility.

Site Signage advertising area in Residential and Agricultural Zone Districts

The maximum size of advertising or identification area of site signage(excepting home occupations which should follow provisions for home occupation signage) , Church signage, school signage, park signage, or subdivision or development signage in the R-1 Rural Residential District, the R-2 Suburban Residential District, the R-3 Planned Residential District, the A-1 Agricultural District, and the A2 Agricultural preservation District shall be ten feet (10') X twelve feet (12') or 120 square feet per sign side. Each sign shall have no more than two sides used for advertisement or identification of a business, development, park, church, or other similar facility.

9. Sign Spacing. No sign which is defined as an off-site sign may be constructed or otherwise caused to be placed within one thousand (1,000) feet of any other off-site sign on the same side of the same public right-of-way. The minimum distance between such signs shall be measured along a straight line between the nearest parts of the signs.
10. Sign placement:
 - A. Off-site Signs. Off-site signs, both illuminated and unilluminated are allowed only along the margins of US Highways 70, and 70E, Interstate 40, and Tennessee Highways 109 and 171, except in Residential Districts (R-1, R-2, and R-3) and areas in the Agricultural Districts devoted to residential use at the effective date of this amendment or at the time an application for a new off-site sign is made. All off-site signs shall conform to the appropriate federal and state regulations governing signs along the margins of Interstate, Federal, and State Highways.
 - B. Property lines. All business signs shall be set back at a point at least eight (8) feet from all side and rear property lines.
 - C. Public rights-of-way. No sign except publicly owned signs may be placed within any public right-of-way. All signs shall be constructed or otherwise placed at a point which is not closer than twenty-five (25) feet to a public right-of-way inclusive of Interstate and Limited Access Highways.
 - D. Scenic Highways. No advertising sign may be constructed or otherwise caused to be placed within one thousand (1,000) feet of any Wilson County road or highway which is designated part of the State of Tennessee Scenic Highway System.
 - E. Subdivision entrance signs. No subdivision entrance sign may be constructed or otherwise caused to be placed at a point which is not closer than fifteen (15) feet to any public right-of-way. The construction and/or placement of a subdivision entrance sign requires the approval of a site plan and the issuance of a building permit.

11. Sign size, location for home occupations. Business signs for home occupations shall not be in excess of four (4) square feet, nor shall they be located closer than twenty-five (25) feet or one-half (1/2) the required front setback (whichever is greater) to the street right-of-way line.
12. Sign area - defined. The total area of a sign (sign face) is the surface used to convey the message. A sign face may be comprised of no more than two (2) sign panels, front and back. The total sign area per billboard sign panel or wall mounted on-site business or church or school signage shall not exceed fourteen (14) feet by forty-eight (48) feet, or a total of seven hundred seventy-five (775) square feet, including embellishments. The remaining parts of the sign structure include the support and frame and associated structural members. An on-site ground sign or business sign that is not wall mounted but is located on the property where the business is present shall meet the following: The total size of advertising or information communication by letter or number or picture on a business sign shall be not greater than twelve feet (12') X sixteen feet (16') or 192 square feet per sign side. Each business sign shall have no more than two sides used for advertisement. Site Ground signs for churches and schools shall also follow the provisions for business ground signs that are not wall mounted.
13. Sign projection from building. No sign may project perpendicularly from a building in such a way as to advertise or communicate by perpendicular mounted advertising panel projection.

14. Signs prohibited.
 - A. Signs on any vacant lot or parcel of land lying between two (2) residential structures or uses where said structures or uses are less than one hundred (100) feet apart or located within fifty (50) feet of any residential use in the same block frontage.
 - B. Off-site signs within one hundred (100) feet of any public-school ground or public park.
 - C. Except for public safety, signs within three hundred (300) feet of any railroad crossing.
 - D. Signs painted on or attached to fence posts, trees, rocks, canopy posts, or utility poles.
 - E. Signs placed on, by, or above the green planting area between the structure and the thoroughfare, or between gasoline pumps and the thoroughfare, except traffic control, etc.
 - F. Banners of any material placed so as to cross or partially be above any public street or sidewalk.
 - G. Roof signs.
15. Prohibition of portable signs. Portable signs are not permitted effective March 5, 1991 or twelve (12) months from the effective date of this regulation, whichever is later.

B. SIGN REGULATIONS IN AGRICULTURAL (A-1) DISTRICTS

In any A-1, Agricultural Zoning District, the sign regulations herein stated shall apply:

1. Advertising the sale of farm products which have been produced on the premises is permitted through the use of up to three (3) signs, with the maximum size of each sign being fifty (50) square feet, or a total of one hundred fifty (150) square feet in sign surface.
2. Any legally existing manufacturing, warehousing and distribution uses may have one (1) ground sign and one (1) wall sign for the purpose of advertising the business conducted on-site. The total area of the combined signs may not exceed three hundred (300) square feet.
3. Signs for advertising home occupations are limited as described in the General Sign Regulations.
4. Commercial uses approved as uses permitted on appeal in the Agricultural zoning district are permitted to have one ground sign and one wall sign for the purpose of advertising the business conducted on-site. The total area of the combined signs may not exceed one hundred fifty (150) square feet.
5. Office uses approved as uses permitted on appeal in the Agricultural zoning district are permitted to have one (1) ground sign and one (1) wall sign for the purpose of advertising the business conducted on-site. The total area of the combined signs may not exceed eighty (80) square feet.
6. Institutional uses approved as uses permitted on appeal in the Agricultural zoning district are permitted to have one (1) ground sign for the purpose of identifying the name and associated information of the institution. The total area of the sign may not exceed thirty-five (35) square feet.

SECTION 4.20 **GROUP HOUSING DEVELOPMENTS & MOBILE HOME PARKS**

This section is intended to provide a maximum flexibility in design and to ensure a minimum standard of site development for group housing developments and mobile home parks, involving the location of two or more dwelling units on a single tract of land, not subdivided.

Group housing developments and mobile home parks involving more than three dwelling units per acre are a medium to high density residential use much like apartments and require public sewer system. It is intended that group housing developments and mobile home parks be located so as to have access to major streets and to convenience commercial facilities. Group housing developments and mobile home parks may be permitted as a use on appeal by the Board of Zoning Appeals through the procedure set out elsewhere in these regulations for the Uses Permitted on Appeal. [revised Resolution 07-7-4]

A permit for a group housing development or a mobile home park shall be issued by the County Building Inspector only as authorized by the Wilson County Planning Commission. The Wilson County Planning Commission shall so authorize said permit only after application and review in accordance with the requirements of this regulation, and after the Planning Commission determines that the proposed location meets the intent of this regulation and that the indicated development standards have been followed. (revised resolution 23-5-7) (revised court docket # 2023-CV-167) (revised resolution 25-11-13)

- 4.20.01 The following property **development standards** shall apply for all group housing developments and mobile home parks and shall be considered through the Use on Appeal procedure. For the purpose of this section, the term “development” shall mean either a group housing development or a mobile home park.
- A. No parcel of land containing less than ten (10) acres shall be used for a development however, the plans submitted for approval as required in this Section shall be designed for a minimum of fifty (50) dwelling units.
 - B. The development shall be subject to the density provisions of the district in which it is located.
 - C. If a sink hole/depression exists on the property, the following note must appear: “No cut, fill or construction within thirty (30) feet of top of sink hole/depression or as required by the state.”
(revised Resolution 11-11-12)
 - D. If a natural drainage channel (or sink hole/depression) exists on the property, the following note must appear: “No cut, fill or construction within, thirty (30) feet or as required by TDEC buffer requirements of top of stream bank (or sink hole/depression).”

(revised Resolution 11-11-12)

- E. Permanent residential structures, other than mobile homes, shall not be located within a site to be developed as a mobile home park.
- F. Yards:
 - 1. Each development shall have a minimum front yard of thirty-five (35) feet extending for the full width of the parcel devoted to said use.
 - 2. Each development shall have a minimum rear yard and a minimum side yard on both sides of the parcel devoted to said use of not less than twenty (20) feet.
 - 3. Where any yard abuts a public street, such yard shall be not less than the minimum building setback for the district in which it is located, measured from the right-of-way line which would be required if the property were subdivided and the required additional right-of-way dedicated.
 - 4. All required yards shall be landscaped and maintained.
- G. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or twenty (20) feet.
- H. To ensure appropriately designed and installed drainage systems within this subdivision development, structures to be erected on lots proposed within this subdivision shall be constructed with positive drainage, draining away from the exterior of the structure, at the following minimum threshold: 5% for a minimum distance of 10 feet from the perimeter of the structure. (revised resolution 11-11-12)
- I. The lots may have been disturbed by grading operations performed during or before development of this subdivision; the builder and or owner should investigate the current soil conditions and consult with others to ensure that a conventional footing will be adequate. (revised resolution 11-11-12)
- J. It is the responsibility of each lot owner or builder to grade each lot so that the lots will drain the surface water, without ponding on the lot or underneath the buildings to the drainage system designed by the subdivision engineer. (revised resolution 11-11-12)

- 4.20.02 Each mobile home space shall be of sufficient size that the following areas shall be provided:
- A. There shall be no less than five thousand (5,000) square feet of area for each mobile home space provided on the site.
 - B. Each mobile home space shall be at least thirty-two (32) feet wide for single-wide mobile homes and at least forty-four (44) feet wide for double-wide mobile homes and such space shall be clearly defined by permanent markers.
 - C. There shall be a front yard setback of twelve (12) feet from all internal roads within the mobile home park.
 - D. Mobile homes shall be located on each space so that there shall be at least a twenty (20) foot clearance between mobile homes, provided, however, with respect to mobile homes parked end-to-end, the end-to-end clearance shall be not less than fifteen (15) feet. No mobile home shall be located closer than twenty (20) feet from any building within the mobile home park.
 - E. There shall be at least two (2) paved, side-by-side, off-street parking spaces for each mobile home space, which shall be on the same site as the mobile home served and may be located in the front or side yard of said mobile home space. The required space shall have minimum dimensions of nine and one-half (9 1/2) feet by eighteen (18) feet.
 - F. Parking spaces for a group housing development shall be as specified in Section 3.50 of this regulation.
 - G. Required and additional off-street parking spaces shall be located only within the front and/or side yards. A driveway (gravel or paved) shall be required to provide access from the street to the parking space(s).
 - H. Each mobile home space shall be provided with a paved patio of at least one hundred fifty (150) square feet.

4.20.03 GENERAL REQUIREMENTS

- A. Internal roads within a development shall be paved to a width of not less than twenty-four (24) feet. Where internal roads in a mobile home park are paved to a width of thirty-two (32) feet or more, the required guest parking area shall be waived.
- B. A minimum of four (4) inches of compacted gravel, or other suitable pavement material, shall be installed for each mobile home space. Size of pads shall be a minimum of twelve (12) feet x sixty (60) feet for single-wide mobile homes and a minimum of twenty-four (24) feet x sixty (60) feet for double-wide mobile homes. The intent of this section is to have a pad of sufficient area to accommodate the mobile home and appurtenances such as canopies, patios and porches.
- C. Walkways not less than thirty (30) inches wide shall be provided from the dwelling units to service buildings.
- D. Each dwelling unit shall be provided with a connection to a public sewer system line. [revised resolution 07-7-4]
- E. There shall be provided a park and recreation area having a minimum of one hundred and fifty (150) square feet for each dwelling unit. Areas shall be consolidated into usable areas with minimum dimensions of not less than fifty (50) feet.
- F. Each development shall be provided with a management office and such service buildings as are necessary to provide facilities for mail distribution, storage space for supplies and maintenance materials.
- G. Mobile homes that cannot be connected to a public sewer system shall not be permitted in a mobile home park. [revised resolution 07-7-4]
- H. Mobile homes shall not be used for commercial, industrial, or other non-residential uses (including home occupations) within a mobile home park.

4.20.04 DEVELOPMENT STANDARDS

- A. The minimum right-of-way width of internal streets exceeding five hundred (500) feet in length or serving more than fifty (50) dwelling units (collector streets) shall be forty (40) feet.
- B. The minimum right-of-way width of other internal streets (minor streets) shall be thirty (30) feet.
- C. The maximum grade on any street shall be ten (10) percent.
- D. Where feasible, all street intersections shall be at right angles.
- E. The minimum distance between access points along public street frontage, centerline to centerline, shall be two hundred (200) feet. All access points to public streets shall be by internal streets. No dwelling unit shall have direct access to a public street.
- F. The minimum distance between the center line of an access point and the nearest curb line or street line or a public street intersection shall be one hundred (100) feet.

4.20.05 REQUIRED IMPROVEMENTS

- A. All internal streets shall be privately constructed and maintained.
- B. The base of streets shall consist of crushed stone or gravel a minimum of eight (8) inches in depth compacted.
- C. The surface of streets shall consist of asphalt or better materials a minimum of two (2) inches in depth compacted.
- D. The minimum paved width of streets shall be as follows:
Collector street: twenty-four (24) feet.
Minor street: twenty (20) feet.
- E. Closed ends of dead-end streets shall provide a vehicular turn-around with a minimum paved diameter of eighty (80) feet.
- F. The development shall be serviced with public sanitary sewage and public water on trunk lines not less than eight (8) inches and six (6) inches, respectively, throughout the development.
- G. The development shall be served with fire hydrants (on a minimum of a six (6) inch main) at a maximum spacing of seven hundred (700) feet throughout the development.

4.20.06 REVIEW PROCEDURE

- A. Preliminary Review. Six copies of the preliminary development plan, drawn to a scale of not less than one (1) inch = one hundred (100) feet, containing the information required by this regulation in PLANS AND SCHEDULES REQUIRED - PRELIMINARY shall be submitted to the Wilson County Planning Commission for preliminary review and approval. The deadline for such submittal is the same as the deadline for submittal of subdivision plats as outlined in the Wilson County Subdivision Regulations. The fee for submittal shall be a base fee plus a per-unit fee, using the base fee and per-lot fee required for submittal of a preliminary subdivision plat. Upon approval, four (4) copies of the revised preliminary development plan incorporating all conditions of approval shall be submitted to the Wilson County Building Inspector's Office. After approval, the preliminary development plan is valid for a period of six (6) months, after which it becomes void, unless final development plan(s) are approved within six (6) months, after which the preliminary development plan is valid for a period of six (6) months. (revised resolution 23-5-7) (revised court docket # 2023-CV-167) (revised resolution 25-11-13)
- B. Final Review. Six copies of the final development plan, drawn to a scale of not less than one (1) inch = one hundred (100) feet, containing the information required by this regulation in PLANS AND SCHEDULES REQUIRED - FINAL The deadline for such submittal is the same as the deadline for submittal of subdivision plats as outlined in the Wilson County Subdivision Regulations. In no case shall the final development plan be submitted prior to the next regular meeting of the Planning Commission after the meeting at which the preliminary plan was approved, nor prior to submittal of the required corrected preliminary development plan. Final plans may be submitted as sections of the preliminary plan, numbered in sequential order. The fee for submittal shall be a base fee plus a per-unit fee, using the base fee and per-lot fee required for submittal of a final subdivision plat. Upon approval, four (4) copies of the revised final development plan incorporating all conditions of approval shall be submitted to the Wilson County Building Inspector's Office. After approval, the final development plan is valid for a period of twelve (12) months, after which it becomes void, unless a building permit has been issued as per the provisions outlined below. (revised resolution 23-5-7) (revised court docket # 2023-CV-167) (revised resolution 25-11-13)

- C. Permit Review. Within twelve (12) months after approval of the final development plan, and after the required improvements have been installed, four (4) copies of the certifications required by this regulation in PERMIT APPROVAL - CERTIFICATIONS REQUIRED shall be submitted to the Wilson County Planning Office for review and approval. The deadline for such submittal is the same as the deadline for submittal of subdivision plats as outlined in the Wilson County Subdivision Regulations. The fee for submittal shall be the same fee as required for submittal of a site plan. No building permit shall be issued for construction of any building or location of any mobile home on the land until the Planning Commission has approved the preliminary development plan, the final development plan, and authorized the issuance of a building permit by permit review. (revised resolution 23-5-7) (revised court docket # 2023-CV-167) (revised resolution 25-11-13)
- D. Revisions to Development Plan. A revised development plan shall be submitted to the Planning Commission for approval of any changes, alterations, amendments, or extensions to the development plan. Approval of such changes may be granted if, in the opinion of the Planning Commission, the requested changes would be in keeping with the intent and provisions of this resolution and the County Commission approved development plan (not applicable to existing developments have not been significantly modified from original layout) The Planning Commission may deem modification of expansion of existing grandfathered R-3 developments, beyond simple replacement of like structures, to require overall development plan review (master plan amendment) review by the County Commission, The guidelines for submittal shall be the same as outlined in PRELIMINARY REVIEW. (revised resolution 23-5-7) (revised court docket # 2023-CV-167) (revised resolution 25-11-13)
- E. Compliance with Plans and Schedules. The building permit shall be revoked if construction of any part or phase of the development is not in compliance with the approved plans and schedules.

4.20.07 PLANS AND SCHEDULES REQUIRED-PRELIMINARY

The following information shall be shown on the preliminary development plan.

- A. General location sketch map;
- B. Boundaries of the site;
- C. Tax map and parcel number;
- D. Deed book and page number;
- E. Total acreage;
- F. Name and address of the applicant(s) and property owner(s);
- G. Proposed use of all buildings shown on the plan;
- H. Location of all existing structures on the site;
- I. Location, size, and proposed use of all open area;
- J. Spaces/units numbered in consecutive order;
- K. Location and dimensions of proposed internal streets, structures, mobile home spaces/units, off-street parking spaces;
- L. Location of all proposed utilities, including fire hydrants, noted as proposed;
- M. Points of access to public streets;
- N. Location and size of existing water and sewer lines and fire hydrants, noted as existing;
- O. Location and size if any easements;
- P. Topographic contours at a minimum of five (5) foot intervals;
- Q. Location(s) of existing and/or proposed drainage ways;
- R. Erosion and sedimentation controls;
- S. Location of all walls and fences;
- T. Proposed names of internal streets;
- U. Notes as required by STANDARD NOTES;
- V. Such other engineering and topographic data as may be required by the Planning Commission, County Stormwater, Engineering and County Building Inspector to determine if the provisions of these regulations are being compiled with. (revised resolution 23-5-7) (revised court docket # 2023-CV-167) (revised resolution 25-11-13)

4.20.08 PLANS AND SCHEDULES REQUIRED - FINAL

The following information shall be shown on the final development plan.

- A. General location sketch map;
- B. Boundaries of the site;
- C. Tax map and parcel number;
- D. Deed book and page number;
- E. Total acreage;
- F. Name and address of the applicant(s) and property owner(s);
- G. Proposed use of all buildings shown on the plan;
- H. Location of all existing structures on the site;
- I. Location, size, and proposed use of all open area;
- J. Spaces/units numbered in consecutive order;
- K. Location and dimensions of proposed internal streets, structures, mobile home spaces/units, off-street parking spaces;
- L. Location of all proposed utilities, including fire hydrants, noted as proposed;
- M. Points of access to public streets;
- N. Location and size of existing water and sewer lines and fire hydrants, noted as existing;
- O. Location and size of any easements;
- P. Location(s) of existing and/or proposed drainage ways;
- Q. Erosion and sedimentation controls;
- R. Location and description of all proposed or existing property corner markers;
- S. Location of all walls and fences;
- T. Proposed names of internal streets;

- U. Plans of all buildings, improvements, and facilities constructed or to be constructed within this section of the development;
- V. Location and description of all landscaping to be provided;
- W. Location of all lighting standards to be provided;
- X. Location of all walls and fences, and the indication of their height and the materials of their construction;
- Y. All setback and yard lines required by this regulation;
- Z. Notes as required by STANDARD NOTES;
- AA. Such other engineering and topographic data as may be required by the Planning Commission, County Stormwater, Engineering and County Building Inspector to determine if the provisions of these regulations are being compiled with. (revised resolution 23-5-7) (revised court docket # 2023-CV-167) (revised resolution 25-11-13)

4.20.09 PERMIT APPROVAL - CERTIFICATIONS REQUIRED

The following documentation shall be required prior to permit approval:

- A. Certification from a licensed engineer that all streets and other required paved areas are installed to the required specifications;
- B. Certification from a licensed engineer or the utility company providing service to the development that all utility improvements have been installed to the required specifications.

4.20.10 STANDARD NOTES

The following notes must appear on the face of the preliminary and final development plans.

- A. Drainage easements outside dedicated public right-of-way are not the responsibility of Wilson County.
- B. If any roads are to be built (public or private), the following note must appear: "Road grades will not exceed ten (10) percent."
- C. If a sink hole/depression exists on the property, the following note must appear: "No cut, fill or construction within thirty (30) feet of top of sink hole/depression or as required by the State." (revised resolution 11-11-12)
- D. If a natural drainage channel (or sink hole/depression) exists on the property, the following note must appear: "No cut, fill or construction within thirty (30) feet or as required by TDEC buffer requirements of top of stream bank (or sink hole/depression)." (revised resolution 11-11-12)
- E. If a drainage way appears as a blue line on USGS 7 1/2-minute quadrangle map, the stream must be identified as such and the following note must appear: "No alteration of this (these) stream(s) shown will occur prior to written approval being granted by the appropriate authorities."
- F. This property is not (is) in an area designated as a special flood area as shown on Community/Map Number ____/____, Effective Date _____.
- G. This development is to be served by public sewer system. (resolution 07-7-4)
- H. To insure appropriately designed and installed drainage systems within this subdivision development, structures to be erected on lots proposed within this subdivision shall be constructed with positive drainage, draining away from the exterior of the structure, at the following minimum threshold: 5% for a minimum distance of 10 feet from the perimeter of the structure. (resolution 11-11-12)
- I. The lots may have been disturbed by grading operations performed during or before development of this subdivision; the builder and or owner should investigate the current soil conditions and consult with others to assure that a conventional footing will be adequate. (resolution 11-11-12)
- J. It is the responsibility of each lot owner or builder to grade each lot so that the lots will drain the surface water, without ponding on the lot or underneath the buildings to the drainage system designed by the subdivision engineer. (resolution 11-11-12)

SECTION 4.30 **STANDARDS FOR MARINA DEVELOPMENT**

4.30.01 PURPOSE AND USES

- A. To encourage and ensure the development of marinas and the safe operation of such development.
- B. Coincident uses include assembly buildings, docks, fueling and supply facilities, house boating, launching and storage facilities, parking areas, repair and maintenance areas, restaurant, sign, supplementary recreational facilities and tourist residences.

4.30.02 ACCESS

- A. The tract proposed for marina development must have adequate access to thoroughfares.
- B. The adequacy of access is to be based on the relationship of the size of marina facilities to the practical capacity of the thoroughfares and the present traffic demand.

4.30.03 LOT SIZE

- A. There is no minimum lot size.
- B. Development must conform to criteria as set forth in this resolution.

4.30.04 WATER AREA

- A. If a cove or embayment contains less than five (5) acres of water surface at normal pool, the applicant must own or control the total shoreline.
- B. For measuring purposes, the embayment or cove begins where its outlet intersects the main river channel and all islands or floating structures are to be subtracted from the area of water as computed.
- C. The applicant must own or control the land area within two hundred (200) feet of all docks or other floating structures.
- D. The minimum water surface area required for each boat mooring, houseboat and boat for rent shall be five thousand (5,000) square feet.

- 4.30.05 YARD REQUIREMENTS
- A. All structures related to the marinas must be at least five hundred (500) feet from any residence except that of the owner or operator.
 - B. Minimum side yards of one hundred (100) feet must be provided between marina facilities, including all floating structures, and adjacent tracts of land.
 - C. The site is to be developed in such a way as to preserve its natural character. A buffer strip of plantings either natural or commercially introduced must be located between the marina and each adjacent residential area.
- 4.30.06 OFF-ROAD PARKING
- A. One (1) parking space must be provided for each boat mooring, boat for rent, houseboat or tourist residence.
 - B. If public boat launching facilities are provided the parking spaces shall be increased fifty (50) percent of that number as computed in 4.30.06(A) above.
- 4.30.07 SIGNS
- A. The area and location of all signs shall be approved by the Planning Commission but in no case shall such signs be larger than twenty-four (24) square feet.
 - B. Sign illumination shall not shine directly toward a residentially zoned district or toward a public right-of-way.
- 4.30.08 APPROVAL
- A. Site developer must submit a written request and drawings which describe and graphically portray the proposed project.
 - B. The Board of Zoning Appeals must approve the development as a "Use on Appeal" in accordance with the provisions contained in Section 6.50 of these regulations.
 - C. The Planning Commission must approve the preliminary and final site development plans as a site plan in accordance with the provisions contained in Section 6.20.25 of these regulations.

SECTION 4.40 STANDARDS FOR AUTOMOBILE, WRECKING, JUNK AND

SALVAGE YARDS AND SIMILAR USES

4.40.01 Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property values by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses, such as those outlined above, will have properly minimized their objectionable characteristics.

- A. Location - Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than three hundred (300) feet from any established residential district or any established residential use in an agricultural district.
- B. Screening - All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height. Storage between the road or street and such fence or wall is expressly prohibited. Any fence or wall erected for screening purposes shall be properly painted or otherwise maintained in good condition. Such fence shall be set back a minimum of twenty-five (25) feet from any public right-of-way. Other screening may be required as deemed necessary by the Planning Commission or by the Board of Zoning Appeals.
- C. Off-road Parking - As regulated in Section 3.50 of this Resolution.

SECTION 4.50 **CLUSTER RESIDENTIAL DEVELOPMENT** (resolution 09-3-14)

4.50.01 GENERAL INTENT

The intent of this section is to permit greater flexibility for creative design and to achieve superior scenic quality and recreational opportunity close to home by providing for residential subdivisions which incorporate permanent local space accessible to all residential lots. It is the intent of this regulation to allow the use of cluster development techniques in R-1 Rural Residential, R-2 Suburban Residential, and A-1 Agricultural Zoning Districts.

How It Works: Instead of the conventional subdivision procedure which results in homes more or less evenly spaced throughout the site, these provisions allow individual lot and yard requirements to be reduced to permit closer grouping or “clustering” of homes on a portion of the site. Developers, however, cannot construct more dwelling units on the site than zoning minimum lot size requirement call for, but can reduce lot sizes if the land thus saved is put into permanent open space. When calculating gross density for the site, the density will be based on the minimum lot area for the zoning district, decreased lot size based on soils analysis are not to be considered in this calculation.

4.50.02 PROCEDURE FOR APPROVAL

A. INITIAL SKETCH AND CONSULTATION. Before preparing a formal proposal for cluster residential development, the applicant shall submit six (6) copies of a sketch of the proposed development to the Planning Commission as a basis for reaching general agreement on major aspects of the project. The sketch shall indicate, at a scale no smaller than one (1) inch = one hundred (100) feet, the following:

1. Boundaries and acreage of the site;
2. Number and building types of dwelling units;
3. Arrangement of streets, structures, and lots;
4. Access to existing streets;
5. Local open space tracts and prospective uses;
6. Any convenience service area;
7. Location and size of water and sewer lines and fire hydrants.

B. PLAT APPROVAL PROCEDURE. Proposals for cluster residential developments shall be subject to the Wilson County Subdivision Regulations, shall be prepared and reviewed under the plat approval of that regulation, and shall be in accordance with the provisions of this section.

4.50.03 DEVELOPMENT REQUIREMENTS

- A. This section shall apply to residential structures excluding mobile homes.
- B. The minimum number of dwelling units per subdivision shall be fifty (50).
- C. MAXIMUM DENSITY. The average number of dwelling units per acre of buildable land (not including land for street right-of-way) shall not exceed twelve (12). Maximum buildable acreage shall consist of seventy-five (75) percent of the total residentially zoned acreage available, with twenty-five (25) percent of said total to be allocated for street right-of-way regardless of the acreage actually required.
- D. There shall be no minimum lot size, width, or yard requirements, except for a required setback along the entire perimeter of every cluster development not less than the minimum distance between structures and street right-of-way for that district. (printed 12/13/93)
- E. STRUCTURE LOCATION REQUIREMENTS. The minimum distance between structure and street right-of-way line shall be based on the zoning district in which the development is located and shall be as follows:

| | |
|----------------------------|-----------------------|
| R-1 (Rural Residential) | twenty-five (25) feet |
| R-2 (Suburban Residential) | twenty-five (25) feet |
| A-1 (Agricultural) | thirty (30) feet |

The minimum spacing between principal structures (12/13/93) shall be based upon the zoning district which the development is located and shall be as follows:

| | |
|----------------------------|-------------------|
| R-1 (Rural Residential) | twenty (20) feet |
| R-2 (Suburban Residential) | sixteen (16) feet |
| A-1 (Agricultural) | twenty (20) feet |

The minimum spacing between accessory structures and any other structure on the same property shall be eight feet (8'-0") wall to wall between walled structures. No accessory structures shall be located in required spacing between principal structures or street right-of-way setback requirements.

(revised 10/19/2020 resolution 20-10-20)

- F. CONVENIENCE COMMERCIAL SERVICES. Food and drug stores, beauty and barber shops, coin laundries or similar commercial facilities only, may be permitted within developments of two hundred (200) units or more for the purpose of serving local residents. Such facilities must be designed as an integral part of the development, and external advertising or other characteristics which would alter the residential scenic quality, noise level, or traffic load shall not be permissible. Commercial facilities shall not be established before residential construction commences.
- G. LOCAL OPEN SPACE. Plats proposed for approval under the provisions of this section shall include local open space tracts of size, location, shape, and topography which will meet the intent of this section. (Wilson County Subdivision Regulations.) The minimum amount of local open space to be allocated shall not be less than the aggregate amount by which building lots are reduced from regular minimum lot size requirements.
- H. PERMITTED LOCAL OPEN SPACE USES. Only the following land uses may be set aside as common land for local open space or recreational uses: (resolution 09-3-14)
1. Private recreational facilities, such as golf courses or swimming pools, which are limited to the use of the owners or occupants of the lots located within the subdivision.
 2. Historic building sites or historical sites, parks and parkway areas, extensive areas with tree cover, low land along streams or areas of rough terrain when such areas are extensive and have natural features worthy of scenic preservation.
 3. Any pools and pool houses built using this provision of the zoning ordinance must be designed, built/installed to **ANSI/NSPI-1 1991 American National Standard for Public Swimming Pools** specifications. A letter of plans acceptance from the General Environmental Health Division of the Tennessee Department of Health must be submitted to the county building inspector prior to a building permit being issued for any pool proposed under this provision. Furthermore, a copy of the public pool permit from the General Environmental Health Division of the Tennessee Department of Health must be submitted prior to issuance of a certificate of compliance by the building inspector.

4. A Tennis Court, Soccer Field, Baseball field, softball field, or basketball court built using this provision must be designed and installed to standards set forth in **American Institute of Architects Time Saver Standards** . An affidavit must be provided by the contractor/installer that this requirement has been met prior to release of any surety held by the county for such work.
5. A Playground built using this provision must be designed and built to public standards; **Consumer Product Safety Guideline ASTM F1487, Public Use Playground Standard** ; with a minimum capable load of 20 children. An affidavit must be provided by the contractor/installer that this requirement has been met prior to release of any surety held by the county for such work.
6. Pedestrian Walkways built to ADA standards for a public walkway. An affidavit must be provided by the contractor/installer that this requirement has been met prior to release of any surety held by the county for such work.
7. A clubhouse with a minimum square footage of 1500 square feet of heated area or 20 square feet of heated space per lot in the subdivision, whichever is greater. The maximum size of any Clubhouse structure shall be 3000 square feet of heated area.
8. Other improvements of a passive or active nature may be reviewed for potential approval by the planning commission on a case by case basis. In such instances, the planning commission may place additional requirements for affidavit or certification of such improvements at some generally acknowledged standard of quality for that particular type of improvement. This provision is being included in the interest of public health safety and general welfare of the future residents of this development, as well as, the public at large.

- I. Surety for Installation and completion of Common Open Space amenities/improvements or required public facilities.

When work on open space improvements is incomplete at time of subdivision recording, A Form of Surety shall be required by the Wilson County Planning Commission and/or the Wilson County Commission for Installation and completion of Common Open Space/amenities/improvements. This surety will be held by the Building Inspector's Office until such time as the open space/amenities/improvements or required public facilities are installed and approved by Wilson County Government or until such time as a year has passed without visible progress towards adequate installation and completion of said improvements and development. If the latter occurs, the Building Inspector may at their discretion seek direction from Wilson County legal counsel and begin the process of cashing the surety presented. Surety must be submitted to the Building Inspectors office prior to recording of plats for each respective section of a Cluster or open space development as outlined herein.

