Zoning Resolution

The Zoning Resolution of Montgomery County, Tennessee
as amended
(applicable to the Unincorporated Area)

Resolution Adopted July 9, 1973 – Effective July 19, 1973
Amended – Resolution Adopted and Effective February 8, 2016

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CHAPTER 1: GENERAL PROVISIONS

1.1 TITLE

This Resolution shall be known as "The Zoning Resolution of Montgomery County, Tennessee", and may be cited and referred to as the "Montgomery County Zoning Resolution".

1.2 PURPOSE

1. This Zoning Resolution is enacted pursuant to Title 13, Chapter 7 of the Tennessee Code Annotated. In conjunction with this Resolution, an official zoning map assigns an appropriate zoning classification, and creates certain overlay districts to all properties to which this Resolution is applicable. The regulations contained in this Resolution are enacted for the purpose of promoting the public health, safety, convenience, order, prosperity and general welfare of the present and future citizens of Montgomery County, Tennessee.
2. This Resolution further establishes development standards which are designed to lessen congestion on roads while reducing the waste of an excessive amount of roads; to secure safety from fire and other dangers; to promote adequate light and air; to protect the value and integrity of neighboring properties; to enhance the general character and appearance of the community; to avoid excessive concentrations and wasteful scattering of population or settlement; and to promote such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and conserve adequate provisions for transportation, natural water flowage, water supply, drainage, sanitation, education opportunity, soil fertility, food supply, recreation, other public improvements , and for the protection of both urban and nonurban development.
3. For the purposes herein before stated, Montgomery County, Tennessee is divided into districts of such number, shape and area, and of such common unity of purpose, adaptability or use, which are deemed most suitable to provide the best general use, protect the common rights and interests within each district, preserve the general rights and interests of all and to promote improved wholesome, visually attractive, harmonious and economic services, activities and operations; and by further regulations to limit the location, uses and occupancy of buildings, structures and land to be used for trade, industry, residence, recreation, public activities or other purposes, and also the location, height, bulk, number of stories and size of building and other structures, lot coverage, the sizes of yards, courts and other open spaces, and the density of population.

1.3 ENACTMENT

1. The Montgomery County Zoning Resolution and any subsequent amendments shall take effect and be in force from and after adoption by the Montgomery County Commission. The original Zoning Resolution was adopted on July 20, 1964 (effective July 29, 1964) for a portion of the unincorporated area adjacent to the City of Clarksville. A complete revision of

the original Zoning Resolution was adopted on July 9, 1973 (effective July 19, 1973) renaming and expanding the number of zoning districts, updating the development standards, and expanding application to all of the unincorporated area. Since July 9, 1973, there have been numerous text and official zoning map amendments to the Zoning Resolution, these are incorporated herein and supplemented with additional text amendments contained herein.

2. Zoning Resolution of Montgomery County, Tennessee, the caption of which is as follows: Comprehensive Zoning Resolution of Montgomery County, Tennessee; which was adopted on July 20, 1964, and became effective on July 29, 1964, and all amendments thereto are hereby repealed.
3. Any parcel of property rezoned after the effective date of this Zoning Resolution (July 19, 1973) shall comply with all provisions as specified herein.
4. No proposed plat of any new subdivision of land shall hereafter be considered for approval by the Clarksville-Montgomery County Regional Planning Commission unless the lots within such plat equal or exceed the minimum size and width requirements specified in the applicable zone districts of this Resolution.

1.4 APPLICABILITY

1.4.1 GENERAL

The provisions of this Zoning Resolution shall apply to all land within the jurisdiction of the Montgomery County, Tennessee outside of the corporate boundaries of the City of Clarksville, Tennessee. Except as hereinafter provided, no building shall be erected or structurally altered, nor shall any building or premises be used for any purpose other than permitted in the zoning district in which the building or premises is located. No land or lot area shall be so reduced or diminished such that the yards or open spaces are less than prescribed herein, nor shall the lot area be reduced in any manner except in conformity with the area regulations hereby established for the district in which such building or use is located. No yard or other open space provided for any building for the purpose of complying with these regulations shall be considered as providing a yard or other open space for any other building.

1.4.2 MINIMUM REQUIREMENTS

The requirements of this Zoning Resolution shall be considered as the minimum requirements for the promotion of the public health, safety, convenience, order, prosperity and general welfare.

1.4.3 NEW DEVELOPMENTS

Upon the effective date of this Zoning Resolution (July 19, 1973) or any subsequent amendment, any new building or other structure or any tract of land shall be used, constructed or developed only in accordance with all applicable provisions of this Zoning Resolution.

1.4.4 EXISTING DEVELOPMENTS

Any existing use, lot, building or other structure legally established prior to the effective date of the original Zoning Resolution (July 19, 1973) for the entire unincorporated area adopted on July 9, 1973 that does not comply with any of its current provisions shall be subject to the regulations of the nonconforming provisions of this Zoning Resolution stipulated in Chapter 10.

1.4.5 DIVISION OF A LOT, TRACT OR PARCEL

Whether created by deed, plat or Regional Planning Commission approved subdivision plat, no recorded lot, tract or parcel shall be divided into two (2) or more lots, tracts or parcels unless such division results in the creation of lots, tracts or parcels each of which conforms to all of the applicable regulations of the district in which property is located. Except when a portion of a lot, tract of parcel is acquired for public purpose, no reduction in the size of a lot, tract or parcel below the minimum requirements of Chapters 1 through 11 of this Zoning Resolution shall be permitted. Further, only parcels divided into lots of five (5) acres or more, not involving a public infrastructure improvement, are exempt from the Clarksville-Montgomery County Subdivision Regulations.

1.5 CONFLICTS

1.5.1 CONFLICTS WITH OTHER RESOLUTIONS, REGULATIONS AND LAWS

Where this Zoning Resolution imposes a greater restriction on properties than that imposed by other resolutions, regulations or laws, the provisions of this Resolution shall govern. Where the provisions of any other statute, resolution, or regulation impose greater restrictions than this Resolution, said statute, resolution or regulations shall govern.

1.5.2 CONFLICTS WITH PRIVATE AGREEMENTS

The County shall not be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

1.6 TRANSITIONAL REGULATIONS

1.6.1 PREVIOUSLY ISSUED PERMITS, VARIANCES AND USES PERMITTED ON REVIEW

Variances, exceptions, uses permitted on review or permits authorized before the effective date of this Zoning Resolution (July 19, 1973) may be continued, changed, extended, enlarged or structurally altered only as follows:

1. Any permit issued before the effective date of this Resolution (July 19, 1973) or subsequent amendment shall remain in effect provided that the permit is still valid, as determined by the issuing agency. Clearing, grading, the storage of building materials or the placement of temporary structures shall not constitute beginning construction.

2. If the development for which the building permit is issued prior to the effective date (July 19, 1973) of this Zoning Resolution fails to comply with the time frames for development established for the building permit, the building permit shall expire, and future development shall be subject to the requirements of this Zoning Resolution.
3. Where no limitation as to the duration of the use was imposed at the time of authorization, the use may be continued. When the use was granted for a specific period of time, the applicable provisions of this Zoning Resolution shall be applied upon expiration of that time.
4. In no event shall such use be changed except to a conforming use as provided for in Chapter 10. A change of tenant or ownership shall not by itself constitute a change in use.

1.6.2 VIOLATIONS CONTINUE

Any violation of previous versions of this Zoning Resolution shall continue to be a violation under this Zoning Resolution, and shall be subject to the penalties and enforcement set forth in this Zoning Resolution or applicable general law. Payment shall be required for any civil penalty assessed under the previous regulations, even if the original violation is no longer considered to be a violation under the latest version of this Zoning Resolution.

1.6.3 PROCESSING OF APPLICATONS COMMENCED OR APPROVED UNDER PREVIOUS RESOLUTION

1. Pending Applications
   a. Any complete application that has been submitted or accepted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this Zoning Resolution (July 19, 1973), shall be reviewed in accordance with the provisions of the Zoning Resolution in effect on the date the application was deemed complete by the County.
   b. If the applicant fails to comply with any applicable required period for submittal or other procedural requirements, the application shall expire and subsequent applications shall be subject to the requirements of this Zoning Resolution.
   c. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.
   d. An applicant with a pending application may waive review available under previous versions of the Zoning Resolution through a written letter to the agency responsible for processing said application and request review under the provisions of the latest version of this Zoning Resolution.
2. Approved Projects. Approved subdivision plats, site plans, or design review approvals that are valid on the effective date of this latest version of the Zoning Resolution shall remain valid until their expiration date, when and where applicable.

1.7 DESIGNATED PLANNING COMMISSION

The Clarksville-Montgomery County Regional Planning was created on January 10, 1963 by the Tennessee State Planning Commission (now the Local Government Planning Advisory Committee of the Tennessee Department of Economic and Community Development) pursuant to Section 13-3-101, Tennessee Code Annotated, and is hereby designated as the Montgomery County's Planning Commission.

1.8 SEVERABILITY

1. If any court of competent jurisdiction invalidates any provision of this Zoning Resolution, then such judgment shall not affect the validity and continued enforcement of any other provision of this Resolution.
2. If any court of competent jurisdiction invalidates the application of any provision of this Resolution to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other building, structure, or situation not specifically included in that judgment.
3. If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

CHAPTER 2: RULES OF INTERPRETATION AND DEFINITIONS

2.1 RULES OF INTERPREATION

2.1.1 General

All provisions, terms, phrases, and expressions contained in this Zoning Resolution shall be construed in order that the true intent and meaning of the Montgomery County Commission may be fully carried out. When a specific subsection of these regulations gives a different meaning than the general definition provided in this chapter, the specific subsection's meaning and application of the term shall control.

2.1.2 Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this Zoning Resolution and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

2.1.3 Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example", "including", and "as such", or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

2.1.4 Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the County, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or holiday observed by the County.

1. "Day" means a calendar day unless "working day" or "business day" is specified.
2. "Week" means seven calendar days.
3. "Month" means a calendar month.
4. "Year" means a calendar year, unless otherwise indicated.

2.1.5 Delegation of Authority

Any act authorized by this Zoning Resolution to be carried out by a specific official of the County may be carried out by a professional-level designee of such official.

2.1.6 Technical and Non-Technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in general law shall be construed and understood according to such meaning.

2.1.7 Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of Montgomery County, unless otherwise indicated.

2.1.8 Mandatory and Discretionary Terms

The words “shall”, “must”, and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive in nature.

2.1.9 Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. “And” indicates that all connected items, conditions, provisions or events apply.
2. “Or” indicates that one or more of the connected items, conditions, provisions or events apply.
3. “Either or” indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.

2.1.10 Tenses, Plurals, and Gender

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender and vice versa.

2.1.11 Fractions

When any requirement of this Resolution results in a fraction of a dwelling unit or other measurement, that fraction if less than 0.5 shall be rounded down to the nearest whole number, and if equal to or greater than 0.5 shall be rounded up to the nearest whole number.

2.2 DEFINITIONS

For the purpose of Chapters 1 through 11 of this Resolution, certain terms used herein are herewith defined. When not inconsistent with the context, words used in the present tense include the future; words used in the singular include the plural; the word "person" includes a firm, partnership, or corporation as well as an individual; the word "lot" includes the word "plot," "parcel," or "site"; the word "building" includes the word "structure". The word "used" or

"occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied.

1. ACCESS WAY: A paved area intended to provide ingress and egress of vehicular traffic from a public right-of-way to an off street parking area.
2. ACCESSORY BUILDING OR STRUCTURE*:* A building or structure, the use of which is subordinate or incidental to that of the main building, structure or use. Where an accessory building is an integral part of, or is joined to the main building, such accessory building shall be considered to be part of the main building.
3. ACCESSORY STRUCTURE: Shall represent a subordinate structure to the principal structure and shall not be used for human habitation.
4. ACCESSORY USE: A use customarily incidental, appropriate and subordinate to the principal use of land or building and devoted exclusively to the main use of the premises.
5. ACID MANUFACTURE: An industrial facility or business that produces acid and/or acid based products by a designed process or as a byproduct of another industrial or manufacturing process.
6. ADDITION (to an existing building): Means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.
7. ADHESIVE AND SEALANTS MANUFACTURE*:* An industrial facility or business that produces natural and/or synthetic adhesives and/or sealants.
8. ADULT-ORIENTED BUSINESS ESTABLISHMENT*:* Any establishment defined or described in TCA Section 7-51-1102.
9. AGRICULTURAL ARENAS: Structures intended primarily or exclusively for support of an agricultural function to be used for the show and sell of farm livestock and for agricultural educational programs.
10. AGRICULTURAL RETAIL: A use primarily engaged in the sale or rental of farm tools and implements, feed, grain, tack, animal care products, and farm supplies. This definition excludes the sale of large implements, such as tractors and combines, but includes food sales and farm machinery repair services that are accessory to the principle use. This also includes the sale of products grown on site.
11. AGRICULTURAL USES (CUSTOMARY): This includes the growing of crops in the open, dairying, grazing, the raising and maintenance of poultry and other livestock, horticulture, viticulture, floriculture, apiculture, forests, and timber, and any processing of products raised on the premises. Commercial and industrial feed lots, the raising of fur-bearing animals, riding academy, livery or boarding stables, or dog kennels are not considered to be customary agricultural uses.
12. AGRICULTURAL USE, ACCESSORY: Those structures or equipment which are normally required in the operation of agricultural uses.

13. AIRCRAFT PARTS MANUFACTURE*:* An industrial facility or business that produces aircraft component parts, excluding manufacturing of liquid lubricants, fuels, etc.
14. AIRPLANE MANUFACTURE*:* An industrial facility or business that assembles components to produce airplanes.
15. AIRPORTS: Any area of land or water designed and set aside for the landing and takeoff of aircraft, including all necessary facilities for the housing and maintenance of aircraft.
16. AIRPORTS, PRIVATE: Any airport licensed by the State of Tennessee as a private airport, used primarily by the airport licensee, but available for use by others upon specific invitation of the licensee.
17. AIRPORT ELEVATION: Five hundred fifty (550) feet above mean sea level.
18. AIRPORT HAZARD: Any structure, tree or use of land which obstructs the airspace required for or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.
19. ALCOHOL DISTILLERY:
    a. *Small:* Small scale distillery limited to producing alcoholic beverages in quantities not to exceed 1,000 barrels per month, with one barrel holding 55 gallons.
    b. *Large:* Large scale production of alcoholic beverages in quantities exceeding 1,000 barrels per month, with one barrel holding 55 gallons.
20. ALLEY: A public or private right-of-way that is primarily designed to serve as secondary access to the abutting property. Alleys do not constitute usable road frontage and shall not be allowed to be primary road frontage.
21. ALTERATIONS: Any change, addition, or removal affecting the structural or supporting members of a building such as bearing walls, columns, beams, girders, and joists.
22. AMATEUR RADIO ANTENNA: A freestanding or building mounted structure, including any base, tower or pole, antenna, and appurtenances, intended for airway communication.
23. AMBULANCE SERVICE (PRIVATE): A privately owned facility for the dispatch, storage, and maintenance of emergency medical care vehicles.
24. AMENITY: means a natural or created feature that enhances the aesthetic quality, visual appeal, or makes more attractive or satisfying a particular property, place, or areas.
25. ANIMAL SHELTER: A facility used to house or contain stray, homeless, abandoned, rescued or unwanted animals.
26. ANIMAL SLAUGHTERING AND PROCESSING: A facility for the slaughtering and processing of animals and the refining of their byproducts.
27. ANTIQUE SHOP/DEALER: A place offering antiques for sale. An antique, for purposes of this chapter, shall be a work of art, piece of furniture, decorative object, or the like, of or belonging to the past.
28. APARTMENT: A dwelling unit, including living, cooking and sanitary facilities, in a multiple dwelling. A building, or portion thereof, used or designed as a residence for three or more households living independently of each other, not transient in nature.

29. APPAREL SHOP: Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, and dress, hosiery, and millinery shops.
30. APPEAL: Means a request for a review of any provision of this section or a request for a variance.
31. APPLIANCE STORE: *See* FURNITURE AND APPLIANCE STORE.
32. AQUARIUM: An establishment where aquatic collections of living organisms are kept and exhibited.
33. 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 (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
34. 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.
35. AREA OF SPECIAL FLOOD HAZARD or SPECIAL FLOOD HAZARD AREA (SFHA): 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.
36. ARENA: A large open or enclosed space used for games or major events, and partly or completely surrounded by tiers of seats for spectators.
37. ART GALLERY: An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This does not include libraries, museums, or non-commercial art galleries.
38. ASPHALT PAVING/MIXING MANUFACTURE: An industrial facility used for the production of asphalt. The manufacturing process involves the combination of a number of aggregates, sand, and filler, in correct portions, heated and coated with a binder, usually bitumen. The finish product is also referred to as blacktop. Including administrative and or management facilities, the stock piling of bulk materials required for the process, and storage of and the maintenance of the required equipment for operation.
39. ASSEMBLY HALL/CIVIC HALL: A building or portion of a building in which facilities are provided for civic, educational, political, religious, or social purposes.
40. ASSISTED LIVING FACILITY: A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. A facility with a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis remains residential.

41. ATM AUTOMATED TELLER MACHINE): An automated device that performs banking or financial functions at a location remote from the controlling financial institution.
42. AUCTION HOUSE (NO LIVESTOCK): A building, area, or areas within a building used for the public sale of goods, wares, merchandise, motor-vehicle, or equipment to the highest bidder.
43. AUTHORIZED AGENT OR OWNER: Anyone who has written authority to speak for or make presentations on behalf of the owner of any property. An authorized agent shall be responsible for any information or data which he presents to the county.
44. AUTOMOBILE ASSEMBLY: An industrial facility or business that assembles components to produce new automobiles.
45. AUTOMOBILE PARKING (COMMERCIAL): A publicly or privately owned short-term, parking facility for commuters.
46. AUTOMOBILE PARTS MANUFACTURE: AN industrial facility or business that produces automobile component parts, excluding manufacturing of liquid lubricants, fuels, etc.
47. AUTOMOBILE PARTS SALES (NO OUTSIDE STORAGE OR DISPLAY*):* The use of any land area for the display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles. All display and storage of materials shall be within a completely enclosed building.
48. AUTOMOBILE PARTS SALES (WITH OUTSIDE STORAGE): The use of any land area for the display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.
49. AUTOMOBILE RENTALS: Rental of automobiles and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease.
50. AUTOMOBILE REPAIR SERVICE, MAJOR: An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment, including paint, body and fender, and major engine and engine part overhaul, provided it is conducted within and completely enclosed building.
51. AUTOMOBILE REPAIR SERVICE, MINOR: An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar mechanical equipment including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups, and transmission work, provided it is conducted within a completely enclosed building.
52. AUTOMOBILE SALES: The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, rental, or lease of new motor vehicles, or used motor vehicles, and any warranty repair work and other repair service conducted as an accessory use and within a completely enclosed building.
53. AWNING MANUFACTURE (CLOTH, METAL, AND WOOD): An industrial facility or business that produces awnings or components for awnings.
54. BAKERY: An establishment primarily engaged in the sale of baked products for consumption on/off site. The products may be prepared either on or off site. Such use may include incidental food service. A bakery shall be considered a general retail use.

55. BANNER: Any sign of lightweight fabric, plastic, or similar material capable of being attached to a building or structure. National, state, or municipal flags or the official flag of any institution or business shall not be considered banners.
56. BAR OR NIGHTCLUB: A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and musical entertainment is permitted.
57. BARBER: Any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.
58. BARGE PORT: A facility for the docking, loading or unloading of barges or boats that transport freight.
59. BASE FLOOD: means the flood having a one percent chance of being equaled or exceeded in any given year.
60. BASEMENT: A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when one-half (1/2) of its height is above the average ground elevation or when subdivided and used for commercial activities or dwelling purposes.
61. BED AND BREAKFAST ESTABLISHMENT: A residence that provides one (1) to five (5) rooms for paying guests on an overnight basis for periods not to exceed fourteen (14) days with one daily meal being required on the premises. A Bed and Breakfast establishment is allowable only in a building originally constructed as a single-family residence.
62. BEGINNING OF CONSTRUCTION: The incorporation of labor and material within the foundation of the building. The storage of materials alone or the excavation of a foundation alone shall not constitute "beginning of construction" as used in this resolution.
63. BILLBOARD: See “Off-Premise Advertising Sign”.
64. BLOCK: All property fronting upon one side of a street between intersecting and/or intercepting streets, or between a street and a right-of-way, waterway, dead end of a street, or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street it intercepts.
65. BEAUTY SHOP: Any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation.
66. BOARD or BOARD OF ZONING APPEALS: Montgomery County Board of Zoning Appeals.
67. BOARDINGHOUSE: A residence or portion thereof, which is used to accommodate, for compensation, boarders or roomers. Rest homes or homes for the aged shall not be included in this definition.
68. BOAT DEALERS: A marine retail sales and service use in which boats are rented or sold.
69. BOAT REPAIR AND SERVICE: An establishment primarily engaged in the repair or maintenance of boats, boat trailers, or mechanical equipment, provided that all servicing of boats is conducted within a completely enclosed building. Storage shall be limited to watercraft or accessories being serviced only.

70. BOND: Money or a form of monetary security issued to Montgomery County, by an owner to insure that the required site work will be performed completely and correctly within a certain time frame. This bond shall be in the form of a cashier's check, letter of credit from a banking institution, certificate of deposit, or performance bond from an insurance company.
71. BOWLING ALLEY: An establishment that devotes more than 50 (fifty) percent of its gross floor area to bowling lanes, equipment, and playing area.
72. BREAKAWAY WALL: means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
73. BREWERY:
    a. *Brewery, Micro:* Small scale production of beer in quantities not to exceed 5,000 barrels per month, with one barrel holding 31 gallons.
    b. *Brewery:* Large scale production of beer in quantities exceeding 5,000 barrels per month, with one barrel holding 31 gallons.
74. BUILDING: A permanently located, enclosed structure intended for shelter, housing, or enclosure of persons, animals, or chattel.
75. BUILDING CONTRACTOR SHOP: Shops for contractors engaged in constructing/finishing the interior components of buildings including electric, heating and air conditioning, painting, plumbing, carpentry, cabinetry and counter tops, carpet/tile and flooring. Except for service vehicles, all activities and materials are to be enclosed/stored within a building.
76. BUILDING CONTRACTOR SUPPLY*:* A facility that provides retail and/or wholesale sales of building materials, construction supplies, plumbing/electrical materials, and other similar items.
77. BUILDING AREA: That portion of a lot occupied by the main building, including porches, carports, and other structures attached to the main building.
78. BUILDING HEIGHT: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.
79. BUILDING, MAIN OR PRINCIPAL: A building in which is conducted or intended to be conducted, the main or principal use of the lot on which said building is located.
80. BUILDING OFFICIAL: The person within the Building and Codes Department, which is determined by Montgomery County, to have authority for enforcement of this Resolution.
81. BUILDING PERMIT*:* Means the permit required under this Resolution.
82. BUILDING SETBACK LINE: A line on private property, established by this Zoning Resolution, to prohibit the location of buildings or structures between said line and street right-of-way line and/or property line.

83. BUS OR TRUCK SERVICE*:* Any building, structure, improvements, or land used for the repair and maintenance of buses, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work, oil change and lubrication, painting, tire service and sales.
84. BUS STATION: Any premises for the storage or parking of motor driven buses and the loading and unloading of passengers.
85. BUSINESS OFFICE (EXCLUDING MEDICAL): Any lawful commercial endeavor to engage in the purchase, sale, lease, or exchange of goods, and/or the provision of services.
86. BUSINESS SCHOOL: University-level institution that confers degrees in Business Administration. It teaches topics such as accounting, finance, information systems, marketing, organizational behavior, strategy, human resource management, and quantitative methods.
87. CABINET AND COUNTERTOP MANUFACTURE: An industrial facility or business that produces and/or assembles components to construct cabinets and/or countertops.
88. CABINET AND COUNTERTOP SALES (RETAIL): Establishments engaged in selling cabinetry and/or countertops to ultimate customers or consumers.
89. CAFE: An informal restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold.
90. CALIPER: A standard trunk diameter measurement for nursery grown trees taken six (6) inches above the ground for up to and including four (4) inch caliper size, and twelve (12) inches above the ground for larger sizes.
91. CAMERA, PHOTOGRAPHIC SUPPLY, FILM DEVELOPING (RETAIL): Establishments engaged in selling cameras, camera equipment, photographic supplies, and the process of film development to ultimate customers or consumers.
92. CAMPGROUND: A parcel of land, with two (2) or more sites occupied or intended for occupancy by recreational vehicles or tents, accessible by vehicular traffic and provided with one (1) or more service building. These sites may have individual water, sewer and electrical connections. These sites are intended for short periods of stay and shall not allow for extended residential stays and shall not include mobile homes.
93. CANDY, CIGARS, AND TOBACCO (RETAIL): Establishments engaged in selling candy, cigars, or tobacco products to ultimate customers or consumers.
94. CAR WASH: The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.
95. CARETAKER RESIDENCE: A single-family dwelling unit accessory to an agricultural, professional, commercial, or industrial use for occupancy by the owner/caretaker.
96. CARNIVAL: A traveling or transportable group or aggregation of rides, shows, games, or concessions or any combination thereof.
97. CARPET AND UPHOLSTERY CLEANING*:* An establishment engaged in the cleaning of residential, commercial, or industrial carpeting and/or upholstery.

98. CATERING SERVICES: An establishment that serves and provides food to be consumed off premises for public or private entertainment.
99. CELLULAR PHONE SALES AND SERVICE: Establishments engaged in selling cellular phones, accessories, and/or cellular phone service products to ultimate customers or consumers.
100. CEMENT MANUFACTURE: An industrial facility used for the production of cement. The manufacturing process involves the combination of materials, usually aggregates introduced to extreme heat to remove moisture, then crushed to produce a very fine dust like substance used to bind other aggregate materials. Including administrative and or management facilities, the stock piling of bulk materials required for the process, and storage of and the maintenance of the required equipment for operation.
101. CEMETERY: Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries shall be included when operated within the boundary of such cemetery.
102. CERAMIC PRODUCTS MANUFACTURE: An industrial facility or business that processes inorganic, non-metallic solid materials through a process that includes the introduction of high heat and subsequent cooling to produce products including but not limited to pottery, tile, semiconductors, etc.
103. CERTIFICATE OF COMPLIANCE: Approval by the zoning administrator that a use, building or structure complies with the provisions of this Zoning Resolution.
104. CHECK CASHING: A person or business that for compensation engages, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose.
105. CHEMICAL MANUFACTURE: An industrial facility or business that manufactures or processes materials and/or chemicals to create a chemical, biological transformation, and/or separation of materials.
106. CHILD CARE FACILITY: A child care facility is a facility other than a family day care home which provides non-medical care to children under eighteen (18) years in age in need of personal services supervision or assistance on less than a twenty-four-hour basis. Child care facility does not include family day care homes.
107. CIVIC HALL: See Assembly Hall.
108. CLINIC: See Medical Facility.
109. CLOTHING MANUFACTURE: An industrial facility or business that assembles textiles, usually on a large scale, to produce clothing.
110. CLUB, PRIVATE: An organization catering exclusively to members and their guests, or premises and buildings for recreational entertainment, or athletic purposes which are not conducted primarily for financial profit.
111. COFFEE SHOP: An informal restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold.

112. COLLEGE OR UNIVERSITY: A post-secondary institution for higher learning that grants associate or bachelor degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. This may also include community colleges that grant associate or bachelor degrees or certificates of completion in business or technical fields.

113. COMMERCIAL AMUSEMENT (INDOOR): A facility wholly enclosed in a building that offers entertainment or games of skill to the general public for a fee. This includes but is not limited to such facilities such as laser tag, billiard parlors, arcades or similar use(s).

114. COMMERCIAL AMUSEMENT (OUTDOOR): A facility that offers entertainment and/or games of skill to the general public for a fee wherein any portion of the activity takes place outdoors and including, but not limited to, a golf driving range, archery range, miniature golf course, batting cages, go-cart tracks, amusement parks, and other similar types of uses.

115. COMMERCIAL STABLE: See Riding Academy.

116. COMMUNICATION STUDIO: Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities.

117. COMMUNICATION TOWER: A tower, pole, or similar structure that supports a telecommunications antenna operated for commercial purpose above ground in a fixed location, freestanding, guyed, or on a building or other structures.

118. CONCRETE MIXING AND BATCHING PLANT: An industrial facility used for the production of concrete. The manufacturing process involves the combination of a number of aggregates, sand, water, fly ash and cement in correct portions, and mixed to produce concrete. Including administrative and or management facilities, the stock piling of bulk materials required for the process, and storage of the maintenance of and the required equipment for operation.

119. CONSIGNMENT STORE: A retail establishment engaged in selling used merchandise, such as clothing, furniture, books, shoes, or household appliances, on consignment.

120. CONSTRUCTION CONTRACTOR WITH STORAGE YARD: An unenclosed portion of the lot or parcel upon which a construction contractor maintains its principal office or a permanent business office. Designation of the lot or parcel as a contractor's storage yard would allow this area to be used to store and maintain construction equipment and other materials customarily used in the trade carried on by the construction contractor.

121. CONSTRUCTION LANDFILL: Land used or dedicated to building materials and other wastes associated with construction projects including but not limited to such materials as wood, concrete, drywall, masonry, roofing, siding, structural metal, wire, insulation, plastics, styrofoam, twine, baling and strapping materials, cans, buckets, packaging materials, and containers.

122. CONVENIENCE CENTER: A lot or part thereof used primarily for the disposal of solid waste into temporary storage and compacted to reduce its volume where it is then transported to a sanitary landfill. Typical uses include temporary storage of glass, plastic, paper products, and other recyclable materials.

123. CONVENIENCE STORE: A facility associated with the sale of gasoline products that also offers for sale prepackaged food items and tangible consumer goods, primarily for self-service by the consumer.

124. CONVENT: A housing facility where the residents are limited to members of a specific religious order.

125. CONVENTION CENTER: A commercial facility used for assemblies or meetings of the members or representatives of groups, including exhibition space. This term does not include banquet halls, clubs, lodges, or other meeting facilities of private or nonprofit groups that are primarily used by group members.

126. CORNER LOT: - A lot abutting upon two or more public roads, permanent easements or travel easements at their intersection.

127. CORRECTIONAL FACILITY: A facility for the detention, confinement, treatment or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. Such facilities include an adult detention center, juvenile delinquency center, jail, and prison.

128. COUNTRY CLUB: A chartered, non-profit membership club, catering primarily to its membership, providing one or more of the following recreational and social activities: golf, swimming, riding, outdoor recreation, club house, locker room, pro shop, boating.

129. COUNTY BUILDING COMMISSIONER: The officially designated building and zoning inspector, or his authorized representative, as provided by the County Commission.

130. COUNTY COMMISSION: The Montgomery County Commission or Montgomery County Board of Commissioners.

131. CREMATORY: An establishment containing properly installed, certified apparatus intended for use in the act of cremation.

132. CRITICAL ROOT ZONE (CRZ): A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is one foot of radial distance for every inch of tree DBH, with a minimum of eight (8) feet.

133. CULTURAL CENTER: A use providing for display, performance, or enjoyment of heritage, history, or the arts. This use includes but is not limited to: museums, arts performance venues, or interpretive sites, but does not include commercially-operated theatres.

134. CUSTOM MANUFACTURING: An industrial facility or business primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving the use of hand tools, or the use of mechanical equipment.

135. DAIRY PRODUCTS MANUFACTURE: An industrial facility or business that produces food products derived from the processing of milk.

136. DBH: Diameter-at-breast-height is the tree trunk diameter measured in inches at a height of four and one-half (4 1/2) feet above the ground.

137. DECIDUOUS: Those plants that annually lose their foliage.

138. DEMOLITION LANDFILL: Land used or dedicated to materials found in demolished buildings, roads, and other structures including but not limited to concrete, drywall, asphalt, wood, masonry, composition roofing, roofing, siding, structural metal, wire, insulation.

139. DETENTION AREA: Area used for temporary storage and controlled release of stored storm water.

140. 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, excavation or drilling operations, or storage of equipment or materials.

141. DEVELOPMENT DIRECTORY SIGN: A freestanding sign identifying a shopping center, strip center/plaza, office park, commercial subdivision, or similar mixed use or commercial development, and listing individual businesses or tenants within the platted development. Each individual business or tenant must be located on a lot within the subdivision development in which the sign easement is recorded.

142. DEVELOPMENT PERMIT: means any written approval or decision by the local authority under its land development regulations that gives authorization to undertake some category of development, including, but not limited to a building permit, grading permit, subdivision plat, variance, appeal, planned unit development and site plan.

143. DIRECTOR OF PLANNING: The director, or acting director, of the Clarksville-Montgomery County Regional Planning Commission and parties designated by the director, or acting director, of the Clarksville-Montgomery County Regional Planning Commission to act on their behalf.

144. DISTRICT OR ZONING DISTRICT: Any section, sections or divisions of Montgomery County for which the regulations governing the use of land, density, bulk, height, and coverage of buildings and other structures are uniform.

145. DORMITORY: A building containing sleeping quarters (rooms) for either transient or permanent occupancy generally associated with institutional activities.

146. DRIP LINE: A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

147. DRIVE-THROUGH WINDOW SERVICES: A building opening, including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service.

148. DRIVING RANGE: An area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, and which may include a snack-bar and pro-shop.

149. DRUG STORE: An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

150. DRY-CLEANING: See Laundromat/Dry-Cleaning.

151. DRIVE-IN COMMERCIAL USES: Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters, and similar uses.

152. DRIVEWAY: An access way to an off-street parking facility.

153. DWELLING: A building or portion thereof used for residential occupancy.

154. DWELLING, ATTACHED: A dwelling with two (2) or more party walls, or one party wall in the case of a dwelling at the end of a group of attached dwellings.

155. DWELLING, SEMI-DETACHED: Two (2) dwellings with a single party wall common wall to both.

156. DWELLING, SINGLE-FAMILY: A detached building so designed and arranged to provide sleeping, cooking and kitchen accommodations and toilet facilities for occupancy by one family only, together with such domestic help as is necessary to service and maintain the premises and their occupants.

157. DWELLING, TWO and THREE FAMILY: A building so designated and arranged to provide sleeping, cooking and kitchen accommodations and toilet facilities for occupancy of two (2) or three (3) families, respectively.

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

159. ELECTRO-PLATING ESTABLISHMENT: An establishment that allows the process of using electrical current to reduce cations of a desired material from a solution and coat a conductive object with a thin layer of the material, such as a metal. Electroplating is primarily used for depositing a layer of material to bestow a desired property (e.g., abrasion and wear resistance, corrosion protection, lubricity, aesthetic qualities, etc.) to a surface that otherwise lacks that property. Another application uses electroplating to build up thickness on undersized parts.

160. EMERGENCY SERVICES: Publicly owned safety and emergency services, such as, but not limited to, fire stations, police stations, and emergency medical and ambulance service.

161. EMERGENCY SHELTER: A structure designated by local officials as a place of safe refuge during a storm or other state of emergency.

162. ENAMELING AND PAINTING ESTABLISHMENT: An establishment that uses the process of enameling or painting to change the outward characteristics of a surface.

163. ENGRAVING PLANT: A facility where engraving is the primary use. Engraving is the practice of incising a design onto a hard, usually flat surface, by cutting grooves into it.

164. EVERGREEN: Those plants that retain their foliage throughout the year.

165. EVERGREEN SCREEN: Plants that retain their foliage year round that are planted to provide a dense vegetative screen for purposes of visual mitigation between zoning districts or incompatible uses or structures.

166. EXCEPTION: means a waiver from the provisions of this section which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this section.

167. EXISTING CONSTRUCTION: any structure for which the "start of construction" commenced before the effective date of this Resolution (July 19, 1973).

168. 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, and either final site grading or the pouring of concrete pads) is completed before the effective date of this Resolution (July 19, 1973).

169. EXISTING STRUCTURES: See Existing construction.

170. 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).

171. EXTERMINATING COMPANY: An establishment where the primary focus is the extermination of common pests. Facility may include areas for the storage of pesticides, application equipment, vehicles, and accessories. All storage of chemicals must be contained in a completely enclosed building.

172. FAIRGROUNDS: An area of land use including but not limited to: agricultural related buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, motorized contests of speed, rides, rodeos, sales and auctions, storage and theaters.

173. FAMILY: One or more persons related by blood, marriage, or adoption, or a group of not more than five (5) persons unrelated by blood, marriage or adoption, occupying the premises and living as a single nonprofit housekeeping unit as distinguished from a group occupying a boarding or lodging house or similar dwelling for group use. A family shall be deemed to include domestic servants employed by the family.

174. FAMILY DAY CARE HOME: A home which regularly provides care, protection, and supervision of twelve (12) or fewer children, including children who reside at the home, in the providers' own home, for periods of less than twenty-four (24) hours a day, while the parents or guardians are away, and includes the following:

175. LARGE FAMILY DAY CARE HOME: A home which provides family day care to five (5) to twelve (12) children, inclusive, including children who reside at the home.

176. SMALL FAMILY DAY CARE HOME: A home which provides family day care to four (4) or fewer children, including children who reside at the home.

177. FARM/GARDEN MACHINERY AND EQUIPMENT SALES AND REPAIR: A facility that provides retail sales and service of machinery and equipment of items associated with an agricultural use.

178. FARM WORKER DWELLING: Any living quarters, dwelling, boarding house, bunkhouse, or other housing accommodations, maintained exclusively for the occupancy of

farm employees and their families in connection with any farm work or place where farm work is being performed.

179. FEED/SEED STORE: An establishment engaged in retail sale of supplies directly related to the day-to-day activities of agricultural production.

180. FESTIVAL (TEMPORARY): An event including the sale of ethnic specialty, regional, and gourmet foods, arts and crafts and live musical entertainment in an outdoor setting.

181. FINANCIAL INSTITUTION: An establishment where the principal businesses is the receipt, disbursement or exchange of funds and currencies, such as: banks, savings and loans, or credit unions.

182. FISH FARM: An area of land complete with an artificial pond(s) or natural pond(s) in which fish are reared and sold to consumers.

183. FLEA MARKET: See Open Air Market.

184. FLOOD OR FLOODING: means a general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters;

b. The unusual and rapid accumulation or runoff of surface waters from any source.

185. FLOOD ELEVATION DETERMINATION: means a determination by the administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

186. 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) and/or flood-related erosion hazards.

187. FLOOD HAZARD BOUNDARY MAP (FHBM): means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood related erosion areas having special hazards have been designated as zone A, M, and/or E.

188. FLOOD INSURANCE RATE MAP (FIRM): means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

189. FLOOD INSURANCE STUDY: is the official report provided by the Federal Emergency Management Agency.

190. FLOOD PRONE AREA: means any land area susceptible to being inundated by water from any source (see definition of "flooding").

191. 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.

192. FLOODPLAIN: means the relatively flat or lowland area adjoining a river, stream, watercourse, lake, or other body of standing water which has been or may be covered temporarily by floodwater. Unless otherwise stated, the floodplain is defined as the 100-year floodplain having a one percent chance of being equaled or exceeded in any given year.

193. 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.

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

195. 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 an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

196. 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.

197. 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.

198. 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 one (1) foot.

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

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

201. FLOUR AND GRAIN MILLS: Any building or area of land dedicated to the grinding of grains and corn for the purpose of producing flour.

202. FLORIST: Retail business whose principal activity is the selling of plants and/or flowers which are not grown on the site and conducting business within an enclosed area.

203. FOOD PROCESSING (EXCLUDING MEAT): Manufacturing establishments producing or processing foods for human consumption and certain related products, including;
   a. Bakery products, sugar and confectionery products (except facilities that produce goods only for on-site sales with no wider distribution);
   b. Dairy products processing;
   c. Fats and oil products (not including rendering plants);
   d. Fruit and vegetable canning, preserving, and related processing;
   e. Grain mill products and by-products.
204. FOOTWEAR MANUFACTURE: An industrial facility or business, usually on a large scale, that produces new garments that are to be worn on the feet.
205. FOUNDRY: An establishment for producing castings in molten metal.
206. FRATERNAL ORGANIZATIONS: A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings and formal written membership requirements.
207. FRATERNITY OR SORORITY HOUSE: A building housing the members of a fraternity or sorority group living together under a cooperative arrangement as distinguished from a boarding lodging house or lodging house.
208. FREESTANDING SIGN: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.
209. FREIGHT TRANSPORTATION TERMINAL: A facility for freight pick-up or distribution; may include intermodal distribution facilities for rail or shipping transport.
210. FRONTAGE: All property on one side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or if the street has a dead end, then all of the property abutting the dead end and/or turnaround of the street.
211. FUEL/PETROLEUM DISTRIBUTION: A facility for the storage of fuels or other volatile products and for their distribution to retail sales facilities or other bulk purchasers, regardless of ownership.
212. FUNERAL HOME AND MORTUARY: A building or part thereof used for human funeral services. Such building shall be used for the preparation of the deceased for burial and display of the deceased. Other uses may include the storage of caskets, funeral urns, and other related funeral supplies, the storage of funeral vehicles, facilities for cremation and funeral chapel.
213. 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.

214. FURNITURE AND APPLIANCE STORE: A retail establishment where the primary purpose is the sale of furniture and appliances, large or small, where the general public is considered to be the end consumer.

215. FURNITURE MANUFACTURE: An industrial facility or business, usually on a large scale, that produces furniture, including but not limited to, tables, chairs, sofas, beds, or other similar items.

216. GARAGE/CARPORT, PRIVATE: An accessory building or part of a main building for which the principal use is storage of privately owned vehicles.

217. GARAGE, PUBLIC OR REPAIR: A building in which the principal operation involves a garage used for storage, repair or servicing or equipping of vehicles for profit.

218. GASOLINE OR SERVICE STATION: Any building, structure or land used primarily for the dispensing or sale of fuels, oils, accessories or minor maintenance and repair services but not including painting and major repairs.

219. GIFT OR CARD SHOP: A retail store that sells a wide variety of relatively small and inexpensive items.

220. GOLF COURSE: A tract of land with a least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range, putt course, and shelters as accessory uses.

221. GOVERNMENTAL OPERATIONS: A building or structure owned, operated, or occupied by governmental agency to provide a governmental service to the public.

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

223. GRADING PERMIT*:* means a permit issued to authorize excavation or fill to be performed under the provisions of the storm water management Resolution.

224. GRAIN MILL: See Flour and Grain Mill.

225. GREENWAY: A linear park, alternative transportation route, or open space conservation area that provides passive recreational opportunities, pedestrian and/or bicycle paths, and/or the conservation of open spaces or natural areas, as indicated in a greenway plan.

226. GROCERY STORE/SUPERMARKET: Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.

227. GROUND COVER: A prostrate plant growing less than two (2) feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing.

228. GROUP QUARTERS: The use of a building or structure for occupancy by groups of people not defined as a family on a weekly or longer basis, including boarding houses or rooming houses, dormitories, fraternity and sorority houses, abbey, cloister, convent, monastery, orphanage, groups homes, residential hotels, assisted living facility or residential

care facility, and transitional living shelter, not to include nursing homes, homeless shelters and soup kitchens.

229. GROUP HOME/ SAFE HOUSE: The use of a building or structure for occupancy by groups of people not defined as a family on a weekly or longer basis who may require personal assistance essential for sustaining daily living and who do not require 24-hour medical care. A dwelling unit or part thereof in which personal and financial services may be offered as well. Not to include nursing homes and homeless shelters.

230. GUEST HOUSE: An accessory area for the purpose of housing family members and guests of the occupants of the principal building, and which is never rented or offered for rent.

231. GUN RANGES (INDOOR): Any building where there are facilities which cater to the use of firearms.

232. HAZARDOUS OR NOXIOUS USES: All uses which involve the storage, sale, manufacture, processing or handling of materials or activities which are highly flammable, explosive, noxious, toxic, or inherently dangerous to humans, animals, land, crops, or property.

233. HEALTH CLUB: A facility where members or nonmembers use equipment or space for the purpose of physical exercise.

234. HEALTH DEPARTMENT: Clarksville-Montgomery County Health Department.

235. HEALTH OFFICER: The director of a city, county or district health department having jurisdiction over the community in an area, or his duly authorized representative.

236. HEAVY EQUIPMENT SALES: The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, rental, or lease of new or used movable or transportable vehicle or other apparatus commonly used in commercial, industrial, or other construction enterprises, such as but not limited to trucks, trailers, bulldozers, cranes, backhoes, rollers, loaders, lifts, having a gross weight of 2.5 tons or more, including any warranty repair work and other repair service conducted as an accessory use and within a completely enclosed building.

237. HELIPORT: An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

238. HELISTOP: A helicopter landing area for boarding and discharging the occupants of the craft. Maintenance or fueling is not permitted.

239. HISTORICAL MONUMENTS AND/OR STRUCTURES: Any structure or building or site existing contemporaneously with and commonly associated with an outstanding event or period of history, and any structure or building in which the relics and/or mementos of such event or period are housed and preserved.

240. HISTORIC STRUCTURE: means any structure that is:

a. 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;
b. 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;
c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    i. By an approved state program as determined by the Secretary of the Interior, or
    ii. Directly by the Secretary of the Interior in states without approved programs.

241. HOBBY SHOP: An accessory use where the activity or interest pursued is for pleasure or relaxation and not as a main occupation and shall not be a commercial operation.

242. HOME IMPROVEMENT SALES: A facility engaged in the retail sale of various basic hardware lines, such as tools, building materials, builder's hardware, paint and glass, housewares and household appliances, garden supplies, nursery products and cutlery.

243. HOME OCCUPATION: See Subsection 5.2.7.4. An occupation carried on in a dwelling unit by the resident thereof; provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof.

244. HOMELESS SHELTER: A facility providing temporary housing to indigent, needy, homeless, or transient persons, and may also provide ancillary services such as counseling, religious instruction, vocational training, etc.

245. HOSPITAL: See Medical Facilities.

246. HOTEL: An establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include, but shall not be limited to, conference and meeting rooms, kitchen facilities, restaurants, bar, and recreation facilities.

247. HOUSE TRAILER: See Mobile Home.

248. HOUSE TRAILER PARK: See Mobile Home Park.

249. IRONWORKS MANUFACTURING (ORNAMENTAL): An industrial facility or business that fabricates iron or other similar metals to produce ornate fixtures including but not limited to fences, guardrails, art, etc.

250. ISLAND: A raised planting area, in road and parking area design, usually curbed, and placed to guide traffic, separate lanes, limit paving (impervious surface), preserve existing vegetation and increase aesthetic quality.

251. INSTITUTION: A building or activity operated by either a profit or a non-profit corporation or non-profit establishment for public use.

252. JEWELRY STORE: A retail establishment that specializes in the sale of jewelry.

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

254. KENNEL: Any establishment where dogs are kept for the purpose of breeding, sale, show or sporting purposes, and which is so constructed that dogs cannot stray therefrom.

255. KENNEL, BREEDING: An establishment where animals are kept for the purpose of breeding for compensation.

256. KENNEL, BOARDING: An establishment where pet animals are boarded for compensation.

257. KENNEL, NONCOMMERCIAL: A kennel, at, in or adjoining a private residence where hunting or other dogs are kept for the hobby of the householder in using them for hunting or practice tracking or for exhibiting them in dog shows or field or obedience trials or for the guarding or protecting the householder's property.

258. LANDING STRIP: An airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by invited guests.

259. LANDSCAPE RESOLUTION: The sections of the Zoning Resolution, which regulate landscape design, landscaping, and landscape installation and maintenance.

260. LANDSCAPE PLAN: The preparation of graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features with plantings, ground and water forms, circulation, walks and other landscaping features to comply with the provisions of this Resolution.

261. LANDSCAPE STRIP: An area required by this section which is reserved for the installation and/or maintenance of plant materials.

262. LANDSCAPING: The process or product of site development including grading, installation of plant materials, and seeding of turf or ground cover. Includes any combination of living plants, such as trees, shrubs, vines, ground covers or grass; natural features such as rock, stone, bark chips or shavings; and structural features, including but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences and benches.

263. LAUNDROMAT/DRY-CLEANING: A business that provides washing, drying, dry cleaning clothing and/or ironing machines for hire to be used by customers.

264. LAUNDRY AND CLEANING PLANTS: An industrial facility or business, usually on a large scale, that washes and/or cleans clothing, linens, or other textiles through the use of water, soaps, chemicals, and/or other processes.

265. LEASING/SALES OFFICE: An establishment whose primary purpose is the sale or lease of real estate.

266. 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.

267. 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.

268. LIQUOR SALES: Any business selling general alcoholic beverages, for off-premises consumption. Liquor store does not include a business selling only beer and/ or wine for off-premises consumption.

269. LIVESTOCK: Animals raised for food or other products, or kept for use, especially farm animals such as meat and dairy cattle, pigs, and poultry.

270. LOADING AREAS: An area which contains trash collection areas of dumpster type refuse containers, outdoor loading and unloading spaces, recycling bins, docks, outdoor shipping and receiving areas, outdoor bulk storage of materials or parts thereof, or outdoor repair areas of any service stations, safety equipment, inspection stations or dealers.

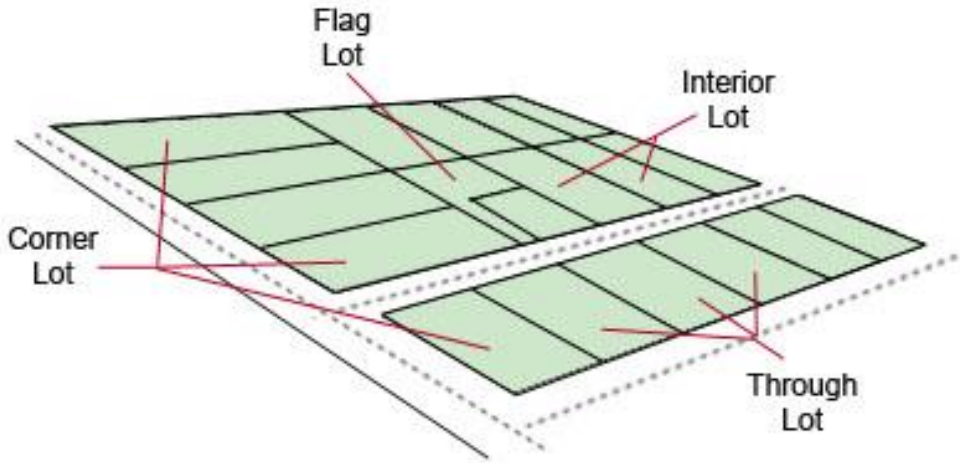
271. LOT: A parcel of land occupied or intended to be occupied by a building and its accessory buildings or by a dwelling or group of dwellings and their accessory buildings, together with such open spaces as are required under the provisions of Chapters 1 through 11 of this Resolution. See Picture 2.1 below.

272. LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection.

273. LOT, DOUBLE FRONTAGE, OR THROUGH LOT: A lot which is an interior lot extending from one street to another and abutting a street on two (2) ends.

274. LOT, FLAG: A lot/tract/parcel meeting the minimum frontage requirements and where access to a public or private right-of-way is provided by means of a long, narrow strip of property between abutting lots/tracts/parcels and where the building site is generally located to the rear of other lots/tracts/parcels fronting along the same right-of-way.

275. LOT, INTERIOR: A lot other than a corner lot fronting on a single right-of-way or easement.



Picture 2.1 Types of Lots

276. LOT COVERAGE: That portion of the area of a lot, tract or parcel of land which is covered by principal and accessory structures.

277. LOT OF RECORD: A lot, tract or parcel legally existing as of the effective date on which this Resolution was adopted (July 19, 1973), which may not meet the applicable area, frontage, width, or depth requirements established by this Resolution and subsequent amendments.

278. LOT LINES: The lines bounding a lot as defined herein.

   a. LOT LINE, FRONT: The line separating the lot, tract or parcel from any public street, dedicated private easement or travel easement which is designated as the front street in a request for a Building Permit.

   b. LOT LINE, REAR: 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 (10) feet long and wholly within the lot.

   c. LOT LINE, SIDE: Any lot line other than a front or rear lot line as defined herein.

279. LOT WIDTH: The width of a lot measured at the building setback line in a manor generally perpendicular with the side lot lines.

280. LOW PROFILE SIGN: Are signs which do not exceed three and one-half (3 1/2) feet in height. These signs may be placed up to the front property line, provided they are placed outside any street right-of-way and so as to not obstruct vision for moving traffic.

281. LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable 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 section.

282. LUMBER MILL: Manufacturing, processing, and sales involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes.

283. MACHINE SHOP: Shops where lathes, presses, grinders, shapers, and other wood- and metal-working machines are used such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair shops; and overhaul shops.

284. MANUFACTURED HOME SALES: The selling of factory-built, single-family structure, that is transportable in one or more sections, may or may not be built on a permanent chassis, and is to be used as a place of human habitation.

285. MAP: means the flood hazard boundary map (FHBM), flood boundary and floodway map (FBFM) or the flood insurance rate map (FIRM) for a community issued by the agency.

286. MARBLE WORKING AND FINISHING: An industrial facility or business, usually on a large scale, that processes, sculpts, and/or polishes marble or other stones capable of taking a high polish for a specified use.

287. MARINA: A use involved in the operation of a marina including structures and activities normally integral to the operation of a marina, such as docking and/or the securing of watercraft, servicing, fueling, pumping-out, chartering, launching, and dry-storage of boats and boating equipment.

288. MEAT/FISH MARKET: A retail establishment where the primary purpose is the sale to an end consumer of meat, poultry, and fish products.

289. MEAT/POULTRY PROCESSING PLANT: A building where live animals are killed and processed; and/or a building where meat, poultry, or eggs are cooked, smoked, or otherwise processed or packed but does not include a butcher shop or rendering plant.

290. MEDICAL APPLIANCE SALES: A retail establishment where the primary purpose is the sale to an end consumer of medical appliances and accessories to them.

291. MEDICAL FACILITIES:

- CONVALESCENT, REST OR NURSING HOME: A health facility where persons are housed and furnished with meals and continuing nursing care.
- DENTAL CLINIC, MEDICAL CLINIC, OR MENTAL HEALTH CLINIC: A facility for examination and treatment of human out-patients; provided, however, that patients are not kept overnight except under emergency conditions.
- DENTAL OFFICE OR DOCTOR'S OFFICE: Same as Dental or Medical Clinic.
- HOSPITAL: A public or proprietary facility providing medical diagnosis, treatment, or other care of human ailments, and which, unless otherwise specified shall be deemed to include institutions primarily for treatment of physical and mental disorders, but not including clinics as herein defined.

- SANITARIUM OR SANATORIUM: An institution providing health facilities for in-patient medical treatment and recuperation.

292. MEDICAL HELISTOP: See Helistop.

293. MEDICAL LAB: An establishment that includes uses such as but not limited to medical research facilities, processing and testing of fluid samples, x-ray and ultrasound, etc.

294. MEDICAL OFFICE: Those uses concerned with the diagnosis, treatment, and care of human beings.

295. MEDICAL WASTE FACILITY: A facility used to process medical waste.

296. MICRO BREWERY: See Brewery.

297. MINERAL EXTRACTION: The extraction of minerals, including solids, liquids, and gases. The term also includes quarrying; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the extraction site or as a part of the extractive activity.

298. MINI-WAREHOUSE: See Self Service Storage (Mini).

299. MOBILE HOME: A mobile home is a single family dwelling, other than modular home, designed for transportation on its own chassis, and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy except for minor and incidental unpacking and assembly operations, located on wheels or jacks or permanent foundation and connected to utilities and the like. A mobile home is considered to be dependent on public utilities the same as conventional dwellings. All mobile homes placed in Montgomery County from the date of passage of this Resolution shall meet all requirements of the Tennessee State Fire Marshall's Office, Division of Manufactured Housing (TCA 68-126-4).

300. MOBILE HOME PARK: Any area, tract, site, or plot of land under single ownership, whereupon mobile home spaces are located and maintained and shall include all accessory building used or intended to be used in connection with the operation of a mobile home park.

301. MOBILE HOME SPACE: A plot of ground within a mobile home park or subdivision designed for the accommodation of one (1) mobile home.

302. MOBILE HOME SUBDIVISION: A mobile home subdivision is a subdivision intended for individual ownership of lots and designed for residential use of mobile homes exclusively.

303. MOBILE STORAGE UNIT: An establishment where the primary use is the delivery and pick up of mobile storage units. These can be picked up and delivered to another location or stored on-site and delivered at another time.

304. MODULAR HOME OR MODULAR UNIT: A factory fabricated building which can be transported to a site where it is to be placed on a permanent foundation designed to be used primarily as a single family dwelling or to be incorporated with similar units at a building site into a modular structure (but not including MOBILE HOMES OR HOUSE TRAILERS). The term is intended to apply to major assemblies and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements which are to be incorporated in

a structure at the site. The structure must meet all construction standards necessary for approval by the Tennessee State Fire Marshall's Office, Division of Manufactured Housing (TCA 68-126-4).

305. MONASTERY: A housing facility where the residents are limited to members of a specific religious order.

306. MORTUARY: See Funeral Home.

307. MOTEL: A building or series of buildings in which lodging is offered for compensation to furnish overnight accommodations for transient guests, and which is distinguished from a hotel primarily by reason of providing direct independent access to, and adjoining parking for, each rental unit.

308. MOVING AND STORAGE COMPANY*:* An establishment whose primary purpose is the moving of end consumers from one location to another. Short term storage on-site can be provided as long as all storage is contained within a fully enclosed building. Storage and servicing of vehicles used in the moving process will also be included with this use.

309. MULTI-FAMILY: A dwelling or group of dwellings on one lot, containing separate living units for three or more families, having separate or joint entrances, and including apartments, row houses, and condominiums.

310. MULTI-MEDIA PRODUCTION: Space in an outdoor or indoor area, building, part of a building, structure, or a defined area, that is used primarily for the creation of film, television, music video, multi-media, or other related activities.

311. NEW CONSTRUCTION: Any structure for which the "start of construction" commenced on or after the effective date of this Resolution (July 19, 1973). The term also includes any subsequent improvements to such structure.

312. NEW MANUFACTURED HOME PARK OR SUBDIVISION: 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 (July 19, 1973).

313. NIGHTCLUB: See "Bar or Nightclub" definition.

314. NON-CONFORMING USE: The use of any building, structure, or land which was lawful at the effective time of the passage of the provisions of Chapters 1 through 11 of this Resolution (July 19, 1973), or amendment thereto, but which does not conform, after the passage of this Resolution or amendment thereto, with the use regulations of the district in which it is situated.

315. NONPRECISION INSTRUMENT RUNWAY: A runway other than an instrument runway.

316. NURSERY: The retail handling of any article, substance, or commodity related to the planting, maintenance, or harvesting of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals, or other nursery goods and related products in small quantities to the consumer.

317. NURSING HOME: A use providing bed care and inpatient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services.

318. OFFICE EQUIPMENT SALES: A retail establishment whose primary focus is the sale of office equipment, furniture, and accessories to end consumers.

319. OFFICIAL ZONING MAP or OFFICAL ZONING DISTRICT MAP: The map maintained by the Planning Commission that shows the location and boundaries of the land-use zoning districts and overlay districts, and is known as the "Zoning District Map of Montgomery County, Tennessee", as adopted on July 9, 1973, and subsequently amended.

320. OFF-PREMISE ADVERTISING SIGN: A sign that is used to advertise or inform by directing attention to a cause, event, campaign, business, profession, commodity, product, service, or entertainment which is conducted, sold, distributed, or offered elsewhere than upon the same premise as the off-premise sign, or which direct attention to any brand name or trade name product which may be incidentally available on the same premises as the off-premise sign; provided, however, that no sign containing a noncommercial message shall be deemed an off-premises advertising sign. Excluding Development Directory Signs. Signs identifying public service, religious or civic club organizations not to exceed six (6) square feet as approved by the County Building and Codes Department are exceptions to this definition.

321. ON-PREMISE LOW PROFILE SIGN: See Low Profile Sign.

322. OPEN-AIR MARKET: An outdoor commercial activity, not including shopping centers, individual retail operations, yard sales or garage sales, that is open to the general public and composed of three (3) or more semi-enclosed or outdoor stalls, rooms, stands, booths, tables or spaces used for the purpose of display and sale, exchange, or barter of merchandise and is further defined as an occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures.

323. OPEN SPACE: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

324. OPTICAL GOODS MANUFACTURE: An industrial facility or business, usually on a large scale, that produces products associated with optics, including but not limited to, eye glass lenses, telescopes, etc.

325. ORPHANAGE: An institution for the housing and care of orphans.

326. OUTPATIENT CLINIC: A facility for examining and treating patients with medical problems on an outpatient basis, including ambulatory care or similar medical services that generally require a stay of less than twenty-four (24) hours.

327. OWNER: Any individual, corporation, partnership or entity, which owns property that is subject to the provisions of this section and any individual, corporation, partnership or entity which succeeds to such ownership. The obligations of an owner under this section, including

perpetual maintenance in accordance with an approved landscape plan, are binding on any successor owner.

328. PAPER PRODUCTS AND BOX MANUFACTURE: An industrial facility or business, that produces paper and or paperboard, from both raw and recycled materials, and their conversion into products including but not limited to paper bags, boxes, envelopes, wallpaper, etc.

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

330. PARK AND RIDE LOT: Parking lots of structures designed to encourage transfer from private automobile to mass-transit or to encourage carpooling for purposes of commuting.

331. PARKING LOT: An off-street facility including parking spaces along with adequate provision for drives and aisles for maneuvering and providing access and for entrance and exits, all laid out in a way to accommodate the parking of automobiles.

332. PARKING SPACE: An off-street space available for the parking of one (1) motor vehicle and having an area of not less than one hundred and eighty (180) square feet, exclusive of passageways and driveways, and having direct access to a street or alley.

333. PARKING LOT ISLAND: An area of ground within the boundary of any parking lot, which has curbing adjacent to all paved areas. Parking lot islands are used for traffic control and as planting areas to screen and shade parking lots to minimize the detrimental environmental impacts of large paved areas.

334. PARSONAGE: The permanent place of residence of the pastor or minister of a church.

335. PAWN SHOP(S): An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.

336. PERIMETER LOT: The exterior lots of the proposed development which adjoin the perimeter boundary of the subject tract or adjacent to the landscape buffer or the open space.

337. PERSONAL CARE SERVICES: Assistance with meals, dressing, movement, bathing, or other personal needs or maintenance, or general supervision of the physical and mental well-being of a person who is incapable of maintaining a private, independent residence, or who is incapable of managing his person, whether or not a guardian has been appointed for such person.

338. PERSONAL SERVICES ESTBLISHMENT: Establishments providing non-medically related services, including beauty and barber shops, clothing rental, dry cleaning pick-up/drop-off stores, laundromats (self-service laundries), massage parlor, nail salons, psychic readers, shoe repair shops, tanning salons. (These uses may also include accessory retails sales of retail products related to the services provided.

339. PET CEMETERY: A parcel of land, buildings, and/or structures used for the interring of animal remains.

340. PET SHOPS: A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, goats, sheep, and poultry.

341. PHARMACY: Any place where prescription drugs are dispensed.

342. *Photography Studio:* A workspace that provides space to take, develop, print and duplicate photographs.

343. PLANTS: A combination of vegetation in a designed, specific application which meets the purpose of this Resolution. Vegetation may include: trees, shrubs, groundcovers, vines and grasses. For purposes of this section it does not include flowers or weeds.

344. PLANTING AREA: The area prepared for the purpose of accommodating the planting of plants.

345. PLANTING YARD: A planting area around the perimeter of a property separating the access way and vehicular use area from adjoining property and/or public right-of-way. Its purpose is to enhance the visual appearance of the site and to provide screening of the vehicular use area and certain other activities from the public right-of-way and abutting property.

346. PLANNING COMMISSION or REGIONAL PLANNING COMMISSION: The Clarksville-Montgomery County Regional Planning Commission.

347. PLASTIC PRODUCTS (MOLDING, CASTING, AND SHAPING): An industrial facility that produces products created from plastics.

348. PLAYGROUND: A recreation area with play apparatus.

349. PLAYHOUSE: A freestanding structure, exclusively for the use of children.

350. POWER PLANT: Any plant facilities and equipment for the purposes of producing, generating, transmitting, delivering, or furnishing electricity for the production of power.

351. PRECISION INSTRUMENT RUNWAY: A runway equipped or to be equipped with a precision electronic navigation aid or other air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.

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

353. PRINT/COPY SHOP(S): A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, and facsimile sending and receiving, and including offset printing.

354. PRINTING AND PUBLISHING PLANT: A commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing.

355. PROCESSING FACILITY (RECYCLABLES): A processing facility is a building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of materials for efficient shipment, or to an end user's specifications. Any facility that is larger than a large collection facility is included in this category.

356. PROFESSIONAL OFFICE (EXCLUDING MEDICAL): An establishment where work is provided to others, predominately on the premises of the office, by someone trained and engaged in such work for a career; e.g., doctors, lawyers, accountants.

357. PUBLIC STREET: For the purpose of this section, any public street or dedicated roadway easement.

358. PUBLIC USE: Any facility or use owned, operated, or maintained by a federal, state, or local governmental entity.

359. PUBLIC UTILITY: Any person, firm, corporation, municipal department or board, duly authorized to furnish and furnishing under regulations to the public, electricity, gas, steam, telephone, telegraph, transportation, drainage, water or sewer.

360. RACETRACK: A facility used primarily for the sport of automobile racing. A racetrack may include seating, concession areas, suites, and parking facilities.

361. RAILROAD STATION: A facility, either light or heavy rail, for the boarding of passengers and related ticketing sales and offices.

362. RAILROAD YARD: An area of land, a portion of which is covered by a system of tracks that provides for the making up of trains by one or more railroads or private industry concerns. Necessary functions of a rail yard include but are not limited to the classifying, switching, storing, assembling, distributing, consolidating, moving, repairing, weighing, or transferring of cars, trains, engines, locomotives, and rolling stock.

363. RECREATIONAL CAMPGROUND: A campground with two (2) or more camping unit sites, accessible by vehicular traffic and provided with one (1) or more service buildings. These sites may have individual water, sewer, and electrical connections.

364. RECREATIONAL CENTER: A public or private center where the main purpose is to provide amusement generally associated with athletic functions in an indoor environment.

365. RECREATIONAL FACILITY, PRIVATE: Means a recreational facility for use solely by the residents and guests of a particular development and operated by a nonprofit organization.

366. RECREATIONAL VEHICLES PARK: A lot or parcel of land occupied or intended for occupancy by recreational vehicles or tents for travel, recreational, or vacation usage for short periods of stay.

367. RECYCLING COLLECTION FACILITY: A center for the acceptance by donation, redemption, or purchase of recyclable materials from the public. Such a facility shall not use power processing equipment.

368. RECYCLING/COLLECTION FACILITIES (SMALL): An establishment that exists only in conjunction with an existing principal facility. Small recycling sites shall not occupy more than one thousand (1,000) square feet of the parcel in which they are placed, and the collection containers shall not occupy more than two hundred (200) square feet. There shall be only one collection facility per parcel.

369. RECYCLING/COLLECTION FACILITIES (LARGE): Large collection facilities are not required to operate in conjunction with an existing principal facility, and it may have a

permanent building. The facility shall not occupy more than twenty thousand (20,000) square feet of the parcel of land in which it is placed; the containers shall not occupy more than one thousand (1,000) square feet of the facility.

370. 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.

371. RELIGIOUS INSTITUTION: A church or place of worship or religious assembly with related facilities such as the following in any combination: rectory or convent, private school, meeting hall, offices for administration of the institution, licensed child or adult daycare, playground, or cemetery; to include charitable work.

372. REPAIR SERVICES: Establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops, or repair of musical instruments.

373. RESEARCH AND DEVELOPMENT FACILITY: Research, development, and testing laboratories that do not involve the mass manufacture, fabrication, processing, or sale of products. Such uses shall not violate any odor, dust, smoke, gas, noise, radiation, vibration, or similar pollution standard as specified herein.

374. RESERVOIR: A pond, lake, basin, or other space, either natural or created in whole or in part by engineered walls or structures, which is used for storage, regulation, and control of water for recreation, power, flood control, or drinking.

375. RESIDENCE FOR HANDICAPPED (EIGHT (8) OR MORE): A multiple dwelling which is entirely accessible to physically handicapped persons, limited to persons who have a physical, sensory, or mental impairment which substantially limits one or more major life activities.

376. RESTAURANT/FAST FOOD: Restaurants where most customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed.

377. RESTAURANT/FULL-SERVICE: An establishment where food and/or beverages are prepared, served, and consumed, and whose principal method of operation includes one or both of the following characteristics:

378. Customers are normally provided with an individual menu and served their food and beverages by a restaurant employee at the same table or counter where the items are consumed;

379. A cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

380. RETAIL: The selling of durable and nondurable goods, wares, or merchandise directly to the ultimate consumer or persons without a resale license, but excluding land-extensive retail uses involving the sale/service/repair/lease of motorized vehicles (automobiles,

motorcycles, trucks, recreational vehicles, boats, airplanes, mobile homes, and trailers, storage units and barns, outdoor play equipment, hot-tubs and swimming pools).

381. RETENTION AREA: The prevention of storm runoff from direct discharge into receiving waters. Examples include systems which discharge through percolation, ex filtration, filtered bleed-down and evaporation processes.

382. RIDING ACADEMY: An establishment where horses are boarded and cared for, and where instruction in riding, jumping, and showing is offered, and where horses may be hired for riding.

383. RIVERINE: means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

384. ROAD: That portion of a public thoroughfare or right-of-way intended for use by motor vehicles.

385. ROAD OR STREET RIGHT-OF-WAY LINE: That line surveyed or approved by the appropriate government authority as the outer boundary of a road or street. Such line is identical to or contiguous with any property line abutting a road or.

386. ROADSIDE STAND, AGRICULTURAL: A farm structure used or intended to be used for the sale of only seasonal farm products.

387. ROCK QUARRIES (SAND, GRAVEL, AND EARTH EXCAVATIONS): A lot or land or part thereof used for the purpose of extracting stone, sand or gravel for sale and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

388. ROOMING HOUSE: A dwelling other than a hotel, motel or apartment house where lodging for three (3) or more persons not of the immediate family is provided for compensation and by prearrangement for definite time periods.

389. RUNWAY: The paved surface of an airport landing strip.

390. SAFE HOUSE: See Group Home/Safe House.

391. SALES OFFICE: See Leasing/Sales Office.

392. SALVAGE YARD: See Junk Yard.

393. SANITARY LANDFILL: The burial of nonhazardous and non-medical farm, residential, institutional, commercial, or industrial waste.

394. SATELLITE DISH: A dish-like antenna used to link communications sites together by wireless transmission of voice or data.

395. SCHOOL, (TO INCLUDE ELEMENTARY, MIDDLE AND HIGH): An institution for the teaching of children or adults including primary and secondary schools and similar facilities.

396. SCHOOL, PRIVATE: An institution of learning including colleges and universities, that is not tax supported.

397. SCHOOL, PUBLIC: An institution of learning that is supported from the public tax system.

398. SEAMSTRESS/DRESSMAKER/TAILOR SHOP(S): A business, usually small in size that sews, alters, and/or creates garments.

399. SEED STORE: *See Feed/Seed Store.*

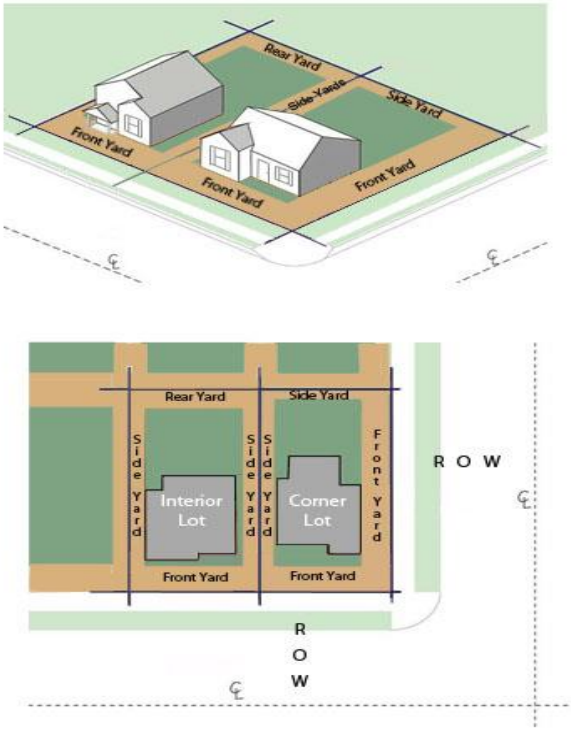
400. SELF-SERVICE STORAGE (MINI): A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include refrigerated facilities.

401. SETBACK: The minimum distance by which any building or structure must be separated from a street right-of-way, easement, or property line. See Picture 2.2 below.

402. SETBACK, FRONT: The minimum allowable distance from the street right-of-way or easement line.

403. SETBACK, REAR: The minimum allowable distance from the rear property line.

404. SETBACK, SIDE: The minimum allowable distance from the side property line.



Picture 2.2 Setback Illustrations

405. SEWER PUMP STATION: A facility where the primary purpose is the pumping of sewage further along the sewer system; may be an accessory to a structure or standalone feature.

406. SHEET METAL SHOP: An industrial facility or business involved in the process of working with metals to create individual parts or assemblies.

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

408. SHOE REPAIR: A business, usually small in size, that repairs footwear.

409. SHOE STORE: Retail business whose principal activity is the selling of footwear and conducting business within an enclosed area.

410. SHOPPING CENTER: A group of commercial establishments, planned, and developed, with off-street parking provided on the property.

411. SHRUB, LARGE: An upright plant growing ten (10) feet to twenty (20) feet in height at maturity planted for ornamental or screening purposes.

412. SHRUB, MEDIUM: A plant growing five (5) feet to nine (9) feet in height at maturity planted for ornamental or screening purposes.

413. SHRUB, SMALL: A plant growing to less than five (5) feet in height at maturity planted for ornamental or screening purposes.

414. SIGHT TRIANGLE: Area at the intersection of the road right-of-way and an access point to property where driver visibility must be maintained as required in this section. (See subsection (m) of this section for further explanations).

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

416. SIGN HEIGHT: The vertical distance measured from the uppermost point used in measuring the area of the sign face to the average grade immediately below and adjoining the sign in the case of a free-standing/ground-mounted sign. *Sign, Sidewalk:* A sign with two faces that are adjoined at the top and displayed at an angle, or of similar design, which is not permanently anchored or secured.

417. SKATING RINK: An establishment that provides facilities for participant skating.

418. SOLAR PANEL: A photovoltaic module or photovoltaic panel, used to collect light energy from the sun.

419. SORORITY HOUSE: See "Fraternity House."

420. SOUP KITCHEN: A food service use that provides free meals for consumption on site.

421. SPECIAL HAZARD AREA: The Areas of Special Flood Hazard identified on the Montgomery County, Tennessee, as identified by FEMA, and in its Flood Insurance Study

(FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers beginning with map panel number 47125CO040D and including panels: 45D, 63D, 88D, 115D, 160D, 180D, 181D, 182D, 201D, 202D, 203D, 204D, 206D, 207D, 208D, 209D, 215D, 216D, 217D, 220D, 226D, 227D, 228D, 229D, 235D, 236D, 237D, 238D, 241D, 242D, 243D, 244D, 251D, 260D, 261D, 262D, 263D, 264D, 270D, 286D, 305D, 310D, 315D, 320D, 330D, 335D, 340D, 341D, 351D, 352D, 354D, 356D, 360D, 362D, 370D, 380D, 382D, 390D, 395D, 435D, 451D, 460D, 480D, 485D and 491D dated March 18, 2008, along with all supporting technical data, are adopted by reference and declared to be a part of this Resolution.

422. STADIUM: A large building with tiers of seats for spectators at sporting or other recreational events.

423. 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 one hundred eighty (180) days of the permit date. STATE COORDINATING AGENCY (Tennessee Department of Economic and Community Development, Local Planning Assistance Office): means the agency of the state government, or other office designated by the governor of the state or by state statute at the request of the administrator to assist in the implementation of the National Flood Insurance Program in that state.

424. STOCK YARD: Services involving the temporary keeping of livestock for slaughter, market, or shipping. Typical uses include stockyards and animal sales in auction yards.