Regulations regarding posting of Surety are as follows:

- 1) Wilson County currently accepts two forms of surety: Irrevocable Letters of Credit or Certified Cashier's Checks from a bank or other accredited financial institution.
- 2) All forms of surety must be cashable at a counter in Wilson County, Tennessee or in a County adjacent Wilson County, Tennessee.
- 3) All forms of surety must be valid for a period of not less than one year and, in the case of Letters of Credit, must be automatically renewable at a stated time for a like period of time unless the developer gives notice within thirty (30) days of the renewal date that the developer does not wish for the Letter of Credit to be renewed.
- 4) Only Originals of all forms of surety will be accepted by the Building Inspector's Office.

SECTION 5.5 -113 Dedication of Public Facilities

The Wilson County Planning Commission and the Wilson County Commission may, as a condition of approval and adoption, in accordance with the final development plan, require that suitable areas for streets, public rights of way, schools, parks, and other public facilities be set aside, constructed, improved and/or dedicated for public use at time of subdivision plat recordation.

4.50.04 LEGAL REQUIREMENTS FOR OPERATION AND MAINTENANCE

- A. Local open space, at the option of the developer, may be retained by him or deeded by him to a homeowner's association or other organization approved by the planning commission.
- B. When such tracts are retained by the developer, plans for improvement and maintenance of these tracts must be approved by the planning commission, and deed covenants made to assure continuing use of the tracts for local open space purposes.
- C. When such tracts are to be deeded to a homeowner's association, the developer shall provide:
 - 1. The legal framework for a homeowner's association, consisting of articles of incorporation and by-laws which guarantee as a minimum:
 - a. That the homeowner's association will be responsible for liability insurance, local taxes, and maintenance of recreational or other facilities pertaining to the local open space.
 - b. That when more than fifty (50) percent of the lots within the subdivision are sold, there shall be a special meeting of the homeowner's association within sixty (60) days.
 - 2. Deeds to individual lots within the subdivision, which shall convey mandatory membership in the homeowner's association, and include as a minimum the following provisions:
 - a. Responsibility for paying a pro rata share of the cost of the homeowner's association operation.
 - b. Agreement that the assessment levied by the association can become a lien on the property if not paid.
 - c. Agreement that the association shall be able to adjust the assessment to meet changed needs.
 - d. Guarantee of permanent unrestricted right to utilize lands and facilities owned by the association.

SECTION 4.60

SITE DEVELOPMENT PLANS

DELETED 03/18/02 Resolution 02-3-6

REFER TO SECTION 6.20.25 SITE DEVELOPMENT PLANS

SECTION 4.70

DEVELOPMENT STANDARDS FOR DE-CENTRALIZED SEWER SYSTEMS [published 03/02/2000]

The intent of this section is to provide minimal standards of development for property (residential, commercial and industrial) with de-centralized sewer systems, while allowing flexibility with design. The following guidelines shall apply to all developments with a de-centralized sewer system.

- 4.70.01 All subdivisions developed with a decentralized sewer system must be reviewed and granted preliminary approval by the Wilson Water and Wastewater Authority before consideration will be given to the property by The Wilson County Planning Commission and staff. Before final approval is granted by the Wilson County Planning Commission, the developer must have final approval of the system by the State of Tennessee Division of Water Pollution Control and the Wilson Water and Wastewater Authority.
- 4.70.02 A detailed plan of the proposed treatment facility shall be submitted to the Wilson County Planning Commission with the following:
- * All easements including access
 - * All de-centralized sewer treatment facilities shall include a fence. The fence shall be no less than five (5) feet in height and completely enclose the treatment facility. The fence shall be composed of wood, brick, stucco and other material approved by the Planning Commission.
 - * A detailed plan of the landscaping/buffering of the treatment facility shall be submitted to the Planning Commission with the final plat. The amount of buffering required is dependent on the location of the treatment facility within the subdivision and shall be at the discretion of the Wilson County Planning Commission.

SECTION 4.80 **PRIVATE ACCESS COMMUNITIES** (resolution 05-1-7)

4.80.01 Statement of Purpose

This article is designed to allow Planning Commission approval of subdivisions that include private roadways and streets. These subdivisions shall for purposes of the Wilson County Zoning Ordinance be know as “Gated Communities”.

4.80.02 Homeowners Association

Each Gated Community shall have a Homeowners Association to be created by incorporation or organization of a perpetual legal entity to own and maintain all common areas. The By-Laws of the Homeowners Association shall provide that Lots in the Subdivision shall be subject to a lien for unpaid dues or assessments. The Lien shall be enforceable by the Homeowners Association, any homeowner or Wilson County or any municipality in which the Gated Community may be located.

4.80.03 Construction

Notwithstanding any other provision of the Wilson County Zoning Ordinance or Subdivision Regulations, this article shall govern Gated Communities.

4.80.04 Plat

The plat of subdivision of a tract of property to be developed as a Gated Community will be submitted to the Planning Commission. Such plat shall be conformed to all requirements of the Wilson County Zoning Ordinance, except as hereafter set forth. Specifically, the lots contained in the plat shall conform to all requirements of lot size, density and setbacks as set forth in the Wilson County Zoning Ordinance.

4.80.05 Streets

Streets and roadways within the Gated Community may be non-public streets provided they comply with all provisions of this article.

1. Common area in which all private streets are located shall be not less than a minimum of fifty (50) feet in width or such greater width as may otherwise be required for such streets by the Wilson County Zoning Ordinance or the Wilson County Road Commission.
2. Common area for streets shall be designated on the plat as common area for “ingress and egress for private streets”.
3. All private streets shall be constructed to the standards of the Wilson County Road Commission for public roads.
4. Prior to recordation of the plat, the Chief Officer of the Wilson County Road Commission or his designee shall execute the certificate set forth in Section 4.80.20 herein and any certificate required by the Subdivision Regulations certifying the private streets have been installed to Wilson County Road Commission standards or an acceptable Surety Instrument has been provided to assure such installation in accordance with the Wilson County Zoning Ordinance.
5. All common area containing private streets shall be conveyed to the Homeowners Association and shall be maintained by the Homeowners Association. In no event shall the streets be maintained by Wilson County.

4.80.06 Storm Drainage

All storm drainage shall be installed to specification of Wilson County and shall be contained in easements in conformity with the provisions of the Wilson County Zoning Ordinance. Such easements shall be conveyed to the Homeowners Association and shall be maintained by the Homeowners Association.

4.80.07 Sidewalks

All Gated Communities are required to install sidewalks on both sides of private streets within the subdivision. Such sidewalks shall be of brushed concrete or concrete exposed aggregate construction. The minimum width of sidewalks shall be five (5) feet. Where concrete curbs are constructed, grass or landscaped areas or strips with a minimum width of four (4) feet shall separate all sidewalks from the adjacent street, except within ten (10) feet of a street intersection. Every sidewalk shall be installed within the common area set aside for the private streets. All sidewalks shall be compliant with all applicable rules and regulations, specifically including the A.D.A. The sidewalks shall be maintained by the Homeowners Association.

4.80.08 Gates or Control of Access

Gates or any other device used to control ingress and / or egress to the Subdivision shall be approved by the entity having responsibility for fire and emergency service in Wilson County and by the Sheriff of Wilson County. Gates shall be designed to have access by fire and emergency response and law enforcement at all times. Gates shall be owned and maintained by Homeowner's Association.

4.80.09 Utility Service

All utility service to the lots in the subdivision shall be by governmental or utility entities. By conveyance or by dedication of public utility easements, the developer shall provide for ingress and egress for construction and maintenance of water, public sewer system, electrical, telephone, cable, natural gas or other utilities. All such utilities shall be installed underground; and such installation shall be subject to the requirements of the utility provider. [revised resolution 07-7-4]

4.80.10 Limitation on Size of Gated Community

For a subdivision to qualify under this section, the subdivision must contain no more than fifty (50) lots, unless the topography, shape of the tract or other characteristic dictates more lots and is approved by the Planning Commission.

4.80.11 Frontage on Public Roads

Notwithstanding any other provision of the Wilson County Zoning Ordinance or the Subdivision Regulations, a lot in a Gated Community shall not be required to have fifty (50) feet of frontage on a public road. Each lot shall, however, have defined access along the private road system to the public road through a non-exclusive easement for access and egress along common area to be owned and maintained by the Homeowner's Association.

4.80.12 Public Improvements

The Planning Commission may require that all public improvements be installed and dedicated prior to the signing of the final subdivision plat by the Secretary of the Planning Commission. If the Planning Commission does not require that all public improvements be installed and dedicated prior to signing of the final subdivision plat, an adequate Surety Instrument must be provided. The amount of any Surety Instrument shall be established by the Planning Commission based upon the recommendations of the applicable department or agency. The Planning Commission will require the applicant to indicate on the plat any streets and public improvements to be dedicated; and any other special requirements deemed necessary by the Planning Commission.

4.80.13 Recording of Plat

When all conditions of approval have been met including all required certifications and signatures and the posting of any required bonds, the Secretary shall sign the plat on behalf of the Planning Commission. The applicant shall be responsible for recording the plat and payment of any recording or reproduction fees.

4.80.14 Surety Instrument

The Planning Commission may waive the requirement that the applicant complete and dedicate all public improvements prior to the approving of the final subdivision plat and may provide that, as an alternative, the applicant may post a Surety Instrument in an amount stipulated to secure the satisfactory construction, installation, and dedication of the required improvements. The Secretary of the Planning Commission shall not certify any plat for recording until the required Surety Instruments are posted. Such Surety Instruments shall comply with all statutory requirements and shall be satisfactory to the Wilson County Attorney as to form, sufficiency, and manner of execution as set forth in the regulations. The amount of the Surety Instrument shall be approved by the Planning Commission upon recommendation of the appropriate department or agency. The Planning Commission may, upon proof of difficulty, extend the completion date set forth in Surety Instrument.

The Surety Instrument shall be filed with the Wilson County Road Commission for completion of roads and sidewalks and with the appropriate public agency for any other improvements.

4.80.15 Composition of Surety Instrument

For the purpose of these regulations, the Surety Instrument shall mean the document or documents required by the applicable County agency or utility provider providing service, as applicable. The Surety Instrument(s) will stipulate the work to be performed by general categories and the estimated value or cost of each category. The Surety Instrument(s) will generally also stipulate a completion date for all of the work to be performed.

The Security Instrument shall be in the form as follows and shall express the value in a total amount equaling the sum of all work categories:

Irrevocable Letter of Credit - Issued by or confirmed by a financial institution having offices located in Wilson County, Tennessee, or any adjoining county. Such Irrevocable Letter of Credit shall conform to the form required by the Wilson County Road Commission which is as follows:

WILSON COUNTY ROAD COMMISSION
STANDARD FORM FOR IRREVOCABLE STANDBY
LETTER OF CREDIT NUMBER _____

DATE:

IN FAVOR OF:

Wilson County Road Commission
1000 Tennessee Boulevard
Lebanon, TN 37087

FOR ACCOUNT OF:

AMOUNT: _____

We hereby establish our Irrevocable Standby Letter of Credit in your favor available by your draft (s) drawn at sight on _____ and accompanied by this document specified below:

1. Beneficiary's statement signed by its Superintendent or his designee as follows:

"_____ has failed to complete road improvements in accordance with the requirements of the Wilson County Road Commission of Wilson County, Tennessee in the area shown on a plat as described as _____.

2. Original Letter of Credit and Amendments if any.

It is a condition of this Irrevocable Letter of Credit that it shall be automatically extended for additional periods of two years from the present or each future expiration date unless ninety (90) days prior to the stated date of expiration we shall notify you in writing by registered mail at the above address that we elect not to renew this Letter of Credit for such additional period.

It is a condition of this Letter of Credit that payment or rejection shall be made within (3) business days from the date of presentation.

The amount of this Letter of Credit is _____.

We hereby engage with you that all drafts drawn under and in compliance with the terms of this credit will be duly honored if drawn and presented for payment at this office on or before the expiration date of this credit.

This letter of Credit will expire at our counters at the close of business on _____, unless automatically extended pursuant to the language stated above.

Except so far as otherwise expressly stated this credit is subject to Uniform Customs and Practice Documentary Credits (1993 Revisions) International Chamber of Commerce Publication Number 500.

Financial Institution

Authorized Signature

Title

The Irrevocable Letter of Credit shall be on the letterhead of the issuing bank and signed by its authorized officer. The Irrevocable Letter of Credit shall, in any event, conform with the standard and form required by the Wilson County Road Commission at the time of its issuance.

4.80.16

Costs of Improvements

All required improvements shall be made by the applicant at his expense or cost sharing. Any provisions for reimbursement by the County, or any utility district shall be by separate agreement with the applicable Wilson County Department or other governmental entity.

4.80.17

Failure to Complete Improvements

In those cases, in which a Surety Instrument has been posted and required improvements have not been installed as required, the Planning Commission thereupon may declare a default and require that all the improvements be installed regardless of the extent of the building development at the time that the default is declared. In such event, demand shall be made as appropriate under the terms of the Surety Instrument.

4.80.18

Inspection of Improvements

Each public utility installing service into the subdivision shall be responsible for inspection and approval in the utility's normal manner. The Superintendent of Roads for Wilson County shall be responsible for inspection of the street installation. If the Superintendent of Roads for Wilson County finds that any of the streets have not been constructed in accordance with the applicable Wilson County Road Department construction standards and specifications, the Owner shall be responsible for completing the improvements to the required standards. Whenever the cost of improvements is covered by a Surety Instrument, the Owner and the bonding financial institution shall be liable severally and jointly for completing said improvements according to specifications, with the financial institution's liability being limited to the payment of sums not to exceed the amount of the Surety Instrument.

4.80.19

Certificate of Satisfactory Completion

The Wilson County Road Commission will not release nor reduce a Surety Instrument until all applicable Wilson County agencies provide written confirmation that all required improvements have been satisfactorily completed.

4.80.20 Plat Certificate of Road Commission the Plat shall have the certificate” as follows:

The Wilson County Road Commission certifies that the streets shown on the Plat have been installed to the specifications of Wilson County, Tennessee or a Surety Instrument has been provided under the terms of the Wilson County Zoning Ordinance. This is a subdivision development having limited access. Therefore, SUCH STREETS ARE NOT DEDICATED FOR PUBLIC USE AND WILL NOT BE MAINTAINED BY WILSON COUNTY, TENNESSE.

Date: _____

Wilson County Road Commission

By: _____

Its: _____

4.80.21 Certification of Private Street Completion The following certificate shall be filed when requesting the release of the Surety Instrument for private streets.

CERTIFICATE AND APPROVAL FORMS

Owner's Certificate

We hereby certify that we are the Owner(s) of the property subdivided under the Final Plat approved by the Wilson County Planning Commission on _____. 200____, as evidenced in Book____, Page____, R.O.W.C., Tennessee, and we certify that the street(s) has (have) been constructed in conformity with the Final Plat or a Surety Instrument has been provided to Wilson County pursuant to the Wilson County Zoning Ordinance.

Developer(s): _____

Company Name: _____

By: _____ Date: _____

Contractor(s)

Company Name: _____

By: _____ Date: _____

4.80.22 Certification of Private Street Completion

The following certificate shall be filed when requesting the release of bond for private streets.

CERTIFICATE AND APPROVAL FORMS

Developer's and Contractor's Certificate (for Private Streets)

We hereby certify that we are the Developer(s) of the property subdivided under the Final Plat approved by the Wilson County Planning Commission on _____. 200____, as evidenced in Book____, Page____, R.O.W.C., Tennessee, and the Contractor(s) for the private street(s) therein and we certify that the street(s) has (have) been constructed in conformity with the Final Plat.

Developer(s): _____

Company Name: _____

By: _____ Date: _____

Contractor(s)

Company Name: _____

By: _____ Date: _____

4.80.23 Signage on Private Streets

The Owner shall purchase and install appropriate signs, both for street identification and traffic control. Written confirmation of this placement will be required by Owner or contractor certification prior to the recording of a final plat, or this requirement may be included in the Surety Instrument as set forth herein.

4.80.24 Staff Approval

In the event any Final Plat of a subdivision has been approved by the Planning Commission but has not been recorded at the time this Article is adopted by the action of the Wilson County Commission; and such unrecorded Final Plat meets all conditions contained in this Article, the Owner may apply to the Planning Commission Staff for staff approval of the Final Plat as a Gated Community and upon such approval the secretary of the Planning Commission is authorized to sign the Final Plat for recordation.

ARTICLE 5

ZONING DISTRICTS

SECTION 5.10

RURAL RESIDENTIAL (R-1)

5.10.01

GENERAL INTENT

This district is intended to accommodate single-family housing types in very low-density residential developments. The Rural Residential districts are defined as areas within the County which have only rural levels of public services, including streets, utilities and fire protection.

Within R-1 Rural Residential Districts as shown on the Official Zoning Atlas of Wilson County, the following regulations shall apply.

5.10.02

USES PERMITTED

A.

Dwelling, Single-family;

A-1:

ACCESSORY DETACHED DWELLING UNITS Must have adequate septic or Sanitary (Or other public utility operated) Sewer System capacity to accommodate the addition of one bedroom. Must be no more than 1000 square feet in size when accounting for the bedroom or sleeping quarters, accessory kitchen area, accessory bathroom area, associated dining room, and living area; commonly referred to as the total heated area. Accessory Dwelling Units as defined under ARTICLE 2, SECTION 2.20.

-

Accessory Dwelling Units MUST have permanent connection to all public utilities in accordance with the rules, regulations and requirements of each public utility provider and will comply with permanent foundation provisions found in SECTION 3.12.04 of the Wilson County Zoning Ordinance in accordance with the language for principle single family and two-family residential structures. Total number of accessory Dwelling units permitted on a property is limited to one.

-

No Accessory Dwelling Unit may be used as a Bed and Breakfast/Inn (or Short-term Rental) without receiving approval from the Board of Zoning Appeals to do so.

All structures proposed for use as an accessory dwelling unit must be compliant with building codes as determined by the Chief Building Inspector.

Where Accessory Dwelling Units are proposed; all parking of vehicles associated with the entirety of the residential use on property should occur on the private property and not on the Public Right of Way on a regular basis.

ACCESSORY DETACHED DWELLING UNITS will not be permitted within FEMA designated or other Regulatory FLOOD PLAIN OR FLOODWAY portions of a property in keeping with ARTICLE 5.6 - The Floodplain Zoning Ordinance.

Homes which already possess an Internal Accessory Dwelling Quarters may ALSO possess or add on ONE accessory Detached Dwelling Unit (revised 10/19/2020 resolution 20-10-20)

- A-2: INTERNAL ACCESSORY DWELLING QUARTERS - Must have adequate septic or Sanitary (Or other public utility operated) Sewer System capacity to accommodate the addition of one bedroom. Must be no more than 600 square feet in size when accounting for the bedroom or sleeping quarters, accessory kitchen area, accessory bathroom area, and any associated dining room, living or entertaining area; commonly referred to as the total heated area. Internal accessory dwelling quarters_MUST comply with permanent foundation provisions found in SECTION 3.12.04 of the Wilson County Zoning Ordinance in accordance with the language for principle single family and two-family residential structures. Total number of Internal accessory dwelling quarters permitted on a property is limited to one.

No internal accessory dwelling quarters may be used as a Bed and Breakfast/Inn (or Short-term Rental) without receiving approval from the Board of Zoning Appeals to do so.

All spaces proposed for use an internal accessory dwelling quarters must be compliant with building codes as determined by the Chief Building inspector.

Where Internal Accessory Dwelling Quarters are proposed; all parking of vehicles associated with the entirety of the residential use on property should occur on the private property and not on the Public Right of Way on a regular basis. (revised 10/19/2020 resolution 20-10-20)

- B. Farming;
- C. Home occupation as defined in Article 2 of this regulation;
- D. Accessory uses or structures customarily incidental to the permitted uses;

5.10.03 USES PERMISSIBLE ON APPEAL

The following uses may be permitted by the Wilson County Board of Zoning Appeals as a “Use Permissible on appeal” in accordance with the provisions of Section 6.40 of these regulations.

- A. Church;
- B. Country club;
- C. Golf course;
- D. Group home;
- E. Library;
- E. Public recreation area;
- G. deleted 9/20/93
- H. School;
- I. Utility and/or governmental uses;
- J. Other similar uses as reviewed and approved by the Board of Zoning Appeals.
- K. Bed and Breakfast Facility (RES 18-3-6) (revised RES 24-4-2)
 - 1. Bed and Breakfast Facilities or other forms of short-term rental must possess on-site caretaker either living on premises or on a premises within ten (10) miles of the Bed and Breakfast Facility to oversee operations.
 - 2. Bed and Breakfast Facilities or other forms of short-term rental shall also provide contact information for the local caretaker, as outlined in item one (1) above, as well as contact information for the actual owner of the property if different from the local caretaker. This information shall be provided to the County Sherriff’s office, the County Zoning Office, and the Wilson Emergency Management Agency. Such required contact information shall include Name, a Valid Mailing Address, Phone number and Email address for the Caretaker and the owner of the property respectively. This information will be required upon approval of any Bed and Breakfast use, as defined in the Wilson County Zoning Resolution, by the Board of Zoning Appeals and prior to commencing operations.
 - 3. Bed and Breakfast facilities or other forms of short-term rental as outlined by the Wilson County Zoning Resolution shall be required to meet the rules of the Tennessee Department of

Health division of Food and Sanitation Chapter 1200-23-2 titled bed and breakfast establishments, where deemed applicable by officials of the Tennessee Department of Health.

4. Bed and Breakfast facilities or other forms of short-term rental as outlined by the Wilson County Zoning Resolution shall be required to have viable sewer or septic as determined by the Tennessee Department of Environment and Conservation.
5. All properties for which this use is approved must have a minimum of two (2) acres.
6. This use will be approved in increments with the option to request renewal or extension at the end of that time period.

5.10.04 USES PROHIBITED

- A. Automobile Salvage Yards
No more than two (2) unserviceable vehicles as defined in Article 2 may be maintained on a parcel of land. (resolution 19-6-12)
- B. Automobile Graveyards
No more than two (2) unserviceable vehicles as defined in Article 2 may be maintained on a parcel of land. (resolution 19-6-12)
- C. Dwelling, two-family [revised resolution 23-5-7] (revised court docket #2023-CV-167) (revised resolution 25-11-13)
- D. Dwelling, multi-family [revised resolution 23-5-7] (revised court docket # 2023-CV-167) (revised resolution 25-11-13)
- E. Mobile homes except on individually owned lots; group housing; billboards and similar advertising structures; uses not specifically permitted or permissible on appeal.
- F. Travel Trailers as defined in the Wilson County Zoning Ordinance are not permitted as a permanent dwelling and therefore, the County Zoning Administrator will not release electrical permits for such to be connected in one location for an extended period, nor will the Administrator issue building permits or occupancy permit for these structures unless they are converted and constructed with a permanent foundation and required perimeter foundation wall across all sides of the structure. Travel Trailers ARE however permitted to be stored on a property in this zone district as long as they are owned by the property owner and as long as no one inhabits said trailer for generally more than two weeks at a time. (resolution 19-6-16)

5.10.05 AREA REGULATIONS

- A. FRONT YARD. All principal and accessory structures shall be set back for the right-of-way lines of streets the minimum distance shown below, according to their classifications as indicated on the latest official major thoroughfare plan:
1. Arterial Streets - sixty (60) feet
 2. Collector Streets - forty (40) feet
 3. Minor Streets - thirty (30) feet
 4. Churches, schools and other main and accessory structures, other than dwellings, shall have a minimum front yard setback of sixty (60) feet. [resolution 20-10-20]
- B. SIDE YARD
1. For single and two-story structures located on interior lots, side yards shall be not less than fifteen (15) feet in width for a principal structure, and not less than ten (10) feet for an accessory structure. [resolution 15-2-12]
 2. For corner lots created prior to March 5, 1990, there shall be a street side setback of not less than twenty-two and one-half (22 1/2) feet. [12/13/93]
 3. For structures of three (3) stories there shall be side yards of not less than twenty-five (25) feet each.
 4. The minimum spacing between accessory structures and any other structure on the same property shall be eight feet (8'-0") wall to wall between walled structures. [revised 10/19/2020 resolution 20-10-20]
 5. All other structures shall be set back a minimum of thirty (30) feet from side lot lines.
- C. REAR YARD
1. For principal structures (not served by public sewer system) there shall be a rear yard of not less than forty (40) feet. [revised 12-13-93 revised resolution 07-7-4]
 2. For principal structures, served by public sewer system, there shall be a rear yard of not less than thirty (30) feet. [revised 12-13-93] [revised resolution 07-7-4]
 3. For accessory structures there shall be a rear yard of not less than ten (10) feet.

D. SPACING OF STRUCTURES. There shall be a minimum distance of five (5) feet between structures on a lot.

E. LOT WIDTH

1. Where dwellings are served by a public sewer system there shall be a minimum lot width of ninety (90) feet at the front building line. [revised resolution 07-7-4]

Amendment applies only to developments of five (5) lots or more. [revised 4/21/97]

2. Where dwellings are not served by a public sewer system there shall be a minimum lot width of one hundred twenty-five (125) feet at the front building line. If soils analysis permits a minimum lot area of thirty thousand (30,000) square feet, there shall be a minimum lot width of one hundred (100) feet at the front building line. [revised 8-24-90]
[resolution 07-7-4]

3. Where building lots have more than one-half (1/2) of their frontage on the bulb of a cul-de-sac street there shall be a minimum lot width at the front building line of ninety-five (95) feet where no public sewer system is available, and seventy-five (75) feet where a public sewer system is available.
[resolution 07-7-4]

4. For institutional uses there shall be a minimum lot width at the front building line of two hundred fifty (250) feet.

5. For all other permitted uses there shall be a minimum lot width at the front building line of two hundred (200) feet.

F. MINIMUM LOT AREA

1. Not more than one (1) single-family dwelling shall be permitted on any lot.

2. Each lot served by a public water system and a public sewer system shall have a minimum lot area of not less than forty (40,000) square feet. [revised 6/23/00] [revised resolution 07-7-4] (revised resolution 23-5-7) (revised court docket # 2023-CV-167) (revised resolution 25-11-13)
3. Each lot not served by a public sewer system but served by a public water system shall have a minimum lot area of forty thousand (40,000) square feet; however, a greater lot area may be required based on recommendations by the State of Tennessee Department of Environment and Conservation. [revised 8-24-90] [revised resolution 07-7-4] (revised resolution 23-5-7) (revised court docket # 2023-CV-167) (revised resolution 25-11-13)
4. Each lot not served by a public water supply shall have a minimum lot area of forty (40,000) square feet; however, a greater lot area may be required based on recommendations by the State of Tennessee Department of Environment and Conservation. (revised resolution 23-5-7) (revised court docket # 2023-CV-167) (revised resolution 25-11-13)

G. **MAXIMUM LOT COVERAGE.** Main and accessory structures shall cover not more than thirty-five (35) percent of the lot area. Accessory structures shall not cover more than twenty (20) percent of any rear yard.

5.10.06 **HEIGHT REGULATIONS.** No principal structure shall exceed three (3) stories or thirty-five (35) feet in height.

Accessory structures which meet minimum accessory setbacks shall not exceed exceed twenty-two (22) feet in height [revised resolution 15-2-13]. Accessory structures which meet minimum principal setbacks shall not exceed thirty (30) feet in height. Accessory structures which meet minimum accessory setbacks, but do not meet minimum principal setbacks of their zoning district may be up to thirty (30) feet in height IF they match the predominant two (2) roof pitch angles and building material of the primary residential structure.

5.10.07 **OFF-STREET PARKING.**
As regulated in Section 3.50 of these regulations.

5.10.08 **SIGNS (Resolution 19-6-3)**

Any on-site signage ground signage erected for the purposes of advertising a business (excepting home occupations which must follow sign provisions specific to home occupations), a church, a school, a neighborhood, a park, or other similar non-private residential feature shall be erected as a ground mounted monument style sign.

SECTION 5.11 **SUBURBAN RESIDENTIAL (R-2)**

5.11.01 GENERAL INTENT

This district is intended to accommodate single-family and two-family dwelling units in suburban areas of the county. These areas

are characterized by direct access to major collector and arterial streets, relatively medium densities of development, wider ranges of land uses, and availability of public utilities. It is intended that all uses permitted or permissible on appeal in this district shall be served by a public water system and a public sewer system. [resolution 07-7-4] (revised resolution 23-5-7) (revised court docket # 2023-CV-167) (revised resolution 25-11-13)

Within R-2 Suburban Residential Districts as shown on the Official Zoning Atlas of Wilson County, the following regulations shall apply.

5.11.02 USES PERMITTED

A. Dwelling, Single-family;

A-1: ACCESSORY DETACHED DWELLING UNITS Must have adequate septic or Sanitary (Or other public utility operated) Sewer System capacity to accommodate the addition of one bedroom. Must be no more than 1000 square feet in size when accounting for the bedroom or sleeping quarters, accessory kitchen area, accessory bathroom area, associated dining room, and living area; commonly referred to as the total heated area.

- Accessory Dwelling Units “Accessory Dwelling Units MUST have permanent connection to all public utilities in accordance with the rules, regulations and requirements of each public utility provider and will comply with permanent foundation provisions found in SECTION 3.12.04 of the Wilson County Zoning Ordinance in accordance with the language for principle single family and two-family residential structures. Total number of accessory Dwelling units permitted on a property is limited to one. No Accessory Dwelling Unit may be used as a Bed and Breakfast/Inn (or Short-term Rental) without receiving approval from the Board of Zoning Appeals to do so.

All structures proposed for use as an accessory dwelling unit must be compliant with building codes as determined by the Chief Building Inspector.

Where Accessory Dwelling Units are proposed; all parking of vehicles associated with the entirety of the residential use on property should occur on the private property and not on the Public Right of Way on a regular basis.

ACCESSORY DETACHED DWELLING UNITS will not be permitted within FEMA designated or other Regulatory FLOOD PLAIN OR FLOODWAY portions of a property in keeping with ARTICLE 5.6 - The Floodplain Zoning Ordinance.

Homes which already possess an Internal Accessory Dwelling Quarters may ALSO possess or add on ONE accessory Detached Dwelling Unit (revised 10/19/2020 resolution 20-10-20)

- A-2: INTERNAL ACCESSORY DWELLING QUARTERS_- Must have adequate septic or Sanitary (Or other public utility operated) Sewer System capacity to accommodate the addition of one bedroom. Must be no more than 600 square feet in size when accounting for the bedroom or sleeping quarters, accessory kitchen area, accessory bathroom area, and any associated dining room, living or entertaining area; commonly referred to as the total heated area. Internal accessory dwelling quarters_MUST comply with permanent foundation provisions found in SECTION 3.12.04 of the Wilson County Zoning Ordinance in accordance with the language for principle single family and two-family residential structures. Total number of Internal accessory dwelling quarters permitted on a property is limited to one.

No internal accessory dwelling quarters may be used as a Bed and Breakfast/Inn (or Short-term Rental) without receiving approval from the Board of Zoning Appeals to do so.

All spaces proposed for use an internal accessory dwelling quarters must be compliant with building codes as determined by the Chief Building inspector.

Where Internal Accessory Dwelling Quarters are proposed; all parking of vehicles associated with the entirety of the residential use on property should occur on the private property and not on the Public Right of Way on a regular basis. (revised 10/19/2020 resolution 20-10-20)

- B. deleted (revised resolution 23-5-7) (revised court docket 2023-CV-167) (revised resolution 25-11-13)
- C. Dwelling, Two-family;
- D. Farming;
- E. Home occupation as defined in Article 2 of this regulation;
- F. Accessory uses or structures customarily incidental to the permitted uses.

5.11.03 USES PERMISSIBLE ON APPEAL

The following uses may be permitted by the Wilson County Board of Zoning Appeals as a "Use Permissible on appeal" in accordance with the provisions of

Section 6.40 of these regulations.