425. STONE CUTTING OR CRUSHING: A lot or land or part thereof used for the purpose of cutting or crushing stone including on-site storage of materials associated with the process.

426. STONE MONUMENT SALES: Establishments primarily engaged in buying or selling monuments and tombstones.

427. STORAGE (OF CEMENT, SAND, AND GRAVEL): On-site storage of any soil, sand, gravel, clay, or mud, in a concentrated state.

428. STORAGE OF USED LUMBER AND BUILDING MATERIALS: Storage of lumber and used building materials.

429. STORAGE SHED (RESIDENTIAL): A use or structure subordinate to the principal use of a lot, or of a principal building on the same lot, and serving a purpose clearly incidental to a permitted principal use of the lot or of the building and which accessory use or structure is compatible with the principal permitted uses or structures authorized under zoning regulations applicable to the property. (Any storage shed for agricultural purposes can only be used for agricultural purposes.)

430. STORM SHELTER: A shelter in or adjacent to a house, used for protection from severe weather.

431. STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is not a floor above it, then the space between the floor and the ceiling next above it.

432. STORY, HALF: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished for use. A half-story containing independent apartments or living quarters shall be counted as a full story.

433. STREAMER/PENNANT: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

434. STREET: The right-of-way of a public or private thoroughfare which serves to carry through traffic and to provide access to abutting property to a varying degree based on the following functional class system:

a. ARTERIAL STREET: Streets which place an emphasis on serving through traffic rather than providing access to abutting properties. These streets carry the highest traffic volumes at the highest speeds and are subject to the most restrictive access control requirements to abutting properties. High volume streets that conduct traffic between towns and activity centers, and connect communities to major state and interstate highways. Typically, individual residences are not located on major streets or do not have direct access to such streets.

b. COLLECTOR STREET: Streets which place an equal emphasis on serving through traffic and abutting properties. They collect and distribute traffic from the arterial street system to the local street system of activity centers and provide primary circulation within activity centers. These streets carry moderate traffic volumes at moderate speeds, and are subject to moderate access control restrictions to abutting properties.

c. LOCAL STREET: Street which place an emphasis on serving abutting property rather than through traffic. These streets carry the lowest traffic volumes at the lowest speeds and are subject to the lease restrictive access control requirements.

435. STRIP CENTER/PLAZA: An arrangement of stores, restaurants, service outlets, or offices under one (1) or many ownerships or management providing shared off-street parking, vehicular use areas and public access.

436. STRUCTURE: An artificial combination of materials built, erected, attached, or maintained upon the realty by its own weight or otherwise; also including stadium, platforms, radio or television towers, sheds, storage bins, swimming pools, and display signs of any height.

437. STUDIOS: *(Art, Dance, Music, Health, Massage, Reducing):* A workshop for an artist, musician, or employee to perform tasks.

438. 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 (50) percent of the market value of the structure before the damage occurred.

439. SUBSTANTIAL IMPROVEMENT: means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement.

- This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:
- Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

440. 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 (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

441. SWIMMING POOL: A structure, whether above or below grade level, designed to hold water and to be used for recreational purposes.

442. SWIMMING POOL/BATH HOUSE, FAMILY: A swimming pool used and intended to be used solely by the owner, operator, or lessee thereof and his family and by guests invited to use it without payment of any fee or consideration. An accessory building to the principle use to be used coinciding with the presence of a pool.

443. TATTOO PARLOR: Any room or space where tattooing is performed for compensation. Tattooing means a placement in human tissue of any indelible design, letter, scroll, figure, symbol, or other mark placed with the aid of needles or other instruments; or any design, letter, scroll, figure, or symbol done by scarring upon or under the skin.

444. TAVERN: An establishment used primarily for the serving of alcoholic beverages by the drink on the premises to the general public and where food or packaged alcoholic beverages may be sold only as accessory to the primary use. See “Bar or Nightclub”.

445. TAXI CAB BUSINESS: A service that offers transportation in passenger automobiles and vans to persons including those who are handicapped in return for remuneration. The business may include facilities for servicing and repairing the taxicabs or vans.

446. TAXIDERMY: The business of preparing, stuffing, and mounting the skins of animals.

447. TEMPORARY BUILDING: Structures that are needed or are in place for only short periods of time.

448. TEMPORARY SIGN: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted in vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business, or unless the vehicle displays a non-commercial message.

449. TENT: Any temporary structure or enclosure, the roof of which or one-half or more of the sides are constructed of silk, cotton, canvas, fabric, or a similar pliable material.

450. THEATER, DRIVE-IN: An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures on a paid admission basis, to patrons seated in automobiles.

451. THEATER, INDOOR: A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

452. TIRE RECAPPING: A place where the principle purpose is the retreading or recapping of tires.

453. TOBACCO PROCESSING OR TREATMENT: A building where the treatment or process of tobacco is performed to convert the tobacco into a marketable product.

454. TOURIST HOME: A dwelling in which overnight accommodations are offered or provided for transient guests for compensation. See “Bed and Breakfast Establishment”.

455. TOW-IN LOTS: *A* commercial lot to which any motorized vehicle is towed and stored for a specified storage fee, and no substantial work is performed on such vehicle.

456. TOWNHOUSES: A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation, not transient in nature.

457. TRAILER COACH, HOUSE OR HOME: See "mobile home."

458. TRANSIENT: Any visitor or person who owns, rents, or uses a lodging or dwelling unit, or portion thereof, for less than 30 days and whose permanent address for legal purposes is not the lodging or dwelling unit occupied by the visitor.

459. TRAVEL LANES: That part of the roadway provided for the movement of vehicles, exclusive of shoulders and auxiliary lands.

460. TREE, ORNAMENTAL OR UNDERSTORY: A small to medium tree, growing fifteen (15) feet to forty (40) feet at maturity often used for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage. Understory trees must be used for planting under or near overhead utility lines.

461. TREE PRESERVATION PLAN: A plan to preserve existing trees on a site for the purpose of receiving tree credits.

462. TREE PROTECTION ZONE: The area around a tree corresponding to the drip line or ten (10) feet, whichever is greater, in all directions from the trunk.

463. TREE, SHADE OR CANOPY: A large tree growing to over forty (40) feet in height at maturity, usually deciduous, planted to provide canopy cover shade.

464. TRUCK SERVICE: See Bus or Truck Service.

465. TRUCK STOP: Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may also include overnight accommodations and restaurant facilities primarily for the use of truck crews.

466. TRUCK TERMINAL: An area and/or building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation. This definition includes the storage or parking of trucks awaiting cargo, tractors or trailers temporarily parked awaiting transport to a different location, as well as facilities for servicing trucks.

467. UNIVERSITY: See College.

468. UPHOLSTERY CLEANING: See Carpet and Upholstery Cleaning

469. USABLE ROAD FRONTAGE: The portion of the lot, tract or parcel of land that abuts a public right-of-way, dedicated permanent easement or travel easement from which vehicular access shall be obtained.

470. USE: A use is the purpose for which land or building and structures thereon are designed, arranged or intended to be used, occupied or maintained.

471. UTILITY SUBSTATIONS: Any aboveground structure, except an antenna or utility pole and associated appurtenances, which a provider constructs, erects, or places on a site, and is attached or affixed to something having a permanent location on or under the ground which is used to provide its services to customers.

472. VARIANCE: A modification of the strict application of the provisions of Chapters 1 through 11 of this Resolution, where owing to special conditions a literal enforcement of the provisions of the Resolution will result in unnecessary hardship, as determined by the Board of Appeals by the T.C.A. Section 13-7-207 in accord with procedures specified in this Resolution.

473. VEHICULAR USE AREAS: All areas subject to vehicular traffic including access ways, driveways, loading areas, service areas, bicycle lanes and parking stalls for all types of vehicles. This definition does not include covered parking structures or underground parking lots.

474. VENDOR OR OPEN-AIR MARKET VENDOR: All persons or other forms of business entities of every type and character operating among collections of other open-air market vendors for sales to the public of new and used merchandise in collected marketing centers for sales from stalls, booths, tables, benches and other similar displays or marketing configurations and arrangements.

475. VETERINARY CLINIC: A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment.

476. VINES: A woody plant that has a spreading pattern of growth. Vines may be used on the ground, on walls and on trellises.

477. VIOLATION: means the failure of a structure or other development to be fully compliant with the provisions of this Resolution.

478. VOCATIONAL SCHOOL: A school established to provide for the teaching of industrial, clerical, managerial, or artistic skills.

479. WAREHOUSE: A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

480. WASH OUT AREA: Area where construction machinery may have concrete, or other material that may be harmful to trees, washed out or off the equipment. This area should be away from and not drain toward any existing trees.

481. WASTE TRANSFER STATION: A place or facility where non-hazardous waste materials are taken from a collection vehicle, temporarily stored or stockpiled, and ultimately placed in a transportation unit for movement to another facility.

482. WASTE WATER TREATMENT PLANT: A facility which operates a sewerage system and sewage treatment facilities that collect, treat, and dispose of human waste.

483. WATER PUMP STATION: A structure for supplying water from a common source or sources.

484. WATER TANK: A structure for the storing of water for use within the water supply system.

485. WATER TAXI STATION: Primary support and ancillary facilities for water-borne transportation (e.g. commuter ferries, water taxis, hovercraft) or short term excursions (e.g. charter boats, mini-cruises, sight-seeing, gambling, dining, and entertainment on the water) including but not limited to: passenger terminals and berthing areas, storage, employee or passenger parking, administrative functions, ship servicing area, layover berths fueling stations, and other boat or passenger services.

486. WATER TREATMENT PLANT: Systems or structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, reservoirs, and distribution mains. To also include facilities within the system that can alter the physical, chemical, or bacteriological quality of the water.

487. WELDING SHOP: An industrial facility or business involved in fabrication or sculptural process of joining metals or thermoplastics by heating the materials, molten fillers, or other process to bond the materials together.

488. WHOLESALE DISTRIBUTION: The display, storage, and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment.

489. WINDMILL: A machine for harnessing the energy of the wind using sails mounted on a rotating shaft.

490. WINERY: An agricultural processing plant used for the commercial purpose of processing grapes, other fruit products, or vegetables to produce wine or similar spirits. Processing includes wholesale sales, crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the winery and warehousing. Retail sales and tasting facilities of wine and related promotional items may be permitted as part of the winery operations.

491. WORK SHOP: A facility used by an individual to perform a specified task.

492. WRECKER SERVICES: A business involved in towing or transporting wrecked and/or disabled vehicles from one location to another.

493. YARD: A ground area unoccupied and unobstructed by any portion of a structure from the ground upward except where otherwise specifically provided in Chapters 1 through 11 of this Resolution.

a. YARD, FRONT: An open area extending across the full width of the lot between the front lot line and the nearest line of the main buildings, other than for permitted accessory.

b. YARD, REAR: An open area extending across the full width of the lot between the rear lot line and the nearest line of the main building.

c. YARD, SIDE: An open area between the side of the lot and the nearest line of the principal building and extending from the front yard to the rear, or in the absence of either of such yards, to the front or rear lot line, as the case may be. On a corner lot, the side yard adjacent to any street shall be considered a front yard.

494. ZONING BOARD: See Board of Zoning Appeals.

495. ZONING MAP: See Official Zoning Map.

496. ZOO: An area, building, or structures which contain wild animals on exhibition for viewing by the public.

CHAPTER 3: ZONE DISTRICTS, USE TABLES

3.1 ZONING DISTRICT MAP

3.1.1 ZONING DISTRICT MAP INCORPORATED BY REFERENCE

1. The location and boundaries of the land-use zoning districts and overlay districts established by this Resolution are bounded and defined as shown on the maps designated as the "Official Zoning District Map of Montgomery County, Tennessee", as adopted on July 9, 1973 and subsequently amended, hereinafter referred to as the "zoning map", and is incorporated into the provisions of this Resolution.
2. The Official Zoning Map shall be maintained by the Regional Planning Commission Office.
3. In the case of a question concerning the designation of zoning or overlay districts thereon, or the boundaries of the districts, the districts and their boundaries shall be delineated according to previously adopted rezoning resolutions delineating or amending those districts and boundaries, and those Resolutions are of record in the offices of the County Clerk and the Regional Planning Commission.

3.1.2 RULES OF ZONING DISTRICT MAP INTERPRETATION

1. Boundaries of Zoning Districts

a. **Centerlines.** Unless otherwise shown, the zone district boundaries shall be, where applicable, the center lines of streets, alleys, railroad lines, streams, rivers, or other watercourses, platted lot lines or other property lines.

b. **Uncertainties.** In a case of uncertainty, the location of a district boundary shall be determined by the Board of Zoning Appeals.

c. **Zoning and Overlay District Lines.** Unless specified otherwise by the amending Resolution, zoning and overlay district boundaries indicated on the official zoning map that approximately follow platted lot lines or deeded property lines shall be interpreted as being coincident with those lines.

d. Administrative Mapping Errors. When it is determined that due to an administrative error, the official zoning map either depicts a zoning district or overlay district boundary which encompasses property that was never intended to be included within that district or fails to depict property which was intended to be included within that district boundary, and such determination is supported by official documentation, the Regional Planning Commission shall modify the official zoning map to accurately reflect the proper zone district or overlay district boundary**.**

2. Boundaries of Zoning Districts after Abandonment

The boundary line of a zoning district affected by abandoning streets or other rights-of-way shall remain at the original center line of the said street or right-of-way unless said boundary line conflicts with a new property line created by the abandonment, in which case the new zone boundary line shall follow the new property line so established by the abandonment.

3. Properties without Zoning Designation

Whenever lands, parcels or tracts, either in whole or part, do not have a zoning district classification/designation on the official zoning map of the Montgomery County Zoning Resolution, the zoning designation shall be Agricultural District (AG).

3.2 ESTABLISHMENT OF ZONING DISTRICTS

For the purpose of this Resolution, Montgomery County is hereby divided into land-use zoning districts as follows:

3.2.1 AGRICULTURE:

AG Agricultural District
AGC Agricultural Commercial District

3.2.2 RESIDENTIAL:

E-1 Single Family Estate District
EM-1 Single Family Mobile Home Estate District
E-1A Single Family Estate District
EM-1A Single Family Mobile Home Estate District
R-1 Single Family Residential District
R-1A Single Family Residential District
RM-1 Single Family Mobile Home Residential District
RM-2 Single Family Mobile Home Residential District
R-2D One and Two Family Residential District
R-3 Two and Three Family Residential District
R-4 Multiple Family Residential District

3.2.3 OFFICE AND RELATED USES:

OP Office, Professional District
O-1 Office District

3.2.4 COMMERCIAL:

C-1 Neighborhood Commercial District
C-2 General Commercial District
C-3 Regional Shopping Center District
C-4 Highway Interchange District
C-5 Highway and Arterial Commercial District

3.2.5 INDUSTRIAL:

M-1 Light Industrial District
M-2 General Industrial District
M-3 Planned Industrial District

3.2.6 OVERLAY DISTRICTS:

Overlay districts are described in Chapter 9 of this Resolution.

3.3 ZONING DISTRICTS DESCRIBED

3.3.1 AG AGRICULTURAL DISTRICT

The purpose of the AG Agricultural District is to provide for the proper utilization of those lands best suited for the production of agricultural products (such as field crops, livestock, and other conventional agricultural activities) and to control the encroachment of urban and other incompatible land uses on farm lands. This classification is designed to preserve the rural agrarian quality of the lands so delineated. No regulations contained in this section shall be construed in any way to restrict any agricultural activity; as defined in this Resolution. This district is also appropriate within environmentally sensitive areas such as floodplains and steep slopes. Low density residential uses are allowed in areas where adequate infrastructure is available to support such development.

3.3.2 AGC-AGRICULTURAL COMMERCIAL DISTRICT

The purpose of the AGC Agricultural Commercial District is to provide for the proper utilization of those lands suited for commercial purposes in a rural agricultural setting. This district is not intended to permit major commercial establishments, but rather individual proprietary stores or uses that support agricultural production and that are convenient and compatible to the surrounding area.

3.3.3 E-1 SINGLE FAMILY ESTATE DISTRICT

This district is intended to provide for the spacious arrangement of detached single-family dwellings on large lots containing one acre or more. The intent here is to prevent lands currently being used in this manner from being re-subdivided into lots smaller than those in existence in this district and thereby protect the physical and general well-being of areas already so established.

3.3.4 EM-1 SINGLE FAMILY MOBILE HOME ESTATE DISTRICT

This district is intended to provide for the spacious arrangement of detached single-family dwellings and single family mobile homes on lots containing one acre or more. The intent of the district is to prevent lands currently being used in this manner from being re-subdivided into lots smaller than those in existence and thereby protect the physical and general well-being of areas already established.

3.3.5 E-1A SINGLE FAMILY ESTATE DISTRICT

This district is intended to provide for the spacious arrangement of detached single-family dwellings on lots containing 30,000 or more square feet. The intent of the district is to prevent lands currently being used in this manner from being subdivided into lots smaller than those in existence and thereby protect the physical and general well-being of areas already established.

3.3.6 EM-1A SINGLE FAMILY MOBILE HOME ESTATE DISTRICT

This district is intended to provide for the spacious arrangement of detached single-family dwellings and single-family mobile homes on lots containing 30,000 or more square feet. The intent of the district is to prevent lands currently being used in this manner from being subdivided into lots smaller than those in existence and thereby protect the physical and general well-being of areas already established.

3.3.7 R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

This district is intended to provide for detached single-family dwellings in residential areas with relatively low population densities. Additional uses, permitted upon review of the Board of Zoning Appeals, include uses and facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

3.3.8 R-1A SINGLE FAMILY RESIDENTIAL DISTRICT

This district is intended to permit the development and continued maintenance of detached single family residential areas characterized by relatively low overall population density with lots of at least 12,000 square feet. These districts are intended to permit the development and maintenance of low to high-density single-family residences and appropriate accessory uses in areas that have suitable physical characteristics, where adequate infrastructure is or can be made available, and have adequate street access. Sufficient urban services and facilities, including sanitary sewer, should be available or provided concurrent with development.

3.3.9 RM-1 SINGLE FAMILY MOBILE HOME RESIDENTIAL DISTRICT

The RM-1 Single-Family Mobile Home Residential District is intended to provide for platted single-family mobile home residential subdivisions, as regulated by the Clarksville-Montgomery County Subdivision Regulations. It is further intended to enable mobile home residents to establish themselves in a similar land use pattern as conventional housing subdivisions. This district is NOT intended to provide for mobile homes on individual, unplatted parcels of land. Recognizing the unique qualities and characteristics of mobile homes, caution should be exercised to prevent the mixing of conventional housing within the mobile home subdivisions.

3.3.10 RM-2 SINGLE FAMILY MOBILE HOME RESIDENTIAL DISTRICT

This residential district is intended to provide for the protection of single-family mobile homes in those areas appropriate for this type of housing. This zone classification is to enable mobile home residents to establish themselves in a similar land use pattern as that allowed in the R-1A Single Family Residential District. Recognizing the unique qualities and characteristics of

mobile homes, caution should be exercised to prevent the mixing of mobile homes within conventional subdivisions.

3.3.11 R-2D ONE AND TWO FAMILY RESIDENTIAL DISTRICT

This district is intended to permit the development of detached single-family dwellings and semi-attached two-family duplexes, on individual lots, in residential areas providing low to medium population densities and where maintaining a mixture of housing types is desirable.

3.3.12 R-3 TWO, THREE AND FOUR FAMILY RESIDENTIAL DISTRICT

This is a residential district to permit the development of detached single-family dwellings, semi-attached two-family duplexes, attached three-family dwellings and attached four-family dwellings (quadraplex), on individual lots, in residential areas providing for medium population densities and where maintaining a mixture of housing types is desirable. Only one building or structure per parcel is permitted; therefore, more than one building or structure per parcel is prohibited. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and usable open space for dwellings and related facilities and through consideration of the proper functional relationship to each use permitted in this district.

3.3.13 R-4 MULTIPLE FAMILY RESIDENTIAL DISTRICT

This residential district is intended to promote and encourage the establishment and maintenance of a suitable environment for urban residence in areas of high population density that by location and character are appropriate for occupancy by high-density, multiple-family dwellings and where the maintaining a mixture of housing types is desirable. This district allows a full-range of residential building types, including detached single-family, semi-attached two-family, and attached three-family, four-family and multiple-family dwelling units on individual lots, in multiple buildings or structures on one parcel, and in a conventional or horizontal (condominium) property regime. Further, this district also allows residential group quarters and dormitories. One of the important purposes of this district is to create adequate standards of residential development in order to prevent overcrowded and unhealthy conditions. The intensity of land use should not be so great as to cause congestion of buildings or traffic or overload existing sanitary facilities. Densities should be limited to provide adequate daylight, sunlight, air and usable open space for occupants or apartment buildings and adequate space for all related facilities. This district is intended to be utilized for parcels on higher classifications of streets close to residential-supportive-retail services and/or employment opportunities.

3.3.14 OP OFFICE, PROFESSIONAL DISTRICT

This district is intended to provide a low intensity office and professional area for appropriate locations and a transitional zone between residential and more intense commercial areas. Residential uses are prohibited except as an accessory to the principal non-residential use. Permitted uses are those which tend to attract small numbers of people and generate lower volumes of traffic. Less building bulk is permitted and more open space is required.

3.3.15 0-1 OFFICE DISTRICT

This district is intended to provide areas for general, professional and business offices and related activities that require separate buildings and building groups surrounded by landscaped yard and open areas. It is also the purpose of this district to reserve areas for governmental operations, and other cultural and civic uses. The intent is to provide centralized, compact locations for offices, clinics, medical offices and other professional offices near residential areas.

3.3.16 C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

This district is established to provide areas in which the principal use of land is devoted to the neighborhood type business. It is a restricted commercial district, limited to a narrow range of retail services and convenience goods. This district is designed for areas where large commercial operations are undesirable, but where individual proprietary stores are useful and desirable for the neighborhood.

3.3.17 C-2 GENERAL COMMERCIAL DISTRICT

This commercial district is for personal and business services, general and professional offices, and general retail business. Districts in this category are intended to include areas where commercial development has displaced or is displacing residential development, or is moving in on vacant lands. This district is designed to guide future change so as to preserve the carrying capacity of the streets and provide adequate off-street parking and loading. It is not the intent of this district to encourage the extension of existing strip commercial areas, but rather to provide concentrations of general commercial activities.

3.3.18 C-3 REGIONAL SHOPPING CENTER DISTRICT

This commercial district is intended for a unified grouping in one or more buildings, of retail shops and stores that provide goods and services for the people residing within the region. It is intended that the regional shopping center be developed as a unit, with adequate off-street parking space for customers and employees, and with appropriate landscaping and screening materials.

3.3.19 C-4 HIGHWAY INTERCHANGE DISTRICT

This commercial district is designed to provide highway oriented services at Interstate Highway Interchanges, while avoiding traffic conflicts and incompatible land use mixtures often associated with this type of commercial development. The regulations for this district are intended to encourage development compatible with surrounding districts, with suitable landscaping and parking areas. The district is intended primarily for automobile and other vehicular service establishments, transient sleeping accommodations, and eating and drinking establishments.

3.3.20 C-5 HIGHWAY AND ARTERIAL COMMERCIAL DISTRICT

This highway and arterial commercial district is established to provide areas in which the principal use of land is devoted to commercial establishments which cater specifically to the needs of motor-vehicle-oriented trade. Typical uses offer accommodations and services to motorists, contained in certain specialized retail outlets, or providing commercial amusement enterprises. The intent of this district is to provide appropriate space and sufficient depth from the street to satisfy the needs of modern commercial development where access is entirely dependent on vehicular trade; to provide for the orderly development and concentration of highway and arterial commercial uses at appropriate locations; and to encourage the clustered 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, rather than to encourage the spread of strip commercial development.

3.3.21 M-1 LIGHT INDUSTRIAL DISTRICT

This industrial district is established to provide areas in which the principal use of land is for light manufacturing and assembly plants, processing, storage, warehousing, wholesaling and distribution. It is the intent that permitted uses are conducted so that most of the noise, odor, dust, and glare of each operation is confined within an enclosed building. These industries may require direct access to rail or arterial street transportation routes; however, the size and volume of the raw materials and finished products involved should not produce the volume of freight generated by uses of the heavy industrial district. These regulations are intended to prevent friction between uses within the district and also between adjoining commercial or residential use. Likewise, merchandise or finished products, raw materials or equipment are preferably to be stored within an enclosed building; any outdoor storage of merchandise or finished products, raw materials or equipment shall be screened by opaque fencing as well as appropriate vegetative landscaping.

3.3.22 M-2 GENERAL INDUSTRIAL DISTRICT

This industrial district is established to provide areas in which the principal use of the land is for manufacturing and other heavy industrial uses that could possibly have an adverse effect on surrounding property. The operation of these uses is such that noise, odor, dust, heat, glare and vibration cannot be fully confined within a building although best management practices should be used to confine these environmental effects to the property. Such uses are not properly associated nor compatible with residential, institutional, retail business, or light industrial uses. These industries often require direct access to rail or arterial street transportation routes; and the size and volume of the raw materials and finished products may produce a volume of freight exceeding that typically generated by light industrials uses. As such, these uses are intended to be confined to a specific location or area where their existence will not adversely affect surrounding uses. Any outdoor storage of merchandise or finished products, raw materials or equipment shall be screened by opaque fencing as well as appropriate vegetative landscaping; however, it is recognized that the height of outdoor storage cannot be fully screened from public view and adjacent properties.

3.3.23 M-3 PLANNED INDUSTRIAL DISTRICT

This office and light industrial district is intended to be located near or adjacent to residential areas or in locations which are served by major roads but are not feasible for heavy industrial developments because of proximity to residential uses. The regulations for this district are intended to encourage development compatible with surrounding or abutting residential districts, with suitable open spaces, landscaping and parking areas. Thus, it is intended that development be limited to low concentration, limited external effects, and permitted uses confined to those administrative, wholesaling, and manufacturing activities that can be carried on in an unobtrusive manner.

3.4 LAND USE TABLES

3.4.1 EXLANATION OF LAND USE TABLES

The symbols shown below are utilized in the following land use tables in conjunction with the zone districts established by this Zoning Resolution and the land uses associated with those districts.

P - Permitted by right. These uses are permitted by right subject to compliance with all other applicable provisions of this Resolution.

PC - Permitted with Conditions. These uses are permitted subject to compliance with Section 5.1 and with all other applicable provisions of this Resolution.

PR - Permitted on Review. These uses are permitted on review and approval by the Montgomery County Board of Zoning Appeals, subject to compliance with Section 5.2 and with all other applicable provisions of this Resolution.

A - Accessory uses. These uses are permitted subject to compliance with Section 5.3 and with all other applicable provisions of this Resolution.

3.4.2 PROHIBITED USES

A vacant cell (no symbols listed) in Section 3.4.1 indicates that the listed use is prohibited within the corresponding zone district. Under general State Law, the Board of Zoning Appeals is prohibited from approving a variance to permit a use in a zoning district (i.e., use variance) that is NOT “permitted by right”, “permitted with conditions”, “permitted on review” or “permitted as an accessory use.”

3.4.3 USES NOT LISTED IN TABLES

The Building Official, in consultation with the Board of Zoning Appeals, is authorized to determine the appropriate placement of any new use or use not listed in the Land Use Table according to the most comparable land use classification established by this Resolution. Under no circumstances shall the Building Official or Board of Zoning Appeals approve any use not listed in a less intensive (more restrictive) zoning district when the use is already listed (by right, condition, review or accessory) in a more intensive (less restrictive) zoning district.

3.4.4 AGRICULTURAL USES

Uses	Agricultural		Residential											Office		Commercial					Industrial		
	AG	AGC	E1	EM1	E1A	EM1A	R1	R1A	RM1	RM2	R2D	R3	R4	OP	O1	C1	C2	C3	C4	C5	M1	M2	M3
Agricultural Arenas		**PC**																		**PC**			
Agricultural Retail		**P**																		**P**			
Agricultural uses (Customary)	**PC**	**P**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**
Fish Farm	**PC**	**P**																					
Grain and feed storage	**A**	**P**																			**P**		
Riding Academy/Commercial Stable	**PR**	**P**																					
Roadside Stands	**PC**	**P**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**
Stock Yard		**PR**																				**PR**	

Table 3.1

P = Permitted
PC = Permitted with Conditions
PR = Permitted on Review
A = Accessory

3.4.5 COMMERCIAL USES

Uses	Agricultural		Residential											Office		Commercial					Industrial		
	AG	AGC	E1	EM1	E1A	EM1A	R1	R1A	RM1	RM2	R2D	R3	R4	OP	O1	C1	C2	C3	C4	C5	M1	M2	M3
Adult Oriented Establishment																				**PR**			
Animal Shelter		**PC**																		**PC**	**PC**	**PC**	**PC**
Antique Shop/Dealers																**P**	**P**	**P**		**P**			
Apparel Shop																**P**	**P**	**P**		**P**			
Art Gallery																**P**	**P**	**P**		**P**			
Assembly/Civic Hall		**P**														**P**	**P**	**P**	**P**	**P**			
ATM		**P**												**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Auction House (No livestock)																	**P**	**P**		**P**			
Parking (Commercial)																			**P**	**P**	**P**	**P**	
Automobile Parts Sales (No Outside Storage or Display)																	**P**	**P**	**P**	**P**			
Automobile Parts Sales (With Outside Storage or Display)																			**P**	**P**			
Automobile Rentals																			**P**	**P**			
Automotive Repair Service, Major																			**P**	**P**			
Automobile Repair Service, Minor																	**P**		**P**	**P**			
Automobile Sale/ Lease (except large trucks and busses)																				**P**			

Table 3.2

P = Permitted
PC = Permitted with Conditions
PR = Permitted on Review
A = Accessory

3.4.5 COMMERCIAL USES CONT.

Uses	Agricultural		Residential											Office		Commercial					Industrial		
	AG	AGC	E1	EM1	E1A	EM1A	R1	R1A	RM1	RM2	R2D	R3	R4	OP	O1	C1	C2	C3	C4	C5	M1	M2	M3
Bakery-Retail																**P**	**P**	**P**	**P**	**P**			
Bar, Tavern or Nightclub																		**PC**	**PC**	**PC**			
Barber and Beauty Shops														**P**	**P**	**P**	**P**	**P**	**A**	**P**			
Boat Sales/Lease/Rent																				**P**			
Boat Repair, Service, and Storage																			**P**	**P**			
Building Contractor Shop																	**PC**			**PC**	**P**	**P**	
Building Contractor Supply/Showroom																	**P**			**P**	**P**	**P**	
Bus & Truck Sales, Lease, Rental, Repair and Service																			**P**	**P**	**P**	**P**	
Cabinet and Counter Top Sales (Retail)																	**P**	**P**		**P**	**P**		
Café/Coffee Shop																**P**	**P**	**P**	**P**	**P**			
Camera, Photographic Supply, Film Developing (Retail)																**P**	**P**	**P**		**P**			
Candy, Cigars and Tobacco (Retail)																**P**	**P**	**P**	**A**	**P**			
Car Wash																	**P**		**P**	**P**			
Carpet and Upholstery Cleaning																	**PC**			**P**			
Catering Service																**P**	**P**	**P**	**P**	**P**			
Cellular Phone Sales and Service																	**P**	**P**	**P**	**P**			

Table 3.3

P = Permitted
PC = Permitted with Conditions
PR = Permitted on Review
A = Accessory

3.4.5 COMMERCIAL USES CONT.

Uses	Agricultural		Residential											Office		Commercial					Industrial		
	AG	AGC	E1	EM1	E1A	EM1 A	R1	R1A	RM1	RM2	R2D	R3	R4	OP	O1	C1	C2	C3	C4	C5	M1	M2	M3
Check Cashing																	**P**			**P**			
Child Care Facility	**PR**		**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PC**	**PC**	**PC**
Consignment Store																**P**	**P**	**P**		**P**			
Convenience Store with Fuel Pumps (Gasoline Service Station)																**PC**	**PC**	**P**	**PC**	**PC**			
Crematory	**A**		**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**		**P**			**P**			
Drive-Through Window Service																**PC**	**PC**	**PC**	**PC**	**PC**			
Drug Store																**P**	**P**	**P**	**P**	**P**			
Exterminating Company		**P**															**P**			**P**	**P**		
Farm/Garden Machinery and Equipment Sales and Repair		**P**															**P**			**P**	**P**	**P**	
Feed/Seed Store		**P**															**P**			**P**			
Flea/Open Air Market		**PC**																		**PC**			
Fence																	**P**			**P**	**P**	**P**	**P**
Florist (Retail)																**P**	**P**	**P**	**A**	**P**			
Funeral Home and Mortuary																	**P**			**P**			
Furniture and Appliance Store																	**P**	**P**		**P**			
Gift or Card Shop																**P**	**P**	**P**	**P**	**P**			
Grocery Store/Supermarket																**P**	**P**	**P**	**P**	**P**			
Hardware and Home Improvement Sales																**P**	**P**	**P**		**P**			
Heavy Construction Equipment Sales		**P**																		**P**	**P**	**P**	

Table 3.4

P = Permitted
PC = Permitted with Conditions
PR = Permitted on Review
A = Accessory

3.4.5 COMMERICAL USES CONT.

Uses	Agricultural		Residential											Office		Commercial					Industrial		
	AG	AGC	E1	EM1	E1A	EM1A	R1	R1A	RM1	RM2	R2D	R3	R4	OP	O1	C1	C2	C3	C4	C5	M1	M2	M3
Hotel/Motel																			**P**	**P**			
Jewelry Store																**P**	**P**	**P**	**A**	**P**			
Kennel, Breeding		**P**															**PC**			**P**			
Kennel, Boarding		**P**															**PC**		**PC**	**P**			
Laundromat/Dry-Cleaning																**P**	**P**	**P**	**P**	**P**			
Liquor Sales																							
Manufactured Home Sales																				**P**	**P**		
Meat/Fish Market																**P**	**P**	**P**		**P**			
Mobile, Manufactured, Prefabricated and Shell Home Sales																				**P**			
Mobile Storage Unit																				**P**	**P**	**P**	
Motorcycle Sales, Repair & Service																				**P**			
Multi-Media Production															**P**		**P**	**P**		**P**			
Nursery/Greenhouse/Garden Center	**PC**	**P**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**				**P**	**A**		**P**			
Office Equipment Sales																		**P**	**P**	**P**			
Pawn Shops																	**P**			**P**			
Personal Care Services																**P**	**P**	**P**		**P**			
Personal Services Establishment																**P**	**P**	**P**	**A**	**P**			
Pet Shops																**P**	**P**	**P**		**P**			
Pharmacy														**A**	**P**	**P**	**P**	**P**	**P**	**P**			
Photographic Studio														**P**	**P**	**P**	**P**	**P**		**P**			
Print/Copy Shop																	**P**	**P**		**P**			
Repair Services																**P**	**P**	**P**		**P**			
Restaurant/Fast Food																**P**	**P**	**P**	**P**	**P**	**A**	**A**	**A**

Table 3.5

P = Permitted
PC = Permitted with Conditions
PR = Permitted on Review
A = Accessory

3.4.5 COMMERCIAL USES CONT.

Uses	Agricultural		Residential											Office		Commercial					Industrial		
	AG	AGC	E1	EM1	E1A	EM1A	R1	R1A	RM1	RM2	R2D	R3	R4	OP	O1	C1	C2	C3	C4	C5	M1	M2	M3
Restaurant/Full Service																**P**	**P**	**P**	**P**	**P**	**A**	**A**	**A**
Retail		**A**													**A**	**P**	**P**	**P**	**P**	**P**	**PC**	**PC**	**PC**
Seamstress/Dressmaker/ Tailor																**P**	**P**	**P**		**P**			
Self Service Storage/Mini																	**P**			**P**	**P**	**P**	
Shoe Repair																**P**	**P**	**P**		**P**			
Shoe Store																**P**	**P**	**P**		**P**			
Stone Monument Sales																				**P**	**P**		
Tattoo Parlor																	**P**			**P**			
Taxi Cab Business																			**P**	**P**			
Taxidermy		**P**															**P**			**P**			
Tire Recapping																				**PC**	**P**	**P**	
Tow-In-Lots																				**PC**	**PC**	**PC**	
Winery	**PC**	**P**																	**P**	**P**	**P**		**P**
Wrecker Service																			**PC**	**P**			

Table 3.6

P = Permitted
PC = Permitted with Conditions
PR = Permitted on Review
A = Accessory

3.4.6 EDUCATIONAL USES

Uses	Agricultural		Residential											Office		Commercial					Industrial		
	AG	AGC	E1	EM1	E1A	EM1A	R1	R1A	RM1	RM2	R2D	R3	R4	OP	O1	C1	C2	C3	C4	C5	M1	M2	M3
Business School															**P**		**P**			**P**			**P**
College or University	**PR**		**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**		**P**		**P**			**P**			**P**
Elementary, Middle & High School	**PR**		**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**P**	**P**	**P**	**P**			**P**			
Dormitory	**A**		**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**P**		**A**								
Fraternal Organizations	**A**		**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**		**P**								
Fraternity/Sorority House	**PR**		**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**P**		**P**								
Vocational School															**P**		**P**			**P**	**P**	**P**	**P**

Table 3.7

P = Permitted
PC = Permitted with Conditions
PR = Permitted on Review
A = Accessory

3.4.7 INDUSTRIAL USES

Uses	Agricultural		Residential											Office		Commercial					Industrial		
	AG	AGC	E1	EM1	E1A	EM1A	R1	R1A	RM1	RM2	R2D	R3	R4	OP	O1	C1	C2	C3	C4	C5	M1	M2	M3
Acid Manufacture																						**PR**	
Adhesives and Sealants Manufacture																						**PR**	
Aircraft Parts Manufacture																					**PC**	**P**	
Airplane Manufacture																						**P**	
Alcohol Distillery, Large																					**P**	**P**	
Alcohol Distillery, Small		**PC**															**P**	**P**	**P**	**P**	**P**	**P**	**P**
Animal Slaughtering and Processing																						**PR**	
Asphalt Paving /Mixing Manufacture																						**P**	
Automobile Assembly																						**P**	
Automobile Parts Manufacture																					**PC**	**P**	
Awning Manufacture, Cloth, Metal and Wood																					**PC**	**P**	
Barge Port																						**P**	
Boat Manufacture																					**PC**	**P**	**PC**
Bottling plant																	**P**			**P**	**P**	**P**	
Brewery																					**P**	**P**	**P**
Brewery, Micro		**PC**															**P**	**P**	**P**	**P**	**P**	**P**	**P**
Building materials sales and storage (retail and wholesale)																					**PC**	**P**	**PC**
Cabinet and Countertop Manufacturing																					**PC**	**P**	**PC**
Cement Manufacture																						**PR**	