- A. Church;
- B. Country club;
- C. Golf course;
- D. Group home;
- E. Hospital;
- F. Library;
- G. Nursing home;
- H. Public recreation area;
- I. Retirement center;
- J. DELETED 9/20/93
- K. School;
- L. Utility and/or governmental use;
- M. Other similar uses as reviewed and approved by the Board of Zoning Appeals.
- O. Bed and Breakfast Facilities (RES 24-12-8)
 - 1. Bed and Breakfast Facilities or other forms of short-term rental must possess on-site caretaker either living on-premises or on-premises within ten (10) miles of the Bed and Breakfast Facility to oversee operations.
 - 2. Bed and Breakfast Facilities or other forms of short-term rental shall also provide contact information for the local caretaker, as outlined in item 1 above, as well as, contact information for the actual owner of the property if different from the local caretaker. This information shall be provided to the County Sherriff's Office, the County Zoning Office, and the Wilson Emergency Management Agency. Such required contact information shall include Name, a Valid Mailing Address, Phone number and Email address for the Caretaker and the owner of the property respectively. This information will be required upon approval of any Bed and Breakfast use, as defined in the Wilson County Zoning Resolution, by the Board of Zoning Appeals and prior to commencing operations.
 - 3. Bed and Breakfast facilities or other forms of short-term rental as outlined by the Wilson County Zoning Resolution shall be required to meet the rules of the Tennessee Department of Health division of Food and Sanitation Chapter 1200-23-2 titled bed and breakfast

establishments, where deemed applicable by officials of the Tennessee Department of Health.

4. Bed and Breakfast facilities or other forms of short-term rental as outlined by the Wilson County Zoning Resolution shall be required to have viable sewer or septic as determined by the Tennessee Department of Environment and Conservation.
5. All properties for which this use is approved must have a minimum of two (2) acres
6. This use will be approved in increments with option to request renewal or extension at the end of that time period.

5.11.04 USES PROHIBITED

- A. Automobile Salvage Yards
No more than two (2) unserviceable vehicles as defined in Article 2 may be maintained on a parcel of land.
(resolution 19-6-12)
- B. Automobile Graveyards
No more than two (2) unserviceable vehicles as defined in Article 2 may be maintained on a parcel of land.
(resolution 19-6-12)
- C. Billboards and similar commercial advertising structures;
- D. deleted-[revised resolution 23-5-7] (revised court docket # 2023-CV-167) (revised resolution 25-11-13)
- E. Uses not specifically permitted or permissible on appeal.
- F. Travel Trailers as defined in the Wilson County Zoning Ordinance are not permitted as a permanent dwelling and therefore, the County Zoning Administrator will not release electrical permits for such to be connected in one location for an extended period, nor will the Administrator issue building permits or occupancy permit for these structures unless they are converted and constructed with a permanent foundation and required perimeter foundation wall across all sides of the structure. Travel Trailers ARE however permitted to be stored on a property in this zone district as long as they are owned by the property owner and as long as no one inhabits said trailer for generally more than two weeks at a time.
(resolution 19-6-16)

5.11.05 AREA REGULATIONS. All buildings shall be set back from the street or road right-of-way lines and lot lines to comply with the following yard requirements.

- A. FRONT YARD. All principal and accessory structures shall be set back from the right-of-way lines of streets the minimum distance shown below, according to their classifications as indicated on the latest official major thoroughfare plan:
1. Arterial Streets - sixty (60) feet
 2. Collector Streets - forty (40) feet
 3. Minor Streets - thirty (30) feet
 4. Churches, hospitals, schools, and other main and accessory structures, other than dwellings, shall have a minimum front yard setback of sixty (60) feet.
- B. SIDE YARD
1. For dwellings, located on interior lots, there shall be minimum side yards of ten (10) feet.
 2. For structures more than two (2) stories in height one (1) foot additional side yard on each side of the structure shall be added for each additional story above two (2) stories.
 3. For accessory structures there shall be a side yard of not less than ten (10) feet. [resolution 15-2-12]
 4. All other structures shall be set back a minimum of thirty (30) feet from side lot lines.

The minimum spacing between accessory structures and any other structure on the same property shall be eight feet (8'-0") wall to wall between walled structures.
[revised 10/19/2020 resolution 20-10-20]
- C. REAR YARD
1. For principal structures of three (3) stories in height and less, there shall be a rear yard of not less than thirty (30) feet.
 2. For all principal structures more than three (3) stories in height, there shall be a rear yard of not less than thirty-five (35) feet.
 3. Accessory structures shall not be located closer to any rear lot line than ten (10) feet.
- D. SPACING OF STRUCTURES. There shall be a minimum distance of five (5) feet between structures on a lot.
- E. LOT WIDTH
1. For single and two-family dwellings there shall be a minimum lot

width of seventy-five (75) feet at the front building line.

2. For single and two-family dwellings having more than one-half (1/2) of their frontage on the bulb of a cul-de-sac there shall be a minimum lot width of seventy-five (75) feet at the front building line
3. For multiple-family dwellings there shall be a minimum lot width of one hundred of one hundred (100) feet at the front building line.
4. For institutional uses there shall be a minimum lot width of two hundred fifty (250) feet at the front building line.
5. For all other permitted uses there shall be a minimum lot width of two hundred (200) feet at the front building line.

F. MINIMUM LOT AREA

1. For each single-family dwelling there shall be a lot area of not less than forty thousand (40,000) square feet.
(revised resolution 23-5-7) (revised court docket # 2023-CV-167)
(revised resolution 25-11-13)
2. For each single-family dwelling served by a public water system and a public sewer system there shall be a minimum lot area of not less than twenty thousand (20,000) square feet. (revised resolution 23-5-7) (revised court docket # 2023-CV-167) (revised resolution 25-11-13)
3. For each two-family dwelling there shall be a minimum lot area of not less than thirty thousand (30,000) square feet. (revised resolution 23-5-7) (revised court docket # 2023-CV-167) (revised resolution 25-11-13)
4. deleted (revised resolution 23-5-7) (revised court docket # 2023-CV-167) (revised resolution 25-11-13)
5. For churches and other permitted uses, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in Section 3.50 of these Regulations; provided, however, that the lot area for a church shall not be less than thirty thousand (30,000) square feet.
6. For all property not served by public sewer system, the uses and area regulations shall conform with the requirements in Section 5.10 of these regulations. [revised resolution 07-7-4]

G. MAXIMUM LOT COVERAGE.

The maximum lot area which may be covered by principal and accessory structures shall be thirty (30) percent. Accessory structures shall not cover more than twenty (20) percent of any rear yard.

5.11.06 HEIGHT REGULATIONS. Principal structures shall not exceed

thirty-five (35) feet in height.

Accessory structures shall not exceed thirty (30) feet in height
[revised resolution 15-2-13]

5.11.07 OFF-STREET PARKING.

As regulated in Section 3.50 of these Regulations.

5.11.08 SIGNS

Any on-site signage ground signage erected for the purposes of advertising a business (excepting home occupations which must follow sign provisions specific to home occupations), a church, a school, a neighborhood, a park, or other similar non-private residential feature shall be erected as a ground mounted monument style sign. (Resolution 19-6-3)

5.12.01 GENERAL INTENT

The regulations set forth in this zoning district are intended to provide methods of residential land development which are alternatives to standard single-family detached dwelling units on individual large lots. The intent is to encourage and facilitate imaginative and innovative land planning and design solutions, particularly where challenging environmental issues must be addressed. The resulting residential communities would be characterized by a comprehensive site development approach which is responsive to issues of access, topography, surrounding land uses, internal circulation, siting of individual units in the context of the overall development, and site-specific concerns of storm drainage, pedestrian circulation, and open space. As such R-3 Planned Developments will require submittal of a master plan for development that is to be approved by the County Commission. It is also intended that all uses in this district shall be served by a public water system and a public sewer system. [resolution 07-7-4]

A planned unit development will typically consist of a minimum site size of ten (10) acres and may include substantially larger sites. Total unit density must remain below eight (8) units an acre.

Within R-3 Planned Residential Districts, as shown on the Official Zoning Atlas of Wilson County, the following regulations shall apply.

5.12.02 USES PERMITTED

1. Dwelling, Single-family attached and detached;
2. Dwelling, Multi-family; with compliance with Article 4.20 as amended
3. Dwelling, Two-family;
4. Mobile homes in mobile home parks, pursuant to the requirements set forth in Section 4.20;
5. Nursing home;
6. Retirement center;
7. Deleted 9/20/93
8. Assisted living facilities (revised resolution 23-5-7) (revised court docket # 2023-CV-167) (revised resolution 25-11-13)
9. Hospitals (revised resolution 23-5-7) (revised court docket # 2023-CV-167) (revised resolution 25-11-13)
10. Retirement Center (revised resolution 23-5-7) (revised court docket # 2023-CV-167) (revised resolution 25-11-13)
11. Utility and/or governmental use.

5.12.03 USES PERMISSIBLE ON APPEAL (revised resolution 23-5-7) (revised court docket # 2023-CV-167) (revised resolution 25-11-13)

- A. deleted
- B. A minimum of eight (8) percent of the gross development area shall be set aside for usable open space and recreational use. Any open area required by provisions elsewhere in this regulation shall be counted as contributing toward the eight (8) percent requirement. The following recreation uses may be permitted, however, any structures included in such uses shall have a setback of thirty-five (35) feet from all peripheral boundaries:
 - 1. Community center, including but not limited to a swimming pool, tennis court(s) and playground;
 - 2. Golf course;
 - 3. Similar public recreational uses.

All such area shall be designated on the site plan for such uses, shall be referenced in the deed restrictions, and shall be provided for through a performance bond where initial construction is not accomplished.
- C. Education uses (public and/or private schools providing general instruction in accordance with state requirements) and libraries;
- D. Churches and other religious institutions.
- E. Nonprofit clubs for recreational benefit of members (country clubs, swimming, tennis).

5.12.04 USES PROHIBITED

- A. Mobile homes except in mobile home parks;
- B. Privately operated day-care center;
- C. Uses not specifically permitted or permissible on appeal.

5.12.05 AREA REGULATIONS. All buildings and structures shall be set back from street or road right-of-way lines and from the periphery of

the project to comply with the following requirements:

- A. STRUCTURE LOCATION REQUIREMENTS. There shall be a minimum distance of thirty (30) feet between structures and all street right-of-way lines. Except for single-family attached dwellings, there shall be a minimum distance of fourteen (14) feet between structures. When side or rear yards are zero, there shall be provisions for the privacy of individual dwelling units and the maintenance of exterior walls which face adjacent properties.
 - B. PERIPHERAL BOUNDARY. All buildings or structures shall be set back from the peripheral boundary at least thirty-five (35) feet.
 - C. LOT AREA AND SIZE. There shall be no minimum lot size.
 - D. MAXIMUM LOT COVERAGE. The maximum lot area which may be covered by buildings shall be forty (40) percent of the total area of the lot.
 - E. Mobile Home Parks and Group Housing Developments shall meet the requirements of Section 4.20 of this Regulation.
- 5.12.06 HEIGHT REGULATIONS. All structures shall have a maximum height of fifty-five (55) feet with sprinklering and fire suppression to WEMA/Fire Marshall satisfaction. (revised resolution 23-5-7) (revised court docket # 2023-CV-167) (revised resolution 25-11-13)
- 5.12.07 OFF-STREET PARKING.
As regulated in Section 3.50 of these Regulations.
- 5.12.08 HOUSING DENSITY. The actual density of development shall not exceed eight (8) units per acre, excluding areas set aside for non-residential uses. (revised resolution 23-5-7) (revised court docket # 2023-CV-167) (revised resolution 25-11-13)
- 5.12.09 ADMINISTRATIVE PROCEDURE FOR REVIEW AND APPROVAL OF A PLANNED RESIDENTIAL DEVELOPMENT

- A. A written application for review and approval of the site development plan must be filed with the Planning Commission and/or County Commission. The site development plan must be approved by the Planning Commission and/or County Commission before a building permit can be issued for development of any property within the development. The site development plan shall comply with Article 4 and Section 6.40 of these Regulations, the Wilson County Subdivision Regulations (where applicable), and in addition shall meet the following requirements: (revised resolution 23-5-7) (revised court docket #2023-CV-167) (revised resolution 25-11-13)
1. An overall development plan must be submitted with, and be a part of, the application for rezoning. The plan must identify the proposed use(s), location and dimensions of proposed public rights-of-way, private streets, parks, and common spaces proposed to be part of the plan.
 2. The development plan shall be prepared by and have the seal of an architect or engineer duly registered to practice in the State of Tennessee.
 3. The Planning Commission and/or County Commission may require revisions in the site plan concerning any design feature, including but not limited to, layout, internal circulation, access, drainage and buffering from surrounding land uses. In exercising the review power, the Planning Commission and/or County Commission shall be guided by principles of land use planning, and site design, and the minimum requirements for subdivision of land in Wilson County. (revised resolution 23-5-7) (revised court docket # 2023-CV-167) (revised resolution 25-11-13)
- In order to protect the interests of the general public and the surrounding property owners, and to provide a public record of the requirements and commitments made by the developer, appropriate deed restrictions shall be filed with the site development plan. Before a building permit can be issued, the deed restrictions shall be recorded in the Registers Office of Wilson County.
4. Applications for rezoning to the Planned Residential (R-3) zoning districts must be filed by the property owner or his legal representative.
- B. In addition to the above requirements, proposals for developments which subdivide, and transfer property shall meet the requirements

of the Wilson County Subdivision Regulations and shall be prepared and reviewed according to the plat approval provisions of those regulations.

- C. Existing developed R-3 properties will be grandfathered into their previous approval but significant revision in use mix or redevelopment above 30% of units of the originally approved development will require a revised master plan approval by the County Commission. [revised resolution 23-5-7] (revised court docket # 2023-CV-167) (revised resolution 25-11-13)

5.12.10 Signs

Any on-site signage ground signage erected for the purposes of advertising a business (excepting home occupations which must follow sign provisions specific to home occupations), a church, a school, a neighborhood, a park, or other similar non-private residential feature shall be erected as a ground mounted monument style sign. (Resolution 19-6-3)

5.20.01 GENERAL INTENT

This district is intended to accommodate uses typically conducted in agricultural areas, in addition to rural density residential uses.

Within A-1 Agricultural Districts as shown on the Official Zoning Atlas of Wilson County, the following regulations shall apply.

5.20.02 USES PERMITTED

A. Dwelling, Single-family;

A-1: ACCESSORY DETACHED DWELLING UNITS Must have adequate septic or Sanitary (Or other public utility operated) Sewer System capacity to accommodate the addition of one bedroom. Must be no more than 1000 square feet in size when accounting for the bedroom or sleeping quarters, accessory kitchen area, accessory bathroom area, associated dining room and living area; commonly referred to as the total heated area. Accessory Dwelling Units as defined under ARTICLE 2, SECTION 2.20.

- Accessory Dwelling Units MUST have permanent connection to all public utilities in accordance with the rules, regulations and requirements of each public utility provider and will comply with permanent foundation provisions found in SECTION 3.12.04 of the Wilson County Zoning Ordinance in accordance with the language for principle single family and two-family residential structures. Total number of accessory Dwelling units permitted on a property is limited to one. No Accessory Dwelling Unit may be used as a Bed and Breakfast/Inn (or Short-term Rental) without receiving approval from the Board of Zoning Appeals to do so.

All structures proposed for use as an accessory dwelling unit must be compliant with building codes as determined by the Chief Building Inspector.

Where Accessory Dwelling Units are proposed; all parking of vehicles associated with the entirety of the residential use on property should occur on the private property and not on the Public Right of Way on a regular basis.

Accessory Dwelling Units will not be permitted within FEMA designated or other Regulatory FLOOD PLAIN OR FLOODWAY portions of a property in keeping with ARTICLE 5.6 - The Floodplain Zoning Ordinance.

Homes which already possess an Internal Accessory Dwelling Quarters may ALSO possess or add on ONE accessory Detached Dwelling Unit (revised 10/19/2020 resolution 20-10-20)

A-2: INTERNAL ACCESSORY DWELLING QUARTERS_- Must have adequate septic or Sanitary (Or other public utility operated) Sewer System capacity to accommodate the addition of one bedroom. Must be no more than 600 square feet in size when accounting for the bedroom or sleeping quarters, accessory kitchen area, accessory bathroom area, and any associated dining room, living or entertaining area; commonly referred to as the total heated area. Internal accessory dwelling quarters_MUST comply with permanent foundation provisions found in SECTION 3.12.04 of the Wilson County Zoning Ordinance in accordance with the language for principle single family and two-family residential structures. Total number of Internal accessory dwelling quarters permitted on a property is limited to one.

No internal accessory dwelling quarters may be used as a Bed and Breakfast/Inn (or Short-term Rental) without receiving approval from the Board of Zoning Appeals to do so.

All spaces proposed for use an internal accessory dwelling quarters must be compliant with building codes as determined by the Chief Building inspector.

Where Internal Accessory Dwelling Quarters are proposed; all parking of vehicles associated with the entirety of the residential use on property should occur on the private property and not on the Public Right of Way on a regular basis. (revised 10/19/2020 resolution 20-10-20)

- B. Dwelling, Two-family;
- C. Farming;
- D. Home occupation as defined in Article 2 of this Regulation, including but not limited to day care, real estate agent, surveyor, physician, beautician, artist, and accountant;
- E. Roadside stand where such use is occurring only during periods of harvest of locally-produced agricultural products;
- F. Accessory structures and uses customarily incidental to the above permitted uses.

5.20.03 USES PERMISSIBLE ON APPEAL
(revised 12/15/2003 resolution 03-12-2)

5.20.03.1 USES PERMISSIBLE ON APPEAL

The following uses may be permissible on appeal by the Board of Zoning Appeals in accordance with provisions contained in Section 6.40 of these regulations and with provisions herein described:

1. All proposed uses on appeal must be accompanied by a general development plan which clearly illustrates how the facility will relate to and affect surrounding properties. Said Development plan shall include:
 - a. General layout of the facility complete with location and dimension of all structures and distances from property lines.
 - b. Location, Dimension, and proposed number of parking spaces to include width of circulation drives.
 - c. Any proposed means of dealing with common nuisances associated with the listed use on appeal may be submitted for Board of Zoning Appeals consideration.
2. Any use on appeal approved under this provision is subject to meeting additional buffering, landscaping criteria, etc. as deemed necessary by the Board of Zoning Appeals to insure harmony of character and to protect the general health, safety, and welfare of the surrounding area.

- A. Aircraft landing field, hangars and equipment.

The general intent of this subsection is to insure the orderly

development of aircraft landing fields, hangars, equipment and local traffic patterns in Agricultural zones, which will also afford some protection to residences in the area and which will hereby promote the public health, safety, and general welfare of the citizens of Wilson County. If approved, a site development plan of the proposed airfield shall be submitted to the Wilson County Planning Commission for approval.

1. In addition to the requirements set forth in Section 6.20.25 of this Regulation, the site development plan shall indicate plans for the runways, local traffic pattern, hangars and other incidental uses of the airport.
2. Where airport landing fields and hangars are already established in the county, plans for the expansion or additional buildings, run-ways, hangars, or where local traffic pattern has been changed because of expansion, or where additional uses are added such as the sale of planes, flight schools, or eating establishments (except vending machines) shall be submitted to the Board of Zoning Appeals and Planning Commission for approval.

The Board of Zoning Appeals shall have the power to authorize the issuance of a permit after the plans have been approved and certified, and before a permit can be issued by the Building Inspector for an addition to an existing operation or the location of a new airport, if the Board finds that the conditions are such that the location or expansion will not:

- a. Increase the hazard from planes flying over houses during take-off and landing procedures.
 - b. Increase the traffic congestion in the public streets and highways adjacent to the airport.
 - c. Otherwise impair the public health, safety, and general welfare of the inhabitants of Wilson County.
- B. Barber Shop and Beauty Shop;
- C. Bed and Breakfast Facility: (RES 18-3-6) (revised RES 24-4-2) (revised RES 24-12-8)

- Bed and Breakfast Facilities or other forms of short-term rental must possess on-site caretaker either living on-premises or on-premises within ten (10) miles of the Bed and Breakfast Facility to oversee operations.
 - Bed and Breakfast Facilities or other forms of short-term rental shall also provide contact information for the local caretaker, as outlined in item 1 above, as well as, contact information for the actual owner of the property if different from the local caretaker. This information shall be provided to the County Sherriff's Office, the County Zoning Office, and the Wilson Emergency Management Agency. Such required contact information shall include Name, a Valid Mailing Address, Phone number and Email address for the Caretaker and the owner of the property respectively. This information will be required upon approval of any Bed and Breakfast use, as defined in the Wilson County Zoning Resolution, by the Board of Zoning Appeals and prior to commencing operations.
3. Bed and Breakfast facilities or other forms of short-term rental as outlined by the Wilson County Zoning Resolution shall be required to meet the rules of the Tennessee Department of Health division of Food and Sanitation Chapter 1200-23-2 titled bed and breakfast establishments, where deemed applicable by officials of the Tennessee Department of Health.
 4. Bed and Breakfast facilities or other forms of short-term rental as outlined by the Wilson County Zoning Resolution shall be required to have viable sewer or septic as determined by the Tennessee Department of Environment and Conservation.
 5. All properties for which this use is approved must have a minimum of two (2) acres
 6. This use will be approved in increments with option to request renewal or extension at the end of that time period.
- D. Bicycle service and repair;
 - E. Caretaker's apartment for permitted uses

- F. Cemetery;
 - 1. Any cemetery approved under this provision must be recorded in the Register of Deeds Office by plat and/or boundary survey.
- G. Church;
- H. Commercial animal facility;
- I. Convenience Market:
 - 1. Convenience Markers allowed using this provision must be located with direct access to an arterial or collector on the Wilson County Major Thoroughfare Plan.
- J. Country Club;
 - 1. Any Country Club allowed using this provision must either be affiliated with and adequately incorporated into the design of a residential subdivision development; or it must be located with direct access on a collector or arterial route as indicated in the Wilson County Major Thoroughfare Plan.
- K. Day Care Center
 - 1. Proposed Day Care Center must adhere to all state and/or federal regulations governing said use.
- L. Dog kennel;
 - 1. Dog/Animal kennels proposed herein must be located on parcels or tracts of land more than five (5) acres in size to further insure adequate separation from neighboring properties.
 - 2. Proposed Kennels must further adhere to all pertinent regulations of the State of Tennessee governing such uses.
 - 3. All kennel facilities must be located a minimum of 500 feet from neighboring residential or agricultural zoned properties.
- M. Florist Shop;

- N. Gasoline Service Station:
 - 1. Gasoline service stations allowed using this provision must

be located with direct access to a collector or arterial on the Wilson County Major Thoroughfare Plan.

- O. Gift Shop;
- P. Golf course;
 - 1. Golf Courses allowed using this provision must either be adequately incorporated into the design of a residential subdivision development; or it must be located with direct access on a collector or arterial route as indicated in the Wilson County Major Thoroughfare Plan.
- Q. Group home;
- R. Hospital;
 - 1. Any Hospital allowed using this provision must be located with direct access to an arterial as specified in the Wilson County Major Thoroughfare Plan. Furthermore, these facilities must be served by public water.
- S. Library;
- T. Livestock holding/feeding area;
- U. Marina, subject to the provisions in Section 4.30
- V. Medical Clinic;
 - 1. Any Clinic allowed using this provision must be located with direct access on a designated arterial as specified in the Wilson county Major Thoroughfare Plan. Furthermore, these facilities must be served by a public water system.
- W. Nursing home;
 - 1. Nursing homes allowed using this provision must be located with direct access on a designated arterial as specified in the Wilson County Major Thoroughfare Plan. Furthermore, these facilities must be served by public sewer system.
[resolution 07-7-4]

- X. Pharmacy as accessory to Hospital, Medical Clinic, or Nursing Home;

- Y. Public Recreational Facilities - Defined as those recreational facilities designed and intended for public use. Said facilities are generally characterized as being of a non-commercial nature and are further characterized by their civic contributions through provision of community sports complexes, community recreation centers, Senior Citizens Centers, Community Playgrounds or other forms of community-oriented facilities. Recreational facilities of a commercial character should be more appropriately considered within the confines of a commercial zone district. (revised 03/17/03) (resolution 03-3-15)
- Z. Retirement center;
 - 1. Retirement Centers allowed using this provision must either be adequately incorporated into the design of a residential subdivision or development or have direct access on a designated collector or arterial as specified in the Wilson County Major Thorough Plan. Furthermore, these facilities must be served by public sewer system. [revised resolution 07-7-4]
- AA. School;
- BB. Service uses;
- CC. Utility and/or governmental use;
- DD. Other similar uses as reviewed and approved by the Board of Zoning Appeals.

5.20.04 USES PROHIBITED

- A. Automobile Salvage Yards
No more than two (2) unserviceable vehicles as defined in Article 2 may be maintained on a parcel of land. (resolution 19-6-12)
- B. Automobile Grave Yards
No more than two (2) unserviceable vehicles as defined in Article 2 may be maintained on a parcel of land. (resolution 19-6-12)
- C. Travel Trailers as defined in the Wilson County Zoning Ordinance are not permitted as a permanent dwelling and therefore, the County Zoning Administrator will not release electrical permits for such to be connected in one location for an extended period, nor will the Administrator issue building permits or occupancy permit for these structures unless they are converted and constructed with a permanent foundation and required perimeter foundation wall across all sides of the structure. Travel Trailers ARE however permitted to be stored on a property in this zone district as long as they are owned by the property owner and as long as no one inhabits said trailer for generally more than two weeks at a time. (resolution 19-6-16)
- D. Uses not specifically permitted or permissible on appeal.

- A. FRONT YARD. All principal and accessory structures shall be set back from the right-of-way lines of streets the minimum distance shown below, according to their classifications as indicated on the latest official major thoroughfare plan:
1. Arterial Streets - sixty (60) feet
 2. Collector Streets - forty (40) feet
 3. Minor Streets - thirty (30) feet
 4. Churches, hospitals, schools and other main and accessory structures, other than dwellings, shall have a minimum front yard setback of sixty (60) feet.
- B. SIDE YARD
1. For single and two-story structures not served by public sewer system located on interior lots, side yards shall be not less than twenty (20) feet in width for a principal structure, and not less than ten (10) feet for an accessory structure. [revised resolution 15-2-12]
 2. For single and two-story structures (served by public sewer system) located on interior lots, side yards shall be not less than fifteen (15) feet in width for a principal structure, and not less than ten (10) feet for an accessory structure. [revised resolution 15-2-12]
 3. For structures of three (3) stories there shall be side yards of not less than twenty-five (25) feet each.
 4. The minimum spacing between accessory structures and any other structure on the same property shall be eight feet (8'-0") wall to wall between walled structures. [revised 10/19/2020 resolution 20-10-20]
 5. All other structures shall be set back a minimum of thirty (30) feet from side lot lines.
- C. REAR YARD
1. For principal structures there shall be a rear yard of not less than forty (40) feet.
 2. For accessory structures there shall be a rear yard of not less than ten (10) feet.
- D. SPACING OF STRUCTURES. There shall be a minimum distance of five (5) feet between structures on a lot.
- E. LOT WIDTH

1. Where dwellings are served by a public sewer system there shall be a minimum lot width of one hundred (100) feet at the front building line. [revised resolution 07-7-4]
2. Where dwellings are not served by a public sewer system there shall be a minimum lot width of one hundred twenty-five (125) feet at the front building line. [revised 07-7-4]
3. Where building lots have more than one-half (1/2) of their frontage on the bulb of a cul-de-sac street there shall be a minimum lot width at the front building line of ninety-five (95) feet where no public sewer system is available, and seventy-five (75) feet where public sewer system is available. [revised resolution 07-7-4]
4. For institutional uses there shall be a minimum lot width at the front building line of two hundred fifty (250) feet.
5. For all other permitted uses there shall be a minimum lot width at the front building line of two hundred (200) feet.

F. MINIMUM LOT AREA

1. Not more than one (1) single-family dwelling shall be permitted on any lot.
2. For each dwelling, and buildings accessory thereto, served by a public water system and a public sewer system there shall be a lot area of not less than eighty thousand (80,000) square feet. [revised 11/20/00] [revised resolution 07-7-4] (revised resolution 23-5-7) (revised court docket # 2023-CV-167) (revised resolution 25-11-13)
3. For each dwelling and buildings accessory thereto, not served by a public sewer system but served by a public water system, there shall be a minimum lot area of eighty thousand (80,000) square feet; however, a greater lot area may be required based on recommendations by the State of Tennessee Department of Environment and Conservation. [revised resolution 07-7-4] (revised resolution 23-5-7) (revised court docket # 2023-CV-167) (revised resolution 25-11-13)
4. For those dwellings and buildings accessory thereto not served by a public water supply a minimum lot area of 80,000 square feet shall be provided. Such lots shall be reviewed and approved by the State of Tennessee Department of Environment and Conservation. [revised resolution 07-7-4] (revised resolution 23-5-7) (revised court docket # 2023-CV-167) (revised resolution 25-11-13)
5. For each two-family dwelling and buildings accessory thereto, there shall be a minimum lot area of one hundred twenty thousand (120,000) square feet; however, a greater lot area may be required based on recommendations by the State of Tennessee Department of Environment and Conservation. [revised resolution 07-7-4] (revised resolution 23-5-7) (revised court docket # 2023-CV-167) (revised resolution 25-11-13)

G. **MAXIMUM LOT COVERAGE.** Main and accessory buildings shall cover not more than thirty-five (35) percent of the lot area. Accessory structures shall not cover more than twenty (20) percent of any rear yard.

5.20.06 **HEIGHT REGULATIONS.** No principal structure shall exceed three

(3) stories or thirty-five (35) feet in height.

Accessory structures which meet minimum accessory setbacks shall not exceed twenty-two (22) feet in height [revised resolution 15-2-13] Accessory structures which meet minimum principal setbacks shall not exceed thirty (30) feet in height. Accessory structures which meet minimum accessory setbacks, but do not meet minimum principal setbacks of their zoning district may be up to thirty (30) feet in height IF they match the predominant two (2) roof pitch angles and building material of the primary residential structure.

5.20.07 OFF-STREET PARKING.

As regulated in Section 3.50 of these Regulations.

5.20.08 SIGNS (Resolution 19-6-3)

Any on-site signage ground signage erected for the purposes of advertising a business (excepting home occupations which must follow sign provisions specific to home occupations), a church, a school, a neighborhood, a park, or other similar non-private residential feature shall be erected as a ground mounted monument style sign.

SECTION 5.22

AGRICULTURAL PRESERVATION DISTRICT (A-2)

(added resolution 16-9-8)

5.22.01

GENERAL INTENT

This district is intended to accommodate uses typically conducted in agricultural areas, in addition to rural density residential uses. However, the zone District also seeks to preserve the Agricultural way of life by requirement of larger than average lot sizes within a low density residential and predominantly agricultural setting. **This zone district must be requested by the property owner or with the express written consent of the property owner.**

Within A-2 Agricultural Districts as shown on the Official Zoning Atlas of Wilson County, the following regulations shall apply.

5.22.02

USES PERMITTED

- A. Dwelling, Single-family;
- B. Dwelling, Two-family; [revised resolution 23-5-7] (revised court docket # 2023-CV-167) (revised resolution 25-11-13)

A-1: ACCESSORY DETACHED DWELLING UNITS Must have adequate septic or Sanitary (Or other public utility operated) Sewer System capacity to accommodate the addition of one bedroom. Must be no more than 1000 square feet in size when accounting for the bedroom or sleeping quarters, accessory kitchen area, accessory bathroom area, associated dining room and living area; commonly referred to as the total heated area. Accessory Dwelling Units as defined under ARTICLE 2, SECTION 2.20.

- Accessory Dwelling Units MUST have permanent connection to all public utilities in accordance with the rules, regulations and requirements of each public utility provider and will comply with permanent foundation provisions found in SECTION 3.12.04 of the Wilson County Zoning Ordinance in accordance with the language for principle single family and two-family residential structures. Total number of accessory Dwelling units permitted on a property is limited to one.

No Accessory Dwelling Unit may be used as a Bed and Breakfast/Inn (or Short-term Rental) without receiving approval from the Board of Zoning Appeals to do so.

All structures proposed for use as an accessory dwelling unit must be compliant with building codes as determined by the Chief Building Inspector.

Where Accessory Dwelling Units are proposed; all parking of vehicles associated with the entirety of the residential use on property should

occur on the private property and not on the Public Right of Way on a regular basis.

ACCESSORY DETACHED DWELLING UNITS will not be permitted within FEMA designated or other Regulatory FLOOD PLAIN OR FLOODWAY portions of a property in keeping with ARTICLE 5.6 - The Floodplain Zoning Ordinance.

Homes which already possess an Internal Accessory Dwelling Quarters may ALSO possess or add on ONE accessory Detached Dwelling Unit (revised 10/19/2020 resolution 20-10-20)

- A-2: INTERNAL ACCESSORY DWELLING QUARTERS_- Must have adequate septic or Sanitary (Or other public utility operated) Sewer System capacity to accommodate the addition of one bedroom. Must be no more than 600 square feet in size when accounting for the bedroom or sleeping quarters, accessory kitchen area, accessory bathroom area, and any associated dining room, living or entertaining area; commonly referred to as the total heated area. Internal accessory dwelling quarters_MUST comply with permanent foundation provisions found in SECTION 3.12.04 of the Wilson County Zoning Ordinance in accordance with the language for principle single family and two-family residential structures. Total number of Internal accessory dwelling quarters permitted on a property is limited to one.

No internal accessory dwelling quarters may be used as a Bed and Breakfast/Inn (or Short-term Rental) without receiving approval from the Board of Zoning Appeals to do so.

All spaces proposed for use an internal accessory dwelling quarters must be compliant with building codes as determined by the Chief Building inspector.

Where Internal Accessory Dwelling Quarters are proposed; all parking of vehicles associated with the entirety of the residential use on property should occur on the private property and not on the Public Right of Way on a regular basis. (revised 10/19/2020 resolution 20-10-20)

- B. Dwelling, Two-family;
- C. Farming;
- D. Home occupation as defined in Article 2 of this Regulation, including but not limited to day care, real estate agent, surveyor, physician, beautician, artist, and accountant;
- E. Roadside stand where such use is occurring only during periods of harvest of locally-produced agricultural products
- F. Accessory structures and uses customarily incidental to the above permitted uses.

5.22.03 USES PERMISSIBLE ON APPEAL

The following uses may be permissible on appeal by the Board of Zoning Appeals in accordance with provisions contained in Section 6.40 of these regulations and with provisions herein described:

1. All proposed uses on appeal must be accompanied by a general development plan which clearly illustrates how the facility will relate to and affect surrounding properties. Said Development plan shall include:
 - a. General layout of the facility complete with location and dimension of all structures and distances from property lines.
 - b. Location, Dimension, and proposed number of parking spaces to include width of circulation drives.
 - c. Any proposed means of dealing with common nuisances associated with the listed use on appeal may be submitted for Board of Zoning Appeals consideration.
2. Any use on appeal approved under this provision is subject to meeting additional buffering, landscaping criteria, etc. as deemed necessary by the Board of Zoning Appeals to insure harmony of character and to protect the general health, safety, and welfare of the surrounding area.

A. Aircraft landing field, hangars and equipment.

The general intent of this subsection is to insure the orderly development of aircraft landing fields, hangars, equipment and local traffic patterns in Agricultural zones, which will also afford some protection to residences in the area and which will hereby promote the public health, safety, and general welfare of the citizens of Wilson County. If approved, a site development plan of the proposed airfield shall be submitted to the Wilson County Planning Commission for approval.

1. In addition to the requirements set forth in Section 6.20.25 of this Regulation, the site development plan shall indicate plans for the runways, local traffic pattern, hangars and other incidental uses of the airport.
2. Where airport landing fields and hangars are already established in the county, plans for the expansion or additional buildings, run-ways, hangars, or where local traffic pattern has been changed because of expansion, or where additional uses are added such as the sale of planes, flight schools, or eating establishments (except vending machines) shall be submitted to the Board of Zoning Appeals and Planning Commission for approval.

The Board of Zoning Appeals shall have the power to authorize the issuance of a permit after the plans have been approved and certified, and before a permit can be issued by the Building Inspector for an addition to an existing operation or the location of a new airport, if the Board finds that the conditions are such that the location or expansion will not:

- a. Increase the hazard from planes flying over houses during take-off and landing procedures.
- b. Increase the traffic congestion in the public streets and highways adjacent to the airport.
- c. Otherwise impair the public health, safety, and general welfare of the inhabitants of Wilson County.

- B. Barber Shop and Beauty Shop;
- C. Bed and Breakfast Facility;
- D. Bicycle service and repair;
- E. Caretaker's apartment for permitted uses
- F. Cemetery;
 - 1. Any cemetery approved under this provision must be recorded in the Register of Deeds Office by plat and/or boundary survey.
- G. Church;
- H. Commercial animal facility;
- I. Convenience Market:
 - 1. Convenience Markets allowed using this provision must be located with direct access to an arterial or collector on the Wilson County Major Thoroughfare Plan.
- J. Country Club;
 - 1. Any Country Club allowed using this provision must either be affiliated with and adequately incorporated into the design of a residential subdivision development; or it must be located with direct access on a collector or arterial route as indicated in the Wilson County Major Thoroughfare Plan.
- K. Day Care Center
 - 1. Proposed Day Care Center must adhere to all state and/or federal regulations governing said use.
- L. Dog kennel;
 - 1. Dog/Animal kennels proposed herein must be located on parcels or tracts of land more than five (5) acres in size to further insure adequate separation from neighboring properties.
 - 2. Proposed Kennels must further adhere to all pertinent regulations of the State of Tennessee governing such uses.
 - 3. All kennel facilities must be located a minimum of 500 feet from neighboring residential or agricultural zoned properties.

- M. Florist Shop;
- N. Gasoline Service Station:
 - 1. Gasoline service stations allowed using this provision must be located with direct access to a collector or arterial on the Wilson County Major Thoroughfare Plan.
- O. Gift Shop;
- P. Golf course;
 - 1. Golf Courses allowed using this provision must either be adequately incorporated into the design of a residential subdivision development; or it must be located with direct access on a collector or arterial route as indicated in the Wilson County Major Thoroughfare Plan.
- Q. Group home; Any Group Home allowed using this provision must be located with direct access to an arterial as specified in the Wilson County Major Thoroughfare Plan. Furthermore, these facilities must be served by public water **and public sewer.**
- R. Hospital;

Any Hospital allowed using this provision must be located with direct access to an arterial as specified in the Wilson County Major Thoroughfare Plan. Furthermore, these facilities must be served by public water **and public sewer.**
- S. Library;
- T. Livestock holding/feeding area;
- U. Marina, subject to the provisions in Section 4.30
- V. Medical Clinic;
 - 1. Any Clinic allowed using this provision must be located with direct access on a designated arterial as specified in the Wilson county Major Thoroughfare Plan. Furthermore, these facilities must be served by a public water system **and public sewer.**

- W. Nursing home;
 - 1. Nursing homes allowed using this provision must be located with direct access on a designated arterial as specified in the Wilson County Major Thoroughfare Plan. Furthermore, these facilities must be served by **public water** and public sewer system. [resolution 07-7-4]
- X. Pharmacy as accessory to Hospital, Medical Clinic, or Nursing Home;
- Y. Public Recreational Facilities - Defined as those recreational facilities designed and intended for public use. Said facilities are generally characterized as being of a non-commercial nature and are further characterized by their civic contributions through provision of community sports complexes, community recreation centers, Senior Citizens Centers, Community Playgrounds or other forms of community-oriented facilities. Recreational facilities of a commercial character should be more appropriately considered within the confines of a commercial zone district.
- Z. Retirement center;
 - 1. Retirement Centers allowed using this provision must either be adequately incorporated into the design of a residential subdivision or development or have direct access on a designated collector or arterial as specified in the Wilson County Major Thorough Plan. Furthermore, these facilities must be served by **public water and** public sewer system.

- AA. School;
- BB. Service uses;
- CC. Utility and/or governmental use;
- DD. Other similar uses as reviewed and approved by the Board of Zoning Appeals.

5.22.04 USES PROHIBITED

- A. Automobile Salvage Yards
No more than two (2) unserviceable vehicles as defined in Article 2 may be maintained on a parcel of land. (resolution 19-6-12)
- B. Automobile Graveyards
No more than two (2) unserviceable vehicles as defined in Article 2 may be maintained on a parcel of land. (resolution 19-6-12)
- C. Travel Trailers as defined in the Wilson County Zoning Ordinance are not permitted as a permanent dwelling and therefore, the County Zoning Administrator will not release electrical permits for such to be connected in one location for an extended period, nor will the Administrator issue building permits or occupancy permit for these structures unless they are converted and constructed with a permanent foundation and required perimeter foundation wall across all sides of the structure. Travel Trailers ARE however permitted to be stored on a property in this zone district as long as they are owned by the property owner and as long as no one inhabits said trailer for generally more than two weeks at a time. (Resolution 19-6-16)
- D. Multi-family (revised resolution 23-5-7) (revised court docket # 2023-CV-167) (revised resolution 25-11-13)
- E. Uses not specifically permitted or permissible on appeal.

5.22.05 AREA REGULATIONS

A. FRONT YARD. All principal and accessory structures shall be set back from the right-of-way lines of streets the minimum distance shown below, according to their classifications as indicated on the latest official major thoroughfare plan:

1. Arterial Streets - sixty (60) feet
2. Collector Streets - forty (40) feet
3. Minor Streets - thirty (30) feet
4. Churches, hospitals, schools and other main and accessory structures, other than dwellings, shall have a minimum front yard setback of sixty (60) feet.

B. SIDE YARD

1. For single and two-story structures not served by public sewer system located on interior lots, side yards shall be not less than twenty (20) feet in width for a principal structure, and not less than ten (10) feet for an accessory structure.
2. For single and two-story structures (served by public sewer system) located on interior lots, side yards shall be not less than fifteen (15) feet in width for a principal structure, and not less than ten (10) feet for an accessory structure.
3. For structures of three (3) stories there shall be side yards of not less than twenty-five (25) feet each.
4. The minimum spacing between accessory structures and any other structure on the same property shall be eight feet (8'-0") wall to wall between walled structures.
[revised 10/19/2020 resolution 20-10-20]
5. All other structures shall be set back a minimum of thirty (30) feet from side lot lines.

C. REAR YARD

1. For principal structures there shall be a rear yard of not less than forty (40) feet.
2. For accessory structures there shall be a rear yard of not less than ten (10) feet.

D. SPACING OF STRUCTURES. There shall be a minimum distance of five (5) feet between structures on a lot.

E. LOT WIDTH

1. Where dwellings are served by a public sewer system there shall be a minimum lot width of **two hundred fifty (250)** feet at the front building line.

1. Where dwellings are not served by a public sewer system there shall be a minimum lot width of **two hundred fifty (250)** feet at the front building line.

3. Where building lots have more than one-half (1/2) of their frontage on the bulb of a cul-de-sac street there shall be a minimum lot width at the front building line of one hundred ninety (190) feet where no public sewer system is available, and one hundred seventy-five (175) feet where public sewer system is available.

4. For institutional uses there shall be a minimum lot width at the front building line of five hundred (500) feet.

5. For all other permitted uses there shall be a minimum lot width at the front building line of three hundred (300) feet.

F. MINIMUM LOT AREA

1. Not more than one (1) single-family dwelling shall be permitted on any lot.
2. For each dwelling, and buildings accessory thereto, served by a public water system and a public sewer system there shall be a lot area of not less than 174, 240 square feet (4 acres). (revised resolution 23-5-7) (revised court docket # 2023-CV-167) (revised resolution 25-11-13)
3. For each dwelling and buildings accessory thereto, not served by a public sewer system but served by a public water system, there shall be a minimum lot area of not less than 174, 240 square feet (4 acres); however, a greater lot area may be required based on recommendations by the State of Tennessee Department of Environment and Conservation. (revised resolution 23-5-7) (revised court docket # 2023-CV-167) (revised resolution 25-11-13)
4. For those dwellings and buildings accessory thereto not served by a public water system there shall be a minimum lot area of 174,240 square feet (4 acres). Such lots shall be reviewed and approved by the State of Tennessee Department of Environment and Conservation. (revised resolution 23-5-7) (revised court docket # 2023-CV-167) (revised resolution 25-11-13)
5. For each two-family dwelling and buildings accessory thereto, there shall be a minimum lot area of 174,240 square feet (4 acres) however, a greater lot area may be required based on recommendations by the State of Tennessee Department of Environment and Conservation. (revised resolution 23-5-7) (revised court docket # 2023-CV-167) (revised resolution 25-11-13)

- G. MAXIMUM LOT COVERAGE. Main and accessory buildings shall cover not more than thirty-five (35) percent of the lot area. Accessory structures shall not cover more than twenty (20) percent of any rear yard.

5.22.06 HEIGHT REGULATIONS. No principal structure shall exceed three (3) stories or thirty-five (35) feet in height.

Accessory structures which meet minimum accessory setbacks shall not exceed twenty-two (22) feet in height. Accessory structures which meet minimum principal setbacks shall not exceed thirty (30) feet in height. Accessory structures which meet minimum accessory setbacks, but do not meet minimum principal setbacks of their zoning district may be up to thirty (30) feet in height IF they match the predominant two (2) roof pitch angles and building material of the primary residential structure.

5.22.07 OFF-STREET PARKING.

As regulated in Section 3.50 of these Regulations.

SECTION 2 OTHER ZONE DISTRICT BASED REFERENCES AND REQUIREMENTS FOUND IN ZONING RESOLUTION

General provisions and other zoning Resolution References other References to A-1 Zoning found in general provisions and other sections of the Wilson County Zoning resolution shall be duplicated in identical fashion to the A-1 related provision for the A-2 Zone District at the appropriate reference location.

SECTION 3 VARIANCES AND MODIFICATIONS

The Board of Zoning Appeals may vary the application of any provisions of this amendment to any particular case when, in their opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this resolution or public interest. Nothing in this section shall authorize actions or

SECTION 4 VIOLATIONS AND PENALTIES

Violation or failure to comply with this resolution is considered unlawful and subject to a fine not to exceed \$50 dollars. Each day such a violation is permitted to exist shall constitute a separate offense. Nothing in this section shall preclude the County from any and all legal remedies available.

5.22.08 SIGNS (Resolution 19-6-3)

Any on-site signage ground signage erected for the purposes of advertising a business (excepting home occupations which must follow sign provisions specific to home occupations), a church, a school, a neighborhood, a park, or other similar non-private residential feature shall be erected as a ground mounted monument style sign.

SECTION 5.30 **NEIGHBORHOOD COMMERCIAL (C-1)**

5.30.01 GENERAL INTENT

This district is established to provide areas in which the principal use of land is devoted to the neighborhood store. It is a restricted commercial district, limited to a narrow range of **low-density/low-intensity** retail, service and convenience goods only. This district is designed for areas where large expanses and numbers of commercial operations are undesirable, but where individual stores are useful and desirable for the neighborhood. [resolution 04-12-16]

Within C-1 Neighborhood Commercial Districts, as shown on the Official Zoning Atlas of Wilson County, the following regulations shall apply:

5.30.02 USES PERMITTED

- A. Bank;
- B. Barber shop and beauty shop;
- C. Book and/or magazine shop;
- D. Convenience market;
- E. Day care center;
- F. Farming;
- G. Florist shop;
- H. Gift shop;
- I. Laundry and/or dry-cleaning establishment either coin or attendant operated;
- J. Locksmith shop;
- K. Office;
- L. Pharmacy;
- M. Restaurant;
- N. Shoe Repair service;
- O. Utility and/or governmental use;
- P. Video rental and/or sales shop;
- Q. Accessory structures and uses customarily incidental to the above permitted uses.

5.30.03 USES PERMISSIBLE ON APPEAL

The following uses may be permissible on appeal by the Board of Zoning Appeals in accordance with provisions contained in Section 6.40 of these regulations.

- A. Bed and breakfast facility; (RES 18-3-6) (revised RES 24-4-2)
 - 1. Bed and Breakfast Facilities or other forms of short-term rental must possess onsite caretaker either living on premises or on premises within ten (10) miles of the Bed and Breakfast Facility to oversee operations.
 - 2. Bed and Breakfast Facilities or other forms of short-term rental shall also provide contact information for the local caretaker, as outlined in item 1 above, as well as contact information for the actual owner of the property if different from the local caretaker. This information shall be provided to the County Sherriff's office, the County Zoning Office, and the Wilson Emergency Management Agency. Such required contact information shall include Name, a Valid Mailing Address, Phone number and Email address for the Caretaker and the owner of the property respectively. This information will be required upon approval of any Bed and Breakfast use, as defined in the Wilson County Zoning Resolution, by the Board of Zoning Appeals and prior to commencing operations.
 - 3. Bed and Breakfast facilities or other forms of short-term rental as outlined by the Wilson County Zoning Resolution shall be required to meet the rules of the Tennessee Department of Health division of Food and Sanitation Chapter 1200-23-2 titled bed and breakfast establishments, where deemed applicable by officials of the Tennessee Department of Health.
 - 4. Bed and Breakfast facilities or other forms of short-term rental as outlined by the Wilson County Zoning Resolution shall be required to have viable sewer or septic as determined by the Tennessee Department of Environment and Conservation.
 - 5. This use will be approved in increments with the option to request renewal or extension at the end of that time period.
- B. Car wash;
- C. Caretaker's apartment for permitted uses;
- D. Gasoline service station;
- E. Library;
- F. Marina, subject to the provisions in Section 4.30
- G. Deleted 9/20/93
- H. Similar uses considered by the Board of Zoning Appeals to be consistent and compatible with those uses herein included.

5.30.04 USES PROHIBITED.

- A. Automobile Salvage Yards
No more than two (2) unserviceable vehicles as defined in Article 2 may be maintained on a parcel of land. (resolution 19-6-12)
- B. Automobile Grave Yards
No more than two (2) unserviceable vehicles as defined in Article 2 may be maintained on a parcel of land. (resolution 19-6-12)
- C. Travel Trailers as defined in the Wilson County Zoning Ordinance are not permitted as a permanent dwelling and therefore, the County Zoning Administrator will not release electrical permits for such to be connected in one location for an extended period, nor will the Administrator issue building permits or occupancy permit for these structures unless they are converted and constructed with a permanent foundation and required perimeter foundation wall across all sides of the structure. Travel Trailers ARE however permitted to be stored on a property in this zone district as long as they are owned by the property owner and as long as no one inhabits said trailer for generally more than two weeks at a time. (resolution 19-6-16)
- D. Uses not specifically permitted or permissible on appeal.

5.30.05 AREA REGULATIONS

The following requirements shall apply to all uses permitted in this district:

- A. FRONT YARD. All principal and accessory structures shall be set back from the right-of-way lines of streets the minimum distance shown below, according to their classifications as indicated on the latest official major thoroughfare plan:
 - 1. Arterial Streets - sixty (60) feet
 - 2. Collector Streets - forty (40) feet
 - 3. Minor Streets - thirty-five (35) feet
 - 4. On corner lots, all structures shall conform to the set-back requirements for the adjoining street with the highest classification.
- B. SIDE YARD. Within a C-1 District, structures must either adjoin or be spaced a minimum of ten (10) feet. The minimum side yard adjacent to a residential district shall conform to the respective yard requirement for the residential district.
- C. REAR YARD. There shall be a rear yard, alley service court, or combination thereof, of not less than thirty (30) feet in depth, and all of the service areas of all buildings shall be screened from public view with plant materials or fencing. If adjacent to a residential district, the rear yard shall be no less than the rear yard requirement for the residential district.
- D. MINIMUM LOT AREA. The minimum allowed lot area shall be ten thousand (10,000) square feet, or such larger lot as may be required by the State of Tennessee Department of Environment and Conservation. [resolution 07-7-4]
- E. MAXIMUM LOT COVERAGE. No structure or structures shall cover more than thirty (30) percent of the lot area.

5.30.06 HEIGHT RESTRICTIONS. No structure shall exceed thirty-five (35) feet in height.

5.30.07 OFF-STREET PARKING AND LOADING AREAS.
As regulated in Section 3.50 of these Regulations.

- 5.30.08 LANDSCAPING. A landscaping plan shall be included with the site plan submitted to the Planning Commission for approval. The commercial use is to be buffered from adjacent residential zoning districts and residential use(s) by appropriately designed, installed and maintained plant material and related features.
- 5.30.09 ACCESS. As regulated in Section 3.50 of this regulation.
- 5.10.10 SIGNS (Resolution 19-6-3)
- Any on-site signage ground signage erected for the purposes of advertising a business (excepting home occupations which must follow sign provisions specific to home occupations), a church, a school, a neighborhood, a park, or other similar non-private residential feature shall be erected as a ground mounted monument style sign.
- 5.30.11 EXTERIOR LIGHTING. Any exterior lighting of a site shall be oriented so that no direct lighting shall be cast onto any residentially-zoned property, residential uses, or public rights-of-way.

SECTION 5.31 **GENERAL COMMERCIAL (C-2)**

5.31.01 GENERAL INTENT

This zoning district is intended for general retail business and services which meet community-wide need for a wide variety of goods and services. **This zoning district is intended to include medium- and high-density/medium- and high-intensity commercial uses.** [resolution 04-12-16]

General Commercial uses will be allowed only along collector and arterial streets as designated on the Wilson County Major Road Plan.

Within C-2 General Commercial Districts, as shown on the Official Zoning Atlas of Wilson County, the following regulations shall apply:

5.31.02 USES PERMITTED

- A. Antique store;
- B. Armory;
- C. Assembly hall;
- D. Auction hall;
- E. Automobile sales;
- F. Bicycle service and repair shop;
- G. Billboards and signs, as regulated in Section 4.10 of this resolution;
- H. Boat sales;
- I. Bowling alley;
- J. Broadcasting station;
- K. Carpet, rug, linoleum and/or floor covering sales;
- L. Car wash;
- M. Church;
- N. Clinic for medical services;
- O. Dog kennel;
- P. Farming;
- Q. Farm implement sales;
- R. Fireworks stand (temporary);
- S. Furniture and/or major appliance store;
- T. Gasoline service station;

- U. Grocery store;
- V. Hardware store;
- W. Hotel;
- X. Landscaping/garden center, including greenhouse and/or nursery;
- Y. Manufacturing incidental to retail, utilizing no more than 35% of the structure area for manufacturing;
- Z. Motel;
- AA. Museum;
- BB. Music shop (retail of instruments and/or sheet music);
- CC. Office equipment and supply shop;
- DD. Paint and/or wall covering sales;
- EE. Parking lot;
- FF. Recording studio;
- GG. Restaurant;
- HH. Retail business which provides a wide range of goods and services for sale to the general public and distributors of goods;
- II. Roadside stand;
- JJ. School;
- KK. Service station providing fuel and repair service for automobiles and trucks;
- LL. Skating rink;
- MM. Tavern (establishment selling beer for consumption on the premises);
- NN. Theater, indoor and outdoor, except that in any outdoor theater the screen of such shall be so erected or located that its face, or that side upon which the motion picture image is projected, shall not be visible from any state or local highway, or contiguous residential area(s).
- OO. Undertaking service;
- PP. Utility and/or governmental use;
- QQ. Veterinary clinic;
- RR. Any use permitted in a C-1 District;
- SS. Accessory structures and uses customarily incidental to the above permitted uses

5.31.03 USES PERMISSIBLE ON APPEAL

The following uses may be permitted by the Board of Zoning Appeals as a “Use Permissible on appeal” in accordance with the provisions of Section 6.40 of these regulations.

- A. Automobile repair and/or service, in conjunction with automobile sales;
- B. Bed and breakfast facility; (RES 18-3-6) (revised RES 24-4-2)
 - 1. Bed and Breakfast Facilities or other forms of short-term rental must possess on-site caretaker either living on premises or on premises within ten (10) miles of the Bed and Breakfast Facility to oversee operations.
 - 2. Bed and Breakfast Facilities or other forms of short-term rental shall also provide contact information for the local caretaker, as outlined in item 1 above, as well as contact information for the actual owner of the property if different from the local caretaker. This information shall be provided to the County Sherriff’s office, the County Zoning Office, and the Wilson Emergency Management Agency. Such required contact information shall include Name, a Valid Mailing Address, Phone number and Email address for the Caretaker and the owner of the property respectively. This information will be required upon approval of any Bed and Breakfast use, as defined in the Wilson County Zoning Resolution, by the Board of Zoning Appeals and prior to commencing operations.
 - 3. Bed and Breakfast facilities or other forms of short-term rental as outlined by the Wilson County Zoning Resolution shall be required to meet the rules of the Tennessee Department of Health division of Food and Sanitation Chapter 1200-23-2 titled bed and breakfast establishments, where deemed applicable by officials of the Tennessee Department of Health.
 - 4. Bed and Breakfast facilities or other forms of short-term rental as outlined by the Wilson County Zoning Resolution shall be required to have viable sewer or septic as determined by the Tennessee Department of Environment and Conservation.
 - 5. This use will be approved in increments with the option to request renewal or extension at the end of that time period.

- C. Boat repair and/or service, in conjunction with boat sales;
- D. Caretaker's apartment for permitted uses;
- E. Contractor's yard;
- F. Farm implement repair and/or service, in conjunction with farm implement sales;
- G. Furniture refinishing and re-upholstery;
- H. Library;
- I. Mini warehouse;
- J. Motor vehicle repair;
- K. Print shop;
- L. Deleted 9/20/93
- M. Welding shop, limited to a small commercial welding for the general public;
- N. Wholesale business which provides a wide range of goods and services for sale to the general public and distributors of goods;
- O. Any use permissible on appeal in C-1 District;
- P. Other general commercial uses which are considered by the Board of Zoning Appeals to be comparable in impact to the permitted uses.

5.31.04 USES PROHIBITED

- A. Automobile Salvage Yards (resolution 19-6-12)
- B. Automobile Grave Yards (resolution 19-6-12)
No more than two (2) unserviceable vehicles as defined in Article 2 may be maintained on a parcel of land unless, said unserviceable vehicles are either in the process of being manufactured by an approved listed Use or Use Permissible on Appeal for the parcel and zone district in question OR unless the said unserviceable vehicles are being repaired (not salvaged or scrapped) in the short term under a listed Use or Use Permissible on Appeal for the parcel of land zone district in question. (resolution 19-6-12)
- C. Uses not specifically permitted or permissible on appeal.

- 5.31.05 AREA REGULATIONS
- A. FRONT YARD. All principal and accessory structures shall be set back from the right-of-way lines of streets the minimum distance shown below, according to their classifications as indicated on the latest official major thoroughfare plan:
1. Arterial Streets - sixty (60) feet
 2. Collector Streets - forty (40) feet
 3. On corner lots, all structures shall conform to the set-back requirements for the adjoining street with the highest classification.
- B. SIDE YARD. Within a C-2 District, structures must either adjoin or be spaced a minimum of ten (10) feet. The minimum side yard adjacent to a residential district shall conform to the side yard requirement for the residential district.
- C. REAR YARD. There shall be a rear yard on every lot which rear yard shall have a minimum depth of sixteen feet for a one-story building, twenty feet for a two-story building, and twenty-four feet for a three-story building.
- Adjacent to a residential district, the rear yard shall conform to the rear yard requirements for the residential district.
- D. MINIMUM LOT AREA. The minimum allowed lot area shall be ten thousand (10,000) square feet, or such larger lot as may be required by the State of Tennessee Department of Environment and Conservation. [revised resolution 07-7-4]
- E. MAXIMUM LOT COVERAGE. No structure or structures shall cover more than thirty (30) percent of the lot area.
- 5.31.06 HEIGHT REGULATIONS. No structure shall exceed thirty-five (35) feet in height.
- 5.31.07 OFF-STREET PARKING AND LOADING AREAS.
As regulated in Section 3.50 of these Regulations.
- 5.31.08 LANDSCAPING. A landscaping plan shall be included with the site plan submitted to the Planning Commission for approval. The commercial use is to be buffered from adjacent residential zoning districts and residential use(s) by appropriately designed, installed and maintained plant material and related features.
- 5.31.09 ACCESS.
As regulated in Section 3.50 of this regulation.

- 5.31.10 SIGNS. As regulated in Section 4.10 of this regulation.
- 5.31.11 EXTERIOR LIGHTING. Any exterior lighting of a site shall be oriented so that no direct lighting shall be cast onto any residentially zoned property, residential uses, or public rights-of-way.

SECTION 5.32 **HIGHWAY COMMERCIAL** **(C-3)**

5.32.01 GENERAL INTENT

The Highway Commercial Zone is established to provide areas in which the principal use of land is devoted to commercial establishments which cater specifically to the needs of the motoring public. The intent here is to reserve lands which because of particular location and accessibility are adapted for such uses, and to encourage the development of these locations with such uses and in such a manner as to minimize traffic hazards and interference with other uses in the vicinity. **This zoning district is intended to include high-density/high intensity commercial uses.** [resolution 04-12-16]

Highway Commercial uses will be allowed only along collector and arterial streets as designated on the Wilson County Major Road Plan.

Within C-3 Highway Commercial Districts, as shown on the Official Zoning Atlas of Wilson County, the following regulations shall apply:

5.32.02 USES PERMITTED

- A. Automobile sales;
- B. Bank;
- C. Billboards and signs as regulated in Article 4, Section 4.10 of these Regulations;
- D. Boat sales;
- E. Convenience market;
- F. Day care center;
- G. Farming;
- H. Farm implement sales;
- I. Fireworks stand (temporary);
- J. Gasoline service station;
- K. Hospital;
- L. Hotel and motel;
- M. Landscaping and/or garden center;

- N. Lounge (establishment serving food and/or beverages for consumption on the premises);
- O. Manufacturing incidental to retail, utilizing no more than 35% of the area of the structure for manufacturing;
- P. Office;
- Q. Parking lot;
- R. Restaurant;
- S. Roadside stand;
- T. Truck stop;
- U. Utility and/or governmental use;
- V. Accessory structures and uses customarily incidental to the above permitted uses.

5.32.03 USES PERMISSIBLE ON APPEAL

The following uses may be permissible on appeal by the Board of Zoning Appeals in accordance with provisions contained in Section 6.40 of these regulations.

- A. Automobile repair and/or service, in conjunction with automobile sales;
- B. Boat repair and/or service, in conjunction with boat sales;
- C. Caretaker's apartment for permitted uses;
- D. Clinic;
- E. Concrete casting;
- F. Contractor's office and/or equipment yard;
- G. Farm implement repair and service, in conjunction with farm implement sales;
- H. General retail;
- I. Motor vehicle repair;
- J. Print shop;
- K. deleted 9/20/93
- L. Recreational Uses (revised 03/17/03) (resolution 03-3-15)
- M. Tire sales;
- N. Transient mobile home park;
- O. Any similar use which, in the opinion of the Board of Zoning Appeals, would be in keeping with the uses permitted and the general character of the area in which it is located.

5.32.04 USES PROHIBITED.

- A. Automobile Salvage Yards (resolution 19-6-12)
- B. Automobile Grave Yards (resolution 19-6-12)
No more than two (2) unserviceable vehicles as defined in Article 2 may be maintained on a parcel of land unless, said unserviceable vehicles are either in the process of being manufactured by an approved listed Use or Use Permissible on Appeal for the parcel and zone district in question OR unless the said unserviceable vehicles are being repaired (not salvaged or scrapped) in the short term under a listed Use or Use Permissible on Appeal for the parcel of land zone district in question. (resolution 19-6-12)
- C. Uses not specifically permitted or permissible on appeal.

- 5.32.05 AREA REGULATIONS.
- A. FRONT YARD. All buildings shall be setback from all road right-of-way lines not less than sixty (60) feet.
 - B. SIDE YARD. The width of any side yard which abuts a residential zone or area devoted to residential use shall be not less than fifty (50) feet. In all other cases each side yard shall be not less than ten (10) feet.
 - C. REAR YARD. The depth of any rear yard which abuts a residential zone or area devoted to residential use shall be not less than fifty (50) feet. In all other cases the rear yard shall be not less than ten (10) feet.
 - D. MINIMUM LOT AREA. The minimum allowed lot area shall be ten thousand (10,000) square feet, or such larger lot as may be required by the State of Tennessee Department of Environment and Conservation.
 - E. MAXIMUM LOT COVERAGE. No structure or structures shall cover more than thirty (30) percent of the lot area.
- 5.32.06 HEIGHT REGULATIONS. No structure shall exceed thirty-five (35) feet in height.
- 5.32.07 OFF-STREET PARKING AND LOADING AREAS.
As regulated in Section 3.50 of these Regulations.
- 5.32.08 LANDSCAPING. A landscaping plan shall be included with the site plan submitted to the Planning Commission for approval. The commercial use is to be buffered from adjacent residential zoning districts and residential use(s) by appropriately designed, installed and maintained plant material and related features.
- 5.32.09. ACCESS.
As regulated in Section 3.50 of this regulation.
- 5.32.10 SIGNS.
As regulated in Section 4.10 of this regulation.
- 5.32.11 EXTERIOR LIGHTING. Any exterior lighting of a site shall be oriented so that no direct lighting shall be cast onto any residentially zoned property, residential uses, or public rights-of-way.