Table 3.8

P = Permitted
PC = Permitted with Conditions
PR = Permitted on Review
A = Accessory

3.4.7 INDUSTRIAL USES CONT.

Uses	Agricultural		Residential											Office		Commercial					Industrial		
	AG	AGC	E1	EM1	E1A	EM1A	R1	R1A	RM1	RM2	R2D	R3	R4	OP	O1	C1	C2	C3	C4	C5	M1	M2	M3
Ceramic and Clay Products Manufacture																						**PR**	
Chemicals Manufacture																						**PR**	
Clothing Manufacture and Leather Goods, Fabrics																					**P**	**P**	**P**
Concrete Mixing and Batching Plant																						**P**	
Construction Contractor with Storage Yard																					**PC**	**P**	
Custom Manufacturing																					**PC**	**P**	
Dairy Products Manufacture																						**P**	**P**
Electric motor manufacture and repair																					**PC**	**P**	**PC**
Electro Plating																					**PC**	**P**	
Enameling and Painting																					**PC**	**P**	
Engraving Plant																					**PC**	**P**	
Explosive manufacture and storage																						**PR**	
Flour and Grain Mills		**PC**																					
Food Processing (Excluding Meat)																					**P**	**P**	**P**
Footwear Manufacture and Sporting Goods Manufacture																					**P**	**P**	**P**
Forge industries																						**PR**	
Foundry, Heavy Metal Manufacture, Boiler & Tank Manufacture, Rolling Mills																						**PR**	
Freight Transportation/ Truck Terminal																			**P**	**P**	**P**	**P**	
Fuel/Petroleum Distribution																					**PR**	**PR**	
Fuel/Petroleum Refining																						**PR**	
Fuel/Petroleum Bulk Storage																						**PR**	
Furniture and Wood Products Manufacture																					**PC**	**P**	**PC**
Glass products																					**PC**	**P**	**PC**
Household Appliance and Office/Business Machine Manufacture																					**P**	**P**	**P**

Table 3.9

P = Permitted
PC = Permitted with Conditions
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A = Accessory

3.4.7 INDUSTRIAL USES CONT.

Uses	Agricultural		Residential											Office		Commercial					Industrial		
	AG	AGC	E1	EM1	E1A	EM1A	R1	R1A	RM1	RM2	R2D	R3	R4	OP	O1	C1	C2	C3	C4	C5	M1	M2	M3
Ironworks Manufacturing (Ornamental)																					**PC**	**P**	
Laundry and Cleaning Plants																					**PC**	**P**	
Lumber Mill/ Sawmill																						**PR**	
Machine Shop																					**PC**	**P**	
Marble Working and Finishing																					**PC**	**P**	
Meat/Poultry Processing Plant																						**PR**	
Mineral Extraction																						**PR**	
Moving and Storage Company																					**P**	**P**	**P**
Optical, and other Precision Goods Manufacture																					**PC**	**P**	**PC**
Paper Products and Box Manufacture																					**P**	**P**	**P**
Paper from pulp																						**PR**	
Pharmaceutical and Cosmetics Manufacture																					**P**	**P**	
Plastic Products Molding, Casting and Shaping																					**PC**	**P**	
Printing and Publishing Plant																					**PC**	**P**	**PC**
Railroad Installation and Receiving Yard																					**P**	**P**	
Railroad Freight Terminal																						**P**	
Research and Development Facility																					**PR**	**PR**	**PR**
Rock Quarries, Sand, Gravel and Earth Excavations																						**PR**	
Rubber and related Product Manufacture																						**P**	
Salvage and Junk Yard																						**PR**	

Table 3.10

P = Permitted
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A = Accessory

3.4.7 INDUSTRIAL USES CONT.

Uses	Agricultural		Residential											Office		Commercial					Industrial		
	AG	AGC	E1	EM1	E1A	EM1A	R1	R1A	RM1	RM2	R2D	R3	R4	OP	O1	C1	C2	C3	C4	C5	M1	M2	M3
Sheet Metal and Sign Shop																					**PC**	**P**	
Smelting of metals from ores																							
Soap and cleaning product Manufacture																						**P**	
Stone Cutting or Crushing																						**PR**	
Storage of Cement, Sands and Gravel																					**PR**	**PR**	
Storage of Used Lumber and Building Materials																					**PR**	**P**	
Tar and Tar Distillation Products																						**P**	
Tobacco Processing or Treatment																					**P**	**P**	
Warehouse																	**P**			**P**	**P**	**P**	**P**
Welding Shop																					**PC**	**P**	
Wholesale Distribution																	**PC**			**PC**	**PC**	**P**	**PC**

Table 3.11

P = Permitted
PC = Permitted with Conditions
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A = Accessory

3.4.8 INSTITUTIONAL USES

Uses	Agricultural		Residential											Office		Commercial					Industrial		
	AG	AGC	E1	EM1	E1A	EM1A	R1	R1A	RM1	RM2	R2D	R3	R4	OP	O1	C1	C2	C3	C4	C5	M1	M2	M3
Correctional Facility																						**PR**	
Cultural Center															**P**					**P**			
Group Home/Safe House													**P**				**P**			**P**			
Governmental Operations	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Homeless Shelter																	**PR**		**PR**	**PR**			
Monastery/Convent													**P**										
Orphanage													**P**										
Religious Institution	**PR**	**P**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**P**	**P**	**P**	**P**	**P**	**P**	**P**		
Soup Kitchen																			**PR**	**PR**			

Table 3.12

P = Permitted
PC = Permitted with Conditions
PR = Permitted on Review
A = Accessory

3.4.9 MEDICAL USES

Uses	Agricultural		Residential											Office		Commercial					Industrial		
	AG	AGC	E1	EM1	E1A	EM1A	R1	R1A	RM1	RM2	R2D	R3	R4	OP	O1	C1	C2	C3	C4	C5	M1	M2	M3
Ambulance Service (Private)		**P**													**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Assisted Living Facility													**P**				**P**			**P**			
Hospital																	**P**		**P**	**P**			
Medical Appliance Sales																	**P**	**P**		**P**			
Medical Lab														**PC**	**P**		**P**	**P**		**P**			
Medical Office														**PC**	**P**	**P**	**P**	**PC**	**P**	**P**			
Nursing Home																	**P**			**P**			
Outpatient Clinic														**P**	**P**		**P**	**PC**	**P**	**P**			
Residence For Handicapped (8 or more)													**P**										
Veterinary Clinic/ Animal Hospital		**P**												**PC**	**PC**	**P**	**P**	**P**	**P**	**P**			

Table 3.13

P = Permitted
PC = Permitted with Conditions
PR = Permitted on Review
A = Accessory

3.4.10 OFFICE USES

Uses	Agricultural		Residential											Office		Commercial					Industrial		
	AG	AGC	E1	EM1	E1A	EM1A	R1	R1A	RM1	RM2	R2D	R3	R4	OP	O1	C1	C2	C3	C4	C5	M1	M2	M3
Financial Institution/bank/savings & loan														**P**	**P**	**P**	**P**	**PC**	**P**	**P**			
Leasing/Sales Office	**PC**		**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**PC**	**PC**	**PC**
Professional and Business Office (excluding Medical)														**P**	**P**	**P**	**P**	**PC**		**P**	**PC**	**PC**	**P**

Table 3.14

P = Permitted
PC = Permitted with Conditions
PR = Permitted on Review
A = Accessory

3.4.11 RECREATION AND ENTERTAINMENT USES

Uses	Agricultural		Residential											Office		Commercial					Industrial		
	AG	AGC	E1	EM1	E1A	EM1A	R1	R1A	RM1	RM2	R2D	R3	R4	OP	O1	C1	C2	C3	C4	C5	M1	M2	M3
Aquarium																			**P**	**P**			
Bowling Alley																	**P**			**P**			
Club, Private Membership															**P**	**P**	**P**	**P**	**P**	**P**			
Commercial Amusement (Indoor)																	**P**	**P**	**P**	**P**			
Commercial Amusement (Outside)																	**P**		**P**	**P**			
Country Club	**PC**		**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**						**PC**	**PC**			
Driving Range	**PR**		**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**				**P**		**P**	**P**			
Fairground	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**							**PR**			
Festival (Temporary)	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**
Golf Course	**PC**		**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**						**PC**	**PC**			
Greenway	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Gun Range (Indoor)																	**PR**			**PR**			
Health Club													**A**		**A**		**P**			**P**			
Marina		**P**																		**P**			

Table 3.15

P = Permitted
PC = Permitted with Conditions
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A = Accessory

3.4.11 RECREATION AND ENTERTAINMENT USES CONT.

Uses	Agricultural		Residential											Office		Commercial					Industrial		
	AG	**AGC**	**E1**	**EM1**	**E1A**	**EM1A**	**R1**	**R1A**	**RM1**	**RM2**	**R2D**	**R3**	**R4**	**OP**	**O1**	**C1**	**C2**	**C3**	**C4**	**C5**	**M1**	**M2**	**M3**
Park and Playground	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Racetrack	**PR**	**PR**																		**PR**			
Recreational Campground	**PR**	**P**																					
Recreation Center													**A**		**A**					**P**			
Recreational Vehicles Park		**P**																	**P**				
Skating Rink																				**P**			
Stadium/Arena/Convention Center																			**P**	**P**			
Studios – Art, Dance, Music, Health, Massage	**PR**		**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**			**P**	**P**	**P**		**P**			
Swimming Pools	**PR**	**A**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**						**A**	**P**			
Swimming Pool/Bath House (Private Family)	**A**		**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**										
Theater, Drive-In																				**PR**			
Theater, Indoor																	**P**	**P**	**P**	**P**			
Zoo		**PR**																	**P**	**P**			

Table 3.16

P = Permitted
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A = Accessory

3.4.12 RESIDENTIAL USES

Uses	Agricultural		Residential											Office		Commercial					Industrial		
	AG	AGC	E1	EM1	E1A	EM1A	R1	R1A	RM1	RM2	R2D	R3	R4	OP	O1	C1	C2	C3	C4	C5	M1	M2	M3
Bed and Breakfast	**PR**	**PR**	**PR**		**PR**	**PR**	**PR**	**PR**		**PR**	**PR**	**PR**	**PR**										
Boarding House /Rooming House												**PR**	**P**										
Caretaker Residence	**PC**	**PC**												**PC**	**PC**	**PC**	**PC**	**PC**		**PC**	**PC**	**PC**	**PC**
Family Day Care	**PR**		**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**										
Farm Worker Dwelling	**PC**																						
Garage/Carport	**A**		**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**										
Hobby/Work Shop	**A**		**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**										
Home Occupation	**PR**		**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**		**-**								
Mobile Home Dwelling	**P**			**P**		**P**			**P**	**P**													
Mobile Home Park													**PR**										
Multi-Family													**P**										
Parsonage	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**		**A**								
Playhouses	**A**		**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**										
Single Family	**P**		**P**	**P**	**P**	**P**	**P**	**P**	**PR**	**PR**	**P**	**P**	**P**										
Storage Shed (Residential)	**A**		**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**										
Tourist Home	**PR**	**PR**	**PR**		**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**										
Townhouses													**P**										
Two-Family											**P**	**P**	**P**										
Three-Family												**P**	**P**										
Four-Family												**P**	**P**										

Table 3.17

P = Permitted
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A = Accessory

3.4.13 TRANSPORTATION USES

Uses	Agricultural		Residential											Office		Commercial					Industrial		
	AG	AGC	E1	EM1	E1A	EM1A	R1	R1A	RM1	RM2	R2D	R3	R4	OP	O1	C1	C2	C3	C4	C5	M1	M2	M3
Airports/Heliports (Public and Private)	**PR**		**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**							**PR**	**PR**	**PR**	**PR**
Bus Station/Terminal																	**P**		**P**	**P**			
Helistop																	**PR**		**PR**	**PR**	**PR**	**PR**	**PR**
Landing Strip (Private)	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**										
Medical Helistop	**A**																**A**		**A**	**A**			
Park and Ride Lot	**P**	**P**																	**P**	**P**	**P**	**P**	**P**
Railroad Station																			**P**	**P**			
Water Taxi Station																				**P**			

Table 3.18

P = Permitted
PC = Permitted with Conditions
PR = Permitted on Review
A = Accessory

3.4.14 UTILITY USES

Uses	Agricultural		Residential											Office		Commercial					Industrial		
	AG	AGC	E1	EM1	E1A	EM1A	R1	R1A	RM1	RM2	R2D	R3	R4	OP	O1	C1	C2	C3	C4	C5	M1	M2	M3
Power Plant																						**P**	
Reservoir/Water Tank	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Solar Panels	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**
Utility Substations (private)	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Waste Water Treatment (private)	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**
Water Treatment Plant (private)	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**
Water/Sewer Pump Station	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Windmills	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**

Table 3.19

P = Permitted
PC = Permitted with Conditions
PR = Permitted on Review
A = Accessory

3.4.15 WASTE MANAGEMENT USES

Uses	Agricultural		Residential											Office		Commercial					Industrial		
	AG	AGC	E1	EM1	E1A	EM1A	R1	R1A	RM1	RM2	R2D	R3	R4	OP	O1	C1	C2	C3	C4	C5	M1	M2	M3
Convenience Center	**PR**	**PR**																		**PR**	**P**	**P**	**P**
Construction/Demolition Landfill																						**PR**	
Medical Waste Facility																						**PR**	
Processing Facility (Recyclables)																						**P**	**P**
Recycling/Collection Facilities (Small)		**PC**														**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**
Recycling/Collection Facilities (Large)		**PC**																			**PC**	**PC**	
Sanitary Landfill																						**PR**	
Waste Transfer Station																					**PR**	**PR**	

Table 3.20

P = Permitted
PC = Permitted with Conditions
PR = Permitted on Review
A = Accessory

3.4.16 OTHER USES

Uses	Agricultural		Residential											Office		Commercial					Industrial		
	AG	AGC	E1	EM1	E1A	EM1A	R1	R1A	RM1	RM2	R2D	R3	R4	OP	O1	C1	C2	C3	C4	C5	M1	M2	M3
Amateur Radio	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**
Cell Centers																				**P**	**P**	**P**	**P**
Cemetery/Pet Cemetery	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**			
Communication Studios															**P**	**P**	**P**	**P**	**P**	**P**	**PR**		**P**
Communication Towers	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**
Emergency Services	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**
Emergency Shelter	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**
Satellite Dishes	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**
Shelter, Fall-Out or Storm	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**
Signs	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**
Temporary Building/Uses	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**
Tents	**PC**	**PC**														**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**	**PC**

Table 3.21

P = Permitted
PC = Permitted with Conditions
PR = Permitted on Review
A = Accessory

CHAPTER 4: DISTRICT BULK REGULATIONS AND EXCEPTIONS

4.1 DISTRICT BULK TABLES

1. Tables 4.1.1 through 4.1.8 establish site development standards by zone district, and apply uniformly to all uses within the same zone district classification.

2. All applicable development shall comply with the standards established within these tables unless otherwise expressly stated, or unless a different standard is required by an applicable overlay district.

4.1.1 TABLE - AGRICULTURE

ZONING	AG	AGC
Minimum/Maximum Area For New Zone District	N/A	N/A
Minimum Lot Area (See Section 4.2.3 For Exceptions)		
• Dwelling and Accessories Thereto	1.5 acres (1)	N/A
• Other Principal Uses	1.5 acres	1.5 acres
Minimum Lot Width (At The Front Setback Line)		
• Dwellings and Accessories Thereto	150 feet	N/A
• Other Principal Uses	150 feet	120 feet
Minimum Frontage Requirement		
• All Uses (See Section 4.3)	50 feet	50 feet
Minimum Front/Side Street Yard Setbacks (See Section 4.2.1 For Exceptions)		
• All Uses	50 feet	50 feet
Minimum Side Yard Setbacks (See Section 4.2.1. For Exceptions)		
• Dwellings	20 feet	20 feet
• Unattached Accessory Uses	10 feet	20 feet
• Other Principal Uses	20 feet	20 feet
Minimum Rear Yard Setbacks (See Section 4.2.1 For Exceptions)		
• Principal Uses	40 feet	40 feet
• Unattached Accessory Uses	10 feet	10 feet
Maximum Lot Coverage (All Combined Uses)	20 percent	40 percent
Maximum Height of Structures (See Section 4.2.2 for Exceptions		
• All Uses	35 feet (2)	45 feet (2)
Site Plan Required (See Section 5.7 For Site Plan Requirements)	No	Yes
NOTES: (1) Only one (1) residential building per lot, except where a "farm worker dwelling is permitted with conditions; (2) There is no height limitation on agricultural buildings.		

4.1.2 TABLE - ESTATE DISTRICT

ZONING	E-1	EM-1	E-1A	EM-1A
Minimum/Maximum Area For New Zone District	N/A	N/A	N/A	N/A
Minimum Lot Area (See Section 4.2.3 For Exceptions				
• Dwelling and Accessories Thereto	1 acre (1)	1 acre (1)	30,000 sq. ft. (1)	30,000 sq. ft. (1)
• Other Principal Uses	2 acres	2 acres	43,560 sq. ft.	43,560 sq. ft.
Minimum Lot Width (At The Front Setback Line)				
• Dwellings and Accessories Thereto	150 feet	150 feet	120 feet	120 feet
• Other Principal Uses	150 feet	150 feet	150 feet	150 feet
Minimum Frontage Requirement				
• All Uses (See Section 4.3)	50 feet	50 feet	50 feet	50 feet
Minimum Front/Side Street Yard Setbacks (See Section 4.2.1 For Exceptions)				
• All Uses	50 feet	50 feet	50 feet	50 feet
Minimum Side Yard Setbacks (See Section 4.2.1. For Exceptions)				
• Dwellings	20 feet	20 feet	20 feet	20 feet
• Unattached Accessory Uses	10 feet	10 feet	10 feet	10 feet
• Other Principal Uses	35 feet	35 feet	35 feet	35 feet
Minimum Rear Yard Setbacks (See Section 4.2.1 For Exceptions)				
• Principal Uses	40 feet	40 feet	40 feet	40 feet
• Unattached Accessory Uses	10 feet	10 feet	10 feet	10 feet
Maximum Lot Coverage (All Combined Uses)				
• Dwelling and Accessories Thereto	30 percent	30 percent	30 percent	30 percent
• Other Principal Uses	25 percent	25 percent	25 percent	25 percent
Maximum Height of Structures (See Section 4.2.2 for Exceptions				
• Principal Uses	35 feet (2)	35 feet (2)	35 feet (2)	35 feet (2)
• Unattached Accessory Uses	20 feet	20 feet	20 feet	20 feet
Site Plan Required (See Section 5.7 For Site Plan Requirements)	No	No	No	No
NOTES: (1) Only one (1) residential building per lot. (2) There is no height limitation on agricultural buildings.				

4.1.3 TABLE - SINGLE FAMILY RESIDENTIAL

ZONING	R-1	R-1A
Minimum/Maximum Area For New Zone District	N/A	N/A
Minimum Lot Area (See Section 4.2.3 For Exceptions		
• Dwelling and Accessories Thereto	15,000 sq. ft. (1) (3)	12,000 sq. ft. (1) (3)
• Other Principal Uses	43,560 sq. ft.	43,560 sq. ft.
Minimum Lot Width (At The Front Setback Line)		
• Dwellings and Accessories Thereto	90 feet	80 feet
• Other Principal Uses	150 feet	150 feet
Minimum Frontage Requirement		
• All Uses (See Section 4.3)	50 feet	25 feet
Minimum Front/Side Street Yard Setbacks (See Section 4.2.1 For Exceptions)		
• All Uses	50 feet	50 feet
Minimum Side Yard Setbacks (See Section 4.2.1. For Exceptions)		
• Dwellings (T = The Total for Both Side Yard Setbacks)	10 feet; T=30 feet	10 feet
• Unattached Accessory Uses	10 feet	10 feet
• Other Principal Uses	25 feet	25 feet
Minimum Rear Yard Setbacks (See Section 4.2.1 For Exceptions)		
• Principal Uses	35 feet	25 feet
• Unattached Accessory Uses	10 feet	10 feet
Maximum Lot Coverage (All Combined Uses)		
• Dwelling and Accessories Thereto	30 percent	35 percent
• Other Principal Uses	25 percent	35 percent
Maximum Height of Structures (See Section 4.2.2 for Exceptions		
• Principal Uses	35 feet (2)	35 feet (2)
• Unattached Accessory Uses	20 feet	15 feet
Site Plan Required (See Section 5.7 For Site Plan Requirements)	No	No
NOTES: (1) Only one (1) residential building per lot. (2) There is no height limitation on agricultural buildings. (3) If served by an on-lot septic system, the minimum lot area shall be at least 20,000 square feet.		

4.1.4 TABLE – MOBILE HOMES

ZONING	RM-1	RM-2
Minimum/Maximum Area For New Zone District	10 acres minimum	N/A
Minimum Lot Area (See Section 4.2.3 For Exceptions		
• Single Family Dwelling and Accessories thereto	15,000 sq. ft. (1) (3)	12,000 sq. ft. (1) (3)
• Mobile Homes and Accessories Thereto	9,000 sq. ft.(1) (3)	9,000 sq. ft.(1) (3)
• Other Principal Uses	43,560 sq. ft.	43,560 sq. ft.
Minimum Lot Width (At The Front Setback Line)		
• Single Family Dwellings and Accessories thereto	90 feet	80 feet
• Mobile Homes and Accessories Thereto	75 feet	75 feet
• Other Principal Uses	120 feet	120 feet
Minimum Frontage Requirement		
• Single Family Dwelling and Accessories thereto	50 feet	25 feet
• Mobile Homes and Other Principal Uses (See Section 4.3)	25 feet	25 feet
Minimum Front/Side Street Yard Setbacks (See Section 4.2.1 For Exceptions)		
• All Uses	50 feet	50 feet
Minimum Side Yard Setbacks (See Section 4.2.1. For Exceptions)		
• Single Family Dwellings (T = The Total for Both Side Yard Setbacks)	10 feet; T=30 feet	10 feet
• Mobile Homes (T = The Total for Both Side Yard Setbacks)	10 feet; T=30 feet	8 feet; T=20 feet
• Single Family Unattached Accessory Uses	10 feet	10 feet
• Mobile Home Unattached Accessory Uses	10 feet	5 feet
• Other Principal Uses	25 feet	25 feet
Minimum Rear Yard Setbacks (See Section 4.2.1 For Exceptions)		
• Principal Uses	35 feet	25 feet
• Unattached Accessory Uses	10 feet	5 feet
Maximum Lot Coverage (All Combined Uses)		
• Single Family Dwelling & Unattached Accessory Uses	30 percent	35 percent
• Mobile Home & Unattached Accessory Uses	40 percent	40 percent
• Other Principal Uses	25 percent	35 percent
Minimum Floor Area	480 square feet	480 square feet
Maximum Height of Structures (See Section 4.2.2 for Exceptions		
• Mobile Homes	20 feet (2)	20 feet (2)
• Single Family Dwellings and Other Principal Uses	35 feet (2)	35 feet (2)
• Mobile Home and Unattached Accessory Uses	20 feet (2)	20 feet (2)
Site Plan Required (See Section 5.7 For Site Plan Requirements)	No unless mobile home subdivision see Section 5.4	No unless mobile home subdivision see Section 5.4
NOTES: (1) Only one (1) residential building per lot. (2) There is no height limitation on agricultural buildings. (3) If served by an on-lot septic system, the minimum lot area shall be at least 20,000 square feet.		

4.1.5 TABLE – SINGLE, TWO, THREE AND MULTI-FAMILY RESIDENTIAL

ZONING	R-2D	R-3	R-4
Minimum/Maximum Area For New Zone District	N/A	N/A	4 acres minimum
Minimum Lot Area (See Section 4.2.3 For Exceptions			
• Dwelling and Accessories Thereto	SF = 9,000 sq. ft. (1) (3); 2F = 15,000 sq. ft.(1) (3)	SF = 8,000 sq. ft. (1) (3); 2F = 10,000 sq. ft.(1) (3) 3F = 12.000 sq. ft.(1) (3) 4F = 20,000 sq. ft. (1)	SF = 8,000 sq. ft. (1) (3); 2F = 9,000 sq. ft.(1) (3) 3F = 10,500 sq.f.t (1) (3) MF = 11,000 (4) (5)
• Other Principal Uses	30,000 sq. ft.	30,000 sq. ft.	30,000 sq. ft.
Minimum Lot Width (At The Front Setback Line)			
• Dwellings and Accessories Thereto	SF = 75 feet 2F = 100 feet	SF, 2F, 3F = 75 feet 4F = 100 feet	75 feet
• Other Principal Uses	120 feet	100 feet	100 feet
Minimum Frontage Requirement			
• All Uses (See Section 4.2)	25 feet	25 feet	25 feet
Minimum Front/Side Street Yard Setbacks (See Section 4.2.1 For Exceptions)			
• All Uses	50 feet	50 feet	50 feet
Minimum Side Yard Setbacks (See Section 4.2.1. For Exceptions)			
• Dwellings (T = The Total for Both Side Yard Setbacks)	8 feet; T=20 feet	10 feet	10 feet (6)
• Unattached Accessory Uses	5 feet	10 feet	10 feet
• Other Principal Uses	20 feet	25 feet	25 feet
Minimum Rear Yard Setbacks (See Section 4.2.1 For Exceptions)			
• Principal Uses	25 feet	25 feet	25 feet (3 stories or less) 30 feet (3+ stories)
• Unattached Accessory Uses	10 feet	10 feet	10 feet
Maximum Lot Coverage (All Combined Uses)	40 percent	40 percent	40 percent
Maximum Height of Structures (See Section 4.2.1 for Exceptions			
• Principal Uses	35 feet (2)	45 feet (2)	45 feet (2)
• Unattached Accessary Uses	15 feet (2)	15 feet	15 feet
Site Plan Required (See Section 5.7 For Site Plan Requirements)	No	No	Yes (if 5 or more du per building)

NOTES: SF = Single-Family, 2F = Two-Family, 3F = Three-Family or Triplex, 4F = Four-Family or Quadraplex, MF = Multiple Family (apartment or townhouse)

(1) Only one (1) residential building per lot.
(2) There is no height limitation on agricultural buildings.
(3) If served by an on-lot septic system, the minimum lot area shall be at least 20,000 square feet.
(4) Maximum density of sixteen (16) dwelling units per acre is allowed.
(5) Sanitary sewer system only; no on-lot septic system.
(6) Multiple buildings on the same lot shall be separated by 20 feet.

4.1.6 TABLE – OFFICE

ZONING	OP	O-1
Minimum/Maximum Area For New Zone District	N/A	1 acre minimum
Minimum Lot Area (See Section 4.2.3 For Exceptions		
• All Uses	N/A (3)	N/A (3)
Minimum Lot Width (At The Front Setback Line)		
• All Uses	75 feet	N/A
Minimum Frontage Requirement (See Section 4.3)		
• All Uses	25 feet	25 feet
Minimum Front/Street Side Yard Setbacks (See Section 4.2.1 For Exceptions)		
All Uses	50 feet	50 feet
Minimum Side Yard Setbacks (See Section 4.2.1. For Exceptions)		
• All Uses	15 feet (1)	15 feet (1)
Minimum Rear Yard Setbacks (See Section 4.2.1 For Exceptions)		
• All Uses	25 feet	25 feet
Maximum Lot Coverage		
• All Uses	40 percent	40 percent
Maximum Height of Structures (See Section 4.2.2 for Exceptions		
• All Uses	35 feet (2)	45 feet (2)
Site Plan Required (See Section 5.7 For Site Plan Requirements)	Yes	Yes
NOTES: (1) Twenty (20) feet minimum setback if adjoining a residential district. (2) There is no height limitation on agricultural buildings. (3) If served by an on-lot septic system, the minimum lot area shall be at least 20,000 square feet.		

4.1.7 TABLE - COMMERCIAL

ZONING	C-1	C-2	C-3	C-4	C-5
Minimum/Maximum Area For New Zone District	2 acres maximum	N/A	15 acres minimum	2 acres minimum	N/A
Minimum Lot Area (See Section 4.2.3 For Exceptions					
• All Uses	N/A (5)	N/A (5)	N/A (8)	10,000 sq. ft. (5)	10,000 sq. ft. (5)
Minimum Lot Width (At The Front Setback Line)					
• All Uses	50 feet	N/A	N/A	N/A	75 feet
Minimum Frontage Requirement					
• All Uses (See Section 4.3)	25 feet	25 feet	25 feet	25 feet	25 feet
Minimum Front/Street Side Yard Setbacks (See Section 4.2.1 For Exceptions)					
• All Uses	50 feet	50 feet	50 feet	50 feet	50 feet
Minimum Side Yard Setbacks (See Section 4.2.1. For Exceptions)					
• All Uses	N/A (1)	N/A (1)	N/A (3)	20 feet (3)	15 feet (6)
Minimum Rear Yard Setbacks (See Section 4.2.1 For Exceptions)					
• All Uses	25 feet	25 feet (2)	N/A (3) (4)	30 feet (3)	25 feet (7)
Maximum Lot Coverage (All Combined Uses)	60 percent	N/A	30 percent	30 percent	30 percent
Maximum Height of Structures (See Section 4.2.2 for Exceptions					
• All Uses	35 feet	45 feet	45 feet	45 feet	35 feet
Site Plan Required (See Section 5.7 For Site Plan Requirements)	Yes	Yes	Yes, Sections 5.5 and 5.7	Yes	Yes

NOTES:

(1) Twenty-five (25) feet abutting a residential district.
(2) 30 feet if rear service.
(3) Forty (40) feet if abutting a residential or agricultural district.
(4) 30 feet if rear service but not abutting a residential or agricultural district.
(5) Not less than 15,000 square feet if served by on-lot septic system
(6) Twenty-five (25) feet if abutting a residential or agricultural district.
(7) 30 feet if rear service; 25 feet abutting a residential or agricultural district.
(8) Sanitary sewer system only; no on-lot septic system.

4.1.8 TABLE – INDUSTRIAL

ZONING	M-1	M-2	M-3
Minimum/Maximum Area For New Zone District	4 acres minimum	10 acres minimum	15 acres minimum
Minimum Lot Area (See Section 4.2.3 For Exceptions)			
• All Uses	N/A	N/A	N/A
Minimum Lot Width (At The Front Setback Line)			
• All Uses	N/A	N/A	N/A
Minimum Frontage Requirement			
• All Uses	25 feet	25 feet	25 feet
Minimum Front/Street Side Yard Setbacks (See Section 4.2.1 For Exceptions)			
• All Uses	50 feet	50 feet	50 feet
Minimum Side Yard Setbacks (See Section 4.2.1. For Exceptions)			
• All Uses	15 feet (1) (2)	50 feet (2) (3)	20 feet (2) (6)
Minimum Rear Yard Setbacks (See Section 4.2.1 For Exceptions)			
• All Uses	20 feet (1) (2)	30 feet (2) (4)	30 feet (2) (6)
Maximum Lot Coverage (All Combined Uses)	N/A	N/A	N/A
Maximum Height of Structures (See Section 4.2.2 for Exceptions			
• All Uses	60 feet (5)	100 feet (5)	45 feet
Site Plan Required (See Section 5.7 For Site Plan Requirements)	Yes	Yes	Yes

NOTES:

(1) Twenty-five (25) feet excluding loading and docking facilities, if adjoining a residential or agricultural district.
(2) None required if abutting a railroad or spur.
(3) Twenty-five (25) feet required for office buildings.
(4) Fifty (50) feet if abutting a residential or agricultural district.
(5) 45 feet maximum when served by the Montgomery County Volunteer Fire Service.
(6) Forty (40) feet if abutting a residential or agricultural district.

4.2 EXCEPTIONS FOR DISTRICT BULK REGULATIONS

4.2.1 BUILDING SETBACK

4.2.1.1 Exceptions for All Zoning Districts:

The following requirements are intended to provide exceptions to and supplement the specific bulk regulations set forth in Chapter 4 herein:

1. No yard, open space, or lot area required for a building or structure shall, during its life, be occupied by, or counted as open space for, any other building or structure.
2. The following shall be allowed to project or be constructed in any required yard or beyond the building setback line subject to the limitations set forth hereunder:
   a. Awnings and canopies, not to exceed three (3) feet.
   b. Bay windows and chimneys, not to exceed four (4) feet.
   c. Fences, walls and hedges, subject to the regulation as set forth in this section.
   d. Flagpoles.
   e. Landscape features, planting boxes and recreational equipment.
   f. Overhanging roof, eaves, gutters, cornices, or other architectural features, not to exceed three (3) feet. Open fire escapes may extend into any required yard not more than six (6) feet.
   g. Porches and steps not to exceed six (6) feet.
   h. Benches, shelters, or other similar equipment or facilities utilized in conjunction with a public transportation system.
   i. Utility poles and boxes, fire hydrants, pump shelters, and other similar and related utility structures.
   j. Gasoline pumps, to include canopy coverings, may be placed no less than fifteen (15) feet from the street right-of-way. All other required side and rear yard requirements must be met. Gasoline canopies shall be placed at least ten (10) feet above grade.
   k. Fences or walls along the property line in residential districts or districts permitting residential uses shall not exceed six (6) feet in the side and rear yards, and shall not exceed 3-1/2 feet in the front yard extending from the front building setback line to the sides of the lot.
3. The following regulations provide for the maximum safety of persons and for preventing obstructions to vision at street intersections.
   a. On a corner lot, within the area formed by the center line of intersecting or intercepting streets, and a line joining points on such center lines at a distance from there as provided below; there shall be no fence or wall higher than three and one-half (3 1/2) feet, except in case of a retaining wall, nor any obstruction to vision between the height of three and one half (3 1/2) feet and a height of ten (10) feet above the average elevation of the xisting surfaces of each street at the center line thereof:
      i. In all residential districts, one hundred (100) feet.
      ii. In all other districts, eighty (80) feet.
      iii. Specific sight triangle standards regulating the placement of required landscape plantings are described in Chapter 7, Landscape, Buffering and Screening Requirements.

b. In any required front yard, except as provided in paragraph 3.a above, no fence, wall, hedge or yard ornament shall be permitted which materially impedes vision across such yard above the height of three and one-half (3 1/2) feet.

4. The following is to clarify certain conditions pertaining to the use of lots and access points.
   a. In residential districts, if forty (40) percent or more of the lots on one side of the street between two intersecting streets are improved with buildings that have a variation of five (5) feet or less for a front yard greater or lesser in depth than herein required, new buildings shall not be erected closer to the street line than the minimum setback so established by existing buildings; but this regulation shall not require a front yard of greater than fifty (50) feet.
   b. Double frontage or through lots shall provide the required front yard setbacks along both streets.
   c.. All buildings located on corner lots shall provide a side yard setback from all intersecting streets not less than the minimum required front yard. The interior side yard shall be the same as required for interior lots.
   d. Division of a lot - No recorded lot shall be divided into two (2) or more lots unless such division results in the creation of lots, each of which conforms to all of the applicable regulations of the district in which property is located. Except when a portion of a lot is acquired for public purpose, no reduction in the size of a lot below the minimum requirements of this Resolution shall be permitted.
   e. Lots of Record - Where a lot of record at the time of the effective date of July 19, 1973 of this original Resolution had less area or less width than herein required for the district in which it is located, said lot may nonetheless be used for a single family dwelling; provided, however, that such single family dwelling is a use permitted in the district and that one side yard of not less than five (5) feet is provided and the sum of the two shall not be less than twelve (12) feet.
   f. No building shall be erected on any lot unless one of the following three (3) criteria is met:
      i. The street giving access to the lot upon which the building is proposed to be placed has been accepted or opened as or shall have otherwise received the legal status of a public street prior to that time; or
      ii. The street corresponds in its location and lines with a street as shown on a subdivision plat approved by the Clarksville Montgomery County Regional Planning Commission, or on a street plat made and adopted by the Planning Commission; or
      iii. The lot fronts upon a permanent easement which conforms to all rules, regulations and specifications governing permanent easements of the Planning Commission or other department, division or agency of the county, which rules, regulations and specifications governing permanent easements were duly approved by the Montgomery County Board of County Commissioners by a two-thirds vote pursuant to TCA Section 13-3-411 by separate resolution, and the permanent easement has access to an existing public highway, street, or thoroughfare, or with a street located or accepted by the county legislative body after submission to the Planning Commission, and in case of the Planning Commission's disapproval, by the favorable vote of the county legislative body required in TCA Section 13-3-

406. Any lot which legally existed prior to August 15, 1994, can be issued a single building permit per lot.

g. In addition to meeting one of the criterion in paragraph 4.f above, all lots for building purposes shall abut on at least one (1) accepted public street or permanent easement as described above, for a distance of at least twenty-five (25) feet, unless a greater distance is required within the specific zone district, in which case said greater distance shall apply. The above required frontage must be usable as driveway access to the lot, and the width of the frontage shall be maintained to the front building setback line.

h. Accessory buildings shall not be located in any required front yard.

i. More than one (1) multiple dwelling, institutional, commercial, or industrial building may be located upon a lot or tract, but such buildings shall not encroach upon the front, side and rear yards required by the district regulations, and for multiple dwellings the open space between buildings measured at the closest point shall not be less than twenty (20) feet.

j. Except where greater front yard setbacks are specified in other Articles of this Resolution, all new non-agricultural structures shall be set back from all government maintained roads and highways, in all unincorporated portions of Montgomery County, a minimum distance compatible with established rights-of-way as follows; the term "structures" being defined elsewhere in this Resolution:

   i. Where property adjoins a State or Federal Highway, the setback shall be at least one hundred (100) feet from the center line of the existing right-of-way, or at least fifty (50) feet from the existing near right-of-way line; whichever provides the greater setback from the highway.

   ii. Where property adjoins a highway or road maintained solely by Montgomery County, the setback shall be at least seventy (70) feet from the centerline of the existing county right-of-way, or at least fifty (50) feet from the existing near right-of-way line; whichever provides the greater setback from the county maintained road or highway. Structures on property which adjoin a highway or road which has been dedicated through the subdivision process and approved by the Regional Planning Commission shall have a minimum setback of sixty-five (65) feet from the centerline of said right-of-way.

   iii. With the exception of highways or roads as described in subparagraphs (i) and (ii) above, in R-1 Single Family Residential Districts, R-1A Single Family Residential Districts, and RM-1 Single Family Mobile Home Residential Districts, the following setbacks shall apply: Structures on property which adjoin a highway or road which has been dedicated through the subdivision process and approved by the Regional Planning Commission shall have a front yard minimum setback line of 30 feet from the existing near right-of-way line.

   iv. When the front yard setback of a legal pre-existing structure (prior to July 19, 1973) is less than the current front yard setbacks stated above, the property may be platted with the nonconforming setback without the necessity of a front yard setback variance from the Board of Zoning Appeals, provided the front yard setback nonconformity is not increased.

5. Greater setbacks may be required in order to meet the requirements of Chapter 7, Landscape, Buffering and Screening Requirements. In such cases, the greater of the two will prevail and take precedence.

4.2.2 HEIGHT EXCEPTIONS

The following requirements are intended to provide exceptions or qualify and supplement the specific regulations set forth in Chapter 4 of this Resolution. None of these exceptions, however, shall apply in the Sabre Heliport Overlay District.

1. In measuring heights, a basement or attic shall be counted as a story.
2. The following structures or parts thereof are hereby exempt from the height limitations set forth in the Zoning District:
   a. Agricultural building - barn, silo, windmill, but not including dwellings.
   b. Chimneys, smokestacks, spires, flag poles, ventilators, sky-lights, derricks, conveyors, and cooling towers.
   c. Radio and television antennae and towers, observation towers, and power transmission towers directly related or accessory to governmental operations or commercial businesses and broadcasting or television stations.
   d. Water tanks and standpipes.
   e. Other similar and necessary mechanical appurtenances pertaining to and necessary to the permitted uses of the districts in which they are located.
3. Churches, schools, hospitals, sanitariums, and other public and semi-public buildings may exceed the height limitations of the district if the minimum depth of the front, side and rear yards required in the district 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, provided:
   a. The maximum height of the building does not exceed forty-five (45) feet in areas served by the Montgomery County Volunteer Fire Service, or
   b. The maximum height of the building does not exceed seventy-five (75) feet in areas served the Clarksville Fire Department.
4. Notwithstanding the exceptions provided in this Section, height regulations contained in the Sabre Heliport Overlay District must be complied with by all structures and buildings.
5. Exceptions to the height limitations required in the various Zone Districts may be granted by the Clarksville-Montgomery County Regional Planning Commission upon formal review and approval of specific site plans, provided:
   a. The minimum depth of the front, side and rear yards required in the district is increased one (1) foot for each two (2) feet by which the height of the structure exceeds the prescribed height limit; and
   b. The maximum height of the building does not exceed forty-five (45) feet in areas served by the Montgomery County Volunteer Fire Service, or
   c. The maximum height of the building does not exceed seventy-five (75) feet in areas served the Clarksville Fire Department.

4.2.3 AREA REQUIREMENTS FOR LOTS WITHOUT SANITARY SEWER

Within any zoning district not served by a sanitary sewer system, the lot area shall be determined by the Tennessee Department of Environment and Conservation, Division of Groundwater Protection, but in no case shall be less than the minimum area required in the district in which it is located.

4.3 MINIMUM FRONTAGE REQUIREMENTS

4.3.1 MINIMUM FRONTAGE REQUIREMENTS

1. No Building shall be erected on any lot unless one of the following criteria are met:
   a. The street giving access to the lot has received the legal status of a public street prior to that time;
   b. The street corresponds in its location and lines with a street as shown on a subdivision plat approved by the Clarksville-Montgomery County Regional Planning Commission, or a street plat made and adopted by the Regional Planning Commission;
   c. The lot fronts upon a permanent easement which conforms to all rules, regulations and specifications governing permanent easements of the Planning Commission or other department, division or agency of the county, which rules, regulations and specifications governing permanent easements were duly approved by the Montgomery County Board of County Commissioners by a two-thirds vote pursuant to TCA Section 13-3-411 by separate resolution, and the permanent easement has access to an existing public highway, street, or thoroughfare, or with a street located or accepted by the county legislative body after submission to the Planning Commission, and in case of the Planning Commission's disapproval, by the favorable vote of the county legislative body required in TCA Section 13-3-406. Any lot which legally existed prior to August 15, 1994, can be issued a single building permit per lot.
   d. All lots for building purposes shall abut on at least one (1) accepted public street or permanent easement as described above, for a distance of at least twenty-five (25) feet, unless a greater distance is required within the specific zone district, in which case said greater distance shall apply. The above required frontage must be usable as driveway access to the lot, and the width of the frontage shall be maintained to the front building setback line.
3. Any lot which legally existed prior to July 19, 1973, can be issued a single building permit per lot.
4. The above required frontage shall be usable as driveway access to the lot unless Item 5 applies.
5. If a tract of land has an access easement created prior to August 15, 1994, a new lot which has access to the public right-of-way via the private easement may be created from the existing tract provided the new lot has frontage on a public right-of-way but direct access to the new lot from the public right-of-way is impaired by reason of topography, geology or access control standard. The Planning Director shall have the authority to determine if such road frontage and/or vehicular access may be utilized for development of the lot.
6. The required minimum road frontage width shall be maintained the entire distance from the road/access point to the building site of each lot.

4.4 FIRE RATING FOR EXTERIOR WALLS

1. Exterior walls of any structure used for residential purposes, located within eight (8) feet or less from any property line, shall have a water/fire resistant gypsum wall board of a minimum 5/8" Type X (or equivalent) on the outside of the exterior wall.
2. This wall board will serve as an underlayment for the exterior siding material.
3. Homes that have continuous exterior soffits shall have the wall board run continuous to the roof deck with fire blocking and be sealed against the deck to prevent the movement of air into the attic space.
4. Gable end vents are prohibited. All other ventilation requirements shall meet the current adopted Building Code. These requirements apply notwithstanding any provision of the current adopted Building Code to the contrary.
5. Variances from this Section shall not be granted by the Board of Zoning Appeals.

CHAPTER 5: LAND USE DEVELOPMENT STANDARDS AND PROCEDURES

5.1 STANDARDS FOR USES PERMITTED WITH CONDITIONS (PC)

Uses Permitted with Conditions are designated on the Zoning District Land Use Table as (PC). The following sections will provide criteria for uses permitted with conditions in each zone. The criteria may be reviewed through several processes including but not limited to Site Review, Staff Level Site Review, and/or review by the Building Official. Once approved through the appropriate process, and a determination has been made that the proposal meets all other requirements of this Resolution, then the use shall be deemed permitted.

5.1.1 AGRICULTURAL USES PERMITTED WITH CONDITIONS (PC)

Subject to the procedures outlined in Chapter 5.1: Procedures For Uses Permitted With Conditions, the applicant also must meet the following requirements:

5.1.1.1 Agricultural Arena (AGC and C-5 Districts):

1. No part of any building and/or structure shall be located closer to any property line or dwelling than two hundred (200) feet.
2. All livestock shall be enclosed by appropriate fencing.
3. If the arena is located adjacent to (within 500 feet of) a residential subdivision or residential district, a landscape buffer is to be provided as if the area were in the AGC District (see Chapter 7).
4. An arena accessory to a stockyard shall comply with the standards of a stockyard "permitted upon review."

5.1.1.2 Agricultural Uses (Customary) (AG District);

1. No part of any building and/or structure to be used for the keeping of poultry or farm livestock shall be located closer to any property line or dwelling than two hundred (200) feet; however, if the parcel is five (5) acres or more in area, the separation distance may be reduced to fifty (50) feet.
2. All livestock shall be enclosed by appropriate fencing.
3. Beekeeping activities shall be conducted in accordance and in compliance with state law of general application, to include regulations promulgated by the Tennessee Department of Agriculture, including the "Honey Bee Best Management Policy and Practices" issued by the Tennessee Department of Agriculture (Apiary Section) as may be amended from time to time.

5.1.1.3 Fish Farm (AG District):

1. On-site consumption of products raised or produced on the farm is prohibited.
2. One structure not to exceed fifteen hundred (1,500) square feet is permitted for this use.
3. Adequate parking shall be provided on the site.

5.1.1.4 Roadside Stands:

1. Roadside stands offering for sale farm products grown on the premises only, provided that adequate parking spaces are provided and no traffic hazards are created.

5.1.2 COMMERCIAL USES PERMITTED WITH CONDITIONS (PC)

Subject to the procedures outlined in Chapter 5.1: Procedures For Uses Permitted With Conditions, the applicant also must meet the following requirements:

5.1.2.1 Animal Shelter:

1. All animals shall be kept inside soundproof air-conditioned buildings.
2. No outdoor kennels are permitted.
3. No part of any building or structure in which animals are housed shall be closer than two-hundred and fifty (250) feet from any residential zone district or district permitting residential uses by right.

5.1.2.2 Bar, Tavern, or Night Club:

1. The following regulations shall apply to bars, taverns, lounges or night clubs serving intoxicating beverages as defined in TCA Section 57-5-105(b) per Montgomery Board of Commissioners Resolutions 7-3-1 and 7-3-2 effective March 12, 2007.
2. Notwithstanding any other provisions of this Resolution, no bar, tavern, lounge or night club serving intoxicating beverages shall be located on any property with a zone classification other than the C-3, C-4 and C-5 Commercial Districts.
3. No such bar, tavern, lounge or night club shall be operated or maintained in the unincorporated area within three hundred (300) feet, measured from property line to property line, of a residence, if the owner of the residence appears before the Montgomery County Beer Board and objected to the issuance of the beer permit. (Montgomery County Resolution 7-3-1)
4. No such bar, tavern, lounge or night club shall be operated or maintained in the unincorporated area within one thousand (1,000) feet, measured from property line to property line, of a school, church, day care or places of public gathering. (Montgomery County Resolution 7-3-2)
5. If the proposed use is within three (300) feet of a residential dwelling, the County Building Administrator cannot act on the petition of the applicant for this use permitted on conditions until the Montgomery County Beer Board certifies that no owner of a residential dwelling within three (300) has objected.
6. A “place of public gathering” includes, but is not limited to, schools, churches. day cares and parks, but exempting businesses in the terminal or main building of a public airport serviced by commercial airlines with regularly scheduled flights.

5.1.2.3 Building Contractor Shop (C-2 and C-5 Districts):

1. All operations, materials and supplies shall be enclosed entirely within a building.

2. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
3. Merchandise or finished products, raw materials or equipment are to be stored within an enclosed building.
4. No new or used materials are to be stored outside.
5. No new or used products or materials may be stored on vehicles unless fully enclosed by the vehicle.

5.1.2.4 Carpet and Upholstery Cleaning (C-2 District):

1. All operations, materials and supplies shall be enclosed entirely within a building.
2. Merchandise or finished products, raw materials or equipment are to be stored within an enclosed building.
3. No new or used materials are to be stored outside.
4. No new or used products or materials may be stored on vehicles unless fully enclosed by the vehicle.

5.1.2.5 Child Care Facility (M-1, M-2 and M-3 Districts):

1. To serve employees of the industrial uses located on the lot or within an Industrial Park.
2. In industrial zone districts where the property in question is adjacent to a residential district or district allowing residential uses, the side and rear yard setback requirements of the adjoining zone district shall apply.

5.1.2.6 Convenience Store with Fuel Pumps (C-1, C-2, C-4 and C-5 Districts):

1. Bulk storage facilities shall be placed underground and shall not be in the excess of twenty-five thousand (25,000) gallons.
2. No pump shall be located within fifty (50) feet of a residential district, nor less than fifteen (15) feet of any street right-of-way line.
3. No portion of a structure shall be located closer than twenty-five (25) feet to a residential district.

5.1.2.7 Drive-Through Window Service:

1. Drive-Through lane shall be designed so that it does not restrict the flow of traffic entering or within the parking lot.
2. Adequate automobile stacking spaces are required on site (see Chapter 6) and shall be arranged so that no vehicle stacking area shall cause automobiles to queue within public rights-of-way.
3. Drive-Through windows and lanes shall be located to the side or rear of the structure.

5.1.2.8 Flea/Open Air Markets (AGC and C-5 Districts):

1. Each open-air market shall provide permanent bathroom facilities in accordance with the most recent adopted plumbing code for mercantile occupancies. (Calculations shall be made using the gross square footage of the sales area as designated on the site plan.)

2. No person, including but not limited to open-air market promoter, operator, owner, employee, manager or vendor, shall be allowed to camp or reside overnight with or without a recreational vehicle, tent, vehicle or other structure at an open-air market, except that the owner may allow no more than two (2) overnight security personnel who may be either the owner or agent of the owner.
3. There may be one "caretaker residence" on the same parcel that meets the conditions for a "caretaker residence."
4. All sales areas shall be permanently covered by a roof and completely floored by a concrete floor of minimum thickness of four (4) inches, except that sales shall be allowed from sheds, stalls, or booths which have been approved by the Building and Codes Department and meet the minimum requirements of the standard codes. All such structures shall require building permits and inspections by the County, the same as for other construction. No sales shall take place outside the designated sales area.
5. All open-air markets shall be conducted entirely within an area, which is screened, by natural objects, plantings, fences, or other appropriate means. Screening shall be a minimum of seven (7) feet in height.
6. All signs must be permitted in accordance with the Zoning Resolution of Montgomery County.
7. All temporary tents and shelters shall require placement permits and inspections.
8. All booths and stalls shall meet the minimum setbacks as set forth in the Zoning Resolution, except that the Board of Zoning Appeals can approve variances where applicable.

5.1.2.9 Kennel, Breeding (C-2 District):

1. All animals shall be kept inside soundproof air-conditioned buildings.
2. No outdoor kennels are permitted.
3. No part of any building or structure in which animals are housed shall be closer than two-hundred and fifty (250) feet from any residential zone district or district permitting residential uses.

5.1.2.10 Kennel, Boarding (C-2 and C-4 Disttricts):

1. All animals shall be kept inside soundproof air-conditioned buildings.
2. Outdoor runs are permitted.
3. No part of any building or structure in which animals are housed shall be closer than two-hundred and fifty (250) feet from any residential zone district or district permitting residential uses by right.

5.1.2.11 Nursery/Greenhouse/Garden Center:

1. No greenhouse heating plant shall be operated within twenty-five (25) feet of any side or rear lot line.

5.1.2.12 Retail (M-1, M-2 and M-3 Districts):

1. Retail establishments are allowed for the sale of goods that are manufactured on the premises and the work is done within the building located on the premises.

5.1.2.13 Tire Recapping (C-5 District):

1. This use shall be so conducted that noise, vibration, dust, odor, and all other objectionable factors shall be reduced to the extent that there will be no annoyance to persons outside the premises.
2. Such use shall not be located within fifty (50) feet of any residential zone district or district permitting residential uses by right.
3. All storage and work shall be conducted within an enclosed building.

5.1.2.14 Tow-in Lots:

1. Such vehicles shall not be stored on the lot for more than ninety (90) days: All unclaimed vehicles will be granted additional storage time with applicable documentation from the state, and the owner or operator of the facility shall maintain a register listing the owner of each vehicle, date of arrival and date of departure, and description (year, make, VIN). The register shall at all times be kept open for the inspection and examination by authorized persons such as the sheriff and/or deputies, insurance investigators, and county officials.
2. Dismantling or demolition of said vehicles for the salvage of parts is not permitted on the lot.
3. The storage and parking lot for all such vehicles shall be screened from off-site view by placement in an enclosed building or behind a wall or opaque fence at least eight (8) to twelve (12) feet in height. Barbed wire may be added to the top of such fencing. Any chain link fence used to satisfy the requirements of this subsection shall contain slats of at least one-fourth (1/4) inch thick, which shall be installed over no less than two-thirds 2/3 of the surface area of the fence. Slats shall be made of plastic, vinyl, or metal. Natural objects such as trees or other plantings may also be used to satisfy the screening requirements, as shown on an approved Landscape Plan. Fences and screening shall be maintained in good condition. Up to one hundred twenty-eight (128) square feet of fence area in a single location may remain unscreened for security purposes.
4. All tow-in lots in existence upon the effective date of the Resolution (July 19, 1973) from which this section derives shall have ninety (90) days from that date to be in compliance with all provisions contained herein.

5.1.2.15 Winery (AG District):

1. The following activities are permitted with this use:
   a. Growing and harvesting grapes and other products suitable for wine processing and bottling of grapes and grape products produced on the premises are allowed.
   b. Processing and bottling of grapes and grape products produced off premise is prohibited.
   c. Sale of wine produced on the premises for off premise consumption.
   d. Sale of merchandise related to wine or the winery.
   e. Wine tasting involving serving wine to the public for the purpose of sampling the wine produced on the premises.
   f. Special events such as weddings, dances, and other social occasions associated with the winery.

5.1.2.16 Wrecker Service (C-4 District):

1. Storage of vehicles. Such vehicles shall not be stored on the lot for more than ninety (90) days and then all unclaimed vehicles will be granted additional storage time with applicable documentation from the state. The owner or operator of the facility shall maintain a register listing the owner of each vehicle, date of arrival and date of departure, and description (year, make, and VIN). The register shall at all times be kept open for the inspection and examination by authorized persons, such as sheriff and/or deputy's, insurance investigators, and county officials.
2. Location. This use shall not be located within five hundred (500) feet from any residential zone district or district permitting residential use.
3. Screening. All outdoor storage shall be conducted entirely within an area which is screened by natural objects, plantings, opaque fences, or other appropriate means so as not to be visible from the main traveled public rights-of-way, or they shall otherwise be removed from sight.
4. Storage outside such screening is expressly prohibited. Such screening shall be properly maintained and in good condition.
5. Dismantling or demolition of vehicles for the salvage of parts is not permitted on the lot.

5.1.3 INDUSTRIAL USES PERMITTED WITH CONDITIONS (PC)

Subject to the procedures outlined in Chapter 5.1: Procedures For Uses Permitted With Conditions, the applicant also must meet the following requirements:

5.1.3.1 Aircraft Parts Manufacture (M-1 District):

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

5.1.3.2 Alcohol Distillery, Small (AGC District):

1. Consumption of alcoholic beverages not produced on site shall be prohibited.
2. The following activities are permitted with this use:
   a. Growing, harvesting and other products suitable for processing and bottling products produced on the premises are allowed.
   b. Processing and bottling of products produced off premise is prohibited.
   c. Sale of alcohol produced on the premises for off premise consumption.
   d. Sale of merchandise related to alcohol or the distillery.
   e. Tastings involving serving to the public for the purpose of sampling the alcohol produced on the premises.
   f. Special events such as weddings, dances, and other social occasions associated with the distillery.

3. Structures related to manufacturing/storage of components and/or finished product shall be setback a minimum of two-hundred (200) feet from any side and/or rear property line.

5.1.3.3 Automobile Parts Manufacture (M-1 District):

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

5.1.3.4 Awning Manufacture, Cloth, Metal and Wood (M-1 District):

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

5.1.3.5 Boat Manufacture (M-1 and M-3 Districts):

1 All manufacturing, processing, fabricating and assembling shall be within an enclosed building.
2. Merchandise or finished products, raw materials or equipment are preferably to be stored within an enclosed building; any outdoor storage of merchandise or finished products, raw materials or equipment shall be screened by opaque fencing as well as appropriate vegetative landscaping.
3. Screening: All outdoor storage shall be conducted entirely within an area which is screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main traveled roads or way of the system, or they shall otherwise be removed from sight. Storage outside such screening is expressly prohibited. Such screening shall be properly maintained in good condition.

5.1.3.6 Brewery, Micro (AGC District):

1. Consumption of alcoholic beverages not produced on site shall be prohibited.
2. The following activities are permitted with this use:
   a. Growing, harvesting and other products suitable for processing and bottling products produced on the premises are allowed.
   b. Processing and bottling of products produced off premise is prohibited.
   c. Sale of alcohol produced on the premises for off premise consumption.
   d. Sale of merchandise related to alcohol or the distillery.
   e. Tastings involving serving to the public for the purpose of sampling the alcohol produced on the premises.
   f. Special events such as weddings, dances, and other social occasions associated with the distillery.

3. Structures related to manufacturing/storage of components and/or finished product shall be setback a minimum of two-hundred (200) feet from any side and/or rear property line.

5.1.3.7 Building Materials Sales and Storage (retail and wholesale) (M-1 and M-3 Districts):

1 All manufacturing, processing, fabricating and assembling shall be within an enclosed building.
2. Merchandise or finished products, raw materials or equipment are preferably to be stored within an enclosed building; any outdoor storage of merchandise or finished products, raw materials or equipment shall be screened by opaque fencing as well as appropriate vegetative landscaping.
3. Screening: All outdoor storage shall be conducted entirely within an area which is screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main traveled roads or way of the system, or they shall otherwise be removed from sight. Storage outside such screening is expressly prohibited. Such screening shall be properly maintained in good condition.

5.1.3.8 Cabinet and Countertop Manufacturing (M-1 and M-3 Districts):

1 All manufacturing, processing, fabricating and assembling shall be within an enclosed building.
2. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
3. Merchandise or finished products, raw materials or equipment shall be stored within an enclosed building
4. Unless specifically authorized, no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

5.1.3.9 Construction Contractor with Storage Yard (M-1 District):

1. Screening. All outdoor storage in construction storage yards shall be conducted entirely within an area which is screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main traveled roads or way of the system, or they shall otherwise be removed from sight.
2. Storage outside such screening is expressly prohibited.
3. Such screening shall be properly maintained in good condition.

5.1.3.10 Custom Manufacturing (M-1 District):

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

5.1.3.11 Electric Motor Manufacture and Repair (M-1 and M-3 Districts):

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

5.1.3.12 Electro Plating Establishment (M-1 District):

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

5.1.3.13 Enameling and Painting Establishment (M-1 District):

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

5.1.3.14 Engraving Plant (M-1 District):

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

5.1.3.15 Flour and Grain Mills (AGC District):

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. Structures shall be setback a minimum of two hundred (200) feet from all property lines.

5.1.3.16 Furniture Manufacturing (M-1 and M-3 Districts):

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.

3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

5.1.3.17 Glass Products Manufacturing (M-1 and M-3 Districts):

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

5.1.3.18 Ironworks Manufacturing (Ornamental) (M-1 District):

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

5.1.3.19 Laundry and Cleaning Plants (M-1 District):

1. Structures abutting a residential zone district or district permitting residential "use by right", shall have a minimum setback of five hundred (500) feet.
2. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
3. All storage and work shall be conducted within an enclosed building.
4. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

5.1.3.20 Machine Shop (M-1 District):

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

5.1.3.21 Marble Working and Finishing (M-1 District):

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

5.1.3.22 Optical Goods Manufacture (M-1 and M-3 Districts):

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

5.1.3.23 Plastic Products Molding, Casting and Shaping (M-1 District):

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

5.1.3.24 Printing and Publishing Plant (M-1 and M-3 Districts):

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

5.1.3.25 Sheet Metal Shop (M-1 District):

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

5.1.3.26 Welding Shop (M-1 District):

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

5.1.3.27 Wholesale Distribution (C-2, C-5, M-1 and M-3 Dsitricts):

1. No outdoor storage shall be permitted.

2. Where the site abuts a residential zone district or district permitting residential use, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the residential zone district.

5.1.4 MEDICAL USES PERMITTED WITH CONDITIONS (PC)

Subject to the procedures outlined in Chapter 5.1: Procedures For Uses Permitted With Conditions, the applicant also must meet the following requirements:

5.1.4.1 Medical Lab (OP District):

1. Only diagnostic and medical laboratories or research facilities that perform studies and/or research on non-toxic or non-combustible materials are permitted.

5.1.4.2 Medical Office (OP and C-3 Districts):

1. No more than two (2) medical offices per lot are permitted.

5.1.4.3 Medical Office and Outpatient Clinic (C-3 District):

1. Medical Offices and Outpatient Clinics when added to other offices shall not exceed twenty (20) percent of the gross floor area of the shopping center.

5.1.4.4 Veterinary Clinic (OP and O-1 Districts):

1. No more than thirty (30) percent of the gross floor area of the veterinary clinic shall be used as a boarding kennel.
2. All animals shall be kept inside soundproof air-conditioned buildings.
3. No outdoor kennels or runs are permitted.
4. No part of any building or structure in which animals are housed shall be closer than fifty (50) feet from any existing residence located on an adjacent parcel.

5.1.5 OFFICE USES PERMITTED WITH CONDITIONS (PC)

Subject to the procedures outlined in Chapter 5.1: Procedures For Uses Permitted With Conditions, the applicant also must meet the following requirements:

5.1.5.1 Financial Institution (C-3 District):

1. Drive through windows are prohibited within this zoning district except when the use is on out-lots abutting the public right-of-way.

5.1.5.2 Leasing/Sales Office:

1. Residential sales and leasing are permitted as a temporary use in a dwelling, a model home, or temporary building located in the same subdivision or development where the dwellings are to be located and offered for sale or lease.
2. The sales use is permitted until the issuance of the last occupancy permit within the subdivision or development.

5.1.5.3 Offices (Business) in M-1 and M-2 Districts:

1. Offices shall be permitted to support the industrial use that is located on the site.

2. The gross floor area of the office space shall not exceed twenty (20) of the gross floor area of the buildings on the site.

5.1.5.4 Professional and Business Office (excluding Medical) in C-3 District:

1. The gross floor area of all office uses (including medical offices or outpatient clinics) shall not exceed twenty (20) percent of the gross floor area of the shopping center.

5.1.6 RECREATION AND ENTERTAINMENT USES PERMITTED WITH CONDITIONS (PC)

Subject to the procedures outlined in Chapter 5.1: Procedures For Uses Permitted With Conditions, the applicant also must meet the following requirements:

5.1.6.1 Country Club:

1. The minimum acreage for a country club shall be twenty five (25) acres.
2. Where any building or outdoor storage area abuts a residential zone district or district permitting residential use, there shall be a minimum setback of one hundred (100) feet from the common property line for such building or storage.
3. Driving ranges shall be permitted.
4. Swimming pools shall be permitted.
5. Lighting shall be directed downward to include shielded hoods and shall not cast light pollution on adjacent properties.

5.1.6.2 Festival (Temporary):

1. Open-air activities, temporary and permanent structures associated with the festival shall not be located closer than one hundred (100) feet from any residential zone district or district permitting residential use.
2. The activity shall have duration of no more than ten (10) days in a month, and be limited to four (4) events per year.
3. Activities shall be limited to between the hours of 8:00 A.M. to 10:00 P.M.
4. Adequate off street parking shall be required.
5. State, County, and/or City sponsored festivals shall be exempt from these provisions.

5.1.6.3 Golf Course (public and private):

6. The minimum acreage for a golf course shall be twenty five (25) acres.
7. Driving ranges shall be permitted.
8. The setback for the driving range boundaries shall be a minimum of one hundred (100) feet from all property lines.
9. Lighting shall be directed downward to include shielded hoods and shall not cast light pollution on adjacent properties.

5.1.7 RESIDENTIAL USES PERMITTED WITH CONDITIONS (PC)

Subject to the procedures outlined in Chapter 5.1: Procedures For Uses Permitted With Conditions, the applicant also must meet the following requirements:

5.1.7.1 Caretaker Residence (AG District):

1. Minimum ten (10) acres parcel.

2. The structure must meet building setback requirements.
3. The structure must have frontage on a public road.
4. The structure must meet on-site sewage (on-site septic) treatment requirements of the Tennessee Ground Water Protection Division.
5. The residence shall be a single-family unit, secondary and accessory to the existing principle use.
6. The residence shall be for purposes of care and protection of the persons, property, plants, animals, equipment, or other circumstances on site or on contiguous lots under the same ownership.
7. Only one (1) caretaker residence is permitted.
8. Occupancy shall be by owners or employees of the owner.

5.1.7.2 Caretaker Residence (Other Than AG District):

1. The residence shall be a single-family unit, secondary and accessory to the existing principle use.
2. The residence shall be for purposes of care and protection of the persons, property, plants, animals, equipment, or other circumstances on site or on contiguous lots under the same ownership.
3. Only one (1) caretaker residence is permitted.
4. Occupancy shall be by owners or employees of the owner.
5. In office, commercial and industrial zone districts, the caretaker unit shall be located above or behind the principal uses.

5.1.7.3 Farm Worker Dwelling (AG District):

1. Farm employee housing shall not to exceed one (1) dwelling unit per one hundred (100) acres on a single parcel, excluding any house on the site occupied by the owner.

5.1.8 UTILITY USES PERMITTED WITH CONDITIONS (PC)

Subject to the procedures outlined in Chapter 5.1: Procedures For Uses Permitted With Conditions, the applicant also must meet the following requirements:

5.1.8.1 Reservoir/Water Tank:

1. The minimum lot area shall not be less than ten (10) acres.
2. No reservoir shall be located closer than five hundred (500) feet to any residential zone district or district permitting residential uses.
3. All water tanks shall be set back from all property lines by a distance that is equal to the height of the water tank. Such setback shall be recorded as a fall zone easement with the Montgomery County Register of Deeds Office.
4. Retention/detention shall be approved by the County Building and Codes Department.

5.1.8.2 Utility Substations (Private):

1. No utility substation shall be located closer than one hundred (100) feet to any residential zone district or district permitting residential uses by right. This distance standard shall not apply to service boxes or meter boxes serving individual customers.

5.1.9 WASTE MANAGEMENT USES PERMITTED WITH CONDITIONS (PC)

Subject to the procedures outlined in Chapter 5.1: Procedures For Uses Permitted With Conditions, the applicant also must meet the following requirements:

5.1.9.1 Recycling/Collection Facilities (Small):

1. Shall be operated only in conjunction with an existing principal facility. Small recycling collection facility sites shall not occupy more than one thousand (1,000) square feet of the parcel on which they are placed, and the collection containers shall not occupy more than two hundred (200) square feet. There shall be only one (1) collection facility per parcel of land.
2. Permit; inspection; violation. No small collection facility shall be established until a small recycling collection facility placement permit has been issued by the Building and Codes Department. Subsequent to issuing the placement permit, the Building and Codes Department shall inspect the facility to insure compliance with this section. Any person, firm, corporation, or agent, who violates any provision of this section, or fails to comply herewith, or with any of the requirements thereof, shall be guilty of a misdemeanor.
3. Operation requirements. A small recycling collection facility shall meet the following requirements to operate:
   a. Small recycling collection facility shall be set back at least ten (10) feet from any street right-of-way line and shall not obstruct pedestrian or vehicular circulation.
   b. Side and rear yard setback requirements shall be those that are provided for the zoning district in which the facility is located.
   c. Facilities shall accept only glass, metals, plastic containers, papers, and/or other similar items which may be used for re-manufacturing or reprocessing of similar materials.
   d. Containers must be covered and secured from unauthorized entry or removal of materials.
   e. Facility shall be maintained free of litter and any other undesirable materials on a daily basis.
   f. Containers shall be clearly marked to identify the type of material which may be deposited in each container. A notice shall be posted stating that no material shall be left outside the collection containers.
   g. The facility shall be clearly marked to identify the name and phone number of the party responsible for maintaining the facility and ensuring compliance with all established requirements.
   h. The hours of operation shall be clearly posted.
   i. Occupation of parking spaces by the facility and by an attendant shall not reduce the number of available parking spaces below the minimum number required for the primary use.
   j. Maximum signage for the facility shall be ten (10) square feet and used for advertising or directional purposes only. The location of any signs must be approved by the Building and Codes Department.
   k. Power processing equipment shall not be used.

5.1.9.2 Recycling/Collection Facilities (Large):

1. A large collection facility is not required to operate in conjunction with an existing principal facility, and it may have a permanent building. A large collection facility site shall not occupy more than twenty thousand (20,000) square feet of the parcel on which it is placed, and the containers shall not occupy more than one thousand (1,000) square feet.
2. Permit; inspection; violation. No large recycling collection facility shall be established until a large recycling collection facility placement permit has been issued by the Building and Codes Department. Subsequent to issuing the placement permit the Building and Codes Department shall inspect the facility to insure compliance with this section. Any person, firm, corporation, or agent, who violates any provision of this section, or fails to comply herewith, or with any of the requirements thereof, shall be guilty of a misdemeanor.
3. Operation requirements. A large collection facility shall meet the following requirements to operate:
   a. Facility shall be screened from the public right-of-way by operating in an enclosed building or within an area enclosed by a fence at least six (6) feet in height.
   b. Facility shall be located at least five hundred (500) feet from any residential zone district or district permitting residential use.
   c. Setback requirements shall be those that are provided for the zoning district in which the facility is located.
   d. All storage of materials shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition.
   e. Site shall be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis.
   f. An area for adequate traffic circulation and off-street short term parking shall be provided.
   g. Containers shall be clearly marked to identify the type of material that may be deposited.
   h. Facility shall be clearly marked to identify the name and phone number of the party responsible for maintaining the facility and ensuring compliance with all established requirements.
   i. The hours of operation shall be clearly posted.
   j. Notice shall be posted that no materials shall be left outside the collection containers or enclosures.
   k. Signs shall be as regulated in Chapter 8.
   l. Power processing equipment shall not be used.

5.1.10 OTHER USES PERMITTED WITH CONDITIONS (PC)

Subject to the procedures outlined in Chapter 5.1: Procedures For Uses Permitted With Conditions, the applicant also must meet the following requirements:

5.1.10.1 Communication Towers:

1. Pursuant to TCA Section 13-24-301 through 13-24-303, communication stations, including towers and operating equipment, which furnish utility services to the public, are allowed in any zone district, and shall adhere to the following standards:

a. **Application.** This section shall apply to any new structure as well as any existing structure to which the height is proposed to be increased.
b. **Location.** To the extent feasible, co-location of antennas on existing towers and other suitable structures should first be sought.
c. **Construction.** All towers shall be constructed in accordance with Electronic Industries Association ("EIA") Standard 222E-1991, utilizing a wind rating of eighty (80) miles per hour plus ice loading for Montgomery County, Tennessee. Each application for a building permit shall be accompanied by a certification by a professional engineer licensed in the State of Tennessee and competent in such design, attesting to the fact that all applicable standards have been met.
d. **Plot Plan Required.** A plot plan in compliance with this section shall be submitted to the Montgomery County Building Commissioner prior to the issuance of a building permit. The Building Commissioner may require any other documentation or information deemed necessary to complete the permit application.
e. **Setbacks.** All towers shall be set back from all property lines by a distance that is equal to the height of the tower.
f. **Compliance Documentation**. All applications for permits to build towers in Montgomery County must be accompanied with a "Determination of No Hazard" from the Federal Aviation Administration, as well as all required Federal Communications Commission permit information, and any other documentation as required herein.
g. **Airport Approach Zones.** All structures regulated herein shall be subject to the height restrictions and requirements of the AP Airport Overlay District, and applications for permits must contain documentation from the Manager of Outlaw Field and from the Manager of the Fort Campbell Air Traffic Control Division that such structures do not constitute a hazard to their airport facilities.
h. **Fencing.** The entire site containing the tower and equipment shall be enclosed with a fence not less than six (6) feet in height. Access gates will be locked at all times when the site is not occupied.
i. **Screening.** All tower sites shall be provided with continuous, solid screening around the outside of the required fencing, and it shall be of such plat material as will provide a year-round evergreen screening. Screening, as required herein, shall not be less than six (6) feet in height at the time of planting, and shall be permanently maintained.
j. **Lighting.** Any outside lighting shall be arranged so as to minimize glare and reflection on adjacent properties and public streets. All towers that require marking or lighting shall be done in compliance with Federal Aviation Administration regulations, but no tower shall be lighted from dusk to dawn by any form of white flashing light, unless required by the Federal Aviation Administration.
k. **Exclusions.** Private ham radio towers, satellite dishes, and television antenna which are not attached to a tower that provides utility services to the public, shall be exempt from the provisions of this section.

l. **Exemption for Water Tank Attachment.** Any communication device which is proposed to be attached to an existing municipal or utility district water tank shall be exempt from the setback and screening requirements of this section.

5.1.10.2 Shelters, Emergency, Fall-Out or Storm:

1. Fall-out shelters are permitted as principal or accessory uses and structures in any district, subject to the building setbacks and yard requirements of the district established therein.
2. Such shelters may contain or be contained in other structures, or may be used for any principal or accessory use permitted in the use district; but shall not be used for principal or accessory uses prohibited expressly or by implication in the district.

5.1.10.3 Signs:

1. Refer to Chapter 8 of this Resolution.

5.1.10.4 Temporary Building/Uses:

The regulations contained in this section are necessary to govern the operation of certain transitory or seasonal uses, non-permanent in nature. Each temporary use listed below is required to obtain a permit from the Montgomery County Building & Codes Department at a cost of $100.00 per permit.

1. Application for a temporary use permit shall be made to the Building Commissioner and shall contain the following information:
   a. A survey or legal description of the property to be used, rented, or leased for a temporary use, including enough information to specifically identify the property.
   b. A description of the proposed use.
   c. Sufficient information to determine the yard requirements, setbacks, sanitary facilities, and availability of parking space to service the proposed use.
   d. Submission of a site plan as specified by the Building Official.
   e. Copy of business/tax license.
   f. Handicapped accessible parking and restrooms.
   g. Written permission from the property owner.
   h. If a tent is to be used, it must meet tent requirements, i.e., flamespread letter and approval from the State Fire Marshall's Office.
2. The following uses are classified as temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:
   a. Carnival or Circus - As regulated by County law.
   b. Christmas Tree Sale - In any commercial or industrial district a temporary use permit may be issued for the display and open-lot sales of Christmas trees, but such permit shall be issued for a period of not longer than thirty (30) days.
   c. Temporary buildings or mobile trailer units - In any district, a temporary office and equipment sheds incidental to a construction project. However, such office or shed shall be removed upon completion of the construction project.

d. Real Estate Sales Office - In any district a temporary use permit may be issued for a temporary real estate sales office in any new subdivision. Such office may be temporarily contained in a dwelling unit or in a portable unit such as a trailer. Such use shall be discontinued after all real property in the subdivision has been sold.
e. Religious Tent Meeting - In any non-residential district, a temporary use permit may be issued for a tent or other temporary structure to house religious meetings; such permit shall be valid for not more than thirty (30) days, but is subject to renewal prior to the termination date.
f. Seasonal Sale of Farm Products - In any district a temporary use permit may be issued for the sale of farm products. Such sales space shall be of portable or sectional construction, and shall not exceed an area of three hundred (300) square feet and such stands shall be removed when not in use. A permit shall be valid for not more than four (4) months per year. A temporary structure used for this purpose shall be set back from all public rights-of-way a distance of not less than fifteen (15) feet.
g. Fire Works Stand - In any commercial or industrial district a temporary use permit may be issued for the sale of fireworks, but such permit shall be issued for a period of not longer than thirty (30) days and must be approved by the State Fire Marshal.
h. Seasonal Sale of Merchandise and Landscaping Products – In Industrial or Commercial districts, a temporary use permit may be issued for the seasonal sale of merchandise and landscaping products. Each temporary use permit shall be valid for a period of not more than thirty (30) days and the maximum number of permits to be issued is four (4) per calendar year (120 days per calendar year).