SECTION 5.33 **PLANNED COMMERCIAL (C-4)**

5.33.01 GENERAL INTENT

The Planned Commercial Zone is intended for a unified grouping of commercial buildings. It is the objective of this zone to achieve the highest quality site design, building arrangement, landscaping and traffic circulation patterns possible, while providing locations for commercial sales catering to a community or regional market. **This zoning district is intended to include medium-and high-density/medium-and high intensity commercial uses.** [resolution 04-12-16

Planned Commercial uses will be allowed only along collector and arterial streets as designated on the Wilson County Major Road Plan.

Within C-4 Planned Commercial Districts, as shown on the Official Zoning Atlas of Wilson County, the following regulations shall apply:

5.33.02 USES PERMITTED

It is the intent of this zone to facilitate potential development by allowing a range of retail commercial and office uses. In general, uses permitted shall include offices, commercial sales, light manufacturing and assembly and distribution centers associated therewith {resolution 05-11-6}, utility and/or governmental uses, amusement parks, theme parks, outdoor arenas, motor sports complexes and other similar entertainment uses. [Printed 4/19/99] Since some permitted uses may be incompatible with others the developer of a planned commercial complex shall provide the Planning Commission with a list of uses to be permitted in the development, which uses shall be compatible with each other and neighboring uses.

5.33.03 USES PROHIBITED

- A. Automobile Salvage Yards (resolution 19-6-12)
- B. Automobile Grave Yards (resolution 19-6-12)
No more than two (2) unserviceable vehicles as defined in Article 2 may be maintained on a parcel of land unless, said unserviceable vehicles are either in the process of being manufactured by an approved listed Use or Use Permissible on Appeal for the parcel and zone district in question OR unless the said unserviceable vehicles are being repaired (not salvaged or scrapped) in the short term under a listed Use or Use Permissible on Appeal for the parcel of land zone district in question.

- A. APPROPRIATE SIZE. The intent of the Planned Commercial Zone is to provide the best design and coordinated arrangement of commercial buildings. It is not likely, that a commercial development would contain fewer than twenty (20) acres. However, if in the opinion of the Planning Commission the functional design of a building grouping meets the intent of these regulations the Commission may approve a planned commercial development of less than twenty (20) acres.
 - B. PERIPHERAL BOUNDARY. All structures shall be set back at least fifty (50) feet from any peripheral boundary of the project, and at least sixty (60) feet from any public street or road existing prior to the planned commercial development. If the peripheral boundary is adjacent to interstate highway right-of-way, the minimum setback shall be twenty-five (25) feet.
 - C. MINIMUM LOT AREA. Any project divided into individual lots or building sites shall specify minimum lot size requirements in its protective covenants provided however, that the minimum allowed lot area shall be ten thousand (10,000) square feet, or such larger lot as may be required by the State of Tennessee Department of Environment and Conservation. [revised resolution 07-7-4]
 - D. LOT COVERAGE. Any project divided into individual lots or building sites shall specify yard and lot coverage requirements in its protective covenants provided however, that no buildings shall cover more than 50% of its lot at its ultimate expansion potential.
- 5.33.05 HEIGHT REGULATIONS. In general, height shall be limited to thirty-five (35) feet. However, to permit the greatest flexibility of design the Planning Commission may approve greater heights provide such height is an integral part of the building grouping and enhances the design of the entire project and adequate fire protection is demonstrated in both building design/construction and local fire-fighting capacity.

5.33.06 OFF-STREET PARKING AND LOADING AREAS

- A. Parking and loading requirements shall be specified in the site development plan but in no case may they be less than the requirements specified in Section 3.50 of these regulations.
 - B. No parking shall be permitted in the front yard of any structure constructed on an individual lot unless such parking area is landscaped with trees, shrubs, and grass islands.
- 5.33.07 STORAGE. Outdoor storage shall be prohibited unless fully screened on all sides by an opaque ornamental screen.
- 5.33.08 LANDSCAPING
- A. A landscape plan for the entire development shall be prepared and presented to the Planning Commission for approval. This plan shall show the type and location of plantings, locate and show the purpose of visual screens and establish a means to insure the accomplishment and maintenance of the landscape plan.
 - B. The landscaping plan shall include but not be limited to approaches to building entrances, appropriate visual screens and any parking areas.
 - C. Landscaping may be required to provide specific buffer areas between the site in question and surrounding properties.
- 5.33.09 ACCESS. Access to the planned commercial complex shall be designed to minimize conflicts in traffic. All lots shall be designed to front on streets within the commercial development. Corner lots shall not have direct access to existing or proposed public streets, roads, or highways within two hundred fifty (250) feet of the intersection of public streets which serve the property. Any out parcel other than a corner lot shall have minimum frontage of two hundred (200) feet on the public right-of-way in order to be considered for an access directly from the public street. A request for such access must be accompanied by a Traffic Analysis which provides appropriate documentation related to the proposed access.
- 5.33.10 SIGNS As regulated in Section 4.10 of this regulation.

Any on-site signage ground signage erected for the purposes of advertising a business (excepting home occupations which must follow sign provisions specific to home occupations), a church, a school, a neighborhood, a park, or other similar non-private residential feature shall be erected as a ground mounted monument style sign. (Resolution 19-6-3)

5.33.11 ADMINISTRATIVE PROCEDURE FOR REVIEW AND APPROVAL
OF A PLANNED COMMERCIAL DEVELOPMENT

- A. A written application for review and approval of the site development plan must be filed with the Wilson County Planning Commission. The site development plan must be approved by the Planning Commission before a building permit can be issued for development of any property within the development. The site development plan shall comply with Article 4 and Section 6.50 of these regulations, and in addition, shall meet the following requirements:
1. An overall development plan must be submitted with, and be a part of, the application for rezoning. The plan must identify the proposed public rights-of-way, private streets, parks, and common spaces proposed to be part of the plan.
 2. The development plan shall be prepared by and have the seal of an architect or engineer duly registered to practice in the State of Tennessee.
 3. The Planning Commission may require revisions in the site plan concerning any design feature, including but not limited to, layout, internal circulation, access, drainage and buffering from surrounding land uses. In exercising the review power, the Planning Commission shall be guided by principles of land use planning, and site design, and the minimum requirements for subdivision of land in Wilson County.
 4. Applications for rezoning to the Planned Commercial zoning district must be filed by the property owner or his legal representative.
- B. In addition to the above requirements, proposals for developments which subdivide, and transfer property shall meet the requirements of the Wilson County Subdivision Regulations and shall be prepared and reviewed according to the plat approval provisions of those regulations.

5.33.12 DEVELOPMENT PLAN REQUIREMENTS

- A. SITE DEVELOPMENT PLAN REQUIREMENTS. All site development plans shall include the use and general design of structures in the planned development. The site development plan shall:
1. Identify any particular development issues which are addressed on adjacent to the site;
 2. Include a statement of the purposes and function of the planned development;
 3. Include a statement identifying the type of operation within the planned development listing uses permitted or performance standards required in the development;
 4. Include site requirements and any minimum lot size, maximum site coverage and any front, side and rear yard requirements which are more restrictive than otherwise found in these regulations;
 5. Identify parking areas of the planned development insuring permanent parking to a standard at least equal to the minimum specified in Section 3.50 of these regulations;
 6. Include any landscaping requirements or standards required by the developer at least equal to the standards of these regulations;
 7. Include treatment of any outdoor storage within the development;
 8. Include building construction and design standards appropriate to the purpose of the planned development;
 9. Include sign control regulation for the development if such regulation is more restrictive than otherwise set forth in these regulations;
 10. Include such other considerations as necessary to better insure that the planned development is in accordance with the stated purpose and intent of the development.

The provisions of the site development plan contained in Section 5.33.11

- A. Shall be reviewed, approved and enforced by the Planning Commission in the manner of any other provision of these regulations.
- B. The development plan shall show all streets and suggested lots. The plan shall meet all the requirements specified in the Wilson County Subdivision Regulations. All streets in any planned commercial development shall have as a minimum standard, the standards for minor collectors as noted in the road classification of the subdivision regulations.
- C. A site development plan must be amended through the same process and administrative procedures available for the creation of the C-4 district.
- D. No building permit shall be issued for construction of any building on the land until the site development plan has been approved and C-4 zoning is effective. Approval of the development plan shall be valid for twenty-four (24) months from the date of approval. The plan must be resubmitted if no building permit is obtained within the twenty-four (24) month period.
- E. The building permit shall be revoked if construction of any part or phase of the development is not in compliance with approved plans.
- F. The external illumination of the property (building and grounds) shall be designed to minimize intrusion into surrounding properties.

SECTION 5.34 **COMMERCIAL OVERLAY** **(CO)**

5.34.01 GENERAL INTENT

This district is established to provide regulations for those substantial commercial uses existing at the time of adoption of this resolution, located on relatively dispersed parcels, on collector and arterial streets. The nature and scale of the uses include both neighborhood commercial and highway commercial activity involving retail, service and convenience goods. A base zoning district will be identified for appropriate properties, which is consistent and compatible with surrounding land use and zoning. The CO zoning district will be placed as an overlay district on those properties which already exist as viable commercial uses. The overlay will remain in place for the duration of the present use, and/or for similar permitted uses which may be proposed to replace the present uses. Such replacement uses must be established within twelve (12) months of the cessation of the original commercial use. If no replacement use is established by request to the Board of Zoning Appeals within the twelve (12) month period, the CO zoning district shall be considered for elimination, following hearings by the Planning Commission and the County Commission. The Commercial Overlay is not intended to be used to expand the number or extent of these isolated commercial uses into larger strips of commercial use along the major highways.

Within CO Commercial Overlay Districts, as shown on the Official Zoning Atlas of Wilson County, the following regulations shall apply:

5.34.02 USES PERMITTED

- A. Any use permitted in the C-1, Neighborhood Commercial zoning district;
- B. Antique store;
- C. Farming;
- D. Gasoline service station;
- E. Restaurant;
- F. Accessory structures and uses customarily incidental to the above permitted uses.

5.34.03 USES PERMISSIBLE ON APPEAL

The following uses may be permitted by the Board of Zoning Appeals as a “Use Permissible on appeal” in accordance with the provisions of Section 6.40 of these regulations.

- A. Caretaker’s apartment for permitted uses;
- B. Farm implement repair and service;
- C. General commercial uses which are considered by the Board of Zoning Appeals to be similar in impact from traffic, noise, light and related features to the permitted uses.

5.34.04 USES PROHIBITED.

- A. Automobile Salvage Yards
No more than two (2) unserviceable vehicles as defined in Article 2 may be maintained on a parcel of land. (resolution 19-6-12)
- B. Automobile Grave Yards
No more than two (2) unserviceable vehicles as defined in Article 2 may be maintained on a parcel of land. (resolution 19-6-12)
- C. Travel Trailers as defined in the Wilson County Zoning Ordinance are not permitted as a permanent dwelling and therefore, the County Zoning Administrator will not release electrical permits for such to be connected in one location for an extended period, nor will the Administrator issue building permits or occupancy permit for these structures unless they are converted and constructed with a permanent foundation and required perimeter foundation wall across all sides of the structure. Travel Trailers ARE however permitted to be stored on a property in this zone district as long as they are owned by the property owner and as long as no one inhabits said trailer for generally more than two weeks at a time. (resolution 19-6-16)
- D. Uses not specifically permitted or permissible on appeal.

5.34.05 AREA REGULATIONS

- A. FRONT YARD
 - 1. No building shall be located closer than thirty-five (35) feet to the road line of a minor street, forty (40) feet to the road line of a collector, and sixty (60) feet to the road line of an arterial.
 - 2. On corner lots, all structures shall conform to the setback requirements for the adjoining street with the highest functional classification.
- B. SIDE YARD Within a CO District, structures must either adjoin or be spaced a minimum of ten (10) feet. The minimum side yard adjacent to a residential district shall conform to the side yard requirement for the residential district.
- C. REAR YARD
 - 1. There shall be a rear yard on every lot which rear yard shall have a minimum depth of sixteen feet for a one-story building, twenty feet for a two-story building, and twenty-four feet for a three-story building.
 - 2. Adjacent to a residential district, the rear yard shall conform to the rear yard requirement for the residential district.
- D. MINIMUM LOT AREA The minimum lot area allowed is ten thousand (10,000) square feet. A larger lot size may be required based on recommendations from the State of Tennessee Department of Environment and Conservation. [resolution 07-7-4]
- F. MAXIMUM LOT COVERAGE. No structure or structures shall cover more than thirty (30) percent of the lot area.
- 5.34.06 HEIGHT RESTRICTIONS. No building shall exceed thirty-five (35) feet or three (3) stories in height.
- 5.34.07 OFF-STREET PARKING AND LOADING AREAS. As regulated in Section 3.50 of this regulation.
- 5.34.08 LANDSCAPING. A landscaping plan shall be included with the site

plan submitted to the Planning Commission for approval. The commercial use is to be buffered from adjacent residential zoning districts and residential use(s) by appropriately designed, installed and maintained plant material and related features.

5.34.09 ACCESS. As regulated in Section 3.50 of these regulations.

5.34.10 SIGNS. As regulated in Section 4.10 of these regulations.

Any on-site signage ground signage erected for the purposes of advertising a business (excepting home occupations which must follow sign provisions specific to home occupations), a church, a school, a neighborhood, a park, or other similar non-private residential feature shall be erected as a ground mounted monument style sign. (Resolution 19-6-3)

SECTION 5.35 **LIMITED OFFICE COMMERCIAL (LOC)**

5.35.01 GENERAL INTENT

The Limited Office Commercial district is intended to provide office locations generally serving neighborhood or community needs where non-retail commercial uses such as offices and financial institutions may be located; to provide for such uses in a **low density**/low intensity manner such that they can be compatible with adjacent single family detached dwellings; and otherwise to implement the stated purpose and intent of this ordinance. The LOC district may be located adjacent to, or within residential areas. The district allows for the integration of limited supporting commercial uses into office developments. The LOC district is intended to be located along collector and arterial streets or adjacent to commercial or industrial districts, in the areas of transition between residential and higher intensity uses, and in areas of existing and new office development. [resolution 04-12-16]

All uses except automobile parking lots and such other uses as may specifically be exempted hereinafter shall be conducted wholly within a building. Rather than have new buildings constructed, it is intended and desired that any existing residential structures within the district be converted and adapted to office or institutional use. No combination of residential and commercial uses within this district shall be permitted within the same building nor upon the same lot.

5.35.02 USES PERMITTED

- A. Offices for:
 1. Banks, savings and loan associations, credit unions, trust companies, security and commodity exchanges and similar financial institutions;
 2. Business service firms including architectural, engineering, drafting services, market research, planning, surveying and other similar firms;
 3. Business agencies including advertising, travel, credit, employment, placement services, temporary personnel services, finance, photography, and other similar agencies;
 4. Business offices including accounting, appraisal, auditing, bookkeeping, consultants, insurance, law and legal services, public utilities, real estate, title companies and other similar offices;
 5. Professional Office including dental, medical and chiropractic. (added 8/23/99)
 - B. Single family dwellings;
 - C. Family residential care, day care and child care facilities for more than twelve individuals;
 - D. Headquarters or administrative offices for such charitable or eleemosynary organizations such as, Red Cross, Cancer Society, Heart Association, Boy Scouts, Girl Scouts and similar quasi-public organizations of non-commercial nature;
 - E. Museums, historic, and cultural exhibits, libraries, and the like;
 - F. Parks and playgrounds or play fields owned and operated by a homeowners' association or recognized government entity, community and government buildings in keeping with the character of the district;
- 5.35.03 left blank intentionally

5.35.04 USES PROHIBITED.

- A All uses not specifically permitted.
- B Automobile Salvage Yards
No more than two (2) unserviceable vehicles as defined in Article 2 may be maintained on a parcel of land.
(resolution 19-6-12)
- C Automobile Grave Yards
No more than two (2) unserviceable vehicles as defined in Article 2 may be maintained on a parcel of land.
(resolution 19-6-12)
- D. Travel Trailers as defined in the Wilson County Zoning Ordinance are not permitted as a permanent dwelling and therefore, the County Zoning Administrator will not release electrical permits for such to be connected in one location for an extended period, nor will the Administrator issue building permits or occupancy permit for these structures unless they are converted and constructed with a permanent foundation and required perimeter foundation wall across all sides of the structure. Travel Trailers ARE however permitted to be stored on a property in this zone district as long as they are owned by the property owner and as long as no one inhabits said trailer for generally more than two weeks at a time.
(resolution 19-6-216)

- A. FRONT YARD. All structures shall be set back from the right-of-way lines of streets the minimum distance shown below, according to their classifications as indicated on the latest official major thoroughfare plan:
 - 1. Arterial Streets - sixty (60) feet
 - 2. Collector Streets - forty (40) feet
 - 3. Minor Streets - thirty (30) feet
- B. SIDE YARD. All structures shall be set back from every side yard a minimum of fifteen (15) feet.
- C. REAR YARD. All structures served by public sewer system shall be set back from every rear yard a minimum of thirty (30) feet. [resolution 07-7-4]
- D. SPACING OF STRUCTURES. There shall be a minimum distance of thirty (30) feet between all structures on a lot.
- E. LOT WIDTH
 - 1. Where served by a public sewer system there shall be a minimum lot width at the front building line of ninety (90) feet. [resolution 07-7-4]
 - 2. Where not served by a public sewer system there shall be a minimum lot width at the front building line of one hundred twenty-five (125) feet. [resolution 07-7-4]
 - 3. Where building lots have more than one-half (1/2) of their frontage on the bulb of a cul-de-sac street there shall be a minimum lot width at the front building line of ninety-five (95) feet where not served by public sewer system, seventy-five (75) feet where served by public sewer system. [revised resolution 07-7-4]
- F. MINIMUM LOT AREA. As regulated in Section 5.10.05 (F) of these regulations.
- G. MAXIMUM LOT COVERAGE. Structures shall cover not more than thirty-five (35) percent of lot area.

5.35.06 HEIGHT REGULATIONS. No structure shall exceed three (3)

stories or thirty-five (35) feet in height.

5.35.07 OFF-STREET PARKING. As regulated in Section 3.50 of these regulations.

5.34.08 SIGNS. As regulated in Section 4.10 of these regulations.

Any on-site signage ground signage erected for the purposes of advertising a business (excepting home occupations which must follow sign provisions specific to home occupations), a church, a school, a neighborhood, a park, or other similar non-private residential feature shall be erected as a ground mounted monument style sign. (Resolution 19-6-3)

5.36.01 GENERAL INTENT

The intent of this district is to provide areas for commercial development at interstate interchanges where adequate infrastructure is available. The commercial development within this district shall be service type commercial, serving the motoring public and shall provide adequate access for all types of traffic. **This zoning district is intended to include high density/high intensity commercial uses.** [resolution 04-12-16]

5.36.02 USES PERMITTED

- A. Gasoline and service stations
- B. Hotels and motels
- C. Drive-in Restaurants
- D. Restaurants
- E. Drug Stores
- F. Convenience Market
- G. Accessory structures and uses customarily incidental to the above permitted uses.
- H. Utility and/or governmental use
- I. Gift Shop

5.36.03 USES PERMISSIBLE ON APPEAL

No uses are permissible on appeal.

5.36.04 USES PROHIBITED

- A. Automobile Salvage Yards (resolution 19-6-12)
- B. Automobile Grave Yards (resolution 19-6-12)
No more than two (2) unserviceable vehicles as defined in Article 2 may be maintained on a parcel of land unless, said unserviceable vehicles are either in the process of being manufactured by an approved listed Use or Use Permissible on Appeal for the parcel and zone district in question OR unless the said unserviceable vehicles are being repaired (not salvaged or scrapped) in the short term under a listed Use or Use Permissible on Appeal for the parcel of land zone district in question. (resolution 19-6-12)
- C. Uses not specifically permitted.

- A. FRONT YARD. All buildings shall be setback from the road rights of way a minimum of sixty (60) feet.
 - B. SIDE YARD. The width of any side yard which abuts a residential zone or area devoted to residential use shall be not less than fifty (50) feet. In all other cases each side yard shall be not less than ten (10) feet.
 - C. REAR YARD. The depth of any rear yard which abuts a residential zone or area devoted to residential use shall not be less than fifty (50) feet.
 - D. MINIMUM LOT AREA The minimum allowed lot area shall be ten thousand (10,000) square feet, or such larger lot as may be required by the State of Tennessee Department of Environment and Conservation. [revised resolution 07-7-4]
 - E. MAXIMUM LOT COVERAGE. No structure or structures shall cover more than thirty (30) percent of the lot area.
- 5.36.06 HEIGHT REGULATIONS. No structure shall exceed thirty-five (35) feet in height.
- 5.36.07 OFF-STREET PARKING AND LOADING AREA.
As regulated in Section 3.50 of this regulation.
- 5.36.08 LANDSCAPING. A landscaping plan shall be included with the site plan submitted to the Planning Commission for approval. Each site shall be developed with ten (10) percent of its area landscaped with green treatment. There shall be maintained a strip of landscaped ground at least ten (10) feet in width along the street property line, exclusive of drives and walks. The commercial use is to be buffered from adjacent zoning districts and residential uses(s) by appropriately designed, installed and maintained plant material and related features.
- 5.36.09 ACCESS.
As regulated in Section 3.50 of this regulation.
- 5.36.10 SIGNS.
As regulated in Section 4.10 of this regulation.
- 5.36.11 EXTERIOR LIGHTING. Any exterior lighting of a site shall be oriented so that no direct lighting shall cast onto any residentially zoned property, residential uses or public rights of way.

SECTION 5.40 LIGHT INDUSTRIAL (I-1)

5.40.01 GENERAL INTENT

The intent of this zoning district is to ensure the provision of areas in which the primary use of land is for the purpose of storing, processing, packaging, light manufacturing/assembly, wholesaling, distribution, and limited retailing. **This zoning district is intended to include medium density/medium intensity industrial uses.** Since it is often necessary to provide a buffering of such uses from adjacent land uses, landscaping and setback requirements are included to provide for an orderly and effective transition to adjacent land uses and zoning districts. [resolution 04-12-16]

Light Industrial uses will be allowed only along collector and arterial streets as designated on the Wilson County Major Road Plan.

Within I-1 Light Industrial Districts as shown on the Official Zoning Atlas of Wilson County, the following regulations shall apply.

5.40.02 USES PERMITTED

The primary operation of all permitted uses, with the exceptions noted herein, shall be conducted within a completely enclosed structure.

Outdoor storage of material, whether in the form of the finished product or material in process, is permitted if the material is used in the primary operation conducted on the premises. Such material, if stored outdoors, must be screened from view of any public right-of-way. The screening material shall be located at or inside any required setbacks.

- A. Billboards and signs, subject to the provisions in Section 4.10 of these Regulations;
- B. Building contractor's supply;
- C. Cabinet shop;
- D. Compact disc and/or record stamping;
- E. Contractor's office and/or equipment storage yard;
- F. Electrical contractor's supply;
- G. Engraving and/or printing plant;
- H. Farming;
- I. Furniture refinishing and/or upholstery shop;
- J. Heating/cooling equipment sales, service, and/or installation;
- K. Manufacturing and/or assembly of products from previously

- prepared material;
- L. Mini warehouse;
- M. Music production;
- N. Office;
- O. Optical goods manufacturing;
- P. Packaging of products which have been previously manufactured/assembled, whether or not the previous operation occurred on the premises;
- Q. Plumbing Contractor's Supply;
- R. Processing of food products from previously slaughtered and dressed animals, fish and fowls, or preparation of dairy products;
- S. Retailing of products/materials produced on the site, with all sales activity conducted indoors;
- T. Swimming pool sales, maintenance and/or installation shop;
- U. Tool and die business;
- V. Utility and/or governmental use;
- W. Vehicle repair and service;
- X. Warehousing;
- Y. Wholesaling;
- Z. Accessory structures and use customarily incidental to the above permitted uses.
- AA. Commercial Home Sales/Rental/Leasing/Display
[revised 04/15/2002]
- BB. Commercial/Industrial Building Sales/Rental/Lease/Display
[revised 04/15/2002]

5.40.03 USES PERMISSIBLE ON APPEAL

- A. deleted 9/20/93
 - B. Truck terminal;
 - C. Any similar use which, in the opinion of the Board of Zoning Appeals, would be in keeping with the uses permitted and the general character of the area in which it is located may be permissible on appeal by the Board of Zoning Appeals in accordance with provisions contained in Section 6.40 of these regulations.
 - D. Automobile graveyard;
(added 12/15/2003, resolution # 03-12-2)
- 5.40.04 USES PROHIBITED.
Uses not specifically permitted or permissible on appeal.

5.40.05 AREA REGULATIONS

- A. FRONT YARD. No structure shall be located closer than sixty (60) feet to any street right-of-way line.
- B. SIDE YARD. Setbacks of structures which adjoin any other zoning district shall conform to the required side yard in the adjoining district. Except adjacent to a railroad right-of-way, no side setback shall be less than twenty (20) feet. Adjacent to a railroad right-of-way, no side setback is required.
- C. REAR YARD. Setbacks of structures which adjoin any other zoning district shall conform to the required rear yard in the adjoining district. Except adjacent to a railroad right-of-way, no rear setback shall be less than twenty (20) feet. Adjacent to a railroad right-of-way, no rear yard setback is required.
- D. MINIMUM LOT AREA. The minimum allowed lot area shall be ten thousand (10,000) square feet, or such larger lot as may be required by the State of Tennessee Department of Environment and Conservation. [revised resolution 07-7-4]
- E. MAXIMUM LOT COVERAGE. No structure or structures shall cover more than fifty (50) percent of the lot area.
- F. SPACING BETWEEN STRUCTURES. There shall be a minimum yard of forty (40) feet between structures.

5.40.06 HEIGHT REGULATIONS. No building shall be built to a height

exceeding thirty-five (35) feet at any required setback line, except where there is provided a minimum of one (1) foot of additional setback from the required distance for each one (1) foot of increase in the building height, to a maximum height of sixty-five (65) feet. To allow any increase in height over the thirty-five (35) foot maximum, it shall be the responsibility of the developer to show that adequate fire protection is demonstrated in both building design/construction and local fire-fighting capacity.

- 5.40.07 OFF-STREET PARKING AND LOADING AREAS. As regulated in Section 3.50 of this regulation.
- 5.40.08 LANDSCAPING. A landscaping plan shall be included with the site plan submitted to the Planning Commission for approval. The industrial use is to be buffered from adjacent residential zoning districts and residential use(s) by appropriately designed, installed and maintained plant material and related features.
- 5.40.09 ACCESS. As regulated in Section 3.50 of this regulation.

- 5.40.10 SIGNS. On premise business signs shall be permitted pursuant to the provisions in Section 4.10 of this regulation in addition to the following provisions:
- A. Wall signs may project not more than twelve (12) inches from the surface to which the sign is attached.
 - B. Each site shall be permitted to have a maximum of two (2) ground signs, with the total allowed sign area not exceeding three hundred (300) square feet, and any individual sign face not exceeding one hundred fifty (150) square feet.
 - C. Wall signs shall not project above the parapet wall of the building.
 - D. Ground signs shall not exceed thirty-five (35) feet in height.
 - E. Flashing or intermittent illumination on, about, or within any sign is prohibited.
 - F. Mechanical movement of any portion of the display area of a sign is prohibited.
 - G. All signs shall be constructed or otherwise placed at a point which is not closer than twenty-five (25) feet to a public right-of-way. All business signs shall be setback to a point at least eight (8) feet from all side and rear property lines.
- 5.40.11 EXTERIOR LIGHTING. Any exterior lighting of a site shall be oriented so that no direct lighting shall be cast onto any residentially zoned property, residential uses, or public rights-of-way.

SECTION 5.41 **INDUSTRIAL (I-2)**

5.41.01 GENERAL INTENT

This zoning district provides areas in which the principal use of land is for manufacturing, assembling, fabrication and for warehousing and other uses which have heavy impacts and potentially adverse effects on surrounding property. **This zoning district is intended to include high density/high intensity industrial uses.** These uses usually require good accessibility to major rail, air, public sewer system and street transportation routes. Such uses are not generally compatible with residential, institutional and retail commercial uses. [resolution 04-12-16] [resolution 07-7-4]

Industrial uses will be allowed only along collector and arterial streets as designated on the Wilson County Major Road Plan.

Within I-2 Industrial Districts as shown on the Official Zoning Atlas of Wilson County, the following regulations shall apply:

5.41.02 USES PERMITTED

- A. Aircraft landing field for general aviation, hangars, and equipment;
- B. Aluminum, brass, copper, iron or steel foundry or works;
- C. Armory;
- D. Automobile graveyard;
- E. Book bindery;
- F. Bottling or packaging works;
- G. Cannery;
- H. Coal, coke or wood yard;
- I. Concrete casting;
- J. Dyestuff manufacture;
- K. Electrical appliance and equipment assembly;
- L. Electronic equipment assembly and manufacture;
- M. Farming;
- N. Food processing;
- O. Freighting or trucking yard or terminal;
- P. Furniture manufacture;
- Q. Grain mill or grain elevator;

- R. Ice manufacture or storage;
- S. Instrument and meter manufacture;
- T. Leather goods fabrication;
- U. Lumber yard for sale, storage or distribution;
- V. Manufacture, compounding, processing, packing and treatment of bakery goods, candy, and food products;
- W. Manufacturing, storage and processing of natural resources but not mining and mineral extraction which may be permitted as a "Use on Appeal" in accordance with Section 5.41.03, below;
- X. Material and fiber manufacture and processing;
- Y. Metal finishing;
- Z. Motor vehicle service and repair shop;
- AA. Paint, oil, varnish, or turpentine manufacture;
- BB. Paper products fabrication;
- CC. Printing equipment and supply manufacture;
- DD. Retail poultry business;
- EE. Saw, planing or woodworking mill;
- FF. Sporting goods manufacture;
- GG. Stone yard or monument works including engraving, cutting, grinding or polishing;
- HH. Storage or baling of scrap paper or rags;
- II. Textile manufacture and/or processing;
- JJ. Tobacco curing, treatment, or processing or manufacture of tobacco products;
- KK. Truck, tractor, and heavy equipment sales and service;
- LL. Utility and/or governmental use;
- MM. Welding shop;
- NN. Wholesale, warehousing, or distribution enterprise
- OO. Any use permitted in the I-1 Light Industrial District;
- PP. Accessory structures and uses customarily incidental to the above permitted uses.

Any industrial use similar in nature to those described shall be considered by the Planning Commission and the County Commission through the zoning amendment process.

5.41.03 USES PERMISSIBLE ON APPEAL

The following uses may be permitted, provided, that no such use shall be located nearer than four hundred (400) feet to a public park, school, church, hospital, sanitarium, residential zone, or subdivided land restricted to residential uses, except as otherwise provided in Section 6.40 of this regulation.

- A. Acid manufacture
- A. 1. Adult Oriented Business [printed 8/25/95]
- B. Asphalt manufacture, refining or mixing plant
- C. Automobile wrecking, junk and salvage yard, as regulated above and in
Section 4.40 of this regulation
- D. Cement, lime, plaster of paris, and gypsum manufacture
- E. Concrete plant
- F. Distillation processes
- G. Fertilizer manufacture
- H. Incineration or reduction of garbage, offal or refuse when conducted within an enclosed facility which meets state and federal environmental regulations for operation
- I. Livestock sales and/or feed lot
- J. Mining and mineral extraction subject to all requirements of state and federal law and such local requirements as may be placed by the Board of Zoning Appeals and/or Planning Commission
- K. Paper and pulp manufacturing
- L. Rock crushing
- M. Sanitary landfill subject to meeting all requirements of a registered solid waste disposal site as defined in Chapter 1200-1-7 of the Rules of the Tennessee Department of Public Health and Environment and any criteria identified by Wilson County officials.
- N. Slaughterhouse or slaughtering of animals other than poultry
- O. Stock yards
- P. Tanning or curing of leather, raw hides, or skins or storage of raw hides of skins
- Q. Tar roofing or tar water-proofing manufacture

5.41.04 USES PROHIBITED

Uses not specifically permitted or permissible on appeal.