5.1.10.5 Tents:

1. No tents shall be used, erected or maintained as permanent living quarters for more than thirty (30) days.
2. Tents used in commercial or industrial districts shall be of a temporary nature, as for the protection of surplus goods, for the housing of seasonal farm produce sales, or as temporary uses incidental to an established business or industry.

5.2 PROCEDURE AND STANDARDS FOR USES PERMITTED ON REVIEW (PR)

5.2.1 PROCEDURES FOR USES PERMITTED ON REVIEW:

1. The Board of Zoning Appeals is authorized to hear and decide upon uses “permitted on review” by this Resolution, to decide such questions as are involved in determining whether uses “permitted on review” should be granted, and to grant uses “permitted on review” with such conditions and safeguards as are appropriate under this section; or to deny “uses permitted on review” when not in harmony with the purpose and intent of this Resolution.
2. A use “permitted on review” shall not be granted by the Board of Zoning Appeals unless and until:

a. An application shall be filed with the Director of the Building and Codes Department or his/her designee for review. Such application shall show the location and intended use of the site, the names of the property owners and any other material pertinent to the request which the Board or the Director of the Building and Codes department may require.
b. A public hearing shall be held as provided for in this Resolution.
c. In the exercise of its approval, **the Board may impose such conditions** upon the proposed uses of buildings or land as it may deem necessary, based upon information presented at the hearing, to prevent or minimize any adverse effects of the proposed use upon other property in the vicinity and to insure the compatibility of such uses with other property in the vicinity.
d. The Board may establish expiration dates for any use; establish hours of operation; require greater setbacks; require adequate screening and buffering; and impose other reasonable conditions as necessitated by the general criteria listed below in order to protect the public health, safety, and welfare on any "use "permitted on review" as a condition of approval.

3. General criteria. General criteria are hereby established which shall apply to all applications for uses "permitted on review". A use "permitted on review" shall not be granted by the Board of Zoning Appeals unless and until the following determinations have been made:
   a. The proposed use is compatible with, and will not adversely affect, adjacent properties and other properties in the area.
   b. Adequate public facilities, such as highways, streets, parking spaces, drainage structures, fire protection, and water and sewer services or approved septic system, are available to accommodate the proposed use.
   c. The proposed use will not adversely affect the safety of vehicular and pedestrian circulation in the area.
   d. The proposed use shall provide off-street parking and loading facilities as required by the parking requirements of this Resolution.
   e. The proposed use shall reasonably protect persons and property from erosion, flooding, fire, noise, vibration, glare, odor, or similar hazards.
   f. The proposed use is so designed, located, and proposed to be operated such that the health, safety, and welfare of persons in the neighborhood will be protected.
   g. The request is within the provisions of uses "permitted on review" as set forth in this section.
   h. The proposed use conforms to all applicable provisions of this Resolution for the zone district in which it is to be located.

5.2.2 STANDARDS FOR AGRICULTURAL USES PERMITTED ON REVIEW (PR)

Subject to the procedures outlined in Chapter 5.2: Procedures For Uses Permitted On Review, the applicant also must meet the following requirements:

5.2.2.1 Riding Academy/Commercial Stable (AG District):

1. No part of any riding ring, building and/or structure in which animals are housed shall be closer than two hundred (200) feet from any property line.

2. All horses shall be enclosed by appropriate fencing.
3. A minimum of five (5) acres shall be required.

5.2.2.2 Stockyard (AGC and M-2 Districts):

1. No building or facility to be used for the keeping of poultry or livestock shall be located within two hundred (200) feet from any property line.
2. Minimum lot size is five (5) acres.
3. No slaughtering or dressing of any poultry or livestock is permitted.

5.2.3 STANDARDS FOR COMMERCIAL USES PERMITTED ON REVIEW (PR)

Subject to the procedures outlined in Chapter 5.2: Procedures For Uses Permitted On Review, the applicant also must meet the following requirements:

5.2.3.1 Adult-Oriented Establishments (C-5 District):

1. The following regulations shall apply to adult-oriented establishments as defined in TCA Section 7-51-1102.
2. Notwithstanding any other provisions of this Resolution, no adult-oriented establishment shall be located on any property with a zone classification other than C-5 Highway and Arterial Commercial District.
3. No adult-oriented establishment shall be operated or maintained in the County within two thousand (2,000) feet, measured from property line to property line, of a school, church, public recreation facility, or day care facility.
4. No adult-oriented establishment shall be operated or maintained in the County within four hundred (400) feet, measured from property line to property line, of a boundary of a residential zone (AG, E-1, EM-1, E-1A, EM-1A, R-1, R-1A, RM-1, RM-2, R-2D, R-3, R-4,).
5. No adult-oriented establishment shall be operated or maintained in the County within one thousand (1,000) feet, measured from property line to property line, of another adult-oriented establishment.

5.2.3.2 Child Care Facility (except M Districts):

1. The required lot size, yard, and bulk regulations of the district shall apply. No variances shall be permitted for lots on which such use is to be located.
2. In commercial districts where the property in questions is adjacent to a residential district, the side and rear yard requirements of the adjoining residential district shall apply.
3. All public utilities shall be available at and connected to the site.
4. The facility shall meet the requirements of the Tennessee Department of Human Services pertaining to day care.
5. Outdoor play areas must contain the minimum square feet of usable space per child as set forth by the Tennessee Department of Human Services. All such play areas shall be fenced, such fence shall be a minimum of four (4) feet in height; no portion of the fenced area shall be located closer than thirty (30) feet to a public street.
6. Fencing, screening, and landscaping shall be provided as required by the County Building Department to protect the surrounding area.
7. One (1) accessory off-street parking spaces for each attendant or teacher, plus one off-street loading space for each six (6) children accommodated shall be provided.

8. Special passenger loading and unloading facilities shall be provided on the same zone lot for vehicles to pick-up and deliver children. Such facilities shall provide for driveways that do not require vehicles to back out onto a public street.
9. A site plan shall be submitted to the County Building Official in conjunction with the application for review.

5.2.3 STANDARDS FOR EDUCATIONAL USES PERMITTED ON REVIEW (PR)

Subject to the procedures outlined in Chapter 5.2: Procedures For Uses Permitted On Review, the applicant also must meet the following requirements:

5.2.3.1 Colleges, Elementary, Middle and High Schools, and Universities:

1. Elementary and middle school structures and outdoor activity grounds which abut a residential zone district or district permitting residential "use by right", shall have a minimum setback of fifty (50) feet.
2. College, High School and University structures and outdoor activity grounds, which abut a residential zone district or district permitting residential "use by right", shall have a minimum setback of one hundred (100) feet.

5.2.3.2 Fraternity/Sorority Houses:

1. Applications for fraternity and sorority houses shall be accompanied by a floor plan which depicts the proposed layout of the facility including the location and square footage of any area devoted to sleeping rooms.
2. Areas for outdoor recreational use or outdoor group activities shall be screened or fenced in such a manner as to provide an effective buffer for adjacent residential uses.
3. Parking areas shall not be permitted in the front yard.
4. The Board of Zoning Appeals may place limits upon the number of students who may reside upon the premises.
5. In order to assure compatibility of the fraternity and/or sorority house with the surrounding neighborhood, the Board of Zoning Appeals may place restrictions upon the hours of the day/night during which outdoor recreational activities or other outdoor group activities may be conducted on the site.

5.2.4 STANDARDS FOR INDUSTRIAL USES PERMITTED ON REVIEW (PR)

Subject to the procedures outlined in Chapter 5.2: Procedures For Uses Permitted On Review, the applicant also must meet the following requirements:

5.2.4.1 Acid Manufacture (M-2 Dsitrict):

1. No outdoor storage shall be permitted.
2. Where the site abuts a zoning district that allows residential uses, the building wall facing the residential district shall not have any service door openings or loading docks oriented toward the zoning district.

5.2.4.2 Adhesives and Sealants Manufacture (M-2 District):

3. No outdoor storage shall be permitted.

4. Where the site abuts a zoning district that allows residential uses, the building wall facing the residential district shall not have any service door openings or loading docks oriented toward the zoning district.

5.2.4.3 Animal Slaughtering Processing (M-2 District):

1. No outdoor storage of any animal, animal waste or by products shall be allowed.
2. All buildings used for handling, processing and/or storage of any animal material shall be located a minimum of two hundred (200) feet from all property lines and one thousand (1,000) feet from any zoning district that allows residential uses.
3. Where the site abuts a zoning district that allows residential uses, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the zoning district.
4. Slaughter of animals, including poultry killing or dressing facilities shall not be allowed closer than one thousand (1,000) feet from a residential zone district or a district permitting residential uses.

5.2.4.4 Cement Manufacture (M-2 District):

1. Where the site abuts a residential zone district or district permitting residential use, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the residential zone district.

5.2.4.5 Ceramic and Clay Products Manufacture (M-2 District):

1. Structures abutting a residential zone district or district permitting residential "use by right," shall have a minimum setback of two hundred (200) feet.
2. Where the site abuts a zoning district that allows residential uses, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the zoning district.
3. Any outdoor storage of merchandise or finished products, raw materials or equipment shall be screened by opaque fencing as well as appropriate vegetative landscaping.

5.2.4.6 Chemicals Manufacture (M-2 District):

1. Structures abutting a residential zone district or district permitting residential "use by right", shall have a minimum setback of not less than that required by the zoning district, but the Board of Zoning Appeals may impose greater setbacks based on public health, safety and welfare.
2. No outdoor storage shall be permitted.
3. Where the site abuts a zoning district that allows residential uses, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the zoning district.

5.2.4.7 Explosive Manufacture and Storage (M-2 District):

1. Structures abutting a residential zone district or district permitting residential "use by right," shall have a minimum setback of not less than that required by the zoning district, but the

Board of Zoning Appeals may impose greater setbacks based on public health, safety and welfare.

2. No outdoor storage shall be permitted.
3. Where the site abuts a zoning district that allows residential uses, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the zoning district.

5.2.4.8 Forge (M-2 District):

1. Structures abutting a residential zone district or district permitting residential "use by right", shall have a minimum setback of not less than that required by the zoning district, but the Board of Zoning Appeals may impose greater setbacks based on public health, safety and welfare.
2. Where the site abuts a zoning district that allows residential uses, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the zoning district.

5.2.4.9 Foundry (M-2 District):

1. Structures abutting a residential zone district or district permitting residential "use by right", shall have a minimum setback of not less than that required by the zoning district, but the Board of Zoning Appeals may impose greater setbacks based on public health, safety and welfare.
2. Where the site abuts a zoning district that allows residential uses, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the zoning district.

5.2.4.10 Fuel/Petroleum Distribution (M-1 and M-2 Districts):

1. Structures abutting a residential zone district or district permitting residential "use by right", shall have a minimum setback of not less than that required by the zoning district, but the Board of Zoning Appeals may impose greater setbacks based on public health, safety and welfare.
2. Where the site abuts a zoning district that allows residential uses, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the zoning district.

5.2.4.10 Fuel/Petroleum Refining (M-2 District):

1. Structures abutting a residential zone district or district permitting residential "use by right", shall have a minimum setback of not less than that required by the zoning district, but the Board of Zoning Appeals may impose greater setbacks based on public health, safety and welfare.
2. Where the site abuts a zoning district that allows residential uses, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the zoning district.

5.2.4.11 Fuel/Petroleum Storage (M-2 District):

1. Structures abutting a residential zone district or district permitting residential "use by right", shall have a minimum setback of not less than that required by the zoning district, but the Board of Zoning Appeals may impose greater setbacks based on public health, safety and welfare.
2. Where the site abuts a zoning district that allows residential uses, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the zoning district.

5.2.4.12 Lumber Mill/Sawmill (M-2 District):

1. Structures abutting a residential zone district or district permitting residential "use by right," shall have a minimum setback of not less than that required by the zoning district, but the Board of Zoning Appeals may impose greater setbacks based on public health, safety and welfare.
2. Where the site abuts a zoning district that allows residential uses, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the zoning district.
3. Any outdoor storage of merchandise or finished products, raw materials or equipment shall be screened by opaque fencing as well as appropriate vegetative landscaping.

5.2.4.13 Meat/Poultry Processing Plant (M-2 District):

1. No outdoor storage shall be permitted.
2. Where the site abuts a zoning district that allows residential uses, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the zoning district.

5.2.4.14 Mineral Extraction, Rock Quarries, Sand, Gravel, and Earth Excavations (M-2 District):

1. The Board of Zoning Appeals may approve accessory uses to the mineral extraction activity including, but not limited to, rock crushing, mineral screening, and any combination of uses necessary to extract and process minerals. Such accessory activities shall be located within the perimeter of operation.
2. The applicant must also meet the following requirements:
   a. An earthen berm may supplement the required landscape screening. All screening shall be maintained in good condition at all times.
   b. Areas of hazardous equipment and quarry pits shall be completely enclosed by fencing.
   c. The operation shall minimize disturbances and adverse impacts on surrounding lands using best available current technology.
   d. Blasting shall only occur between seven (7) a.m. and five (5) p.m. Monday through Friday and may be further restricted to minimize disturbance to surrounding properties.
   e. Reclamation/Closure Plan. The application shall include plans for the final contours of the site after the operation is terminated so as to render the land suitable for a use consistent with the *Land Use Plan for the Montgomery County*.

5.2.4.15 Paper from Pulp Manufacturing (M-2 District):

1. Structures abutting a residential zone district or district permitting residential "use by right", shall have a minimum setback of not less than that required by the zoning district, but the Board of Zoning Appeals may impose greater setbacks based on public health, safety and welfare.
2. Where the site abuts a zoning district that allows residential uses, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the zoning district.
3. Any outdoor storage of merchandise or finished products, raw materials or equipment shall be screened by opaque fencing as well as appropriate vegetative landscaping.

5.2.4.16 Research and Development Facility (M Districts):

1. No outdoor storage shall be permitted.
2. All buildings used for handling, processing and/or storage of any hazardous material shall be located with minimum setback of not less than that required by the zoning district, but the Board of Zoning Appeals may impose greater setbacks based on public health, safety and welfare.
3. The applicant shall demonstrate the capability to comply with all applicable Federal, State and Local Regulations.

5.2.4.17 Salvage and Junk Yards (M-2 District):

1. Because of the nature and character of their operation, automobile wrecking and salvage yards, junkyards, 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.
2. The applicant also must meet the following requirements:
   a. All salvage yards must be licensed. An application to establish a salvage yard in Montgomery County shall be filed with the Montgomery Building and Codes Department and approved by the Board of Zoning Appeals. For the purpose of this Resolution, junkyards, automobile wrecking yards, and other similar operations shall be known as "salvage yards".
   b. Location - Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than five hundred (500) feet from any established residential district. All storage of three or more unlicensed abandoned vehicles and salvaged vehicles must be in approved and licensed salvage yards.
   c. Screening - All outdoor storage of salvage yards shall be conducted entirely within an enclosed opaque fence or wall, except driveway areas, from eight (8) to twelve (12) feet in height. Storage outside of 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.
   d. Ingress and Egress- The maximum number of vehicular access driveways for salvage yards having frontage on a State or Federal Highway shall be as regulated by the State of Tennessee, Department of Highways. The maximum number of vehicular access

driveways for salvage yards having frontage on a county road shall be as regulated by the County Road Supervisor.

e. All persons operating or intending to operate salvage yards must also apply to and submit site plans to the Planning Commission for review and recommendation for approval by the Planning Commission.

f. Off-street Parking - As regulated in Chapter 6 of this Resolution.

5.2.4.18 Stone Cutting or Crushing (M-2 Dsitrict):

1. Where the site abuts a residential zone district or district permitting residential uses, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the residential zone district.

5.2.4.19 Storage of Cement, Sands and Gravel (M-1 and M-2 Districts):

1. Where the site abuts a residential zone district or district permitting residential use, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the residential zone district.
2. The gross floor area of structures shall be limited to twenty-five thousand (25,000) square feet.
3. All outdoor storage shall be conducted entirely within an enclosed opaque fence or wall, except driveway areas, from eight (8) to twelve (12) feet in height. Storage outside of 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.

5.2.4.20 Storage of Used Lumber and Building Materials (M-1 District):

1. Where the site abuts a residential zone district or district permitting residential use, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the residential zone district.
2. The gross floor area shall be limited to twenty-five thousand (25,000) square feet.
3. All outdoor storage shall be conducted entirely within an enclosed opaque fence or wall, except driveway areas, from eight (8) to twelve (12) feet in height. Storage outside of 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.

5.2.5 STANDARDS FOR INSTITUTIONAL USES PERMITTED ON REVIEW (PR)

Subject to the procedures outlined in Chapter 5.2: Procedures For Uses Permitted On Review.

5.2.5.1 Correctional Facility (M-2 District):

1. All buildings and outdoor security areas shall be setback a minimum of five hundred (500) feet from all common property lines.

5.2.5.2 Homeless Shelter (C-2, C-4 and C-5 Districts):

1. Ownership: The host agency shall submit documentation that it owns or has a leasehold interest in the subject building.

2. A Homeless Shelter is a non-traditional living arrangement and therefore provides less privacy and more complex living arrangements than traditional homes:
   a. No shelter shall be permitted within three hundred (300) feet, measured from near property line to near property line, of a licensed child daycare facility or any public or private pre-school or school.
   b. No homeless shelter shall be located within five hundred (500) feet, measured from near property line to near property line, of any zoning district where residential uses are permitted.
3. The building must be sufficient in size to accommodate the residents and must have necessary on site facilities including but not limited to the following:
   a. Adequate water supply;
   b. Sanitary sewer or approved septic sewage disposal and toilets in the number required to meet capacity guidelines;
   c. Hand washing facilities by the toilets and by any food areas;
   d. Refuse receptacles and;
   e. Kitchen facilities for food preparation.
4. The Board of Zoning Appeals and the **Fire Marshall** shall establish the maximum capacity limit for each shelter on a case by case basis.
5. The subject property must be situated in close proximity to, and have convenient access to fixed-route public transportation.
6. Code of Conduct: The host agency shall ensure that the homeless shelter has an enforceable code of conduct. A copy of the code of conduct shall be submitted to the Board of Zoning Appeals at the time of application and shall include, at a minimum, the following:
   a. Drugs – possession or use of illegal drugs is not permitted;
   b. Alcohol – no alcohol is permitted;
   c. Weapons – no weapons are permitted;
   d. Knives – all knives with blades over 3 and ½ inches must be turned in to the on-duty responsible person for safekeeping;
   e. Violence – no violence is permitted;
   f. Fires – no open flames are permitted. An exception may be made for propane heating or other similar appliance if approved by the Fire Marshal;
   g. Trespassing – no trespassing onto private property in the surrounding neighborhood is permitted;
   h. Loitering – no loitering in the surrounding neighborhood is permitted;
   i. Littering – no littering on the homeless shelter site or in the surrounding neighborhood is permitted.

5.2.5.4 Religious Institution:

1. All site lighting shall be directed inward onto the site, to include shielded hoods. No light shall spill onto adjacent properties.
2. Hours of operation shall be determined and approved by the Board of Zoning Appeals.
3. All activities and/or accessory uses shall be specified by the applicant and approved by Board of Zoning Appeals.

4. Adequate parking shall be provided on-site and the parking shall be designed and be of such size that no vehicle is required to back into a public street to obtain egress/ingress.

5.2.5.3 Soup Kitchen (C-4 and C-5 Districts):

1. No soup kitchen shall be permitted within three hundred (300) feet, measured from near property line to near property line, of a licensed child daycare facility or any public or private pre-school or school.
2. No soup kitchen shall be located within one thousand (1,000) feet, measured from near property line to near property line, of any zoning district where residential uses are permitted.
3. The Board of Zoning Appeals shall determine the hours of operation on a case by case basis, to include holiday schedules.
4. The subject property must be situated in close proximity to, and have convenient access to, public transportation.
5. Code of Conduct: The host agency shall ensure that the soup kitchen has an enforceable code of conduct. A copy of the code of conduct shall be submitted to the Board of Zoning Appeals at the time of application and shall include, at a minimum, the following:
   a. Drugs – possession or use of illegal drugs is not permitted;
   b. Alcohol – no alcohol is permitted;
   c. Weapons – no weapons are permitted;
   d. Knives – all knives with blades over 3 and ½ inches must be turned in to the on-duty responsible person for safekeeping;
   e. Violence – no violence is permitted;
   f. Fires – no open flames are permitted. An exception may be made for propane heating or other similar appliance if approved by the Fire Marshal;
   g. Trespassing – no trespassing into private property in the surrounding neighborhood is permitted;
   h. Loitering – no loitering in the surrounding neighborhood is permitted;
   i. Littering – no littering on the site or in the surrounding neighborhood is permitted.

5.2.6 STANDARDS FOR RECREATION AND ENTERTAINMENT USES PERMITTED ON REVIEW (PR)

Subject to the procedures outlined in Chapter 5.2: Procedures For Uses Permitted On Review, the applicant also must meet the following requirements:

5.2.6.1 Driving Range (separate from golf course):

1. The setback for the driving range boundaries shall be a minimum of one hundred (100) feet from all property lines.
2. Lighting shall be directed downward to include shielded hoods and shall not cast light pollution on adjacent properties.
3. All required off-street parking shall have a permanent, properly bound, durable and dustless surface. Gravel surfaces shall be prohibited.
4. The hours of operation shall be limited to between 8:00 a.m. to 12 Midnight, seven (7) days a week.

5.2.6.2 Fairground:

1. The minimum lot area shall be twenty five (25) acres.
2. Where any building or outdoor storage area and/or display, excluding passenger car parking lots, abuts a residential zone district or district permitting residential use, there shall be a minimum setback of one hundred (100) feet from the common property line.
3. Up to eighty percent (80 %) of the required off-street parking is permitted to remain as green space. Gravel surfaces shall be prohibited.
4. The hours of operation shall be limited to between 8:00 a.m. to 12 Midnight, seven (7) days a week.

5.2.6.3 Gun Range, Indoor (C-2 and C-5 Districts):

1. Indoor ranges must be housed in a building furnished with electricity and built of impenetrable walls, floors and ceilings.
2. Where any building, excluding parking lots, abuts a zoning district where residential uses are permitted, there shall be a minimum setback of two hundred (200) feet from all common property lines.
3. All Federal, state or local statutes, Resolutions and/or regulations must be complied with.
4. Specifications on building materials require an independent set of plans, detailing such specific requirements as grade of concrete used in walls, floors or walkways, steel reinforcing, ceiling materials, treated lumber, doors, joists, roof pitch, roofing materials, dimensions, backstop steel, electrical panels and wiring, plumbing fixtures, etc.
5. The shooting of firearms shall be conducted within a completely enclosed building.

5.2.6.4 Racetrack (AG, AGC and C-5 Districts):

1. The minimum lot size shall not be less than twenty five (25) acres.
2. Where the track and related facilities, excluding passenger car parking lot, abut a residential zone district or district permitting residential use, there shall be a minimum setback of five hundred (500) feet.
3. The hours of operation shall be limited to between 8:00 a.m. To 12 Midnight, seven (7) days a week.
4. A traffic study shall be required.

5.2.6.5 Recreational Campground (AG District):

1. The owner shall submit to the Board of Zoning Appeals a site plan of the proposed camp, drawn to a scale no smaller than one inch equals fifty feet (1” = 50’) and showing:
   a. Name of actual owner
   b. Location of the tract
   c. Tract boundaries and acreage
   d. The number and general location of the trailer, tent sites
   e. Type and location of sewage disposal facilities and water supply
   f. Restrooms and shower facilities
   g. Garbage and refuse collection points

2. There shall be no more than ten (10) trailer/RV or tent sites per acre. There shall be at least twenty-five (25) feet between all trailers with their tow vehicle and any other trailer or tow vehicle. There shall be at least twenty (20) feet between all tents.
3. There shall not be more than one (1) sign for each recreational campground.
4. No trailer or tent may be located within any front, side or rear yard setback.
5. There may be one (1) small food market located on the site. It shall have no more than one thousand (1,000) square feet in floor area and be in business to serve the transients of the camp.
6. There may be one (1) structure containing a launderette and/or dry cleaning establishment. This building shall be located on the site and shall contain no more than six hundred (600) square feet in floor area. Such building shall be heated, lighted, side walled and covered.
7. All travel trailer camps shall comply with the requirements of the Tennessee Department of Health, Organized Camps, regarding water supply, sewage disposal facilities, refuse storage, collection and disposal.
8. A greenbelt planting strip, not less than fifteen (15) feet in width, is located along the property lines, except in those areas where such a strip would create a traffic hazard. This planting strip shall contain the following: One (1) row of evergreen trees spaced not more than fifteen (15) feet apart, at least eight (8) feet tall, and with a two (2) inch diameter. A sight obscuring fence that is at least six (6) feet high may be substituted for fifty (50%) of the required plantings.
9. Trailer/tent sites may not be occupied for more than twenty-one (21) days.

5.2.6.6 Studios - Art, Dance, Music, Health, Massage:

For these zone districts which allow these uses as Permitted on Review, see Section 5.2.7.4 for Home Occupation Conditions.

5.2.6.7 Swimming Pools (independent of a "country club"):

1. The minimum lot area shall be five (5) acres.
2. Where any building or outdoor storage area and/or display, excluding passenger car parking lots, abuts a residential zone district or district permitting residential use by right, there shall be a minimum setback of one hundred (100) feet from the common property line.
3. The hours of operation shall be limited to between 8:00 a.m. to 12 Midnight, seven (7) days a week.
4. There shall be both a property and swimming pool perimeter fences of at least six (6) feet in height with appropriate access gates, observing the front yard setback. The access gates shall be closed and locked when the site is not occupied. Any supplemental fence in the front yard shall not exceed a height of 3-1/2 feet.
5. All required off-street parking shall have a permanent, properly bound, durable and dustless surface. Gravel shall be prohibited.

5.2.6.8 Theater, Drive-In (C-5 District):

1. The minimum lot area shall be ten (10) acres.

2. The site must have access to a public thoroughfare.
3. The screen of a drive-in theater shall be placed a minimum of one hundred (100) feet from the public right-of-way, shall be located so as to be hidden from the view of traffic contiguous to the entrance and exits of the site, and shall not create light pollution unto adjacent property owner(s).
4. The ingress and egress from the highway shall be designed to permit only one-way traffic.
5. Vehicle standing space shall be provided between the ticket office and the public right-of-way line, for patrons waiting admission, equal in quantity to not less than twenty (20) percent of the capacity of the theater.
6. All ground areas accessible to vehicles shall be treated with suitable material to prevent the formation of dust.
7. An opaque wall or fence shall be provided of adequate height to screen the patrons and cars in attendance at the drive-in theater from the view of surrounding properties.
8. All parking area and access ways shall be adequately lighted, provided, however, that such lighting shall be shielded to prevent any glare or reflection into a public street or onto neighboring properties.
9. The vehicular approach to the drive-in theater site from the public thoroughfare or highway should be so designed that uncontrolled left hand turns from the public thoroughfare or highway to the site shall be eliminated or reduced by either a left turn lane or other suitable means.
10. Sight distances at all points of ingress and egress to the public thoroughfare shall be no less than one thousand (1,000) feet, except where a traffic signal light is installed at the entrance or exit of the site.
11. Where any building or outdoor storage area and/or display, excluding passenger car parking lots, abuts a residential zone district or district permitting residential use, there shall be a minimum setback of one hundred (100) feet from the common property line.
12. The hours of operation shall be limited to between 8:00 a.m. to 12 Midnight, seven (7) days a week.

5.2.6.9 Zoo (AGC District):

1. The minimum lot area shall be twenty five (25) acres.
2. Where any building or outdoor storage area and/or display, excluding passenger car parking lots, abuts a residential zone district or district permitting residential use by right, there shall be a minimum setback of one hundred (100) feet from the common property line.
3. The hours of operation shall be limited to between 8:00 a.m. to 12 Midnight, seven (7) days a week.
4. Excluding the front yard and vehicle parking areas, there shall be a perimeter fence or wall of at least seven (7) feet in height topped with barbed or concertina wire enclosing the animal exhibits or compound with appropriate access gates. The access gates shall be closed and locked when the site is not occupied. Any supplemental fence in the front yard shall not exceed a height of 3-1/2 feet. Administration buildings and assembly buildings may be on the exterior of the perimeter fence provided no animals are exhibited (even on a temporary basis).

5.2.7 STANDARDS FOR RESIDENTIAL USES PERMITTED ON REVIEW (PR)

Subject to the procedures outlined in Chapter 5.2: Procedures For Uses Permitted On Review, the applicant also must meet the following requirements:

5.2.7.1 Bed and Breakfast Establishments:

1. The bed and breakfast establishment is allowable only in a building originally constructed as a single-family residence.
2. There shall be not more than five (5) rooms for paying guests on an overnight basis not to exceed fourteen (14) days.
3. The only meal required to be provided to guests shall be breakfast, and it shall only be served to guests taking lodging in the establishment.
4. Individual rooms which are rented shall not contain cooking facilities.
5. The owner or manager must reside on the premises or on an immediately adjacent parcel of property.
6. The bed and breakfast establishment shall not create noise, light or traffic conditions detrimental to neighboring properties.
7. No exterior alterations to the residential structure shall be made that will change its character as a residential structure.
8. Off-street parking shall be provided, however no off-street parking is permitted in the front yard area.
9. Off-street parking spaces shall be one (1) for each guest/rental room in additional to the spaces required for the dwelling.
10. Screening shall be required of off-street parking areas to minimize any detrimental impact to adjoining properties.
11. No bed and breakfast establishment shall be permitted within two hundred fifty (250) feet of another bed and breakfast establishment or "tourist home" measured from nearest property line to nearest property line.

5.2.7.2 Boarding House or Rooming House (R-3 District):

1. The period of the rent shall not be less than one month because the housing is not for a transient population.
2. Individual rooms which are rented shall not contain cooking facilities.
3. The owner or manager must reside on the premises or on an immediately adjacent parcel of property.
4. The boarding house/rooming house establishment shall not create noise, light or traffic conditions detrimental to neighboring properties.
5. No exterior alterations to the residential structure shall be made that will change its character as a residential structure.
6. Off-street parking shall be provided, however no off-street parking is permitted in the front yard area.
7. Off-street parking spaces shall be one (1) for each guest/rental room in addition to the spaces required for the dwelling.

8. Screening shall be required of off-street parking areas to minimize any detrimental impact to adjoining properties.
9. No boarding house/rooming house shall be permitted within two hundred fifty (250) feet of another boarding house/rooming house, tourist home or "bed and breakfast" establishment measured from nearest property line to nearest property line.

5.2.7.3 Family Day Care:

1. For the purposes of this resolution, day care facilities are classified into two types as defined elsewhere in this resolution. The two types are the Family Day Care Homes, further divided into small family day care homes (four or fewer children) and large family day care homes (5 to 12 children), and Child Care Facilities (13 or more children under 18 years of age). In the zone districts where such uses are permitted on review by the Board of Zoning Appeals, the following standards for large family day care homes and child care facilities shall apply:
   a. Large Family Day Care Homes (5 to 12 children under 18 years of age):
      i. The required lot size, yard, and bulk regulations of the district shall apply. No variances shall be permitted for lots on which such use is to be located.
      ii. All public utilities shall be available and connected to the site.
      iii. The facility shall meet the requirements of the Tennessee Department of Human Services pertaining to day care.
      iv. Outdoor play areas must contain the minimum square feet of usable space per child as set forth by the Tennessee Department of Human Services. All such play areas shall be fenced, such fence shall be a minimum of four (4) feet in height; no portion of the fenced area shall be located closer than thirty (30) feet to a public street.
      v. Fencing, screening, and landscaping shall be provided as required by the County Zoning Office to protect the surrounding area.
      vi. One (1) accessory off-street parking space for each attendant or teacher, plus one (1) off-street loading space for each six (6) children accommodated shall be provided.
      vii. A site plan shall be submitted to the County Zoning Office in conjunction with the application for review.
   b.. Child Care Facilities (13 or more children under 18 years of age): See Subsection 5.2.2.

5.2.7.4 Home Occupations:

1. A customary home occupation is a gainful business or profession conducted by members of a family residing on the premises and conducted entirely within the dwelling.
2. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any building shall indicate from the exterior that the building is being utilized in part for any purpose other than a residential unit, including permitted accessory buildings.
3. The maximum number of clients, patients, or customers that may be served on the property where the home occupation is based shall be established by the Board of Zoning Appeals.
4. The home occupation shall not occupy more than thirty (30%) percent of the total floor area of the principal structure (dwelling unit).
5. The home occupation shall not be advertised by signs or any exhibit whatsoever that would indicate that the dwelling unit is being utilized for any purpose other than a residence.

6. Machinery that causes objectionable noise, odor, vibration, interferes with radio, telephone or television reception or produces other obnoxious effects to neighboring properties is prohibited and shall be approved by the Board of Zoning Appeals.
7. The storage of any materials on the premise associated with the home occupations shall be stored in the floor area designated for said occupation or within an approved vehicle associated with the said use. Any storage of flammable or hazardous materials shall comply with the standards adopted by the most recent version of the Standard Fire Prevention Code.
8. Vehicles associated with the home occupation shall be limited to one (1) with a maximum axle load capacity of one and one-half tons. Any delivery vehicles delivering materials or products associated with the use shall be limited to a two (2) axle vehicle. No traffic shall be generated by such use in greater volumes than would normally be expected in a residential neighborhood.
9. Hours of operation shall be determined by the Board of Zoning Appeals.
10. The Board of Zoning Appeals is granted the authority to deny any proposed home occupation or to place additional conditions upon a home occupation to ensure that the residential character and quality of the neighborhood is maintained.
11. The following occupations, subject to the above paragraph, are permitted as customary home occupations:
    a. Antique sales; provided, however, that outdoor display is prohibited;
    b. Artist, sculptor, and similar occupations of the arts;
    c. Balloon, candle, cosmetic, kitchen utensil, scrap-booking business;
    d. Barber shop, beauty salon, facial spa, nail salon;
    e. Catering;
    f. Dental appliances;
    g. Dressmaker, milliner, seamstress, tailor, interior decorator;
    h. Gunsmith, gun repair, A.T.F. licensing renewal, internet gun sales, mail order gun sales;
    i. Pet grooming;
    j. Professional office of a physician, realtor, real estate appraiser, dentist, lawyer, engineer, architect, landscape architect, photographer, or accountant (book-keeping and tax preparation) within a dwelling occupied by same, provided that no more than two (2) paid assistants shall be employed.
    k. Small Family-Day Care Home (four or fewer children, including those who reside in the home);
    l. Teaching of individual, including tutoring, musical instruction or dancing. .

12. PROHIBITED - Dancing instructions and band instrument instructions in groups, tea rooms, tourist homes, convalescent homes, mortuary establishments, animal hospitals, and stores, trades, or business of any kind not included herein or authorized by the Board of Zoning Appeals.

<u>5.2.7.5 Mobile Home Parks (R-4 District):</u>

1. Location of Mobile Home Parks:

a. The location of mobile home parks, as defined herein, shall be approved by the Board of Zoning Appeals.
b. Mobile home parks are permitted to be located in the R-4 Multiple Family District.
c. The boundary of the park must be at least one hundred (100) feet from any permanent residential building located outside the park, separated therefrom by a natural or artificial buffer zone of at least fifty (50) feet.

2. Mobile Home Park Standards: The following property development standards shall apply for all mobile home parks hereinafter established or altered:
   a. No parcel of land containing less than five (5) acres and less than two (2) mobile home spaces available at the time of first occupancy, shall be used for a mobile home park.
   b. The mobile home park shall be subject to the density provisions in which it is located; provided, however, there shall be not less than five thousand (5,000) square feet of lot area for each space provided on the site. This space ratio shall not include access roads, automobile parking, accessory building space, and recreation area. Overall density of a mobile home park shall not exceed seven (7) units per acre.
   c. The mobile home park shall be located on a well-drained site, shall be so located that its drainage will not endanger any water supply, and shall be in conformity with all applicable health and sanitation regulations in force by the Tennessee Department of Environment and Conservation, Division of Groundwater Protection.
   d. Yards:
      i. Each mobile home park shall have a front yard of twenty-five (25) feet extending for the full width of the parcel devoted to said use.
      ii. Each mobile home park shall have a rear yard and a side yard on both sides of the parcel devoted to said use of not less than ten (10) feet.
      iii. Where a side or rear yard abuts a street, the yard shall not be less than twenty-five (25) feet.
      iv. All yards shall be landscaped and maintained.
   e. No building or structure erected or stationed in the park shall have a height greater than one (1) story or fifteen (15) feet, except a management office, which may have a maximum height of thirty (30) feet.
   f. A mobile home park shall be entirely enclosed, exclusive of driveways, at its external boundaries by a solid wall, fence, or evergreen hedge not less than four (4) feet in height.
   g. Each mobile home park shall be permitted to display on each street frontage, one identifying sign of a maximum size of twelve (12) square feet. Said sign shall contain thereon only the name and address of the mobile home park and may be lighted by indirect lighting only.
   h. Each mobile home space shall be of sufficient size that, in addition to the trailer, the following areas shall be provided:
      i. Each mobile home space shall be at least fifty (50) feet wide and one hundred (100) feet deep, and such space shall be clearly defined by permanent markers.
      ii. There shall be a front yard setback of at least ten (10) feet from all access roads within the mobile home park.

iii. Mobile homes shall be so harbored on each space that there shall be at least fifteen (15) feet clearance between mobile homes or any attachments thereto. No mobile home shall be located closer than twenty (20) feet from any building within the park.

iv. There shall be at least one (1) paved, off-street parking space for each trailer space which shall be on the same site or located in grouped parking bays specifically designed for such purpose close to the site served.

v. 5. Each mobile home space shall be provided with a paved patio of at least two hundred (200) square feet; and may provide a metal storage locker or locker fabricated of some suitable material such as concrete blocks or brick, but shall not contain wood siding. Storage lockers may be located in locker compounds established in the rear of the mobile home spaces. Such lockers shall be located at least fifteen (15) feet from trailer coaches.

vi. A docking pad containing a minimum of four (4) inches of compacted gravel, or other suitable pavement material, shall be provided for each trailer.

vii. All mobile homes shall be properly secured to withstand severe weather conditions.