- 5.41.05 AREA REGULATIONS
- A. FRONT YARD. No structure, storage area, or operation shall be located closer than sixty (60) feet to the street right-of-way line.
 - B. SIDE YARD. Setbacks of structures, storage areas, or operations which adjoin any other zoning district shall conform to the required side yard in the adjoining district. Except adjacent to a railroad right-of-way, no side setback shall be less than twenty (20) feet. Adjacent to a railroad right-of-way, no side yard is required.
 - C. REAR YARD. Setbacks of structures, storage areas, or operations which adjoin any other zoning district shall conform to the required rear yard in the adjoining district. Except adjacent to a railroad right-of-way, no rear setback shall be less than twenty (20) feet for one (1) and two (2) story buildings nor less than twenty-eight (28) feet for a three (3) story building. Adjacent to a railroad right-of-way, no rear yard is required.
 - D. MINIMUM LOT AREA. The minimum lot area shall be twenty thousand (20,000) square feet when the property is served by a public sewer system. When the property is not served by a public sewer system, the minimum allowed lot area shall be thirty thousand (30,000) square feet, or such larger lot as may be required by the State of Tennessee Department of Environment and Conservation. [resolution 07-7-4]
 - E. MAXIMUM LOT COVERAGE. No structures shall cover more than fifty (50) percent of the lot area.
 - F. SPACING BETWEEN STRUCTURES. There shall be a minimum yard of forty (40) feet between structures.

- 5.41.06 HEIGHT REGULATIONS. No structure shall exceed thirty-five (35) feet in height except where industrial processing needs are identified and where adequate fire protection measures are demonstrated in both building design/construction and local fire-fighting capacity.
- 5.41.07 OFF-STREET PARKING AND LOADING AREAS.
As regulated in Section 3.50 of this regulation.
- 5.41.08 LANDSCAPING. A landscaping plan shall be included with the site plan submitted to the Planning Commission for approval. The industrial use is to be buffered from adjacent residential zoning districts and residential use(s) by appropriately designed, installed and maintained plant material and related features.
- 5.41.09 ACCESS.
As regulated in Section 3.50 of this regulation.
- 5.41.10 SIGNS.
As regulated in Section 4.10 of this regulation.
- 5.41.11 EXTERIOR LIGHTING. Any exterior lighting of a site shall be oriented so that no direct lighting shall be cast onto any residentially zoned property, residential uses, or public rights-of-way.

ARTICLE 5.5 **PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT (PUD)**
(approved 08/08/2006) (revised resolution 25-11-13))

Chapter 1. GENERAL PROVISIONS

Section 5.5 -101 Intent and Purpose

- (A) To promote flexibility in land development regulation, to encourage innovation so that a growing demand for other housing may be met by variety in type, design, and layout of dwellings;
- (B) Provide flexibility in architectural design, placement and clustering of buildings, use of open area, provision of circulation facilities, and amenities;
- (C) To preserve to the greatest extent possible the existing landscape features and amenities and to utilize such features in a harmonious fashion;
- (D) To encourage the total planning of tracts of land consistent with pertinent long-range plans.
- (E) To allow increase in density beyond that is typically found in a conventionally zoned tract to offset any reduction in developable lands dedicated as open space (i.e. land dedicated to open space).

Section 5.5 -102 Consistency with General Plan and other criteria

A Planned Unit Development shall not be approved unless all plans for development are found to be consistent with the current land use plan for the area in question. The Planning Commission shall make a formal, written finding regarding the consistency of any proposed planned unit development. The finding should provide answers to the following four questions:

- 1. Is the proposed development consistent with the currently adopted land use plan for the area?
- 2. Is the development likely to be compatible with development permitted under the general development provisions of the zoning ordinance?
- 3. Will the use significantly interfere with the use and enjoyment of surrounding properties.
- 4. Does the County have the ability to provide adequate services to the development to protect the general health, safety, and welfare of those occupants in and around the development.

Section 5.5 -103 Master Plan of Planned Unit Development

The application for PUD zoning shall be accompanied by a master plan of the development meeting requirements set forth in Article 5, Chapter 2, Section 5.5-204.

Section 5.5 -104 Relationship of PUD Regulations to General Zoning, Subdivision, or other local regulations

Where conflicts exist between the regulations provided within this Article of the Zoning ordinance and other pertinent regulations, the regulations outlined within this article shall take precedence within a proposed planned unit development.

Section 5.5 - 105 Combination of Separate Types of Planned Unit Development

The County Planning Commission and the County Commission may consider planned unit developments with various combinations of base zoning districts so long as the property being included is proposed to be under the ownership/control of a single entity through development, and further provided that the planned unit development overlay district provides a consistent setoff development standard across the entirety of the development.

Section 5.5 - 106 Outline of Land Uses Allowed within a Planned Unit Development

The Planned Unit Development District is an Overlay District across base zoning. Therefore, only those uses allowed under the base zoning district being proposed will be allowed within any proposal for a planned unit development. Furthermore, the County Commission may further restrict, limit, or prohibit any land uses allowed in a base zone district which does not, in their estimation, contribute to the quality of development being sought by these Planned Unit Development District Regulations. This provision is to be used as a protection of the general health, safety, and welfare of the public at large.

Section 5.5 - 107 Acreage and Applicability Req. For Planned Unit Development Overlay Districts

Planned Unit Development Overlay Districts may exist in every commercial or industrial zone district, excepting the C4 - Planned Commercial Zone District and the C5 - Interchange Commercial Zone District as these districts require site development plan approval prior to issuance of any building permit.

Planned Unit Development Overlay Districts may exist in all current Residential Zone Districts excepting Agricultural Zoning and R-3 planned Residential zoning districts. Agricultural Zoned areas typically lack sufficient required infrastructure to support development of this intensity present within planned unit developments. R-3 planned residential districts are already master planned residential development.

Any proposed Commercial or Industrial Planned Unit Development with a commercial or industrial base zone district shall require at least 10 Acres of Land. Anything less will generally not be considered for Planned Unit Development Overlay Zoning as the economic viability of such smaller developments is questionable and increases potential for failure of the Planned Unit Development.

Any proposed Residential Planned Unit Development must contain at least 30 Acres

Any proposed mixed use Planned Unit Development containing both Residential and Commercial or Industrial Base Zone Districts shall contain at least 35 Acres of land. Anything less may not be considered for Planned Unit Development Overlay Zoning. The economic viability of and ability of acreages smaller than required above to carry out the intended purpose of a planned unit development is questionable.

Section 5.5 - 108 Development Control and Division of Land

Development Control must be possessed by a single controlling entity within any planned unit development. That entity may choose to transfer portions of the property to other interested parties; however, it should be made clear that any portion of property lying within a planned unit development overlay district must adhere to the rule's regulations and development criteria of the planned unit development district. These regulations will run with the land in much the same way a base zoning district would be associated with a particular piece of property through consecutive transfers and land divisions.

With the above stated points in mind, a report shall be submitted as evidence of development control by a single entity. This report shall provide a general outline of all property owners involved complete with name, address, phone number, tax map and parcel information, and total acreage in their control. The report shall also state agreement of the property owners / and or their successors in title to the following:

- 1) To proceed with development in accordance with the proposed planned unit development and related regulations in effect at the time of approval.
- 2) To provide any surety, guarantees, agreements, contracts, deed restrictions, and/or dedications deemed necessary and acceptable by the County Commission to insure the completion of the development as approved.
- 3) To provide for operation and maintenance of all such areas, facilities, and services as are not to be provided at public expense.
- 4) To bind further successors in title to the commitments outlined in points 1, 2, and 3.

Section 5.5 -109 Requirements for a Maintenance Organization and Mandatory Provisions Governing Organization and Operation

The Wilson County Planning Commission and Wilson County Commission shall require that the landholder provide for and establish a property owners association along with provisions for transfer of ownership and responsibility of common open space/amenities/improvements proposed within a particular development to include provisions for required maintenance. Such organization shall not be dissolved at any point from time of establishment. Further, such organization may not sell off or transfer common open space/amenities/improvements without first offering to dedicate the open space/amenities/improvements to Wilson County or some other governmental/quasi-governmental body as approved by the Wilson County Commission. All transfers of ownership/responsibility must meet the provisions of the adopted Final Master Development Plan.

The developer must file a declaration of covenants and restrictions that govern the property owner's association. This document is to be submitted with the Final Master Development Plan. The following provisions must be adhered to within the Covenants and restrictions:

- 1) The Maintenance Organization must be established and operational before any property is sold.
- 2) Membership must be mandatory and must run with the land so that any successive purchaser is automatically a member.
- 3) Restrictions covering use and maintenance of Open Space must be permanent, not just for a period of years.
- 4) The association must be made responsible for all liability insurance, local taxes, and maintenance of all facilities and lands deeded or dedicated to it.
- 5) Property Owners must pay their pro rata share of the cost assessed by the maintenance association; said assessment can become a lien on the property owner's development related property for failure to pay.
- 6) The Association must have ability to adjust fees as necessary to meet changing needs.

The Failure of any Property Owner's Association to maintain the common open space/ Amenities/improvements in reasonable order and condition will result in written notice being served by the Building Inspector and followed by subsequent citation into court as a zoning violation if the issues are not resolved.

Section 5.5 - 110 Quality Use and Improvement of Common Open Space

Common Open Space must be for amenity or recreational purposes. The uses authorized must be of appropriate size and scale when compared against the general character, density, expected population, topography, and other factors.

Common Open Space Uses must be specifically listed with details on the Final Master Plan. No additional uses will be permitted upon open space without first amending the Final Master Development Plan as outlined in Chapter 2 of this Article.

All common Open Space Dedications and improvements must be approved as a part of the Final Master Development Plan.

Common Open Space Improvements must be installed simultaneously with development. If a proposed planned unit development is to be developed in stages; open space improvements shall be made within each phase of development to service, the end users upon completion of each respective phase.

Section 5.5 - 111 Conveyance of Common Open Space and related Improvements

Common open space shown on the adopted final master development plan and any related improvements must be conveyed under one of two options:

- 1) It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.
- 2) It may be conveyed to a property owner's association which is subject to the provisions set forth in Section 5.5 - 109 of this provision.

Section 5.5 - 112 Surety for Installation and completion of Common Open Space amenities/improvements or required public facilities.

A Form of Surety shall be required by the Wilson County Planning Commission and/or the Wilson County Commission for Installation and completion of Common Open Space/amenities/improvements. This surety will be held by the Building Inspector's Office until such time as the open space/amenities/improvements or required public facilities are installed and approved by Wilson County Government or until such time as a year has passed without visible progress towards adequate installation and completion of said improvements and development. If the latter occurs, the Building Inspector may at their discretion seek direction from Wilson County legal counsel and begin the process of cashing the surety presented. Surety must be submitted to the Building Inspectors office prior to recording of plats for each respective section of a planned unit development.

Regulations regarding posting of Surety are as follows:

- 1.) Wilson County currently accepts two forms of surety: Irrevocable Letters of Credit or Certified Cashier's Checks from a bank or other accredited financial institution.
- 2.) All forms of surety must be cashable at a counter in Wilson County, Tennessee or in a County adjacent Wilson County, Tennessee.
- 3.) All forms of surety must be valid for a period of not less than one year and, in the case of Letters of Credit, must be automatically renewable at a stated time for a like period of time unless the developer gives notice within thirty (30) days of the renewal date that the developer does not wish for the Letter of Credit to be renewed.
- 4.) Only Originals of all forms of surety will be accepted by the Building Inspector's Office.

Section 5.5 - 113 Dedication of Public Facilities

The Wilson County Planning Commission and the Wilson County Commission may, as a condition of approval and adoption, in accordance with the final development plan, require that suitable areas for streets, public rights of way, schools, parks, and other public facilities be set aside, constructed, improved and/or dedicated for public use.

Section 5.5 - 114 Waiver of Board of Zoning Appeals Action on Allowable Uses on Appeal

No action of the Board of Zoning Appeals shall be required in the approval of a planned unit development including those activities which would otherwise require a use on appeal approval under typical base zone district requirements; provided however that said activities comply with all development criteria typically required of them, as well as, any other provisions that the Planning Commission or County Commission may deem necessary to protect the general health, safety, and welfare of the public and the surrounding area.

Chapter 2. **ADMINISTRATIVE PROCEDURE GOVERNING PLANNED UNIT DEVELOPMENTS**

Section 5.5 - 201 Purpose and Intent

The purpose and intent of these provisions is to outline the procedure for review, approval, and continued administration of all planned unit development overlay districts.

Section 5.5 - 202 Pre-Application Conference

Prior to proceeding with any application for rezoning to a planned unit development district or for amendment to an existing planned unit development, the applicant must have a pre-submittal conference with the Planning Director to discuss the proposed development and drafts of the master plan; and to insure that the proposal appropriately fits the requirements of a planned unit development overlay district as outlined in Article 5 of this ordinance.

Section 5.5 - 203 Final Approval of the Proposed Planned Unit Development

Application shall be made to the planning department by the single landholder or single landholding entity in accordance with such regulations as are listed the provisions of this Resolution. Affidavits shall be received from each property owner(s) whose property will be rezoned if the request is approved. Submittal application shall be accompanied by a master development plan. Said plan shall include the following information:

- 1) Sufficient information 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) Location and approximate dimensions of structures including height, and proposed use of structures along with the number of living units.
 - D) Estimated population and density and extent of activities to be allocated to parts of the project.
 - E) Reservation for public uses including schools, parks, and other open spaces complete with dimensions.
 - F) Other major Landscaping features,
 - G) General means of sewer and water provision.
- 2) Projected finished topography
- 3) Description, Quantity, and Details of all open space improvements complete with specifications that reference any public standard to be met.

- 4) Sections of any proposed trails or walkways.
- 5) A tabulation of the land area to be devoted to various uses and activities complete with overall densities.
- 6) All proposed covenants and restrictions as required by this article of the zoning resolution.
- 7) Any grants of easement or other restrictions/allowances for use of land, buildings, or other facilities within the development, including public utilities. This requirement includes copies of all proposed covenants and restrictions.
- 8) Any proposed staging of development along with a schedule for commencement of construction and completion of each phase.
- 9) For all Planned Unit Development proposals, a traffic study prepared by a licensed engineer must be submitted simultaneously with the proposal. The Planning Commission and/or the Wilson County Commission may at their discretion request a traffic study for planned unit development that is smaller than fifty acres if they feel that certain site-specific conditions warrant this request.
- 10) A general outline and/or set of illustrations that generally communicate the general character of the proposed development. It is strongly suggested that this item be of adequate quality to communicate the financial and cultural value of the proposed development to the Wilson County.

If the application is deemed incomplete by the planning director or building inspector, a written request shall be made within 10 days after the original submittal, for further information. In such cases, no plan will be submitted to the Planning Commission for review and action until such time as such application, submittal, and plan are found to be complete and ready for review. When considering whether this criterion has been met, county staff may also consider the amount of time it will take for adequate review of the submittal.

Section 5.5 - 204 Review by other County Departments and individuals/entities contracted out by County Government for review services.

Other departments of County Government, and individuals or entities contracted out by County government for review services may review the plan as appropriate.

Section 5.5 - 205 Planning Commission Action on Application for Planned Unit Development

Within Sixty (60) Days after initial submittal of a complete proposal or within three planning commission meetings, whichever comes later; the planning commission shall take action on the application through one of the following methods:

- 1) Recommendation for approval.
- 2) Conditional recommendation for approval, in which the planning commission includes or denotes modifications which must be a part of the recommendation for approval.
- 3) Recommendation for Disapproval.

Section 5.5 - 206 Recommendation for Conditional Approval - Applicant's Response and Related Procedure

Upon receiving a conditional recommendation for approval from the Planning Commission, the Applicant may respond in one of three ways. These three responses and additional required procedure are as follows:

The Applicant may agree in writing to all conditions and modifications recommended by the Planning Commission. All pertinent submittal information and/or Master Development Plan information must be modified to reflect recommended modifications and re-submitted prior to proceeding to the County Commission for Zoning Approval. Revised submittals must be submitted to the planning department at least fifteen (15) days prior to the County Commission Meeting at which the request is to be heard.

- 1) The Applicant may disagree in writing to conditions and modifications recommended by the planning commission. If this course is taken, the letter of disagreement must include language formally appealing the recommendation for conditional approval by the planning commission. This letter must be received at least fifteen (15) days prior to the County Commission Meeting at which the request is to be heard.
- 2) The Applicant may choose to take no action. If no letter of intent has been received within thirty (30) days of the recommendation for conditional approval by the planning commission, then the request for rezoning will be considered null and void.

Section 5.5 - 207 Recommendation for Disapproval - Applicant's Response and Related Procedure

An applicant may appeal the recommendation for disapproval of a proposed planned unit development to the County Commission by submitting a letter requesting appeal within ten (10) days of the planning commission recommendation for disapproval. If the Applicant does not appeal the decision within ten (10) days of the planning commission recommendation, the request for rezoning will be considered null and void.

Section 5.5 - 208 Action by the County Commission

Upon receipt of the Planning Commission's report and recommendations regarding the request for rezoning, the County Commission shall consider the Planning commission's report, recommendations and the applicant's Master development plan and such other information as they may require. The County Commission shall hold such hearings and otherwise proceed in the manner set forth in Article 6 Section 6.50 regarding administration of amendments to the Zoning Resolution.

Section 5.5 - 208.1 Additional Action by the County Commission in instances where the Planning Commission's recommendations are being appealed.

If the County Commission acts to approve a proposed planned unit development where the applicant has appealed the recommendations of the planning commission, the County Commission must refer the plan to committee for the purpose of developing additional direction and specific guidance as to:

- 1) The overall design of the plan
- 2) Any modifications the County Commission will require.
- 3) Any additional information which may be required by the planning commission in administration of the Master Development plan through completion of the proposed development.

The committee appointed for the above task shall then refer the master plan back to the County Commission for final approval within 60 days or three regular meetings of the initial approval by the County Commission.

Section 5.5 - 209 Final Approval of a Planned Unit Development

A Planned Unit Development shall not be recognized until five (5) revised final copies of the master development plan and related documents have been received in the planning office. These copies must reflect all required modifications and conditions of approval. These documents will be reviewed and stamped approved at which point one copy will be returned to the developer. One stamped approved copy will be recorded in the register of deeds office as a matter of record. One stamped approved copy will be submitted to the Building Inspector's Office. The other copies will be maintained as file copies of the approved master development plan.

If County Planning Staff is at any time unsure of a final development plan's compliance with conditions of approval, they may withhold stamping the master plan and related documents approved until such time as they can seek clarification and direction from the Planning Commission or the County Commission, whichever is deemed necessary.

Section 5.5 - 210 Planned Unit Development and the Official Zoning Map

Upon approval of a planned unit development by the County Commission, the designation and extent of the planned unit development shall be placed on the official County zoning map.

Section 5.5 - 211 Failure to Initiate Development Activities a Planned Unit Development or Failure to complete a Planned Unit Development

Failure to initiate development activity shall be deemed to occur when no action has taken place with regard to recording of subdivision plats, obtaining approval of site plans, posting of any required forms of surety or commencement of construction as properly permitted within 24 months of master plan approval. Should a failure to initiate development activity occur, the property reverts to the previous zoning designation that existed prior to the approval of the planned unit development. Any attempt to resurrect or restart a planned unit development on this property will require a new rezoning request and approval. Failure to complete a planned unit development may be deemed to have occurred when no development activity has occurred within a twelve (12) month period. This condition may be constituted by lack of any visible construction activity towards the goals set forth in the approved master plan, a lack of any effort to get subdivision plats recorded, site plans approved, or forms of surety posted or renewed, and/or any combination of the above listed.

When failure to complete a planned unit development occurs, the county is entitled to any surety posted to bring certain required elements of the development to a necessary level of completion to be safe and useable by the general public at the County government's discretion. Any attempt to resurrect or restart a partially completed planned unit development will require a new master plan to be submitted and approved and therefore is treated as a new zoning request.

Section 5.5 - 212 Modification to the Planned Unit Development

Proposed modifications to the planned unit development must be submitted in the form of an amended final master development plan and is therefore treated as a new zoning request. All proposed modifications involving allowable uses, general character of the development or quality of the development must be reviewed and approved by the planning commission and the County Commission. Therefore, amended master development plans are administered in the same manner as new final master development plans.

**CRITERIA, AND DENSITY ALLOWANCES (revised resolution 23-5-70
revised court docket # 2023-CV-167) (revised resolution 25-11-13)**

Section 5.5 - 301 Density and Bulk Regulations

Within Planned Unit Residential Zones the following provisions shall apply.

- 1) Density will be determined based on the total acreage available for the site
 - a) R-1 base density will be 1.75 dwelling units per acre. (single family only)
 - b) R-2 base density will be 2.75 dwelling units per acre. (single family only)
 - i) Density for site can be increased by 0.15 dwelling units per acre with each additional 10% preservation of total open space on site up to an additional 0.3 dwelling units per acre.
- 2) All residential planned unit developments shall require an initial 30% of total land area acreage to be placed in a conservation or agricultural easement that is not to be disturbed by the development of the property. Passive open space will be allowed within this area (i.e. walking trails or pedestrian circulation routes). There will be no structures permitted within this area.
 - a) Areas not considered for preservation of open space
 - 1) Manmade storm water detention or retention ponds
 - 2) STEP soil areas
 - 3) Areas that are utilized for active open space for development require amenities.
- 3) All structures within a PUD development will be 50% or more brick, stone, or finished masonry product as deemed acceptable by the Planning Commission.
- 4) All dwelling units will have a minimum outdoor private space of no less than 200 square feet. This can be split with front and back outdoor private spaces.
- 5) Building separation will be no less than 20' between structures within the minimum side and rear yard setbacks being 10' per lot. Where lots are proposed on the perimeter of any planned unit development, base zone setbacks and lots sizes shall apply on those lots.

- 6) Pedestrian circulation routes shall be incorporated into each planned unit development and shall insure safe pedestrian circulation between each portion of the development and shall further stub out to each adjoining property where it

can be reasonably expected that pedestrian can be made in the future. Pedestrian Circulation ways shall be a minimum of six feet wide and shall be constructed to meet Americans with Disabilities Act (ADA) public standards. Upon completion of each phase of the residential planned unit development, all pedestrian circulation ways shall be dedicated to the property owner's association and the development's covenants and restrictions shall indicate that the property owner's association is responsible for upkeep and maintenance of these facilities through perpetuity. The developer may request that these pedestrian ways be placed in the road right of way and dedicated to Wilson County for upkeep and maintenance; though the county Commission or the County Road Commission are not obligated to accept this request for relief.

- 7) A 25' wide transitional buffer zone shall be incorporated within common open space where a residential planned unit development abuts another zone district without interruption by a public roadway. This buffer zone shall be reinforced where necessary to provide adequate visual separation between the planned unit development and surrounding properties. Pedestrian Circulation Routes may encroach upon this buffer zone so long as visual separation is maintained.
- 8) All residential planned unit developments shall contain common open space areas which protect environmentally/culturally sensitive areas and accommodate the development's pedestrian circulation ways, transitional buffer zones, and other community facility improvements as required by this resolution. The Covenants and Restrictions for the development should clearly outline the property owner's association responsibility for the maintenance and upkeep of common open space areas along with all improvements that exist within these areas.
 - a.) For the first 50 dwelling units proposed, one of the following must be constructed:
 - i) A community clubhouse or centralized meeting space with adequate meeting space for 30 people must be proposed and incorporated into the Final Master Development Plan along with one of the following:
 - a. A Sports Court Complex built to standards set forth in American Institute of Architects Time Saver Standards.
 - b. A Playground designed and built to public standards (Consumer Product Safety Guideline ASTM F1487, Public Use Playground Standard) with a minimum capable load of 20 children.
 - c. Other comparable neighborhood/community facilities as approved by the Wilson County Commission.
 - b.) For the first 100 dwelling units, the following must be constructed:

- i.) A Swimming Pool designed and built to “ANSI/NSPI-1 1991 American National Standard for Public Swimming Pools” specifications.
 - c.) For each subsequent 100 dwelling units proposed, an additional facility as listed above shall be incorporated into the development and final master development plan. Additionally, for each subsequent 100 dwelling units the community clubhouse or centralized meeting space must accommodate an additional 10 people (i.e. at 200 dwelling units the meeting space will have to accommodate 40 people).

These facilities shall be constructed as the dwelling unit thresholds that require them are being met.

Upon completion of each phase of the residential planned unit development, these facilities shall be dedicated to the property owner’s association and the development’s covenants and restrictions shall indicate that the property owner’s association is responsible for upkeep and maintenance of these facilities through perpetuity.
 - d.) For every 300 dwelling units proposed, land dedication with suitable building sites for public facilities such as a fire station, a sheriff’s office, a school, a public parks facility, or for some other comparable facility as approved by the Wilson County Commission shall be incorporated into the design of the development. Said dedications shall be dedicated to the appropriate agency or division of Wilson County Government, as necessary. This dedication will be required to help offset additional costs to the county for serving the significant additional number of residents produced by such growth. These land dedications must occur simultaneously with the recording of the first development related subdivision plat after final approval of the Final Master Development Plan. Adequate access to road and utility infrastructure must also be afforded these dedicated sites. The County Government may opt to transfer or sell this dedicated land at any time following dedication. Any transfer of land previously dedicated to the County under this provision and proposed for sale or transfer to private entities/individuals, must first be reflected by approval of an amended final master development plan that shows the dedicated property no longer being used for the stated purpose listed in the originally approved final master development plan.
- 9) All recommended traffic improvements as determined by traffic study and subsequent staff review must be incorporated into the proposal for planned unit development to insure adequate road infrastructure in the general area to handle the traffic impact of the development. Any surety required for traffic improvements made necessary by the proposed development shall be submitted

prior to recording of the first development related subdivision plat after final approval of the Final Master Development Plan.

- 10) All utilities service within a residential planned unit development must be underground.
- 11) Where land dedications or facility construction is proposed to address various public or governmental needs, the particular affected agency's department head or director or appointed representatives shall be contracted and afforded input on the ultimate location of said facilities. A written report shall be submitted to the Planning Commission which outlines this process and findings by the affected public agency and the developers/applicants. It is the developer's/applicant's responsibility to provide this written report prior to Planning Commission action being taken.

Section 5.5 - 302 Fire and Emergency Service Based Requirements

These provisions shall be enforceable by the County Building Inspector as a zoning violation upon receiving **written request** to issue a stop work order being forwarded to the Building Inspector by local emergency services agency directors (ie: Police-Sheriff, Fire - WEMA Director) or Planning Director.

1. Street signs must be erected for any proposed or existing road on which lots are legally recorded prior to issuance of a building permit. Said street signs shall be maintained in a manner which meets Wilson County Road Commission and Wilson County Subdivision standards through completion and formal acceptance of the roads the sign indicates by the County Road Commission.
2. All lots for which a building permit has been received must have the house number (address number) clearly marked in a manner legible from the road through completion of the home's construction. Prior to or at time of issuance of a certificate of occupancy, each primary residential structure shall have house numbers installed on the front of the house which are clearly legible from the road. The Wilson County planning commission may accept some mechanism for indicating the residential address upon receiving a positive opinion for the proposed methodology that varies from this requirement from the Wilson County Emergency Management Agency (WEMA) Director. This alternate must be proposed during the subdivision platting process.
3. Parking shall be provided on each residential lot to accommodate two motor vehicles parked side by side in the private driveway. This requirement shall be on the face of any residential subdivision plat that falls within a planned unit development.
4. Any boulevard or street/cul-de-sac ornamentation, curbing, landscaping must also be reviewed by the Wilson County Emergency Management agency to allow adequate input for insurance of viable emergency services vehicle circulation.
5. No Planned Unit Development entrance shall have overhanging or overhead signage or entrance structure that would obstruct or otherwise impede emergency services vehicles from entering the subdivision.

6. Each proposed Planned Unit Development shall indicate a water line system of sufficient size, capacity, and flow to adequately meet ISO Fire Flow ratings for “fully involved” fires in the development. Water lines should be looped rather than dead ended in order to provide adequate fire protection commensurate with needed fire flow. If the proposed Planned Unit Development has a self-contained water supply system, it shall be connected to the existing water line system of the surrounding area for added protection to the PUD and surrounding areas.
7. Water Storage tanks, especially elevated, are strongly encouraged and may be required depending on the initial findings of emergency services personnel when evaluating the initial planned unit development proposal. These tanks and/or associated land would need to be dedicated, constructed and/or posted by surety to the appropriate water providing utility prior to or simultaneous to the recording of the first plat for the subdivision development.

Chapter 4. **COMMERCIAL ZONE DISTRICTS WITH PLANNED UNIT DEVELOPMENT OVERLAY - DEVELOPMENT STANDARDS, BULK CRITERIA, AND DENSITY ALLOWANCES**

Section 5.5 - 401 Density and Bulk Regulations

The same building setbacks as the base zone district shall apply on the perimeter of any planned unit development district. The Developer shall be permitted to establish building setbacks elsewhere within the development so long as they are indicated on the master development plan and there is at least 30 feet of separation between structures on adjacent lots. Where zero lot line development is to occur (anything providing less than 15-foot separation between structures on adjacent lots), proposed structures must comply with the International Building Code Regulations on fire separation. At the terminus of a series of attached units, there must be at least 30 feet of separation between the end of the structure and the adjacent lot's structures.

Lot Sizes within Commercial Planned Unit Developments are the same as is Allowed within the base zone district.

Section 5.5 - 402 Commercial Planned Unit Development Standards

Within Commercial Planned Unit Developments, the following provisions shall apply:

1. Pedestrian circulation routes shall be incorporated into each planned unit development and shall ensure safe pedestrian circulation between each portion of the development and shall further stub out to each adjoining property where it can be reasonably expected that pedestrian can be made in the future. Pedestrian Circulation ways shall be a minimum of six feet wide and shall be constructed to meet Americans with Disabilities Act (ADA) public standards. Upon completion of each phase of the residential planned unit development, all pedestrian circulation ways shall be dedicated to the property owner's association and the development's covenants and restrictions shall indicate that the property owner's association is responsible for upkeep and maintenance of these facilities through perpetuity. The developer may request that these pedestrian ways be placed in the road right of way and dedicated to Wilson County for upkeep and maintenance though the county Commission or the County Road Commission are not obligated to accept this request for relief.

2. A 25' wide transitional buffer zone shall be incorporated within common open space where a commercial planned unit development abuts another zone district without interruption by a public roadway. This buffer zone shall be reinforced where necessary to provide adequate visual separation between the planned unit development and surrounding properties. Berming or other measures may also be required by the Planning Commission and/or the County Commission in an effort to minimize any noise, odor or other caustic attributes of specific Commercial uses. Pedestrian Circulation Routes may encroach upon this buffer zone as long as visual separation is maintained.
3. All proposed Commercial Planned Unit Developments shall have landscaping standards as a part of their master plan. These standards shall include but not be limited to the following:
 - A) A proposed entrance area landscaping plan which incorporates the development's signage or signature monuments. This entrance planting should incorporate Trees, shrubs, and groundcover at a minimum and should provide for effective appearance in all seasons. Setbacks for signage shall be as stated within the base zone district and regulations and general regulations of the Zoning Resolution.
 - B) A street side or boulevard landscaping plan that incorporates trees appropriate for street side planting at a minimum of 40 foot centers along the length of the road. This plan should also incorporate hedge plantings to be planted between the street tree plantings which are a minimum of 24"-30" Height to screen automobile radiator grills in parking lots from view along the along the road frontage. Finally, efforts should be made to screen neighboring residential areas, including those residential areas across the street from the development, from undesirable views. Efforts shall include but not be limited to berming and additional landscaping. It should be clearly stated that all maintenance to median or boulevard plantings are the responsibility of the property owners' association.