3. General Provisions:
   a. There shall be established and maintained within each park, an automobile parking area for the use of guests. The number of parking spaces within the area shall be equal to one (1) for every four (4) trailer sites.
   b. Access roads within a mobile home park shall be paved to a width of not less than twenty-eight (28) feet, and shall have a minimum right-of-way of fifty (50) feet. Where access roads are paved to a width of twenty-eight (28) feet or more, the required off-street parking requirements shall be waived.
   c. Each trailer court that accepts a dependent trailer for parking shall be provided with one or more service buildings complying with State and local laws and as approved by the Health Officer and Building Commissioner.
   d. Walk ways not less than two (2) feet wide shall be provided from the mobile home spaces to service buildings.
   e. Each mobile home space shall be provided with a connection to a sanitary sewer line or to a sewer system approved by the Tennessee Department of Environment and Conservation, Division of Groundwater Protection.
   f. An accessible, adequate, safe, and potable supply of water approved by the Health Officer shall be provided in each mobile home park.
   g. Refuse storage, collection and disposal shall be in conformity with the laws and regulations prescribed by the Health Department.
   h. There shall be provided park and recreation areas having a minimum of two hundred (200) square feet for each mobile home space. Areas shall be consolidated into usable areas with minimum dimensions of not less than sixty (60) feet and at least 50 percent of the required park and recreation space shall be provided for in a single area.

i. Each mobile home park containing more than five (5) mobile home spaces shall be provided with a management office and such service buildings as necessary to provide facilities for mail distribution, storage space for supplies, maintenance materials and equipment and coin operated laundry facilities for tenants only, provided, however, persons or corporations owning or operating more than one mobile home park may provide a management office and related facilities at a central location on the premises near one of the parks so established. Such office may be contained in a residence, mobile home, or in a separate office building.

j. Prefabricated portable attachments or awnings may be attached to or become a part of any mobile home. No permanent addition of any kind shall be built onto, nor become a part of any trailer coach. Complete skirting of mobile homes may be required by the park owner, but such skirting shall not permanently attach the trailer to the ground.

k. Mobile homes shall not be used for commercial, industrial, or other non-residential uses within the mobile home park, except for customary home occupations as regulated in Article VII, Section 6, and with permission of the Board of Zoning Appeals.

4. Application for Permits:

a. An application for a permit to establish a mobile home park shall be as regulated hereunder and as in Sections 53-3201 - 53-3220, Tennessee Code Annotated.

b. The application for a permit shall be filed with and issued by the Montgomery County Tennessee Department of Environment and Conservation, Division of Groundwater Protection. Each application shall be accompanied by three (3) copies of the plot plan drawn to a scale no smaller than 1" - 100'.

c. Such copies shall be reviewed and approved by the Planning Commission, the Board of Zoning Appeals, the Tennessee Department of Environment and Conservation, Division of Groundwater Protection Tennessee and the Building Commissioner. The following information shall be submitted.

i. The location and legal description of the proposed mobile home park;

ii. Plans and specifications of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park;

iii. The proposed use of buildings shown on the site;

iv. The location and size of all mobile home spaces;

v. The location of all points of entry and exit for vehicles and internal circulation pattern;

vi. The location of all landscaping to be provided;

vii. The location of all lighting to be provided;

viii. The location of all walls and fences and the indication of their height and materials of construction;

ix. The location of all off-street parking facilities;

x. Such other architectural and engineering data as may be required to permit the Health Officer, Board of Zoning Appeals and Building Commissioner to determine if the provisions of this Resolution are being complied with.

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

5. Additions or Alterations: Any additions or alterations to existing mobile home parks or parks hereinafter established shall be in conformity with the provisions of this Resolution.
6. Conformance:
   a. Every mobile home park in existence upon the effective date of this resolution may be maintained and operated for an indefinite period without being subject to the provisions of this Resolution; provided, however, that such parks comply with the applicable health regulations and specifications in force and as regulated by Section 53-3201 - 53-3220, Tennessee Code Annotated. Failure to make the existing park conform fully to such provisions and specifications within two (2) years after the effective date of this Resolution (July 19, 1973) shall be due cause for the revocation of permit.
   b. All mobile home parks created or established after the public hearing of the Resolution shall conform to the specifications and requirements as set forth herein.
7. Supervision: The owner or permittee, or a duly authorized attendant or caretaker shall be in charge at all times to keep the mobile home park, its facilities and equipment in a clean, orderly, sanitary condition. The attendant or caretaker shall be answerable, with the licensee or permittee, for the violation of any provision of this Resolution to which the licensee or permittee is subject.
8. Maintenance of Register: Every mobile home park owner or operator shall maintain a register containing a record of all trailer coaches and occupants using the trailer court. Such register shall be available to any authorized person inspecting the court, and shall be preserved for the period required by the Health Officer. Such register shall contain (1) the names and addresses of all trailer-coach occupants stopping in the court, (2) the make, model, and license number of each motor vehicle license, and (3) the dates of arrival and departure of each trailer coach.
9. Revocation of Permit: The Health Officer may revoke any permit to maintain and operate a park when the permittee has been found guilty by a court of competent jurisdiction of violating any provision of this Resolution or Sections 53-3201 - 53-3220, Tennessee Code Annotated. After such conviction, the permit may be reissued if the circumstances leading to conviction have been remedied and the park maintained in full compliance with the law.

5.2.7.6 Single Family Home (RM-1 and RM-2 District):

1. Single-family dwellings in the RM-1 District shall meet the bulk requirements of the R-1 District.
2. Single-family dwellings in the RM-2 District shall meet the bulk requirements of the R-1A District.

5.2.7.7 Tourist Home:

1. The length of stay for overnight guests shall not exceed fourteen (14) days.
2. Individual rooms which are rented shall not contain cooking facilities.

3. The owner or manager must reside on the premises or on an immediately adjacent parcel of property.
4. The tourist home establishment shall not create noise, light or traffic conditions detrimental to neighboring properties.
5. No exterior alterations to the residential structure shall be made that will change its character as a residential structure.
6. Off-street parking shall be provided, however no off-street parking is permitted in the front yard area.
7. Off-street parking spaces shall be one (1) for each guest/rental room in addition to the spaces required for the dwelling.
8. Screening shall be required of off-street parking areas to minimize any detrimental impact to adjoining properties.
9. No tourist home establishment shall be permitted within two hundred fifty (250) feet of another tourist home or "bed and breakfast" establishment measured from nearest property line to nearest property line.

5.2.8 STANDARDS FOR TRANSPORTATION USES PERMITTED ON REVIEW (PR)

Subject to the procedures outlined in Chapter 5.2: Procedures For Uses Permitted On Review, the applicant also must meet the following requirements:

5.2.8.1 Airports and Heliports, (Public and Private):

1. All facilities, excluding passenger car parking lots, shall be setback a minimum of five hundred (500) feet from all common property lines that adjoin zoning districts that allow residential uses.
2. All site lighting shall be directed inward onto the site, to include shielded hoods. No light shall spill onto adjacent properties.
3. Traffic Impact Study shall be required and shall demonstrate that the traffic generated will use only streets that function at, or better than, a level of service (LOS) D.
4. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard "D" shall be applied along common property lines.

5.2.8.2 Helistop:

1. To the greatest extent feasible, a helistop pad should be located adjacent to the flight corridor established by the FAA (Federal Aviation Administration).
2. In zone districts allowing hospitals and nursing homes, a helistop shall be permitted only as an accessory use.
3. A helistop pad shall not be located closer than five hundred (500) feet to any residential property line.
4. All helistop shall be made of dustless material and shall be enclosed by fencing to trap on-site debris.

5.2.8.3 Landing Strip (private):

1. The landing strip shall have a minimum of five (5) acres.
2. Outdoor lighting is prohibited.

3. Landing Strips shall be setback a minimum of two hundred (200) feet from all property lines.
4. The following documents shall be submitted with the Board of Zoning Appeals application:
   a. Approval from the Federal Aviation Administration;
   b. Statement from Fort Campbell Air Traffic Control Division that the landing strip will not constitute a hazard to their airport facilities.

5.2.9 STANDARDS FOR UTILITY USES PERMITTED ON REVIEW (PR)

Subject to the procedures outlined in Chapter 5.2: Procedures For Uses Permitted On Review, the applicant also must meet the following requirements:

5.2.9.1 Waste Water Treatment Plant (private):

1. The minimum lot area shall be ten (10) acres.
2. The facility, excluding passenger parking lots, shall not be located within one thousand (1,000) feet of any zoning district where residential uses are permitted.
3. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard "D" shall be applied along common property lines.

5.2.9.2 Water Treatment Plant (private):

1. The minimum lot area shall be ten (10) acres.
2. The facility, excluding passenger parking lots, shall not be located within one hundred (100) feet of any zoning district where residential uses are permitted.
3. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard "D" shall be applied along common property lines.

5.2.10 STANDARDS FOR WASTE MANAGEMENT USES PERMITTED ON REVIEW (PR)

Subject to the procedures outlined in Chapter 5.2: Procedures For Uses Permitted On Review, the applicant also must meet the following requirements:

5.2.10.1 Convenience Center (AG, AGC and C-5 Districts):

1. The minimum lot area shall be one (1) acre.
2. No structure shall be located closer than fifty (50) feet from any zoning district that allows residential uses.
3. A minimum six (6) foot high opaque fence shall surround and secure the perimeter of the convenience center when closed for business.
4. Only the acceptance of household garbage from the public shall be accepted at the center.
5. Open storage of waste or recyclable materials is prohibited.
6. The facility shall be a manned operation in order to prevent rummaging and scavenging at the facility.
7. Hours of operation and plan of operation to keep the facility neat and orderly shall be submitted to and approved by the Board of Zoning Appeals.
8. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard "D" shall be applied along common property lines.

5.2.10.2 Construction/Demolition Material Landfill (M-2 District):

1. The minimum lot area shall be one hundred (100) acres.
2. The landfill area, all buildings, structures, storage containers and areas, and vehicle loading/unloading areas shall be located a minimum of one hundred (100) feet from any property line, five hundred (500) feet from any zoning district that allows residential uses, and the facility shall not be located less than two thousand (2,000) feet from all property lines of any school or park.
3. A traffic impact study will be required.

5.2.10.3 Medical Waste Facility (M-2 Disrict):

1. No outdoor storage shall be permitted.
2. Where the site abuts a zoning district that allows residential uses, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the zoning district.

5.2.10.4 Sanitary Landfill (M-2 District):

1. The minimum lot area shall be one hundred (100) acres.
2. The landfill area, all buildings, structures, storage containers and areas, and vehicle loading/unloading areas shall be located a minimum of one hundred (100) feet from all property lines,
3. All buildings, structures, storage containers and areas, and vehicle loading/unloading areas shall be located a minimum of five hundred (500) feet from any zoning district that allows residential uses.
4. The facility shall not be located less than two thousand (2,000) feet from the property line of any school or park.
5. A traffic impact study will be required.

5.2.10.5 Waste Transfer Station (M-1 and M-2 Districts):

1. The minimum lot size shall be ten (10) acres.
2. All buildings, structures, storage containers and areas, and vehicle loading/unloading areas shall be located a minimum of one hundred fifty (150) feet away from any zoning district that allows residential uses.
3. The entire facility shall be enclosed by a chain-link type fence at least eight (8) feet in height. The fence shall be patrolled each day to remove all windblown debris captured by the fence.
4. All loading, unloading, compacting, sorting, processing or storage shall take place within a completely enclosed building.

5.2.11 STANDARDS FOR OTHER USES PERMITTED ON REVIEW (PR)

Subject to the procedures outlined in Chapter 5.2: Procedures For Uses Permitted On Review, the applicant also must meet the following requirements:

5.2.11.1 Cemetery/Pet Cemetery:

1. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a public street, road, or highway.
2. No public cemetery shall be established on a site containing less than twenty (20) acres except individually owned family plots.
3. All other structures except permanent monuments including, but not limited to, mausoleum, mortuary or maintenance buildings, shall be set back not less than fifty (50) feet from any property line or street right-of-way line.
4. All graves or burial lots shall be set back not less than twenty-five (25) feet from any property line or street right-of-way line.
5. All required yards shall be landscaped and maintained.
6. A plan and the responsibility for perpetual care and maintenance shall be defined.

5.2.11.2 Emergency Services:

1. The minimum lot area shall be one (1) acre.
2. Facilities for the provision of emergency services, excluding passenger parking lots, shall be located no less than fifty (50) feet from any zoning district where residential uses are permitted.

5.3 STANDARDS FOR ACCESSORY USES (A)

Accessory Uses are designated on the Zoning District Land Use Table as (A). The following sections will provide criteria for Accessory Uses with conditions in each zone. While not all accessory uses have land use development standards, those listed in this article have unique characteristics that warrant minimum restrictions on use. The criteria may be reviewed through several processes including but not limited to Site Review, Staff Level Site Review, and/or review by the Building Official. Once approved through the appropriate process and a determination has been made that the proposal meets all other requirements of this Resolution, the use shall be deemed permitted.

5.3.1 AGRICULTURAL ACCESSORY USES (A)

Subject to the procedures outlined in Chapter 5.3: Procedures For Accessory Uses, the applicant also must meet the following requirements:

5.3.1.1 Agricultural Uses (Customary):

1. No part of any building and/or structure used for the keeping of poultry or farm livestock shall be closer than two hundred (200) feet from any property line.
2. All livestock shall be enclosed by appropriate fencing.

5.3.1.2 Grain and Feed Storage (AG District):

1. This use shall be accessory to the principal use of agricultural production.

5.3.2 COMMERCIAL ACCESSORY USES (A)

Subject to the procedures outlined in Chapter 5.3: Procedures For Accessory Uses, the applicant also must meet the following requirements:

5.3.2.1 Barber and Beauty Shops (C-4 District):

1. This use shall be located within the same building as the principle use.
2. The leasable floor area for the accessory use shall be accessible only from inside the principle use.
3. There shall be no signage advertising the service(s) to the general public on the exterior of the principle use.

5.3.2.2 Candy, Cigars and Tobacco (Retail) (C-4 District):

1. This use shall be located within the same building as the principle use.
2. The leasable floor area for the accessory use shall be accessible only from inside the principle use.
3. There shall be no signage advertising the service(s) to the general public on the exterior of the principle use.

5.3.2.3 Crematory

1. The crematory must be on the parcel occupied by a funeral home or mortuary.
2. The location of the crematory must respect the yard setback requirements for Other Principals uses in residential and office districts and zoning district permitting residential uses by right.

5.3.2.4 Florist (Retail) (C-4 District):

1. This use shall be located within the same building as the principle use.
2. The leasable floor area for the accessory use shall be accessible only from inside the principle use.
3. There shall be no signage advertising the service(s) to the general public on the exterior of the principle use.

5.3.2.5 Jewelry Store (C-4 District):

1. This use shall be located within the same building as the principle use.
2. The leasable floor area for the accessory use shall be accessible only from inside the principle use.
3. There shall be no signage advertising the service(s) to the general public on the exterior of the principle use.

5.3.2.8 Nursery (C-3 District):

1. This use shall be located on the same parcel as the principle use.
2. This use shall be a secondary use to the principle use.

5.3.2.9 Personal Services Establishment (C-4 District):

1. This use shall be located within the same building as the principle use.
2. The leasable floor area for the accessory use shall be accessible only from inside the principle use.
3. There shall be no signage advertising the service(s) to the general public on the exterior of the principle use.

5.3.2.10 Pharmacy (OP District):

1. This use shall be located within the same building as the principle use.
2. This use shall be accessory to a medical use.
3. The leasable floor area for the accessory use shall be accessible only from inside the principle use.
4. There shall be no signage advertising the service(s) to the general public on the exterior of the principle use.

5.3.2.11 Restaurant/Fast Food (M Districts):

1. This use shall be located within the same building as the principle use.
2. The leasable floor area for the accessory use shall be accessible only from inside the principle use.
3. There shall be no signage advertising the service(s) to the general public on the exterior of the principle use.

5.3.2.12 Restaurant/Full Service (M Districts):

1. This use shall be located within the same building as the principle use.
2. The leasable floor area for the accessory use shall be accessible only from inside the principle use.
3. There shall be no signage advertising the service(s) to the general public on the exterior of the principle use.

5.3.2.13 Retail (AGC and O-1 Districts):

1. This use shall be located within the same building as the principle use.
2. The leasable floor area for the accessory use shall be accessible only from inside the principle use.
3. There shall be no signage advertising the service(s) to the general public on the exterior of the principle use.

5.3.3 EDUCTIONAL ACCESSORY USES (A)

Subject to the procedures outlined in Chapter 5.3: Procedures For Accessory Uses, the applicant also must meet the following requirements:

5.3.3.1 Dormitory:

1. This use shall be accessory to a college or university.

5.3.3.2 Fraternal Organizations:

1. This use shall be accessory to a college or university.

5.3.4 RECREATIONAL AND ENTERTAINMENT ACCESSORY USES (A)

Subject to the procedures outlined in Chapter 5.3: Procedures For Accessory Uses, the applicant also must meet the following requirements:

5.3.4.1 Health Club (R-4 and O-1 Districts):

1. This use shall be accessory to the residential or office use.

5.3.4.2 Recreation Center (R-4 and O-1 Districts):

1. This use shall be accessory to the residential or office use.

5.3.4.3 Swimming Pools (AGC and C-4 Districts):

1. This use shall be accessory to the principal use.

5.3.4.4 Swimming Pools/Bath House (private family):

1. This use shall be accessory to the principal use.

5.3.5 RESIDENTIAL ACCESSORY USES (A)

Subject to the procedures outlined in Chapter 5.3: Procedures For Accessory Uses, the applicant also must meet the following requirements:

5.3.5.1 Garage/Carport:

1. This use shall be accessory to the residential use and shall be located on the same parcel of land.

5.3.5.2 Hobby/Work Shop:

1. The hobby/work shop shall be considered an accessory use to the residence and shall be located on the same parcel of land.
2. The hobby/work shop shall be conducted in a dwelling unit or accessory building by one or more occupants of the dwelling unit.
3. No clients or patrons shall be served on the site in which the hobby/work shop is located.
4. The use of mechanical or electrical equipment shall be permitted in connection with the hobby/work shop:
   a. Equipment shall be used purely for domestic or household purposes;
   b. Equipment shall be located within the dwelling unit or accessory building and cannot be seen;
   c. Equipment shall not interfere with radio and television reception on neighboring properties.
5. The storage of materials or goods shall be permitted in connection with the hobby/work shop provided such storage complies with the following standards:
6. All materials or goods shall be stored completely within the dwelling unit or accessory building;
7. Offensive noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable effects shall not be permitted.
8. The Hobby/Work shop shall not be a commercial operation.

5.3.5.3 Parsonage:

1. The parsonage shall be considered an accessory use to the religious institution in which it serves.

5.3.5.4 Playhouses (Residential):

1. Playhouses shall be an accessory use to the residential use and shall be located on the same parcel of land.

5.3.5.5 Storage Shed (Residential):

1. Storage sheds shall be an accessory to the residential use and shall be located on the same parcel of land.

5.3.6 TRANSPORTATION ACCESSORY USES (A)

Subject to the procedures outlined in Chapter 5.3: Procedures For Accessory Uses, the applicant also must meet the following requirements:

5.3.6.1 Medical Helistop:

1. Medical helistop shall be accessory to hospitals, medical offices, and nursing homes.

5.3.7 UTILITY ACCESSORY USES (A)

Subject to the procedures outlined in Chapter 5.3: Procedures For Accessory Uses, the applicant also must meet the following requirements:

5.3.7.1 Solar Panel:

1. The structure(s) shall meet all required setbacks.
2. The structure(s) shall only be used to serve the property on which the structure is located.

5.3.7.2 Windmill:

1. The structure(s) shall meet all required setbacks.
2. The structure(s) shall only be used to serve the property on which the structure is located.

5.3.8 OTHER ACCESSORY USES (A)

Subject to the procedures outlined in Chapter 5.3: Procedures For Accessory Uses, the applicant also must meet the following requirements:

5.3.8.1 Amateur Radio Antenna:

1. In all zone districts, transmission and reception antennae may be attached to a single tower accessory to any. The following restrictions shall apply:
   a. Antennae may be mounted on a single tower or pole, or attached to the structure or accessory structure provided only one such support or attachment shall be permitted per lot. Guy wires shall not extend beyond the property boundary;
   b. The maximum height of antennae shall be sixty (60) feet, as measured from finished grade at the base of the support structure;

c. The tower or pole support shall be located to the rear of the structure and the tower or pole shall be set back from all property lines a distance equal to the height of the entire structure, including antennae.

5.3.8.2 Satellite Dishes:

1. In all zone districts, a single satellite antenna shall be permitted only as an accessory use. A ground-mounted antenna exceeding three and one-half (3 1/2) feet in diameter shall be located behind the rear wall of the residence, shall comply with all minimum required setbacks and shall not exceed sixteen (16) feet in height from grade.

5.4 STANDARDS AND PROCEDURES FOR RM-1 AND RM-2 SINGLE FAMILY MOBILE HOME RESIDENTIAL DISTRICTS

1. Administrative procedures for single-family mobile home residential development. The owner or owners of any tract of land zoned RM-1 or RM-2 wishing to develop residential mobile homes shall submit to the Regional Planning Commission plans for the development and use of the tract meeting the requirements set forth in this section. No building or structure shall be erected, altered, or moved onto a site until and unless there is compliance on the part of the owner or owners or authorized agents with the following conditions:
   a. Where the property is already zoned RM-1 or RM-2, the following conditions shall apply:
      i. Preapplication conference and submission of preliminary subdivision plat to Regional Planning Commission staff as per Clarksville-Montgomery County Regional Planning Commission Subdivision Regulations.
      ii. Review of preliminary plat by Regional Planning Commission staff and other appropriate governmental agencies and presentation of plat to Regional Planning Commission at a regularly scheduled meeting.
      iii. Decision on preliminary plat by Regional Planning Commission.
      iv. Develop final subdivision plat in accordance with Regional Planning Commission subdivision regulations.
      v. Submission and approval of final plat in accordance with Regional Planning Commission subdivision regulations.
      vi. Proper recording of subdivision, including any deed restrictions.
      vii. Securing of building and other permits for structures as required by the County or any of its agencies.
   b. Where the property is not already zoned RM-1 or RM-2, the following conditions shall apply:
      i. Preapplication conference and submission of preliminary subdivision plat to Regional Planning Commission staff as per Clarksville-Montgomery County Regional Planning Commission subdivision regulations.
      ii. Review of preliminary plat by Regional Planning Commission staff and other appropriate governmental agencies.

iii. After acceptance of preliminary plat for processing, submission of application to the Regional Planning Commission for zone change.

iv. Presentation of preliminary plat and application for zone change to the Regional Planning Commission at a regularly scheduled meeting.

v. Decision by Regional Planning Commission on preliminary plat and recommendation on application for zone change.

vi. Presentation of application for the zone change to the County Commission at a regularly advertised public hearing.

vii. Decision by the County Commission. If the County Commission does not pass on the application on first reading, the applicant may reapply in accordance with Section 11.11 of the Resolution. If County Commission gives final approval, the new zone district boundaries are established. The applicant shall then proceed to develop the subdivision according to the decision of the Regional Planning Commission regarding the preliminary plat including the completion of required improvements.

viii. Submission and approval of final plat in accordance with the Clarksville-Montgomery Regional Planning Commission Subdivision Regulations.

ix. Proper recording of subdivision, including any deed restrictions.

x. Securing of building and other permits for structures as required by the County or any of its agencies.

5.5 STANDARDS AND PROCEDURES FOR C-3 SHOPPING CENTER DISTRICTS

1. Special district requirements. Permitted uses shall be located in a unified shopping center which shall not have less than five (5) shops and stores, at least one of which shall be the leading tenant, a junior department store or variety store having not less than ten thousand (10,000) square feet of gross floor area. Such regional shopping center shall be located on a tract of land not less than fifteen (15) acres.
2. Administrative procedures for shopping center development: For any proposed shopping center or proposed expansion of any existing center in a C-3 zone, the developer shall submit site plans of the proposed development to the Planning Commission, which shall be in adequate detail to determine compliance with the provisions of this section, and which shall show the arrangement of buildings, types of shops and stores; design, landscaping and circulation pattern of the off-street parking area; landscaped yards, ornamental screening, service courts, utility and drainage easements; and the relationship of the shopping center development to adjacent areas which it may affect. Reasonable additional requirements may be made by the Planning Commission or staff for the protection of adjoining property or for avoidance of traffic congestion.
3. Any deviation from the plans submitted or any expansion of a proposed or existing shopping center in the C-3 zone shall be submitted to the Planning Commission to ensure compliance with the requirements, purpose, and intent of this district. No building permit shall be issued

for any construction which is not in conformity with the approved site plan. Any deviation from the plans submitted shall constitute a violation of the building permit authorizing construction or expansion of the shopping center.

5.6 STANDARDS AND PROCEDURES FOR RESIDENTIAL CLUSTER DEVELOPMENTS

5.6.1 INTENT

1. The intent of this Section is (a) to facilitate the development of tracts with environmental constraints at densities comparable to tracts without environmental limitations, and/or (b) to permit greater flexibility for creative design and/or (c) to achieve superior scenic quality and recreational opportunity close to home, by providing for residential subdivisions, which incorporate permanent local open space accessible to all residential lots within the subject tract.
2. It is the intent of this Section to allow the use of cluster development techniques in the R-1 and R-1A single family residential zoning classifications located in the Urban Growth Boundary and the Planned Growth Areas of the Clarksville Montgomery County Growth Plan. Except for properties located within Noise Zones II or III of the Sabre Heliport Overlay District (Section 9.3 of this Resolution), no such Cluster Developments are allowed in the Rural Area of the Growth Plan.
3. These provisions allow individual lot and yard requirements to be reduced to permit closer grouping or "clustering" of homes on a portion of a tract while the balance of the tract is preserved as open space. This is in contrast to a conventional subdivision where homes are more or less evenly spaced throughout a site and there is no reserved open space.
4. **The minimum number of lots for the application of this Residential Cluster Development option shall be ten (10) lots for any preliminary or final plat.**

5.6.2 PRCEDURE FOR APPROVAL:

1. <u>Initial Sketch and Consultation</u>. Before preparing a formal proposal for a residential cluster development, the applicant shall submit a sketch of the proposed development to the Planning Commission staff 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 equals (=) one hundred (100) feet, the following:

   a. Boundaries and acreage of the site;
   b. Number of proposed dwelling units;
   c. Acreage available for open space and prospective uses of open space;
   d. Arrangement of streets, structures, and lots;
   e. Access to existing streets;
   f. Show any proposed improvements to the open space;
   g. State intended minimum lot size.

2. <u>Preliminary Plat Approval Procedure</u>. Proposals for cluster residential developments shall be subject to the Clarksville/Montgomery County Subdivision

Regulations, and shall be prepared and reviewed under the plat approval requirements of the regulations, and shall be in accordance with the provisions of this Section. Not with standing contrary provisions stated in Section 5.1.4 of the Clarksville-Montgomery County Subdivision Regulations, an affirmative action by the Regional Planning Commission is required for approval of a plat request for this type of Cluster Development.

a. The preliminary plat shall indicate that the clustering is proposed and display the layout and area of all lots and common areas and all phasing boundaries. Within a preliminary plan of subdivision, large contiguous areas may be proposed for development of single-family lots that contain less land area than normally required by the base zone classification of the subject tract.
b. A master plan for the entire tract shall be required for preliminary plat approval.
c. If an approved cluster development is abandoned before completion, no new preliminary plat for the tract will be approved until the minimum required open space for the completed portion of the cluster subdivision is dedicated.
d. The developer shall submit a written and/or graphic documentation that describes how the required open space will be dedicated and maintained; such statement will be adopted with the preliminary plat and shall be enforced by the Regional Planning Commission.
e. Draft copies of restrictive covenants and a Homeowners Association agreement shall be submitted prior to preliminary plat approval.

3. Final Plat Approval Procedure: The following information shall be shown on the final recorded plat, but not limited to:

a. Responsible entity for the maintenance of the open space(s);
b. Prior to obtaining the signature of the Regional Planning Commission's Secretary, the volume and page number for the covenants and Homeowners Association agreement shall be added to the final recorded plat within the certificate of ownership and dedication block.

5.6.3 DEVELOPMENT REQUIREMENTS

1. Uses: Only single-family residential detached structures (and accessory structures) and recreation uses of the common open space (including, but not limited to, garages and storage sheds for equipment serving and maintaining the common open space, clubhouses, pavilions, swimming pools, walkways, trails, bikeways, playgrounds, play-courts, playfields, and other recreation facilities for the enjoyment of the residents) may be constructed in a cluster development.

2. **Lot Size:** Minimum lot size requirements, including perimeter lots in a cluster development meeting the landscaping requirements of Paragraph 5.6.3.7.d but excluding perimeter lots in a cluster development under Paragraph 5.6.3.7.b lacking a landscape buffer:

a. R-1 (Single Family Residential District): Six Thousand (6,000) square feet.
b. R-1A (Single Family Residential District): Six Thousand (6,000) square feet.

3. **Lot Width:** Minimum lot width requirements, including perimeter lots in a cluster development meeting the landscaping requirements of Paragraph 5.6.3.7.d but excluding

perimeter lots in a cluster development under Paragraph 5.6.3.7.b lacking a landscape buffer:

a. R-1 (Single Family Residential District): Fifty (50) feet at the front setback line.
b. R-1A (Single Family Residential District): Fifty (50) feet at the front setback line.

4. <u>Front Yard:</u> With the exception of existing rights-of-way, the minimum front yard setback may be twenty-five (25) feet from the nearest right-of-way, unless a greater setback(s) is shown on the final recorded plat, due to the required drainage and/or utility easement.

5. <u>Side Yard:</u> The minimum side yard setback requirements, for principal uses and unattached buildings of accessory use, including perimeter lots in a cluster development meeting the landscaping requirements of Paragraph 5.6.3.7.d but excluding perimeter lots under Paragraph 5.6.3.7.b lacking a landscape buffer:

a. R-1 (Single Family Residential District): Ten (10) foot minimum on both sides.*
b. R-1A (Single Family Residential District): Ten (10) foot minimum on both sides.*

*unless a greater setback(s) is shown on the final recorded plat, due to the required drainage and/or utility easement.

6. <u>Rear Yard:</u> Unless a greater setback(s) is shown on the final recorded plat, due to the required drainage and/or utility easement, the minimum rear yard setback requirements (excluding the landscape buffer of any perimeter lot) for principal uses, including perimeter lots in a cluster development meeting the landscaping requirements of Paragraph 5.6.3.7.d but excluding perimeter lots under Paragraph 5.6.3.7.b lacking a landscape buffer:

a. R-1 (Single Family Residential District): Twenty (20) feet minimum.
b. R-1A (Single Family Residential District): Twenty (20) feet minimum.

7. <u>Perimeter Lots:</u>

a. Access: Perimeter lots that adjoin an existing street that is maintained by the City Street Department, the County Highway Department, or the Tennessee Department of Transportation shall have driveway access from an internal street only.
b. Lot Size: Perimeter lots may be reduced in size the equivalent of one (1) zoning classification of the subject tract or equal to the adjacent lots whichever is less, unless a landscape buffer is provided in accordance with Paragraph 5.6.3.7.d such that the minimum lot size may be reduced to that of Paragraph 5.6.3.2.
c. Lot Width: The lot width for perimeter lots may be reduced the equivalent of one (1) zoning classification of the subject tract or equal to the adjacent lots whichever is less unless a landscape buffer is provided in accordance with Paragraph 5.6.3.7.d such that the minimum lot width may be reduced to that of Paragraph 5.6.3.3.
d. Buffering of Perimeter Lots: Perimeter Lots shall meet the perimeter lot requirements of Paragraph 5.6.3.7.b and 5.6.3.7.c, unless the following buffering provisions have been provided, such that the minimum requirements may be reduced to that of Paragraph 5.6.3.2, 5.6.3.3, 5.6.3.5 and 5.6.3.6:
    i. A landscape buffer, adjacent to the perimeter boundary of the subject tract, shall have a minimum width of twenty-five (25) feet and a maximum width of thirty-five (35) feet. The existing landscape buffer must consist of a minimum of sixteen (16) trees with a caliper of six (6) inches or greater every one hundred (100) linear feet, or;

ii. If supplemental plantings are required to meet the minimum density, additional plantings shall consist of the following:

A. A minimum of two (2) inch caliper at the time of planting;

B. Six (6) feet in height at the time of planting;

C. Fifty (50) percent evergreen.

iii. The landscape buffer shall be in reserved open space dedicated to the Homeowners' Association for preservation and maintenance, and shall not be included in whole or part as part of any perimeter or interior lot under private ownership on which a single-family structure may be built.

8. Lot Yield:

a. The determination of lot yield shall be determined by deducting fifteen (15) percent from the gross land area and dividing the remaining eighty-five (85) percent of the gross land area by the minimum lot area of the base zone classification of the subject tract.

b. For developments located in more than one (1) zoning district, the density shall be computed separately for that portion of the development lying within each district. No development density may be transferred across zoning district boundaries.

9. Open Space Requirements:

a. Utilization of alternative lot sizes includes a requirement for the creation of common open space. Open space shall be provided at the rate of fifteen (15) percent for the entire master plan. Open space must be for the common use of all residents within a residential cluster development, and shall be for amenity or recreational purposes and may include sidewalks, and walking trails, but shall not include streets and parking areas as part of the fifteen (15) percent for open space.

b. No more than fifty (50) percent of the required open space may include areas located within a 100 year floodplain and/or drainage easement created by the development, this excludes FEMA designated floodplains.

c. Open space must be provided within each phase of the development, unless the subdivider provides sufficient open space in the first phase to cover all subsequent phases in the tract subject to preliminary subdivision approval. Such open space should be accessible to each phase of development.

d. The minimum width of open space including all points of access to the public right-of-way shall not be less than twenty-five (25) feet. Where greater road frontage is required by the subject tract's base zone classification, the greater amount shall apply.

10. Other Standards:

a. Flag lots are prohibited. A flag lot generally contains a narrow strip of property leading from a right-of-way to the building site which is generally located to the rear of other lot(s) fronting along the same right-of-way.

b. All meters, HVAC units, and other structures and attachments are prohibited within the side yard drainage/utility easement.

c. All driveways must be constructed of dustless materials.

d. If a determination cannot be made concerning setback compliance, the Building and Codes Department may require sufficient evidence from the builder that foundations are in

compliance.

e. **Any development using this cluster option shall be served by a sanitary sewer system.**

f. The minimum public road frontage requirements shall be as stated in their respective districts.

11. **Sidewalk and Underground Utility Requirements:**

a. Sidewalks shall be required along both sides of the dedicated public right-of-way or dedicated road easement and on both sides of all cul-de-sacs, and shall be in accordance with the adopted construction standards of the Clarksville-Montgomery County Subdivision Regulations, and ADA requirements (Americans with Disabilities Act).

b. The maintenance of sidewalks, outside the city limits of Clarksville, shall be the responsibility of the Home Owners Association and not the County Highway Department.

c. The County Highway Department will inspect the installation of sidewalks for compliance of all minimum standards.

d. Sidewalks shall be shown and labeled on the construction plans and the final recorded plat.

e. Underground utilities are mandatory.

12. Fire Protection Requirements:

a. Fire Hydrants will be required as specified within the Clarksville-Montgomery County Subdivision Regulations.

b. Within cluster developments, fire hydrants shall be spaced a maximum of three hundred (300) to eight hundred (800) feet apart. Spacing of fire hydrants shall be determined by the Fire Marshal, on a case by case basis.

c. Exterior walls located eight (8) feet or less from the property line will have a water/fire resistant gypsum wall board of a minimum 5/8" Type X (or equivalent) on the outside of the exterior wall. This wall board will serve as an underlayment for the exterior siding material. Homes that have continuous exterior soffit will have the wall board run continuous to the roof deck (or fire blocked) and be sealed against the deck to prevent the movement of air into the attic space.

d. On lots less than 8,000 square feet and having a structure with a roof supported by columns or walls and intended for human habitation, an approved automatic sprinkler system shall be required and installed, must meet all NFPA 13D regulations, must be fully sprinkled (excluding attic space), and must meet all local codes, regulations, and ordinances and/or resolutions.

e. Any building used for places of assembly in a cluster development, on lots of any size, shall have an approved automatic sprinkler system installed as described above.

f. The exceptions allowed, within this Resolution, by Paragraph 4.2.1.2 shall not apply to this section with the exception of Subparagraph F "Overhanging roof, eaves, gutters, cornices, or other architectural features," shall not exceed **eighteen (18) inches**.