- C) Proposed internal site landscaping standards should be outlined to include but not be limited to foundation plantings, landscaping at building entrances, parking lot landscaping, any required berming or screening, etc.
 - D) As landscaping requires maintenance once it is installed, provisions should be made in the covenants and restrictions which clearly outline property owner's association responsibility regarding these elements. Development wide irrigation is strongly encouraged.
 - E) The above listed standards are to be viewed as a minimum goal for any commercial planned unit development. The County Commission may accept some variation of the direction provided above if they feel it accomplishes the same intent.
4. All recommended traffic improvements as determined by traffic study and subsequent staff review must be incorporated into the proposal for planned unit development to ensure adequate road infrastructure in the general area to handle the traffic impact of the development. Any surety required for traffic improvements made necessary by the proposed development shall be submitted prior to recording of the first development related subdivision plat after final approval of the Final Master Development Plan.
 5. All utility service within a commercial planned unit development must be underground.
 6. All commercial planned unit developments shall contain common open space areas which protect environmentally/culturally sensitive areas and accommodate the development's pedestrian circulation ways, transitional buffer zones, and other community facility improvements as required by this resolution. The Covenants and Restrictions for the development should clearly outline the property owner's association responsibility for the maintenance and upkeep of common open space areas along with all improvements that exist within these areas.
 7. Where land dedications or facility construction is proposed to address various public or governmental needs, the particular affected agency's department head or director or appointed representatives shall be contacted and afforded input on the ultimate location of said facilities. A written report shall be submitted to the planning commission which outlines this process and findings by the affected public agency and the developers/applicants. It is the developer's/applicant's responsibility to provide this written report prior to Planning Commission Action being taken.

Section 5.5 - 403 Fire and Emergency Service Based Requirements

These provisions shall be enforceable by the County Building Inspector as a zoning violation upon receiving **written request** to issue a stop work order being forwarded to the Building Inspector by local emergency services agency directors (ie: Police-Sheriff, Fire - WEMA Director) or planning director.

- a. Street signs must be erected for any proposed or existing road on which lots are legally recorded prior to issuance of a building permit. Said street signs shall be maintained in a manner which meets Wilson County Road Commission and Wilson County Subdivision standards through completion and formal acceptance of the roads the sign indicates by the County Road Commission.
- b. All lots for which a building permit has been received must have the house number (address number) clearly marked in a manner legible from the road through completion of the principal structure's construction. Prior to or at time of issuance of a certificate of occupancy, each primary residential structure shall have address numbers installed on the front of the building which are clearly legible from the road. The Wilson County planning commission may accept some alternative mechanism for indicating the address upon receiving a positive opinion for the proposed methodology from the Wilson County Emergency Management Agency (WEMA) Director. This alternate must be proposed during the subdivision platting process.
- c. Parking shall be provided in such a manner as not to obstruct or impede emergency services circulation.
- d. Any boulevard or street/cul-de-sac ornamentation, curbing, landscaping must also be reviewed by the Wilson County Emergency Management agency to allow adequate input for insurance of viable emergency services vehicle circulation.
- e. No Planned Unit Development entrance shall have overhanging or overhead signage or entrance structure that would obstruct or otherwise impede emergency services vehicles from entering the subdivision.
- f. Each proposed Planned Unit Development shall indicate a water line system of sufficient size, capacity, and flow to adequately meet ISO Fire Flow ratings for "fully involved" fires in the development. Water lines should be looped rather than dead ended in order to provide adequate fire protection commensurate with needed fire flow. If the proposed Planned Unit Development has a self-contained water supply system, it shall be connected to the existing water line system of the surrounding area for added protection to the PUD and surrounding areas.

- g. Water Storage tanks, especially elevated, are strongly encouraged and may be required depending on the initial findings of emergency services personnel when evaluating the initial planned unit development proposal. These tanks and/or associated land would need to be dedicated, constructed and/or posted by surety to the appropriate water providing utility prior to or simultaneous to the recording of the first plat for the subdivision development.

Section 5.5-404 SIGNS As regulated in Section 4.10 of these regulations.

Any on-site signage ground signage erected for the purposes of advertising a business (excepting home occupations which must follow sign provisions specific to home occupations), a church, a school, a neighborhood, a park, or other similar non-private residential feature shall be erected as a ground mounted monument style sign. (Resolution 19-6-3)

Exceptions : for site signs located in this zone district adjacent to a federally classified interstate highway one (1) fifty (50) foot tall pole sign will be permitted on the interstate side of the property per parcel.

Chapter 5. **INDUSTRIAL ZONE DISTRICTS WITH PLANNED UNIT DEVELOPMENT OVERLAY - DEVELOPMENT STANDARDS, BULK CRITERIA, AND DENSITY ALLOWANCES**

Section 5.5 - 501 Density and Bulk Regulations

The same building setbacks as the base zone district shall apply on the perimeter of any planned unit development district. The Developer shall be permitted to establish building setbacks elsewhere within the development so long as they are indicated on the master development plan and there is at least 60 feet of separation between structures on adjacent lots. Where zero lot line development is to occur (anything providing less than 50-foot separation between structures on adjacent lots), proposed structures must comply with the International Building Code regulations on fire separation. At the terminus of a series of attached structures, there must be at least 60 feet of separation between one set of attached structures and the adjacent lot's structures.

Lot Sizes within Industrial Planned Unit Developments are the same as is allowed within the base zone district.

Section 5.5 - 502 Industrial Planned Unit Development Standards

Within Industrial Planned Unit Developments, the following provisions shall apply:

1. A 50' wide transitional buffer zone shall be incorporated within common open space where an industrial planned unit development abuts another zone district without interruption by a public roadway. This buffer zone shall be reinforced where necessary to provide adequate visual separation between the planned unit development and surrounding properties. Berming or other measures may also be required by the Planning Commission and/or the County Commission in an effort to minimize any noise, odor or other caustic attributes of specific industrial uses.
2. All proposed Industrial Planned Unit Developments shall have landscaping standards as a part of their master plan. These standards shall include but not be limited to the following:
 - A) A proposed entrance area landscaping plan which incorporates the development's signage or signature monuments. This entrance planting should incorporate Trees, shrubs, and groundcover at a minimum and should provide for effective appearance in all seasons.
 - B) A street side or boulevard landscaping plan that incorporates trees appropriate for street side planting at a minimum of 60-foot centers along the length of the road. Finally, efforts should be made to screen neighboring residential areas, including those residential areas across the street from the development, from undesirable views. Efforts shall include but not be limited to berming and additional landscaping. It should be clearly stated that all maintenance to median or boulevard plantings are the responsibility of the property owners' association.
 - C) Proposed internal site landscaping standards should be outlined to include but not be limited to foundation plantings, landscaping at building entrances, parking lot landscaping, any required berming or screening, etc.
 - D) As landscaping requires maintenance once it is installed, provisions should be made in the covenants and restrictions which clearly outline property owner responsibility and property owner's association responsibility regarding these elements. Development wide irrigation is strongly encouraged.
 - E) The above listed standards are to be viewed as a minimum goal for any industrial planned unit development. The County Commission may accept some variation of the direction provided above if they feel it accomplishes the same intent.

3. All recommended traffic improvements as determined by traffic study and subsequent staff review must be incorporated into the proposal for planned unit development to insure adequate road infrastructure in the general area to handle the traffic impact of the development. Any surety required for traffic improvements made necessary by the proposed development shall be submitted prior to recording of the first development related subdivision plat after final approval of the Final Master Development Plan.
4. All industrial planned unit developments shall contain common open space areas which protect environmentally/culturally sensitive areas and accommodate the development's pedestrian circulation ways, transitional buffer zones, and other community facility improvements as required by this resolution. The Covenants and Restrictions for the development should clearly outline the property owner's association responsibility for the maintenance and upkeep of common open space areas along with all improvements that exist within these areas.
5. Where land dedications or facility construction is proposed to address various public or governmental needs, the particular affected agency's department head or director or appointed representatives shall be contacted and afforded input on the ultimate location of said facilities. A written report shall be submitted to the planning commission which outlines this process and findings by the affected public agency and the developers/applicants. It is the developer's/applicant's responsibility to provide this written report prior to Planning Commission Action being taken.

Section 5.5 - 503 Fire and Emergency Service Based Requirements

These provisions shall be enforceable by the County Building Inspector as a zoning violation upon receiving **written request** to issue a stop work order being forwarded to the Building Inspector by local emergency services agency directors (ie: Police-Sheriff, Fire - WEMA Director) or planning director.

1. Street signs must be erected for any proposed or existing road on which lots are legally recorded prior to issuance of a building permit. Said street signs shall be maintained in a manner which meets Wilson County Road Commission and Wilson County Subdivision standards through completion and formal acceptance of the roads the sign indicates by the County Road Commission.
2. All lots for which a building permit has been received must have the house number (address number) clearly marked in a manner legible from the road through completion of the principal structure's construction. Prior to or at time of issuance of a certificate of occupancy, each primary residential structure shall have address numbers installed on the front of the building which are clearly legible from the road. The Wilson County planning commission may accept some alternative mechanism for indicating the address upon receiving a positive opinion for the proposed methodology from the Wilson County Emergency Management Agency (WEMA) Director. This alternate must be proposed during the subdivision platting process.
3. Parking shall be provided in such a manner as not to obstruct or impede emergency services circulation.
4. Any boulevard or street/cul-de-sac ornamentation, curbing, landscaping must also be reviewed by the Wilson County Emergency Management Agency to allow adequate input for insurance of viable emergency services vehicle circulation.
5. No Planned Unit Development entrance shall have overhanging or overhead signage or entrance structure that would obstruct or otherwise impede emergency services vehicles from entering the subdivision.
6. Each proposed Planned Unit Development shall indicate a water line system of sufficient size, capacity, and flow to adequately meet ISO Fire Flow ratings for "fully involved" fires in the development. Water lines should be looped rather than dead ended in order to provide adequate fire protection commensurate with needed fire flow. If the proposed Planned Unit Development has a self contained water supply system, it shall be connected to the existing water line system of the surrounding area for added protection to the PUD and surrounding areas.

7. Water Storage tanks, especially elevated, are strongly encouraged and may be required depending on the initial findings of emergency services personnel when evaluating the initial planned unit development proposal. These tanks and/or associated land would need to be dedicated, constructed and/or posted by surety to the appropriate water providing utility prior to or simultaneous to the recording of the first plat for the subdivision development.

Section 5.5-504 SIGNS. As regulated in Section 4.10 of these regulations.

Any on-site signage ground signage erected for the purposes of advertising a business (excepting home occupations which must follow sign provisions specific to home occupations), a church, a school, a neighborhood, a park, or other similar non-private residential feature shall be erected as a ground mounted monument style sign. (Resolution 19-6-3)

Exceptions : for site signs located in this zone district adjacent to a federally classified interstate highway one (1) fifty (50) foot tall pole sign will be permitted on the interstate side of the property per parcel.

Chapter 6. **MIXED USE (Multiple Zone District) PLANNED UNIT DEVELOPMENT OVERLAY - DEVELOPMENT STANDARDS, BULK CRITERIA AND DENSITY ALLOWANCES**

Section 5.5 - 601 Use, Density, Bulk Regulations, and Development Standards

Mixed Use Planned Unit Developments shall outline on their master plan, the geographic boundaries of each specific base zone district. From that point each base zone district within the planned unit development shall be reviewed against the respective criteria for each type of planned unit development. As an illustration:

Where an Industrial Base Zone District is specified in a mixed-use development, only allowable uses under the base Industrial Zone District will be permitted to be requested by the developer. Likewise, all bulk criteria, Density Requirements or Development Standards from the Industrial Planned Unit Development Section of this resolution must be complied with.

The same condition conditions will be true for any proposed commercial base zone district or any proposed residential base zone district within a mixed-use development, except they will be required to comply with their respective list of allowable uses and uses on appeal and their respective commercial or residential development standards.

Section 5.5 - 602 Additional Mixed Use Planned Unit Development Standards

1. Within Mixed Use Developments, Traffic issues shall be reviewed comprehensively, and all traffic studies shall provide for the impact of the development as a whole on existing infrastructure. Recommendations that originate from the Traffic Study and any subsequent review shall also address the impacts from the development as a whole.
2. Within Mixed Use Developments, separate covenants and restrictions and separate property owner's associations shall be approved for each section type (Commercial, Industrial, or Residential) of the planned unit development. Provisions should be made to ensure that residential property owners are not responsible for upkeep of common amenities or facilities that should largely be the responsibility of commercial or industrial property owners and vice versa; unless this is consciously intended. If it is the intent of the developer to have property owners of varying interest under the same covenant, restriction, and responsibility umbrella, this should be thoroughly reviewed with County Staff, the Planning Commission, and the Wilson County Commission.

Section 5.5 - 603 Fire and Emergency Service Based Requirements

1. Where an Industrial Base Zone District is specified in a mixed-use development, the criteria for fire and emergency service-based requirements listed in section 5.5 - 503 shall be followed.
2. Where a Commercial Base Zone District is specified in a mixed-use development, the criteria for fire and emergency service-based requirements listed in section 5.5 - 403 shall be followed.

Where a Residential Base Zone District is specified in a mixed-use development, the criteria for fire and emergency service-based requirements listed in section 5.5 - 302 shall be followed.

Section 5.5-604 SIGNS. As regulated in Section 4.10 of these regulations.

Any on-site signage ground signage erected for the purposes of advertising a business (excepting home occupations which must follow sign provisions specific to home occupations), a church, a school, a neighborhood, a park, or other similar non-private residential feature shall be erected as a ground mounted monument style sign. (Resolution 19-6-3)

Exceptions : for site signs located in this zone district adjacent to a federally classified interstate highway one (1) fifty (50) foot tall pole sign will be permitted on the interstate side of the property per parcel.

ARTICLE 5.6 **FLOODPLAIN ZONING RESOLUTION**

revised & adopted 02.27.2023 RES 23-2-11 effective date 05.09.2023,
revised & adopted 04.15.2024 RES 24-4-3 effective dated 04/24/2024

**ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE
AND OBJECTIVES**

Section A. Statutory Authorization

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

Section B. Findings of Fact

1. The **Wilson** County, Tennessee, Mayor and its Legislative Body wish to **maintain** eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
2. Areas of **Wilson** County, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

Section C. Statement of Purpose

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

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

Section D. Objectives

The objectives of this Resolution are:

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

ARTICLE II. DEFINITIONS

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

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

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

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

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

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

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

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

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

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

"Bulding" see **"Structure "**.

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

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

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

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

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

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

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

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

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

"Flood" or "Flooding"

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.
3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Historic Structure" means any structure that is:

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

"Letter of Map Change (LOMC)" means an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

"Letter of Map Amendment (LOMA)" An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property or structure is not located in a special flood hazard area.

"Conditional Letter of Map Revision Based on Fill (CLOMR-F)" A determination that a parcel of land or proposed structure that will be elevated by fill would not be inundated by the base flood if fill is placed on the parcel as proposed or the structure is built as proposed.

"Letter of Map Revision Based on Fill (LOMR-F)" A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

"Conditional Letter of Map Revision (CLOMR)" A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA, to revise the effective FIRM.

"Letter of Map Revision (LOMR)" Letter of Map Revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Recreational Vehicle" means a vehicle which is:

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

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

"Regulatory Flood Protection Elevation" means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) foot. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least three (3) feet above the highest adjacent grade.

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

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

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

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

"State Coordinating Agency" the Tennessee Emergency Management Agency, State NFIP Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

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

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

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

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

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

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

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

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

ARTICLE III. GENERAL PROVISIONS

Section A. Application

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

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

The Areas of Special Flood Hazard identified on the **Wilson** County, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Number(s) 47189C0010D, 47189C0015D, 47189C0016D, 47189C0018D, 47189C0030D, 47189C0037D, 47189C0038D, 47189C0039D, 47189C0042D, 47189C0051D, 47189C0056D, 47189C0057D, 47189C0060D, 47189C0062D, 47189C0063D, 47189C0064D, 47189C0066D, 47189C0067D, 47189C0068D, 47189C0069D, 47189C0078D, 47189C0079D, 47189C0080D, 47189C0086D, 47189C0087D, 47189C0088D, 47189C0089D, 47189C0095D, 47189C0125D, 47189C0126D, 47189C0131D, 47189C0132D, 47189C0151D, 47189C0152D, 47189C0153D, 47189C0154D, 47189C0156D, 47189C0158D, 47189C0160D, 47189C0162D, 47189C0166D, 47189C0167D, 47189C0176D, 47189C0178D, 47189C0185D, 47189C0192D, 47189C0194D, 47189C0205D, 47189C0210D, 47189C0215D, 47189C0220D, 47189C0230D, 47189C0240D, 47189C0330D, 47189C0335D, 47189C0355D, 47189C0360D, 47189C0365D, 47189C0370D, 47189C0430D, and 47189C0435D dated February 20 2008, Panel Numbers 47189C0017E, 47189C0019E, 47189C0035E, 47189C0036E, 47189C0045E, 47189C0053E, 47189C0054E, 47189C0061E, and 47189C0085E dated May 18 2009, Panel Numbers 47189CIND0C, 47189C0127E, 47189C0129E, 47189C0133E, 47189C0134E, 47189C0140E, 47189C0142E, 47189C0145E, 47189C0161E, 47189C0165E, 47189C0170E, 47189C0260E, 47189C0280E, 47189C0285E, 47189C0290E, 47189C0295E, 47189C0305E, 47189C0310E, 47189C0315E, 47189C0320E, 47189C0340E, 47189C0345E, 47189C0385E, 47189C0400E, 47189C0405E, and 47189C0410E dated May 9 2023, and Panel Numbers 47189CIND0D, 47189C0177E, 47189C0179E, 47189C0181E, 47189C0186E, 47189C0190E, 47189C0191E, and 47189C0193E dated April 25 2024 along with all supporting technical data, are adopted by reference and declared to be a part of this Resolution.

Section C. Requirement for Development Permit

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

Section 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.

Section 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.

Section 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.

Section 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 **Wilson** 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.

Section 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 **Wilson** County, Tennessee from taking such other lawful actions to prevent or remedy any violation.

ARTICLE IV. ADMINISTRATION

Section A. Designation of Resolution Administrator

The **Director of Development Services** is hereby appointed as the Administrator to implement the provisions of this Resolution.

Section 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 Article V, Sections A and B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- e. 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

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.

Section 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 Article IV, Section B.
7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Article IV, Section B.
8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Section B.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this 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 **Wilson** 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 FF-206-FY-22-152, formerly 086-0-33) 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.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section 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. Water heaters, furnances, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall be elevated to no lower than two (2) feet above the Base Flood Elevation or at least three (3) feet above the highest adjacent grade where no Base Flood Elevation exist and shall be anchored to resist floatation, collapse, and lateral movement;
7. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
8. 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;
9. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
10. 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;
11. 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;
12. 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;

13. All subdivision proposals and other proposed new development proposals shall meet the standards of Article V, Section B;
14. 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;
15. 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.

Section B. Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Article V, Section 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 two (2) feet 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 Article II). 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 two (2) feet 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 Article II). 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 Article IV, Section 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 Article V, Section 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 (2) feet 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 Article II).
 - c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Article V, Sections 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 Article V, Section E).

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

Located within the Special Flood Hazard Areas established in Article III, 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, floodway width or base flood discharge provided that the applicant first applies for a Conditional Letter of Map Revision (CLOMR) from FEMA prior to the start of construction. Upon completion of the project, the applicant shall apply for a Letter of Map Revision (LOMR) from FEMA. Submittal requirements and fees shall be the responsibility of the applicant as established under the the provisions of § 65.12.
3. ONLY if Article V, Section 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 Article V, Sections A and B.

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

Located within the Special Flood Hazard Areas established in Article III, Section 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) from FEMA prior to the start of construction. Upon completion of the project, the applicant shall apply for a Letter of Map Revision (LOMR) from FEMA. Submittal requirements and fees shall be the responsibility of the applicant as established under the provisions of § 65.12.
3. ONLY if Article V, Section 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 Article V, Sections A and B.

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

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

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Article V, Sections 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 Article II). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Article IV, Section B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Article V, Section 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 **Wilson** County, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B. Within approximate A Zones, require that those subsections of Article V Section 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.

Section F. Standards For Areas of Shallow Flooding (Zone AO)

Located within the Special Flood Hazard Areas established in Article III, Section 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 Article V, Sections 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 Article V, Section 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 Article IV, Section B(1) (c) and Article V, Section B(2).
3. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

Section G. Standards For Areas of Shallow Flooding (Zone AH)

Located within the Special Flood Hazard Areas established in Article III, Section 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 Article V, Sections 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.

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

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

Section I. Standards for Unmapped Streams

Located within the **Wilson** 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 Articles IV and V.
3. ONLY if Article V Section I, provisions (1) through (2) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article V, Sections A and B.

ARTICLE VI. VARIANCE PROCEDURES

Section A. Regional Board of Zoning Appeals

1. Authority

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

2. Procedure

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

3. Appeals: How Taken

An appeal to the Regional Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Resolution. Such appeal shall be taken by filing with the Regional Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of **two hundred (\$200)** dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Regional Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Regional Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than **sixty (60)** days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

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

a. Administrative Review

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

b. Variance Procedures

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

- 1) The **Wilson** County, Tennessee Regional 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 Regional 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.

Section B. Conditions for Variances

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

ARTICLE VII. LEGAL STATUS PROVISIONS

Section 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 **Wilson** County, Tennessee, the most restrictive shall in all cases apply.

Section 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.

Section C. Effective Date

This Resolution shall become effective on **4/24/2024**, the public welfare demanding it.

Approved and adopted by the **Wilson** County, Tennessee, Mayor and Legislative Body 04.15.2024, Resolsution 24-4-3.

5.7-104 Recommendation and Certification of Airport Zoning Ordinance

- A. The Sumner County Regional Airport Authority recommended approval of this Ordinance on April 28, 2008 and recommended its adoption by the City of Gallatin, Sumner County and Wilson County to be incorporated into their respective zoning ordinances.

- B. The Tennessee Department of Transportation, Division of Aeronautics, has certified the Airport Zoning Regulations pursuant to TCA §42-6-105.

5.7-105 Definitions

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

- A. AIRPORT - Means Sumner County Regional Airport.
- B. AIRPORT ELEVATION - 584 feet above mean sea level.
- C. AIRPORT MANAGER - Airport Manager for the Sumner County Regional Airport
- D. AIRPORT ZONING MAP - The Sumner County Regional Airport - Airspace Plan, dated December 4, 2003, is adopted by reference by this Ordinance and incorporated as part of the Official Zoning Map of Wilson County, Tennessee.
- E. APPROACH SURFACE - A surface longitudinally centered on the extended runway centerline, 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 Section 5.7-107 of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
- F. APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES - These zones are set forth in Section 5.7 of this Ordinance.
- G. BOARD OF ZONING APPEALS - See Board of Zoning Appeals Article 6, Section 6.40 of the Wilson County Zoning Ordinance.
- H. CONICAL SURFACE - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- I. HAZARD TO AIR NAVIGATION - An obstruction determined to have a substantial adverse affect on the safe and efficient utilization of the navigable airspace.
- J. HEIGHT - For the purpose of determining the height limits in all zones set forth in the Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
- K. HORIZONTAL SURFACE - A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

- L. LARGER THAN UTILITY RUNWAY - A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
- M. NONCONFORMING USE - Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.
- N. 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.
- O. OBSTRUCTION - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 5.7-107 of this Ordinance.
- P. PERSON - An individual, firm, partnership, corporation, company, association, joint stock association, or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
- Q. 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.
- R. PRIMARY SURFACE - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of the runway. The width of the primary surface is set forth in Section 5.7-106 of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- S. RUNWAY - A defined area on an airport prepared for landing and take-off of aircraft along its length.
- T. STRUCTURE - An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestack, earth formation, and overhead transmission lines.

- U. TRANSITIONAL SURFACES - These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.
- V. TREE - Any object of natural growth.
- W. UTILITY RUNWAY - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
- X. VISUAL RUNWAY - A runway intended solely for the operation of aircraft using visual approach procedures.

5.7-106 Airport Zones

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Sumner County Regional Airport. Such zones are identified on the Airspace Plan in the Sumner County Regional Airport Layout Plan, prepared by the Sumner County Regional Airport Authority and approved by the Tennessee Department of Transportation, Division of Aeronautics, on December 4, 2003. The following Airport Zones, shown on the aforementioned Airspace Plan, are hereby defined and adopted by reference and declared to be a part of these Airport Zoning Regulations and designated as the Airport Zoning Map and shall be incorporated as part of the Official Zoning Map of Wilson County, Tennessee. An area which is located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation.

- A. Runway Larger Than Utility with A Visibility Minimum Greater Than $\frac{3}{4}$ Mile Non-precision Instrument Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- B. Runway Larger Than Utility With A Visibility Minimum As Low As $\frac{3}{4}$ Mile Non-precision Instrument Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- C. Transitional Zones - The transitional zones are the areas beneath the transitional surfaces.
- D. Horizontal Zone - The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- E. Conical Zone - The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

5.7-107 Airport Zone Height Limitations

Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance 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 as follows:

- A. Runway Larger Than Utility With A Visibility Minimum Greater Than $\frac{3}{4}$ Mile Non-precision Instrument Approach Zone - Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
- B. Transitional Zones - Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of 150 feet above the airport elevation which is 584 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.
- C. Horizontal Zone - Established at 150 feet above the airport elevation or at a height of 734 feet above mean sea level.
- D. Conical Zone - Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
- E. Excepted Height Limitations - Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land.

5.7-108 Use Restriction

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between 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.

5.7-109 Nonconforming Uses

- A. Regulations Not Retroactive - The regulations prescribed in the Ordinance 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 Ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance 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 Airport Manager 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 Sumner County Regional Airport Authority.

5.7-110 Permits

- A. Future Uses - Except as specifically provided in 1, 2, and 3 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 by the Zoning Administrator for Wilson County. 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 shall be granted. No permit for use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with Section 5.7-110 .D. Prior to the issuance of a permit, the Zoning Administrator may request that the permit applicant provide verification from the Federal Aviation Administration as to the effect of the requested permit or proposed construction on the operation of air navigation facilities and the safe, efficient use of navigable airspace. The Zoning Administrator may also consult with the Airport Manager for advice as to the aeronautical and operational effects of the permit application.
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 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 limit prescribed for such zones.
 2. In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet 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 approach zones.
 3. In the 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 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.

4. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by the Ordinance except as set forth in Section 5.7-107-J.
- 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 Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated all applications for such a permit shall be granted.
 - C. Nonconforming Uses Abandoned or Destroyed - Whenever the Wilson County Zoning Administrator determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
 - D. Variances - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Wilson County Board of Zoning Appeals for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of the Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board of Zoning Appeals unless a copy of the application has been furnished to the Airport Manager for advice as to the aeronautical effects of the variance. If the Airport Manager does not respond to the application within 15 days after receipt, the Board of Zoning Appeals may act on its own to grant or deny said application.

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

5.7-111 Enforcement

It shall be the duty of the Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Administrator upon a form published for that purpose. Applications required by this Ordinance to be submitted to the Zoning Administrator shall be promptly considered and granted or denied. Application for action by the Board of Zoning Appeals shall be forthwith transmitted by the Zoning Administrator.

5.7-112 Board of Zoning Appeals

The Board of Zoning Appeals is hereby designated to hear appeals from airport zoning ordinances created under this section pursuant to TCA §42-6-108.

- A. Any person aggrieved, or any taxpayer affected, by any decision of the Zoning Administrator, made in the administration of Article 5.7 of this Ordinance, may appeal to the Board of Zoning Appeals pursuant to the provisions of Section 6.40 of the Wilson County Zoning Ordinance.
- B. The Board of Zoning Appeals shall be authorized to consider variances from the Airport Zoning Regulations pursuant to Section 6.40 of the Wilson County Zoning Ordinance.
- C. An appeal shall stay all proceeding in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Zoning Appeals, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of the Zoning Administrator cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Zoning Appeals or notice to the Zoning Administrator and on due cause shown.
- D. The Board of Zoning Appeals may, in conformity with the provisions of this Ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination as may be appropriate under the circumstances.

5.7-113 Judicial Review

Any person or agency of the city government may appeal to a court of competent jurisdiction a decision of the Board of Zoning Appeals as provided under statutes of the State of Tennessee.

5.7-114 Penalties

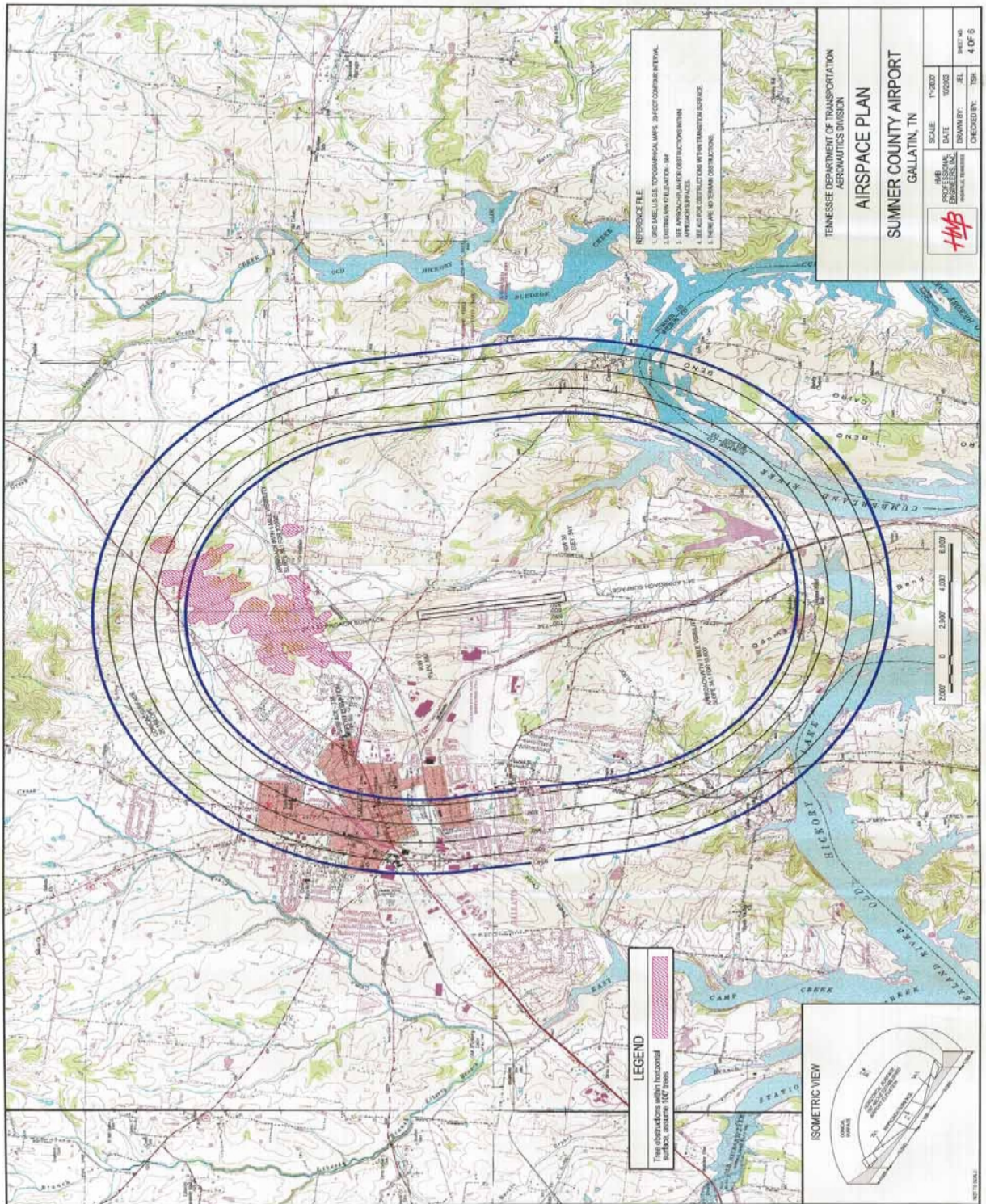
Penalties for Violation of this Ordinance shall be pursuant to Section 6.20.05 Penalties for Violation of the Wilson County Zoning Ordinance.

5.7-115 Conflicting Regulations

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance 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 other matter, the more stringent limitation or requirement shall govern and prevail.

5.7-116 Severability

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



ARTICLE 6 **ADMINISTRATION, ENFORCEMENT AND INTERPRETATION**

SECTION 6.10 ENFORCEMENT

The provisions of this regulation shall be administered and enforced by the County Building Inspector. The Building Inspector shall be appointed according to TCA 5-6-106(c). The Building Inspector shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this regulation.

SECTION 6.20 BUILDING PERMITS, SITE PLAN REQUIREMENTS AND
CERTIFICATES OF COMPLIANCE

6.20.01 BUILDING PERMIT REQUIRED. It shall be unlawful to commence excavation for the construction of any structure including accessory structures, or to commence the moving or alteration of any structure including accessory structures, until the Building Inspector has issued a building permit for such work. The building permit fee schedule shall be set by the Wilson County Commission.

In the event that construction or excavation work has begun by an individual, partnership, or corporation prior to obtaining a building permit, and a permit is then applied for, either voluntarily or at the request of the Building Inspector, a letter of warning shall be issued for the first incidence of non-compliance by the person, partnership, or corporation. For any subsequent incidence of non-compliance, the building permit fee shall be doubled. (resolution 18-11-13)

6.20.03 ISSUANCE OF CERTIFICATE OF COMPLIANCE
[published 03/02/2000]

No land or building, or part thereof, hereafter erected or altered in its use, except for structures herein excluded, shall be used until the Building Inspector's Office shall have issued a certificate of compliance stating such land or building or part thereof, and proposed use thereof are found to be in conformity with the provisions of this regulation and the square footage of the structure is the same as shown on the building permit.

Where a building permit has been issued, under no circumstance shall a commercial, industrial, or multi-family residential use commence on a site prior to the requirements of the approved site plan being met or before a letter of credit is received as surety for the completion of remaining required work (Letters of Credit will only be accepted for work considered to be cosmetic in nature by County Staff). [Published 3/21/02]

- A. A certificate of compliance for a single-family dwelling (including mobile homes) and duplexes may be issued provided the structure meets the requirements of this regulation, all fees have been paid in full and the structure has been completed to the extent that a determination can be made on the use thereof.
- B. 1. A certificate of compliance for a commercial or industrial structure may be issued provided the structure and land meet the requirements of this regulation, including but not limited to landscaping and paving.
- B. 2. A temporary certificate of compliance may be issued for commercial and industrial structures for a period of thirty (30) days to one-hundred-eighty (180) days to complete any requirements of this regulation, provided a letter of credit is submitted to the Building Inspector's Office. The amount of the letter of credit shall be 125% value of the outstanding worth of the work to be completed.
- C. A certificate of compliance may be issued for apartments and condominiums within these developments subject to Section 4.20 of this regulation.

- D. The following structures shall not be required to have a certificate of compliance: farm structures used for farm purposes, towers, signs, pools, decks, patios, porches, fences, carports, tents, sunrooms, picnic shelters or any other open building and accessory building less than 500 square feet. Within three (3) working days after notification that a building or premise, or part thereof, is ready for occupancy or use, it shall be the duty of the Office of Building Inspector to make a final inspection thereof and to issue a certificate of compliance if the land, building, or part thereof, are found to conform with the provisions of this regulation. If such certificate is refused, the Building Inspector shall state refusal in writing with the cause. The certificate of use fee schedule shall be set by the Wilson County Commission.
- 6.20.04 RECORDS. A complete record of such applications, sketched, and plans shall be maintained in the office of the Building Inspector.
- 6.20.05 PENALTIES. Any person violating any provisions of this regulation shall be guilty of a misdemeanor and upon conviction shall be fined not less than two (2) dollars more than fifty (50) dollars for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. Payment of fine shall not constitute compliance.
- 6.20.06 REMEDIES. In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in violation of this regulation, the Building Inspector or any other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the occupancy or use of such building, structure, or land.

SECTION 6.20.25 **SITE PLAN REQUIREMENTS** (resolution 02-3-6)

In no event shall a new commercial, industrial, multi-family residential, **public assembly or institutional** structures or additions, **including new construction/new establishment of parking lots or outdoor storage yards or outdoor display areas** be erected on a property without prior review and approval of a site plan by the Wilson County Planning Commission (Or Board of Zoning Appeals in the case of Multi-Family Residential Use). Said site plan shall be prepared by an individual licensed and/or certified by the State of Tennessee to perform such design service as may be required, where applicable.

The above-listed amendments shall take effect upon approval of this amendment; the general welfare of the public requiring it. No part of this regulation shall have any impact on pre-existing use or use on appeal approvals. The Regulations in place at the time of approval of such activities shall take precedent.
(resolution 18-11-13)

Finally, the site plan shall include the following items:

- a. The actual shape, dimensions, size, and location of the lot.
- b. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of building or other structures already on the lot.
- c. The existing and intended use of the lot.
- d. Existing topographic features including contours at 2-foot intervals, where applicable.

Applicants proposing development on **Critical Lots**, as defined in Article 2, section 2.20 of these regulations must submit additional information as outlined in the Critical Lot Plan Checklist. The proposed development must receive a stamp of approval from the County Engineer on the face of the Site Plan prior to submitting said site plan to the Planning Office for a stamp of approval: (added 12/18/2006)

Critical lots as indicated hereon must submit an individualized grading, sediment control, and stabilization plan to the County Engineer for review and stamp of approval prior to issuance of a building permit. Said plan shall be stamped by a State of Tennessee Licensed professional engineer (Civil or Geotechnical) with a note of certification as to the soundness and stability of proposed structures on the property. An outline of the requirements for this required critical lot plan can be found in the appendix of the Wilson County Subdivision Regulations. (added 12/18/2006)

- e. Any proposed grading shown at 2-foot contour intervals and including any necessary spot elevations and clearly illustrating proposed means of surface drainage, where applicable. The County Engineer or a consulting engineer retained to provide such services will review this and other pertinent site plan considerations where necessary.
- f. Location and Dimension of all driveways and entrances.
- g. Location and number of all parking areas related to use of the site. This shall include a proposed layout to parking facilities including proposed circulation and dimension of parking spaces and drives, as well as points of ingress and egress to the property. Parking requirements are found in section 3.50 of this Zoning Ordinance.
- h. Location and Dimension of all loading/berthing areas along with any screening as may be required by this zoning ordinance.
- i. Proposed Ground Coverage, Floor Area, and Building Height.
- j. Location of areas subject to flooding with appropriate measures taken in design of site plan. Include FEMA Flood Panel Information.
- k. Position of fences and walls.
- l. Location of all easements and rights of way affecting the property. Provide documentation of offsite easements if applicable. (resolution 11-11-12)
- m. Location, species, size and quantity of all landscaping to be provided on site plan as required by the Wilson County Zoning Ordinance, the Planning Commission or the Board of Zoning Appeals. Required landscaping shall make up 10% of the total site area at a minimum.

- n. Location of any outdoor storage areas or product display areas. These areas may require additional screening within certain zone districts. (Refer to specific zone district regulations for further detail.)
- O. Proposed means of Water and Sewer if applicable. Provide documentation of offsite easements if applicable. (revised resolution 11-11-12)
- p. Location of all existing and proposed fire hydrants.
- q. Proposed surface of parking lot, driveways, sidewalks, and other circulation routes as required by section 3.50 of this Zoning Ordinance. (All uses are required to have a paved, sealed surface with curbs for parking and driveways unless they are a temporary roadside stand or a variance is received from the Board of Zoning Appeals.)
- r. Location and specifications for any proposed signage as required by Section 4.10 of this Zoning Ordinance
- s. North Arrow, Scale Bar, Legend, and date.
- t. Any applicable dates of revision.
- u. Project Title (No Duplications permitted.)
- v. Property owner and site plan applicant's name, address, and phone number.
- w. Name and Address of the Designer/Preparer.
- x. Tax Map and Parcel Number
- y. Such other engineering and topographic information as may be required by the County Engineer, Board of Zoning Appeals and/or Planning Commission and the County Building Inspector to determine if the provisions of these regulations are being complied with. (resolution 11-11-12)

- aa. The following must appear on the face of a site plan:
1. Drainage Easements outside dedicated right of way are not the responsibility of Wilson County.
 2. If a sink hole/depression exists on the property, the following note must appear: "No cut, fill, or construction within thirty (30) feet of the top of stream bank (or sink hole/depression) or as required by the State." (revised resolution 11-11-12)
 3. If a drainage way appears as a blue line stream on a USGA 7-1/2 minute quadrangle map, the stream must be identified as such and the following note must appear: "No cut, fill or construction within thirty (30) feet, or as required by TDEC buffer requirements of top of stream bank (or sink hole/depression)."
(revised resolution 11-11-12)
 3. This property is (is not) in an area designated as a special flood area as shown on Community/Map Number ____/____ effective date _____.
 4. If a developer is not to be served by subsurface septic disposal (either at the option of the developer or as a requirement of this regulation), the following must appear: "This property to be served by public sewer system." [resolution 07-7-4]
 5. To insure appropriately designed and installed drainage systems within this subdivision development, structures to be erected on lots proposed within this subdivision shall be constructed with positive drainage, draining away from the exterior of the structure, at the following minimum threshold: 5% for a minimum distance of 10 feet from the perimeter of the structure. (revised resolution 11-11-12)
 6. The lots may have been disturbed by grading operations performed during or before development of this subdivision; the builder and or owner should investigate the current soil conditions and consult with others to assure that a conventional footing will be adequate. (revised resolution 11-11-12)

8. It is the responsibility of each lot owner or builder to grade each lot so that the lots will drain the surface water, without ponding on the lot or underneath the buildings to the drainage system designed by the subdivision engineer. (revised resolution 11-11-12)

Exceptions: Any commercial or industrial use that is temporary (proposed to exist for less than six (6) months or roadside stands).

Any commercial, industrial, or multi-family use which is in existence, under active construction (building permit issues), or has valid approved site plan prior to the passing of this ordinance.

SITE PLAN APPROVAL

Upon approval by the Planning Commission, a site development plan is valid for a period of twenty-four (24) months, after which it becomes void unless a building permit has been issued based upon the approved site plan and any conditions of said approval.

6.20.26 Critical Lot Plan Checklist (added 12/18/2006)

Applicants for development of Critical lots as defined and referenced by the Wilson County Zoning Ordinance must submit the following information to the Wilson County Engineer prior to stamp of approval from the Wilson County Planning Office or receipt of a building permit from the Wilson County Building Inspector:

- A. A survey of the existing conditions/details of the proposed development and statement or illustration of feasibility of construction on the lot as follows:
 - a. Critical lot plans shall BE DRAWN AT A SCALE OF 1" =20'-0"
 - b. The critical lot plan shall show existing conditions to point 10 feet beyond the property line.
 - c. Proposed and existing topography shall be shown at 2-foot intervals at a minimum. More detailed contour intervals may be accepted or required by the County Engineer.
 - d. The location and elevation of the edge of curb or edge of pavement fronting the lot and elevation of the driveway at the entrance way and corners of structures and at top of curb and bottom of curb for all parking lot corners
 - e. Lot dimensions, easements, setbacks, etc which exist or are proposed on the property (setbacks must comply with recorded plat of property).
 - f. Notation of significant features such as blueline streams, drainage ways, wetlands, sinkholes, marshes, caves, springs, rock outcroppings, and flood plain information.
 - g. Proposed footprint of buildings to be erected on the property along with finished floor elevations (FFE), including FFE for garages.
 - h. Proposed retaining walls with top and bottom of wall elevations labeled. County Engineer may also request additional specifications in writing, as needed.
 - i. Specified and illustrated methods for stabilization of the lot including temporary measures for construction purposes and permanent stabilization methodology.
 - j. The name, address, and phone number of the professional responsible for the design of the Critical Lot Plan.
 - k. The name, address, and phone number of the owner of the lot.

- l. The name, address, and phone number of the builder that will be working on the site.
 - m. One of the above three individuals must be designated as the primary contact on the face of the plan.
 - n. Any other information the County Engineer deems reasonably necessary in the thorough evaluation of such critical lots.
- 4. Critical Lot Plan Review: Four copies of the Critical lot plan shall be submitted to the County Engineer for review and approval prior to application for a building permit. This Critical Lot Plan may be included in an overall site plan packet for building permit approval if the applicant wishes to do so. The Critical lot plan shall be reviewed and stamped approved with signature of the County Engineer within 14 days of submittal or the County Engineer will notify the primary contact in writing of the plan's disapproval along with reasoning for such or some outline of items which need to be addressed in order to gain approval.
(revised resolution 11-11-12)

SECTION 6.30 **LAND DISTURBANCE PERMIT** (revised resolution 11-11-12)

6.30.01 **PURPOSE**

Within Wilson County, soil erosion and stormwater from construction sites contribute to the impairment of flood-prone areas, increased road maintenance costs, clogging of storm sewers, degradation of land surfaces and streams, flooding and dusty conditions. A Land Disturbance Permit procedure is hereby established to reduce both erosion and sediment problems resulting from the development process and the increase of urban runoff from developed land. Agricultural uses are exempt from the requirements of this section. (resolution 11-11-12)

6.30.02 **APPLICATION**

An application for a Land Disturbance Permit shall be submitted by the developer to the Stormwater Office prior to the beginning of any grading, clearing, excavation, filling or other disturbance of natural terrain. The application shall contain the applicants name and address and other relevant information requested on the application forms. It shall also contain proposed grading plans including the information and calculations required as standard policy in the land use regulations of Wilson County. The application shall be signed by the owner of the property or his representative. Except for single family residential construction, on a single residential lot, Letter of Credit will be required based on a review of the proposed improvement. (resolution 11-11-12)

6.30.03 LETTER OF CREDIT

No clearing, grading, excavating, filling or other disturbance of natural terrain may be permitted until a letter of credit or cash deposit is posted by the developer adequate to complete the drainage facilities and erosion control measures for stabilizing the site. The County Engineer or designee shall set the amount and time of the letter of credit, based on the estimated construction costs of drainage facilities. Single family residential construction within an approved subdivision and in conformance with an approved grading plan, or other construction activities determined by the County Engineer or designee to have no significant potential of erosion or drainage problems, shall not require the posting of a letter of credit. (revised 11-11-12)

6.30.04 APPEALS

- A. Any person aggrieved by requirements of the Grading Permit may appeal from any order, requirement, decision or determination to the Wilson County Board of Zoning Appeals.
- B. The Board is authorized, by the provisions of Section 6.60 of this Resolution, to grant a variance and exception to the requirements of a Grading Permit where documentation is presented which indicates no significant potential of erosion or drainage problems. The documentation presented shall be made part of the Board record.

6.30.05 ENFORCEMENT

Compliance with the requirements set forth in this Resolution, the Stormwater Ordinance and its subsequent revisions shall be enforced under the provisions of Section 6.20 of this Resolution. (revised resolution 11-11-12)

SECTION 6.30.06 SINKHOLES/KARST FEATURES & LAND DISTURBANCE
PERMIT ADDENDUM (resolution 21-9-12)

1.) General Information

Wilson County and the surrounding areas have several locations characterized by karst formations (or sinkholes) which can significantly influence local hydrologic-geologic conditions, surface drainage and subsurface water movement. Areas of karst topology have a high potential for the formation of sinkholes and caves.

Storm water runoff that flows into sinkholes is transmitted through the ground-water system in a network of interconnected conduits and is finally discharged at resurgent locations. If the storm water runoff flow rate exceeds the capacity that a sinkhole can accept, flooding is probable. If the storm water runoff is polluted, the ground water may become contaminated, creating a serious health and safety issue.

According to the Tennessee Department of Environment and Conservation, any closed depression found in karstic topological regions is a sinkhole. All sinkholes are considered to be storm water structures, and appropriate permitting or reviews by the Wilson County Stormwater Department will be required.

a.) Class V Injection Wells

A Class V Injection Well is a well, used to drain surface water, primarily storm water runoff, into a subsurface formation.

Injection Wells are generally designed to allow large amounts of runoff to be drained into subsurface formations. The most common design involves installation of a standpipe which allows the runoff to flow down and into subsurface formations. The standpipe is surrounded by graded rock fill and the sinkhole is lined with geotextile material.

Properly constructed, the water path is limited to the standpipe, preventing water erosion of the limestone formation and further dissolution of the limestone substrate.

Conversion of a sinkhole to an Injection Well requires a permit issued by the Tennessee Department of Environment and Conservation. A copy of this TDEC permit and the supporting documentation (engineered plan, details and geotechnical information) is to be provided to the Wilson County Stormwater Department for tracking purposes.

Wilson County does not advocate the creation of Injection Wells due to the potential for pollution introduction to area aquifers and due to ongoing maintenance and permitting concerns. It is preferred that sinkholes remain undisturbed.

b.) Caves

Caves are formed in karstic areas by the same process that results in sinkholes. A cave provides direct access to subsurface formations and has the same potential for pollution of groundwater as sinkholes. Caves are storm water structures regulated by the Wilson County Storm Water Department. The same water quality buffer requirements that are applied to sinkholes are also required for caves.

In all cases, plans submitted for review to the Wilson County Stormwater Department must show all known or suspected caves and any associated water quality buffer zones that may be applicable (such as stream buffers, etc.).

2.) Sinkhole Options

a.) Leave the Sinkhole Untouched: The sinkhole area and existing vegetation would remain undisturbed during and after any area development. In case of an open throat that may create a safety hazard, or if illegal dumping is a problem in the area, the sinkhole may be fenced and posted with warning signs.

Maintenance shall be limited to removing dead or diseased plant material, repairing erosion problems internal to the buffer, clean up after a storm, or removal of invasive plants. Woody vegetation should be removed by hand. Vegetative root systems shall be left intact to maintain the integrity of soil. It is permissible to remove individual trees from water quality buffer zones if there is danger of the tree falling and causing damage to dwellings or other structures. The root wad or stump should be left in place to maintain soil stability.

The following activities are specifically forbidden within the sinkhole and buffer area:

- Filling or dumping
- Using, storing, or applying pesticides, herbicides, and fertilizers
- Campfires, burning of plant waste or trash
-

No person shall place or cause to be placed any substances or objects, other than storm water runoff, in any sinkhole or sinkhole drainage area in such a way as to allow such substances or objects to be washed into a sinkhole during storm events.

All legal liability for the sinkhole remains with the property owner.

b.) Remediation (Repair): While Wilson County does not advocate the remediation of sinkholes due to the possibility of failure at a later date, a landowner may remediate a sinkhole after:

- (a) appropriate geophysical surveys are performed; and
- (b) hydrologic and hydraulic analyses have been conducted.

It must be demonstrated that the proposed sinkhole remediation/filling will be hydrologically managed. Filling of a sinkhole will result in additional surface water downstream of the natural throat and depression. This excess generated surface water must be included and managed in the development's drainage design and calculations. It is preferred that sinkholes remain undisturbed.

Prior to construction, the landowner must submit a report consisting of appropriate geophysical surveys performed by a geotechnical professional or engineer licensed to operate in the State of Tennessee. The geophysical survey must clearly demonstrate that the remediated sinkhole will be stable and will not pose a threat to public health and safety. In addition, a drainage report prepared by a licensed professional engineer will be required to identify any drainage concerns or issues that need to be addressed.

The structure remediation plan must be in accordance with accepted TDOT and TDEC practices and sound engineering principles. If the Wilson County Stormwater Department deems it necessary, the plans may be required to be reviewed and evaluated by an independent engineer, selected by the Wilson County Stormwater Department, at the landowner's expense. Review fees determined by the County will be assessed to cover this cost.

Maintenance, ownership, and legal liability will remain the responsibility of the landowner, unless and until the landowner transfers ownership to another party (i.e.: a homeowner's association or individual landowner). Transfer of ownership will also transfer maintenance responsibility and legal liability for the structure.

c.) Conversion to a Class V Injection Well: While Wilson County does not advocate the construction of Class V Injection Wells due to the possibility of failure at a later date and due to the high potential for pollution introduction into the aquifer, a landowner may convert a sinkhole to a Class V Injection Well, after appropriate geophysical surveys and using an engineering plan accepted by Wilson County Stormwater Department. It is preferred that sinkholes remain undisturbed.

The Injection Well plans must be in accordance with accepted TDOT and TDEC practices and sound engineering principles. The minimum design standards for flood management will be based on a 100-year, 24-hour design storm, and assume plugged conditions (zero cubic feet per second inflow) for the sinkhole. If the Wilson County Stormwater Department deems it necessary, the plans may be required to be reviewed and evaluated by an independent engineer, as determined by the Wilson County Stormwater Department, at the landowner's expense. Review fees determined by the County will be assessed to cover this cost.

A TDEC Class V Injection Well permit must be obtained by the landowner and a copy of this permit must be submitted to the Wilson County Stormwater Department before any alterations to the area surrounding the sinkhole occur. A map showing the full extent of the sinkhole structure and plans for the construction of the Injection Well must be submitted with the development TDEC plans and will also be shown on the post construction as-built plans. The area will be protected by a water quality buffer. No structures will be allowed to be built within this buffer zone. This permit and any plans will be referenced in a Stormwater Maintenance Agreement and Long-Term Management Plan for the property, and this Agreement recorded with Wilson County Register of Deeds.

Maintenance, ownership, and legal liability will remain the responsibility of the landowner, unless and until the landowner transfers ownership to another party (i.e.: homeowner's association or individual landowner). Transfer of ownership will also transfer maintenance responsibility and legal liability for the structure. The new owner would be required to submit an Injection Well Permit application to TDEC and obtain an Injection Well Operations permit, a copy of which must be provided to the Wilson County Stormwater Department.

3.) Wilson County Liability

The Wilson County Stormwater Department and this policy statement shall not create a liability on the part of, or a cause of action against, Wilson County, Tennessee, or any officer or employee thereof for damages that result from reliance on these regulations or policies, or any administrative decision lawfully made there under.

SECTION 6.40 **BOARD OF ZONING APPEALS**

6.40.01 CREATION AND APPOINTMENT. A Wilson County Board of Zoning Appeals (hereafter referred to as the Board) is hereby established in accordance with Section 13-7-106 of the Tennessee Code Annotated. The Board shall consist of five (5) members. The County Commission shall appoint members and may fix their compensation and their terms, which shall be so arranged that the term of one member will expire each year. The County Commission may remove any member upon cause and after a public hearing. Vacancies shall be filled for an expired term in the same manner as the case of original appointment.

6.40.02 PROCEDURE. Meetings of the Board shall be held at the call of the chairman, and at such times as the Board may determine. All meetings of the Board shall be open to the public.

The Board shall keep minutes or its proceedings, showing the vote of each member upon each question or whether the member is absent or otherwise abstains from voting. The Board shall explain the reasons of the actions taken. Approval of the Board shall require affirmative vote by the majority of the entire Board. The minutes of the Board shall be immediately filed in the office of the Wilson County Building Inspector and shall be a public record.

6.40.03 APPEALS, HOW TAKEN. An appeal to the Board may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, other board, or bureau affected by any decision of the Building Inspector based in whole or in part upon the provisions of this regulation. Such appeal shall be taken by filing with the Board a notice of appeal, specifying the grounds thereof. The fee for any such appeal shall be set by the Wilson County Commission.

The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall fix a reasonable time for the hearing of the appeal; give proper notice of a public hearing before the Board at least ten (10) days prior to the date set for the public hearing; provide written notice to the parties of interest, mailed five (5) days prior to the date set for the hearing, and decide same within a reasonable time. At the hearing, any person or party may appear and be heard in person, by agent, or by attorney.

The action of the board is final, and no appeal may be brought back before the board until six (6) months has expired and then only if there has been significant change in the conditions on which an appeal is being sought.

Beyond a single request for deferral (1 instance); any deferral request which is granted at the request of the applicant and not specifically requested at the behest of the County Staff or Board of Zoning Appeals, shall be required to pay an additional \$150 to help offset costs of additional advertising costs, postage costs, and staff resources expended in rescheduling this item to be heard on a different date where public hearing and/or consideration can then occur. (Resolution 21-4-21)

- 6.40.04 POWERS. The Board shall have the following powers and duties:
- A. ADMINISTRATIVE REVIEW. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, implication, determination, or refusal made by the Building Inspector or other administrative official in the carrying out or enforcement of any provision of this regulation; to interpret the Wilson County Zoning Map and the Wilson County Zoning Regulation.
 - B. SPECIAL EXCEPTIONS. To hear and decide in accordance with the provisions of this regulation, request for special exceptions, such as uses permitted upon appeal, or for decisions upon other special questions, such as the Group Housing Development and Mobile Home Park section of this regulation, upon which the Board is authorized by this regulation to pass.

The Board may at its discretion require reasonable conditions be met concerning the location of structures, access to property, noise, dust, vibrations, and any other reasonable requirement the Board deems necessary to protect the surrounding property when granting special exceptions and shall require a sufficient bond for damage to roads if required by the Road Commission of Wilson County. Prior to considering any application for an extractive use, the Board shall cause prior written notice to be forwarded to the Road Commission of Wilson County.

C. VARIANCES. To hear and decide applications for variances from the terms of this regulation but shall grant variances only where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property which, at the time of adoption of this regulation, was a lot of record, or where by reason of exceptional topographic situations or conditions of a piece of property the strict application of the provisions of this regulation would result in practical difficulties to, or undue hardship upon, the owner of such property; provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this regulation.

In granting variances, the Board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure, or use, as it may deem advisable in furtherance of the purpose of this regulation.

Before any variance is granted, it shall be shown that special circumstances attached to the property do not generally apply to other properties in the neighborhood.

- D. PROCEDURE FOR AUTHORIZING A SPECIAL EXCEPTION AS A USE PERMISSIBLE ON APPEAL. The following procedure is established to integrate properly the Uses Permissible on Appeal with other land uses located in the zone. These uses shall be reviewed by the Board of Zoning Appeals as a Special Exception Use on Appeal request and authorized or rejected under the following procedure:
1. APPLICATION. An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended uses of the site and shall be accompanied by five (5) copies of a plot plan of proposed development which has been approved by the, State of Tennessee Department of Environment and Conservation together with any other material pertinent to the request which the Board may require. [revised resolution 07-7-4]
 2. PUBLIC HEARING. Upon application, the Board of Zoning Appeals shall give a ten (10) day notification of a public hearing. Such notice of time and place of such hearing shall be published in a daily paper of general circulation in Wilson County.
 3. RESTRICTIONS. In the exercise of its approval, the Board of Zoning Appeals may impose such conditions regarding the location, character, or other features of the proposed use of land or buildings as it may deem advisable in the furtherance of the general purpose of these Regulations.
 4. VALIDITY OF PLANS. All approved plans, conditions, restrictions, and rules made a part of the approval of the Board of Zoning Appeals shall constitute certification on the part of the applicant that the proposed uses shall conform to such regulations at all times.
- E. The Board of Zoning Appeals will not take action on a Board of Zoning Appeals application where applicants or applicants' representative have named Wilson County Government, the Wilson County Planning Commission, the Wilson County Board of Zoning Appeals or any other branch of Wilson County Government as defendant in pending litigation related to their respective application to the Board of Zoning Appeals. With direction of the County Attorney the Board may take action that results in settling of any pending litigation. (resolution 14-3-12)

SECTION 6.50

AMENDMENTS

6.50.01

INTRODUCTION OF AMENDMENTS. The County Commission may amend the regulations, restrictions, boundaries, or any provision of this regulation. Any member of the County Commission may introduce such amendment, or any official, board, or any other person may present a petition to the County Commission requesting an amendment or amendments to this regulation.

Any request for rezoning amendment must include submittal of a preliminary site assessment consisting of a surveyed drawing or boundary document in plan view, drawn to a legible scale, that clearly indicates blue line streams; regulatory floodplains and evident naturally occurring floodplains that are as yet un-mapped by FEMA; Evident areas of Spring activities, well locations, springhouses; Caves and sinkholes and other evident karst features; wetland areas or marsh areas; Sensitive slope areas due to the existence of extreme slope or lack of slope; and areas of the property that may otherwise be impacted environmentally by on-site or nearby pollution or other feature; and any areas potentially impacted by upstream small dam act features with location of dam and specific details. This survey and requisite data should be prepared by a surveyor or other individual licensed to perform such work in the State of Tennessee. (Resolution 21-9-13)

6.50.02

REVIEW BY PLANNING COMMISSION. No amendment shall become effective unless it is first submitted for approval, disapproval, or suggestions to the Planning Commission. If the Planning Commission, within sixty (60) days of such submission, disapproves the amendment, it shall require the favorable vote of a majority of the entire membership of the County Commission to become effective. If the Planning Commission shall disapprove the amendment, the amendment will not be forwarded to the County Commission for a vote unless it is called for by the County Commission or unless it is requested in writing by the person or entity seeking the amendment that it be sent to the County Commission for a vote. The deadline for making a written request that a disapproved amendment be forwarded to The County Commission shall be ten (10) days after the amendment was disapproved by the Planning Commission. Such deadline shall be at noon. Any request that a disapproved amendment be forwarded to the County Commission must be made no less than thirty-five (35) days prior to the Wilson County Commission meeting at which it is to be considered.

6.50.03 NOTICE OF PUBLIC HEARINGS. Before adopting this regulation or any amendment thereto, the County Commission shall publish a notice of such request for an amendment together with the notice of time set for a public hearing by the County Commission on the requested change. Said notice shall be published one (1) time in a newspaper of general circulation in Wilson County, Tennessee. Said hearing by the County Commission shall take place not sooner than fifteen (15) days after the publication of such notice.

At the time and place signified in the above notice, the County Commission shall meet; and all persons affected by such amendment or change may appear in person, by agent, or by attorney to petition against the making of such amendment.

6.50.04 FEE. A fee, due and payable at the time of filing of petition, shall be posted with request to amend the County Zoning Regulation; said fee to be used by Wilson County to defray costs resulting from such petition and any subsequent amendment of the County Zoning Regulation. The fee for such request shall be set by the Wilson County Commission.

6.50.05 EXCESSIVE DEFERRALS

Beyond a single request for deferral (1 instance); any deferral request which is granted at the request of the applicant and not specifically requested at the behest of the County Staff or Planning Commission, shall be required to pay an additional \$150 to help offset costs of additional advertising costs, postage costs, and staff resources expended in rescheduling this item to be heard on a different date where public hearing and/or consideration can then occur (Resolution 21-4-21)

SECTION 6.60 LEGAL STATUS PROVISION

6.60.01 CONFLICT WITH OTHER REGULATIONS. In case of conflict between this regulation or any part thereof, the whole or part of any existing or future regulation of Wilson County, the most restrictive provisions shall in all cases apply.

6.60.02 VALIDITY. If any section, clause, provision, or portion of this regulation is 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 regulation which is not of itself invalid or unconstitutional.

6.60.03 EFFECTIVE DATE. This regulation shall take effect and be in force after its passage and publication in a newspaper of general circulation in Wilson County, the public welfare demanding.

ORIGINAL REGULATION:

Approved by the Wilson County Planning Commission
May 25, 1972.

Public Hearing held July 10, 1972.

Approved by Wilson County Quarterly Court
July 10, 1972.

Newspaper publication date July 11, 1972.

Approved by the Wilson County Planning Commission
November 3, 1989.

Public Hearing held January 22, 1990.

Approved by Wilson County Commission January 22, 1990.

Newspaper publication date March 5, 1990.

Don Simpson, County Judge and
Secretary, Wilson County Planning Commission

Re-adopted as modified and effective date.

Effective Date: January 17, 2003

LAST REVISION: December 15, 2025

APPENDIX

REQUIREMENTS FOR PAD CONSTRUCTION IN REGULATORY FLOODPLAINS AND AREAS DEEMED CRITICAL OR OTHERWISE DESIGNATED BY WILSON COUNTY STORMWATER DEPARTMENT AS REQUIRING A MINIMUM PAD ELEVATION.

GUIDANCE - MINIMUM PAD REQUIREMENTS

1. Regulatory FEMA flood plain limits are to be shown along with minimum pad elevation for impacted lots. All other requirements currently in Article 5.6 of the Wilson County Floodplain Zoning Resolution remain in effect.
2. Areas subject to periodic flooding on inundation, as determined by the Wilson County Stormwater Office, shall be subject to the establishment of a Minimum Pad Elevation of at least one (1) foot above the established 100-year flood or a minimum of one (1) foot above the highest known water level in areas subject to periodic flooding or inundation.
3. Developer shall provide appropriate drainage calculations or a drainage study indicating the limits of the 100-year flood event. These calculations or such a study shall be prepared by a licensed Civil Engineer and provided to the Wilson County Stormwater Office for review. Said Drainage Calculations and related Drainage design must also be certified by the engineer performing the study to cause no adverse impact to immediately adjacent upstream and downstream neighbors as a result of a proposed building pad installation.
4. For lots that require a minimum pad elevation, the Minimum Pad Elevation must be verified by a registered surveyor and certification provided prior to issuance of a Building Permit. This information shall be provided on the attached Elevation Certification Form to the Wilson County Stormwater Office for review.
5. Proposed Pads must be certified as being structurally sound for purposes of construction and establishment of a building upon said pad by an engineer upon installation of any proposed building pad within a regulatory Flood Zone or other area determined by the Wilson County Storm Water Office to require such pad construction for drainage abatement purposes.
6. Critical lot plans shall include Minimum Pad Elevation, including the minimum Finished Floor Elevation and garage elevation, and the HVAC pad elevation.

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