5.6.4 LEGAL REQUIREMENTS FOR OPERATION AND MAINTENANCE

1. Open space must be deeded to a Homeowners Association of the development and the developer shall provide the following recorded documentation before final plat approval. In

the event final plat approval is not granted by the Regional Planning Commission, the following recorded documentation will become null and void:

a. That the Homeowners Association will be responsible for liability insurance, local taxes, and maintenance of recreational, drainage structures, or other facilities pertaining to the open space.
b. Restrictive covenants shall require mandatory membership in the Homeowners Association, and include as a minimum the following provisions:
    i. Responsibility for paying a pro-rated share of the cost of the Homeowners Association operation.
    ii. Agreement that the assessment levied by the Association can become a lien on the property if not paid.
    iii. Agreement that the Association shall be able to adjust the assessment to meet the changing needs.
    iv. Guarantee of permanent unrestricted right to utilize lands and facilities owned by the Association.
c. The Homeowners Association shall be incorporated and shall remain active permanently.
d. In the event of dissolution of the Homeowners Association for any reason whether administrative or otherwise, responsibility for maintenance of all common areas shall become that of the individual lot owners within the subdivision on a pro-rata basis based on the number of lots within the subdivision, or if the restrictive covenants for the subdivision so provide any one or more lot owners within the subdivision, may re-form the Homeowners Association and assess each lot equally for the amount necessary to maintain said open space. In the event of failure of either of the above remedies, the County may, upon giving proper notice to each property owner, bring such open space in compliance, and place a lien on all lot owners within the subdivision for their pro-rata share of the cost, plus any administrative fees. In the event of failure of the Association to pay any taxes assessed to the common areas, such taxes shall attach to each lot within the subdivision on a pro-rata basis based on the number of lots within the subdivision.

5.6.5 DEFINITIONS UNIQUE TO CLUSTER SUBDIVISIONS

1. ***Amenity:*** A natural or created feature that enhances the aesthetic quality, visual appeal, or makes more attractive or satisfying a particular property, place, or areas.
2. ***Base Zone Classification*:** The underlying residential zoning district or districts of the Residential Cluster Development overlay.
3. ***Environmental Constraint:*** A geological, topographic, and built or natural environmental features that place significant constraints on the development of property. These features include, but are not limited to, steep slopes, rock outcroppings, shallow depth to bedrock, floodplains and bodies of water, wetlands and swamps, shallow water tables, sinkholes and other karst features (springs, caves and depressions), woodlands and forests, significant natural wildlife areas, historic buildings and structures, archeological artifacts and sites, noise from transportation facilities (such as airports, railroads and interstates) and similar

significant environmental areas.

4. ***Interior Lot:*** The second tier of lots of a Residential Cluster Development separated from the boundary of the subject tract by perimeter lots ignoring any landscape buffer on the boundary of the tract, or lots of a Residential Cluster Development separated from the boundary of the subject tract by more than thirty-five (35) feet
5. ***Open Space:*** Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.
6. ***Perimeter Lot:*** The exterior lots of a proposed residential cluster development that adjoin the perimeter boundary of the subject tract or are adjacent to any landscape buffer on the boundary of the subject tract**.**
7. ***Places Of Assembly:*** The use of a building or structure, or a portion thereof, for the gathering together of persons for purposes such as civic, social, or religious functions, recreation, food or drink consumption, or awaiting transportation.
8. ***Recreation Facility, Private:*** A recreational facility for use solely by the residents and guests of a particular residential development and operated by a nonprofit organization.

5.7 SITE PLAN REQUIREMENTS

Whenever regulations contained in this section are different from regulations contained in other county resolutions, the most restrictive regulations shall prevail.

5.7.1 APPLICABILITY

1. **Uses:** The provisions of this section shall apply to all uses, **except single, two, three, and four family dwellings on individual lots.** No building or structure shall be erected or enlarged in Zoning Districts covered by this Section until and unless the required site plan meeting the requirements of the Section has been submitted and approved by the Regional Planning Commission.
2. **Exemptions:** This section shall **not** apply to:
   a. Building additions when:
      i. The addition is under eight hundred (800) square feet and the total maximum lot coverage is not exceeded or
      ii. The existing building's gross square footage is expanded by three percent (3%) or less and the total maximum lot coverage is not exceeded.
   b. New signs for existing buildings when
      i. The new sign replaces an old sign of the same size and type, and in the same location.
      ii. Only the sign face is changed.
      iii. Any new sign in a new location for an existing building, unless it is over fifty (50)feet in height.
   c. Canopies, awnings or decks added to existing buildings.
   d. Temporary tents, structures or uses as regulated by Subsections 5.1.10.5 and 5.1.10.6. .
   e. Temporary signs as regulated by Section 8.2 Paragraph 7.

f. All agricultural uses, buildings, activities, roadside stands offering for sale farm products grown on the premises, and accessory structures and uses as defined in Section 2.2.
g. Non-commercial nurseries, gardens and greenhouses.
h. Public owned or operated parks and playgrounds.
i. Small and large family day care homes.
j. Home occupations as regulated in Subsection 5.2.7.4.
k. All residential permitted and accessory uses and structures.
l. Private airports or landing fields, with no structures.
m. Temporary buildings or mobile trailer units used in connection with construction or real estate sales in accordance with Subsections 5.1.10.4.
n. Bed and breakfast establishments and Tourist Homes as regulated by Subsections 5.2.7.1 and 5.2.7.7.
o. Roadside stands offering for sale farm products grown on the premises.

3. **Staff Level Review:**
   a. No notice letters are sent out.
   b. Site Plan Review and Approval may be handled at the Planning Commission Staff level and may not require Regional Planning Commission approval under the following circumstances:
      i. Any one parcel site in a platted subdivision
      ii. Any site of less than 14,520 SF (one third acre)
      iii. Any building addition where the existing building's gross square footage is expanded by less than five percent (25%) but greater than one percent (3%).
      iv. Any new sign over 50' in height in a new location for an existing building.
   c. For staff level Site Review, subsections 5.7.2.2 5.7.2.3 and 5.7.2.4 shall not apply. All other sub-sections of this Section shall apply to the Staff Level Review process.
   d. Staff shall forward copies of plans to applicable Departments and Agencies.
   e. The Developer or Owner of the property whose specific activities as listed above are either exempted from this section or permitted to obtain Staff Level Approval shall nevertheless be responsible for complying with all other sections of this Resolution, and/or any other provisions or permits that may apply to the specific activity. Developments that require site plan review shall show all signage information as described in subsection 5.7.3 of this section.
   f. The Director of Planning reserves the right to revoke any of the above exemptions of this Section.

5.7.2 PROCEDURE

1. Filing of Application and Plans:

a. An application for Site Plan Review shall be submitted together with ten (10) prints of the proposed site plan and a simplified 8 ½" X 11" reduction of the proposed site plan to the Planning Commission staff. Regular meeting dates and times, application fees, and the deadline for each regular meeting, shall be established by the Regional Planning Commission Office.

b. The Planning staff shall forward one of said copies to the Office of the Chief Utility Engineer and/or appropriate Utility District, the County Highway Supervisor, Bell South Telephone Company, the Cumberland Electric Membership Corporation, the Emergency Management Agency, the County Building and Codes Department and where applicable, the Division of Ground Water Protection Office, the Tennessee Department of Transportation, and other agencies as needed.

2. <u>Informational Review:</u>

a. The Planning staff shall determine whether all information pertinent to the review has been provided and within seven (7) calendar days of receipt of the application shall notify the applicant that either:

i. The application has been accepted for consideration or,

ii. Additional information is required. If additional information is required, the applicant has until the time of the Departmental Review meeting to furnish the staff with a designated number of copies of the corrected site plan. If such information is not furnished before said time, the site plan may not be placed on the agenda for the Planning Commission meeting the following week.

3. <u>Departmental Review:</u>

a. The Planning staff, affected agencies, and applicant and/or developer shall meet the week before the scheduled Planning Commission meeting to review and discuss development plans. The applicant will be notified of the time, date and location of this review. The applicant is encouraged but not required to attend this meeting. During the meeting, departmental staff may request site plan changes, additional information or clarification of items pertinent to the site plan.

b. If changes or additional information is required, the applicant has until noon on the Monday immediately prior to the Planning Commission meeting to furnish the staff with a designated number of copies of the corrected site plan. If such information is not furnished before said time, the site plan may not be placed on the agenda for the Planning Commission meeting.

4. <u>Notice:</u>

a. With the exception of Staff Level site plan reviews per subsection 5.7.1.3, a Notice of Hearing shall be sent by mail not less than seven (7) days before the date of the scheduled Planning Commission meeting to the applicant and to adjacent landowners.

5. <u>Planning Commission Action:</u>

a. The Regional Planning Commission shall approve, approve with conditions or disapprove each site plan. Action may be deferred on any Site Plan if the Planning Commission needs additional study or information prior to taking action.

b. If approved conditionally, the conditions shall be stated; and if necessary, the Commission may require the applicant to submit a revised Site Plan.

c. If disapproved, the reasons for such action shall be stated; and if possible, recommendations made as to the basis on which the site plan would be approved.

6. **Effect of Approval:**
   a. Site Plan approval or conditional approval shall be authorization for the applicant to proceed with the development of the construction documents required for review and approval prior to the issuance of any required permits. Prior to the issuance of a Building Permit, evidence must be provided to the Regional Planning Commission verifying that any required site plan conditions have been met. Construction documents may include, but may not be limited to, Site Layout, Landscape and Buffer, Grading, Erosion Control, Stormwater, Utility and Building Plans. Upon receipt of required permits, the developer may proceed under the supervision of the County Highway Department, the County Building and Codes Department, the Regional Planning Commission, and/or the Chief Utility Engineer and/or Utility District with the construction of any improvements. Site Plan Approval does not constitute acceptance of the project for permitting.
   b. Any Approved Site Plan that is modified during the development of the Construction Documents shall be resubmitted to the Planning Commission Staff for review. Staff shall review the submitted plan within 7 calendar days to ascertain the degree of modification and shall notify the applicant if the revised Site Plan will require Regional Planning Commission approval. Major changes to the Approved Site Plan shall be considered the same as a new application and made in accordance with the procedures specified in this Section. The Planning Commission Staff may approve minor changes to the Approved Site Plan provided that such changes:
      i. Do not increase the density.
      ii. Do not change the property lines or setbacks.
      iii. Do not change the proposed use.
      iv. Do not significantly change the location or amount of land devoted to principal or auxiliary buildings, parking, pedestrian and vehicular circulation, storage, loading or landscaping and buffers.
      v. Do not significantly change the development from any plans submitted or presented by the developer.
   c. Minor changes may include, but are not limited to, minor shifting of the location of building(s), parking, circulation, storage and loading areas, proposed utilities or other features of the plan.
   d. Upon Site Plan Approval, the applicant will provide the Planning Commission Staff with a copy of the approved site plan in a digital format as required by the Staff.
   e. Vested Rights (expiration dates and amendments):
      i. Single Phase Project: Upon approval of a site plan by the Regional Planning Commission, the developer has three (3) years to meet all conditions stipulated, secure all required permits (including, but not limited to, all grading and drainage permits and building permits) and commence site preparation. If all conditions are met, the developer has two (2) years to commence construction of one or more buildings. Once the developer begins construction of a building, the site plan and associated development standards are vested until project completion or a maximum of ten (10) years provided the developer maintains all required permits. If all

conditions are not met and all required permits obtained within the three (3) year time limit, all approvals and variances granted shall become void, and the developer must resubmit for approval as a new site plan. If construction of one or more buildings under the site plan has not commenced within the subsequent two (2) year time limit, all approvals and variances granted for the site plan shall become void, and the developer must resubmit for approval as a new site plan. Unless otherwise stated elsewhere, all developments must comply with all applicable development standards, requirements, policies or regulations that are in effect at the time of the initial site plan approval.

ii. Multiple-Phase Project: Upon site plan approval designating multiple-phases, the developer has three years to meet all conditions, secure all required permits and commence site preparation for each phase, and commence construction of one or more buildings in each phase within the subsequent two years. These time limits shall be applicable for each and every phase. Regardless of the number of phases, the site plan and associated development standards are vested until project completion or a maximum of fifteen (15) years provided the developer maintains all required permits. If the developer fails to meet any time limit on any phase, the developer must resubmit that and subsequent phases for approval as a new site plan.

iii. Amendment of an Approved Site Plan: An amendment to an approved site plan shall be approved by Regional Planning Commission to retain the protection of the vested property right. The vested property right shall not terminate if the Regional Planning Commission determines in writing that it is in the best interest of the community to allow the development to proceed under the amended site plan without terminating the vested property right. However, an amendment may be denied based upon a written finding by the Regional Planning Commission that the amendment:

1. Alters the proposed use; or
2. Increases the overall area of the development; or
3. Alters the size (bulk dimensions or gross floor area) of any nonresidential structures shown in the site plan; or
4. Increases the density of the development; or
5. Increases any local government expenditure necessary to implement or sustain the proposed use.

iv. Denied Amendment of an Approved Site Plan: If an amendment of an approved site plan is denied by the Regional Planning Commission upon such written finding, the applicant may either proceed under the prior approved site plan with the associated vested property right or, alternatively, allow the vested property right to terminate and submit an application as a new site plan."

5.7.3 SITE PLAN CONTENT

1. Whenever reasonable, the Site plan shall be drawn at a scale of no less than one inch equals fifty feet (1" = 50'-0"). All Site Plans shall be submitted on a minimum sheet size of 11" X 17" and a maximum sheet size of 30" X 42". All plans or sets of plans are to be submitted

individually folded, not rolled, to a size no greater than 8 ½" X 11". A licensed professional as required by the State of Tennessee shall prepare the Site plan. The Site Plan shall include:

a. Project Name
b. Developer's name, address and phone number
c. Owner's name, address and phone number if other than the developer
d. Engineer/Land Surveyor/Landscape Architect's name, address and phone number
e. Location/Vicinity Map at a scale of 1 inch equals 2000 feet showing the relation of the proposed site to the adjoining area
f. Tax Map Number and Parcel Number
g. North Arrow
h. Graphic and written scale
i. Date, including any dates of revisions
j. Closed property boundary indicating bearings and distances on all property lines
k. State Site Review Case Number (once issued)
l. State current zoning of the site and zoning case number
m. State acreage of the site and the current and proposed use of the site
n. Adjacent property information including subdivision name, lot numbers, property owners, zoning, land uses, etc.
o. Indicate all existing conditions, structures, pavement widths, etc.
p. Existing topography at not greater than five foot intervals and list source of data
q. Location of existing and proposed bodies of water, the location of natural drains, proposed major drainage system features, and method of discharging storm water.
r. Location of all sinkholes within the site itself and for a distance of 200 feet outside the property. If any portion of the development drains toward an outside area, show or note the route of water runoff.
s. Location of existing and proposed open spaces or recreational amenities;
t. Location and extent of all land subject to flooding by the overflow or ponding of storm water.
u. Proposed means and direction of surface drainage.
v. For any site subject to flooding, the limits of floodway areas, the regulatory flood elevation and regulatory flood protection elevation, and the minimum first floor elevation.
w. Proposed grading.
x. Indicate all existing and proposed easements, setbacks, landscape strips and buffers
y. Indicate all proposed site improvements, including buildings (including for all residential activities, the number of dwelling units the building is intended to accommodate), parking (including layout of facilities, number of spaces, location of driveways, entrances and walks), signage (including type and material), dumpsters and dumpster pads, loading/service and storage areas, fences and walls (including type and material), etc.
z. Proposed floor area, building heights, finished floor elevations, lot coverage ratio and percent impervious surfaces.

aa. Indicate location of existing and proposed utilities, sewers (including size and invert elevations where pertinent), and fire hydrants within or adjacent to the site.

bb. Where subsurface sewage disposal is anticipated, certification from the Tennessee Department of Environment and Conservation's Division of Ground Water Protection Office approving the lot for use.

cc. All adjoining roadways, with names and pavement and right-of-way widths.

dd. Site plan shall include a pedestrian circulation plan to include a combination of internal sidewalks, crosswalks, and/or access ramps, etc. and shall meet American with Disabilities Act (ADA) regulations at the time of construction.

ee. All parcels of land intended to be dedicated or reserved for public use.

ff. All travel easements shall be shown and labeled on the site plan, to include pedestrian circulation within the proposed development and shall meet all the requirements in Subsection 4.2.1.

gg. Indicate limits of construction.

hh. Montgomery County General Site Notes.

ii. Note on plans: All site lighting shall be directed inward onto the site to include shielded hoods. No light shall spill onto adjacent properties.

jj. Identify all Overlay Districts.

kk. Any other information that may be necessary for the full and proper consideration of the proposed site plan.

ll. Each lot, utilizing a Development Directory Sign, shall be allowed one (1) additional "on-premise low profile sign" per street frontage to identify the business and must be oriented to said street. No other off building signs shall be allowed.

mm. For developments utilizing travel easements through the Clarksville-Montgomery County Subdivision Regulations, the buildings shall not receive a Certificate of Occupancy form the Montgomery County Building and Codes Department until Exhibit A-1 (road and sidewalks) and/or Exhibit A-2 (drainage) of the Subdivision Regulations have been received and accepted by the Regional Planning Commission.

5.7.4 VARIANCES, MODIFCATIONS AND WAIVERS4

1. Each modification, variance, or waiver of any minimum requirement of the Zoning Resolution sought by a Developer/Applicant shall be obtained from the appropriate agency or Board prior to the filing of an application for Site Plan Review. Evidence of any variance obtained shall be submitted as part of the Site Plan Application.

5.7.5 FIELDINSPECTION

1. Prior to the issuance of a certificate of occupancy, a staff person of the County Building and Codes Department shall conduct a final field inspection of the project. This inspection will ensure compliance with the approved site plan.

5.7.6 AS-BUILT PLANS

Prior to the issuance of a certificate of occupancy and acceptance of the water and/or sanitary sewer system by the Chief Utility Engineer or his authorized representative, the engineer of record designing the system shall furnish the office of the Chief Utility Engineer a set of "as-built plans", both in hard copy and digital form, showing in detail the location of all lines, line sizes, service connections, valves, fire hydrants, manholes, etc. Until these plans are received, service to the system will be denied. In the event that service has been established before receiving the "as-built" plan, an attempt will be made to contact the owner/property manager and the engineer of record with notice of impending termination of service.

5.7.7 DEDICATION OF EASEMENT(S) FOR OFF-SITE UTILITIES

Prior to the issuance of a certificate of occupancy and acceptance of the water and/or sanitary sewer system by the Chief Utility Engineer or his authorized representative, the owner or engineer of record designing the system shall furnish the office of the Chief Utility Engineer evidence that any easement(s) required for the installation of off-site utilities have been recorded with the Register of Deeds Office for Montgomery County, Tennessee. Until the easement(s) are recorded, service to the system will be denied. In the event that service has been established before receiving the easement(s), an attempt will be made to contact the owner/property manager and the engineer of record with notice of the impending termination of service.

CHAPTER 6: PARKING, LOADING AND ACCESS

6.1 OFF-STREET PARKING REQUIREMENTS

6.1.1 STANDARDS

In all districts there shall be provided at the time any building or structure is erected, enlarged, increased in capacity, or a change in use occurs on the property, off-street parking spaces for motor vehicles in accordance with the following requirements:

Table 6.1: Table of Parking Spaces Required

USES	PARKING SPACES REQUIRED
Appliance repair establishments	One (1) space per two hundred fifty (250) square feet of gross floor area.
Assembly uses including auditoriums, sports arenas, stadiums, gymnasiums, and other places of assembly	One (1) space per four (4) seats based upon the design capacity of the facility.
Automotive maintenance, quick service	One (1) space per employee, plus stacking for three (3) vehicles for each bay.
Automobile repair	Four (4) spaces per service bay; service bays are not counted as parking spaces.
Automobile sales, new and/or used	One (1) space per six hundred (600) square feet of gross floor area, plus one (1) space for each two thousand (2,000) square feet of outside automobile sales display area, plus two (2) spaces per service bay, plus one (1) space per employee on the maximum shift. Service bays are not counted as parking spaces.
Automobile wrecking yards, junk or salvage yards which sell new or used merchandise to the public	One (1) parking space for each employee on the maximum shift, plus one (1) space for each ten thousand (10,000) square feet of lot area.
Banks and Financial Institutions	Four (4) spaces per one-thousand (1,000) of gross floor area
Barber, beauty, tattoo or piercing establishment	Three (3) spaces per barber, beautician, or technician.
Bars, lounges, nightclubs or similar uses	One (1) space per fifty (50) square feet of gross floor area.
Boarding or rooming house, tourist home or bed and breakfast	One (1) space for each bedroom, plus one (1) per employee.
Bowling alley	Four (4) per alley, plus such additional spaces for affiliated uses such as restaurants, lounges, etc.

Carpet, floor covering, furniture or paint stores	One (1) space per five hundred (500) square feet of gross floor area.
Car wash	Four (4) stacking spaces per bay/stall, plus one (1) per employee on the maximum shift.
Cemetery	One (1) space per employee on the maximum shift, with parallel parking permitted on the internal drives.
Child Care Facility/Family Day Care	One (1) per attendant and one (1) for every six (6) children.
Churches, synagogues, places ofworship	One (1) per four (4) seats in the sanctuary based upon the design capacity and plus one (1) per two hundred and fifty (250) square feet of area set aside for other uses. ;
Commercial recreation uses not otherwise specified, to exclude health clubs	One (1) space per one hundred (100) square feet of all floor areas.
Commercial or trade schools	One (1) per two (2) students, plus one (1) per employee on the maximum shift.
Communication towers, unmanned	Three (3) spaces.
Convenient store with fuel pumps (gasoline service station)	Five (5) spaces per one thousand (1,000) square feet of gross floor area
Country club, lodges, private clubs union halls and similar uses	One (1) per three (3) members, plus one (1) per three hundred (300) square feet of gross floor area.
Dormitories, fraternity or sorority houses	One (1) per two (2) resident members, plus one (1) per housemother, manager, or employee.
Dry cleaners, Laundromat	One (1) per two hundred (200) square feet of gross floor area, plus one (1) per employee on the maximum shift.
Dwelling (single, two- and three family)	Two (2) per dwelling lot.
Dwelling (multi-family)	Two (2) per dwelling unit, plus one (1) additional space for each five (5) units.
Flea/Open Air Market	Five (5) spaces per one thousand (1,000) square feet of gross floor area.
Funeral parlors or mortuaries	One (1) space per four (4) seats based upon the design capacity of the facility.
General Business or Professional Office (except medical)	Three (3) spaces per one-thousand (1,000) of gross floor area
Governmental office building	One (1) per two hundred (200) square feet of gross floor area, plus one (1) per employee on the maximum shift.
Greenhouses, landscaping or nursery business	One (1) space per two hundred (200) square feet of gross floor area, plus one (1) per two thousand (2,000) square feet of outdoor display area.

Health Club	Six (6) spaces per one-thousand (1,000) of gross floor area
Homes for the aged, sanitariums, convalescent or nursing homes	One (1) space for each four (4) patient beds, plus one (1) per employee on the maximum shift.
Hospitals	One (1) per three (3) patient beds exclusive of bassinets, plus one (1) per employee on the maximum shift, plus one (1) per two hundred (200) square feet of any outpatient areas.
Hotel and/or motel	One (1) space per room or suite, plus one (1) per employee on the maximum shift, plus 50% of such additional spaces as required for restaurants, meeting rooms, and related facilities.
Library	One (1) per four hundred (400) square feet of gross floor area.
Manufacturing or industrial establishment, public utility service building, research or testing laboratory, creamery, bottling plant, or similar establishments	One (1) per employee on the maximum work shift, plus space to accommodate all trucks and other vehicles used in connection there with.
Marina	One (1) for each boat mooring or storage space and boat for rent. If public boat launching facilities are provided, the parking spaces shall be increased fifty (50) percent of that number as computed above.
Medical and Dental Offices	Five (5) spaces per one-thousand (1,000) of gross floor area
Miniature golf	Three (3) spaces per hole.
Mobile home or modular home sales	One (1) space per two thousand (2,000) square feet of lot area.
Personal service and general service establishments	Five (5) spaces per one thousand (1000) square feet of gross floor area.
Radio and television stations	One (1) per four hundred (400) square feet of gross floor area.
Rental equipment	Three (3) spaces per one thousand (1,000) square feet of gross floor area.
Restaurants	Ten (10) spaces per one thousand (1,000) square feet of gross floor area, plus one (1) per employee on the maximum work shift. Queuing spaces shall be provided for each drive-in window and will not impede the flow of traffic within the parking lot.
Retail sales and shopping centers with not more than one hundred thousand (100,000) square feet of gross floor area	Five (5) spaces per one thousand (1000) square feet of gross floor area.
Retail sales and shopping centers with more than one hundred thousand (100,000) square feet of gross floor area	Four (4) spaces per one thousand (1000) square feet of gross floor area.

Schools, elementary, middle and the equivalent private or parochial	One (1) space per teacher, one (1) space for each two (2) employees and administrative personnel, and two (2) spaces for each classroom.
Schools: senior high and equivalent	. One (1) space per teacher, plus one (1) for each two (2) employees and administrative personnel, plus one (1) space per four (4) students based on maximum attendance.
Self-service storage facilities	One (1) space per employee on the maximum shift, plus one (1) space per forty (40) storage units.
Shooting or golf driving ranges	Two and one-half (2.5) per target area or tee area.
Supermarkets	Four (4) spaces per one-thousand (1,000) of gross floor area
Swimming pools	One (1) space per thirty (30) square feet of water.
Taxi cab service	One (1) per employee, plus one (1) per vehicle that provides service.
Tennis or racket clubs	Four (4) spaces per court plus such additional spaces as required for restaurants or other facilities.
Theater, indoor	One (1) space per four (4) seats.
Warehousing, heavy equipment storage yard, lumberyard and building material yard, motor freight terminal or junkyard	One (1) space per employee on the maximum work shift, plus one (1) space per company vehicle or one (1) space per one thousand (1,000) square feet of gross floor area.

6.1.2 APPLICATION OF STANDARDS

In applying the standards set forth above, the following shall apply:

1. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of various uses computed separately.
2. Where a fractional space results, any fraction of one-half (1/2) or more shall be counted as one (1) parking space.
3. These standards shall apply fully to all uses and buildings established after the effective date of this Resolution as amended.
4. Except for parcels of land devoted to one (1), two (2) and three (3) 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.
5. Where the parking lot is contiguous to a residential district which has common frontage in the same block, the parking lot line shall be prepared and planted with grass, shrubs or trees.
6. Where parking is to be provided in the front yard of a multiple family dwelling, there shall be established a setback line of ten (10) feet. The area between the setback line and front lot line shall be prepared and planted with grass, shrubs or trees.
7. All parking spaces required herein shall be located on the same lot with the building or use served. However, when an increase in the number of spaces is required by a change of use or enlargement of the building where such spaces are provided collectively or used jointly by

two (2) or more buildings or establishments, the required spaces may be located and maintained not to exceed four hundred (400) feet from any other nonresidential building served, if it appears that this parking will not pose a potential threat or danger to the public and/or affect the safe and efficient flow of traffic at the discretion of the Building Official.

8. No signs of any kind shall be erected except information signs used to guide traffic and to state the conditions and terms of the use of the lot. Only non-intermittent white lighting of signs shall be permitted.
9. Within the Urban Growth Boundary (UGB) and the Planned Growth Areas (PGA's), all required off-street parking and loading facilities as well as access drives and vehicle storage areas leading thereto shall be paved with asphalt, concrete, brick or other properly bound surface, so as to be durable and dustless. Each parking space shall be physically delineated on the surface of the parking area.
10. All parking spaces shall be a minimum nine (9) feet in width by eighteen (18) feet in depth, exclusive of passageways and driveways.
11. Proposed buildings with speculative uses proposed shall have parking calculated using the most intense use allowed in the zoning district in which it is located.
12. Drive-through facilities. One (1) by-pass lane shall be provided for circulation around the drive-through lane (including the drive-through window) or an approved alternative.
13. Queuing requirements for drive-through facilities. The minimum number of queue spaces, including the vehicle being serviced, shall be provided according to the following table. Each queue space shall be a minimum of twenty (20) feet in length. Unless otherwise indicated in the table below, queuing shall be measured from the point of ultimate service to the end of the queuing lane. Each queue lane shall be clearly defined and designed so as not to conflict or interfere with other traffic using the site. Queuing vehicles shall not stand within a public street or alley rights-of-way or permanent access easement.

Table 6.2: Queuing Requirements for Drive-Through Facilities

LAND USE	USE MINIMUM NUMBER OF QUEUE (DRIVE THROUGH) SPACES
Bank Teller Lane	Five (5) spaces
ATM	Three (3) spaces
Restaurant, drive-through	Five (5) spaces
Car Wash (full service)	Five (5) spaces
Car Wash (self service)	Three (3) spaces
Car Wash (automobile convenience)	Three (3) spaces
Automotive service oil change station	Three (3) spaces
Retail	Four (4) spaces
Automotive service, gasoline pump island	Thirty (30) feet away from any driveway ramp

6.2 STORAGE AND PARKING OR TRAILERS AND COMMERCIAL VEHICLES

1. Commercial vehicles and trailers of all types, including travel, boat, camping, and hauling, shall not be parked or stored on any lot occupied by a dwelling or on any lot in a residential district except in accordance with the following provisions:
   a. Not more than one (1) commercial vehicle , which does not exceed two and one-half (2 1/2) ton rated capacity, per family living on the premises, shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products be permitted
   b. Camping or travel trailer, hauling trailer, or boat trailer are all permitted to be parked on the premises. A camping or travel trailer shall not be parked or stored for more than seventy-two (72) hours unless it is located behind the front building line, nor shall such trailer be occupied permanently while it is parked or stored in any area except as authorized by this or other Resolutions.
2. In any commercial zone, tractor trailers which are not being used for normal loading or unloading purposes, or for activities directly associated with normal trucking operations, shall not be parked or stored on a lot unless they are located behind the front setback line created by the building located closest to the street right-of-way. This is intended to minimize undesirable and unsightly conditions and to ensure compliance with intended advertising regulations.

6.3 OFF-STREET LOADING AND UNLOADING REQUIREMENTS

The following rules and regulations shall apply to off-street loading and unloading facilities:

1. A building whose dominant use is handling and selling goods at retail shall provide off-street loading and unloading space for buildings as follows:

Table 6.3: Off-Street Loading and Unloading Parking Spaces

SQUARE FOOTAGE	PARKING SPACE FOR LOADING AND UNLOADING
3,000 – 25,000 square feet	One (1) space
25,001 – 90,000 square feet	Two (2) spaces
90,001 – 155,000 square feet	Three (3) spaces
155,001 – 240,000 square feet	Four (4) spaces
240,001 – 325,000 square feet	Five (5) spaces
325,001 – 410,000 square feet	Six (6) spaces
410,001 – 500,000 square feet	Seven (7) spaces
Each 100,000 over 500,000	Seven (7) spaces plus one (1) space per 100,000 square feet over 500,000

2. Manufacturing, repair, wholesale and similar uses shall provide one (1) off-street loading and unloading space for building containing ten thousand (10,000) square feet of floor space plus one (1) space for each forty thousand (40,000) square feet of floor area in the excess of ten thousand (10,000) square feet.
3. Where trailer trucks are involved, such loading and unloading space shall be an area twelve (12) feet in width by fifty (50) feet in depth with a fourteen (14) foot height clearance, and shall be designed with appropriate means of truck access to a street or alley, as well as having adequate maneuvering area.
4. Within the Urban Growth Boundary (UGB) and the Planned Growth Areas (PGA's), all required off-street loading and unloading facilities as well as access drives leading thereto shall be paved with asphalt, concrete, brick or other properly bound surface, so as to be durable and dustless.

CHAPTER 7: LANDSCAPE, BUFFERING AND SCREENING REQUIREMENTS

7.1 PURPOSE AND INTENT

7.1.1 GENERAL PURPOSE

The general purpose of this section is to set standards for landscape buffering and screening in order to lessen air pollution, to reduce noise, heat, glare and erosion, and to enhance the aesthetic appeal and economic value of properties subject to the requirements herein. This section further establishes standards for screening areas to reduce their impact on adjacent properties, establishes standards for buffering between different zone districts or selected land uses to mitigate the results of differing activities; and sets standards for plant materials, maintenance of required plants, and standards for the screening of unsightly areas.

7.1.2 STRICTER STANDARDS

Where other resolutions or regulations which may exist or be adopted hereinafter, impose greater restrictions than those specified herein, compliance with such ordinances or regulations shall be mandatory.

7.2 APPLICABILITY

7.2.1 GEOGRAPHIC AREAS AND LAND USES

1. The provisions of this section shall apply to all uses within the Urban Growth Boundaries and Planned Growth Areas, except single-family and two-family dwellings on individual lots.
2. Any proposed residential development in an R-3 or R-4 zone with a site plan approved by the Regional Planning Commission prior December 14, 2009, is exempt from the provisions of this section. If the vehicular use area required for this construction exists prior to the construction of a new building or structure, that area must meet the requirements of this section.

7.2.2 DEVELOPMENT THRESHOLDS TRIGGERING LANDSCAPE REQUIREMENTS

1. **New developments:** No new building, structure or development shall hereafter be constructed, or parking area created, unless landscape buffering is provided as required by this section.
2. **Changes to existing buildings, structures and developments:** The requirements of this section shall be applicable to existing buildings, structures and developments as of December 14, 2009.

a. If an existing building's gross floor area of the ground floor is expanded by fifty (50) percent or more, as determined by the building official, then the entire building, structure or development shall comply with the requirements of this section.
b. If there is change in use of an existing building, structure or development, which requires rezoning of the property to allow the new use, then the entire building, structure, or development shall comply with the requirements of this section.
c. If the number of existing parking spaces for an existing building, structure or development is expanded by twenty-five (25) percent to forty-nine (49) percent, then the area of expansion shall comply with the requirements of this section.
d. If the number of existing parking spaces for an existing building, structure or development is expanded by fifty (50) percent or more, then the entire parking lot shall comply with the requirements of this section.
e. If a new and separate building, structure or development is constructed on the same lot of record as an existing building, structure or development, only the separate and new building, structure or development must meet the requirements of this section.
f. Trees and shrubs should not be planted so as to obstruct access to fire hydrants or utility transformers. Alternative designs, to include reduction of required plantings, may be considered in areas where documented public safety issues have been identified.

7.2.3 ALLOWANCE FOR SMALL LOTS OF RECORD

If the imposition of the buffering requirements would result in the elimination of an otherwise legal utilization of a lot of record (created before July 19, 1973) upon the effective date of this subsection (December 14, 2009), then the buffer yard criteria may be modified to the extent necessary to ensure development, to include such measures as fencing, decreased planting, etc.

7.3 DEFINITIONS UNIQUE TO LANDSCAPING, BUFFERING AND SCREENING

The following definitions shall apply to the regulation and control of landscaping within this section:

1. Access way: A paved area intended to provide ingress and egress of vehicular traffic from a public right-of-way to an off street parking area.
2. Bond: Money or a form of monetary security issued to Montgomery County by an owner to insure that the required site work will be performed completely and correctly within a certain time frame. This bond shall be in the form of a cashier’s check, letter of credit from a banking institution, certificate of deposit, or performance bond from an insurance company. The posting of a bond satisfactory to the county will be a condition for the issuance of a temporary certificate of occupancy.
3. Buffer zone: The required installation of landscaping between land uses.
4. Buffering: The use of landscaping (other than mere grass on flat terrain), or the use of landscaping with berms, walls, or decorative fences, that at least partially obstructs the view

from the street or adjoining properties of land uses, vehicular use areas, parking lots and their parked cars, loading areas, and refuse containers.

5. Building official: Person within the building and codes department, which is determined by Montgomery County to have authority for enforcement of this section.
6. Caliper: A standard trunk diameter measurement for nursery grown trees taken six (6) inches above the ground for up to and including four-inch caliper size, and twelve (12) inches above the ground for larger sizes.
7. Certificate of landscape compliance: A document that the contractor or installer and the owner shall submit to Montgomery County before final inspection that certifies that the landscape plan has been substantially implemented in its entirety.
8. Certificate of occupancy: A document issued by the building official allowing the occupancy or use of a building and certifying that the structure or use has been inspected for compliance with all rules or resolutions. A temporary certificate of occupancy may be issued by the building official allowing the occupancy or use of a building, although all required work has not been completed, if the owner posts a bond.
9. Critical root zone (CRZ): A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is one foot of radial distance for every inch of tree DBH, with a minimum of eight (8) feet.
10. DBH: Diameter-at-breast-height is the tree trunk diameter measured in inches at a height of four and one-half (4 1/2) feet above the ground.
11. Deciduous: Those plants that annually lose their foliage.
12. Designer: Person, persons, or firms responsible for the preparation of the landscape plan.
13. Detention area: Area used for temporary storage and controlled release of stored storm water.
14. Director of Planning: The director, or acting director, of the Clarksville-Montgomery County Regional Planning Commission and parties designated by the director, or acting director, of the Clarksville-Montgomery County Regional Planning Commission to act on their behalf.
15. Drip line: A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.
16. Evergreen: Those plants that retain their foliage throughout the year.
17. Evergreen screen: Plants that retain their foliage year round that are planted to provide a dense vegetative screen for purposes of visual mitigation between zoning districts.
18. Ground cover: A prostrate plant growing less than two (2) feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing.
19. Land Clearing: Operations where trees and vegetation are removed and which occur prior to construction of buildings, road right-of-way excavation, utility excavation, grubbing, and any other necessary clearing operation.
20. Landscape Resolution: The sections of the zoning resolution which regulate landscape design, landscaping, and landscape installation and maintenance.

21. Landscape Plan: The preparation of graphic and written criteria, specifications, and detailed plans to arrange plantings and other landscaping features to comply with the provisions of this section.
22. Landscape Strip: An area required by this section which is reserved for the installation and/or maintenance of plant materials.
23. Landscaping: The process or product of site development including grading, installation of plant materials, and seeding of turf or ground cover. Includes any combination of living plants, such as trees, shrubs, vines, ground covers or grass; natural features including but not limited to, screen walls, fences, benches.
24. Loading Areas: An area which contains trash collection areas of dumpster type refuse containers, outdoor loading and unloading spaces, recycling bins, docks, outdoor shipping and receiving areas, outdoor bulk storage of materials or parts thereof, or outdoor repair areas of any service stations, safety equipment, inspection stations or dealers.
25. Off Street Parking and Other Vehicular Use Area: Any area, excluding public right-of-way, used for the purpose of driving, maneuvering, parking, storing or display of motor vehicles, boats, trailers, mobile homes and recreational vehicles, including new and used automobile lots, and other parking lot uses, excluding minimum parking requirements for single family residences or duplexes.
26. Owner: Any individual, corporation, partnership or entity, which owns property that is subject to the provisions of this section and any individual, corporation, partnership or entity which succeeds to such ownership. The obligations of an owner under this section, including perpetual maintenance in accordance with an approved landscape plan, are binding on any successor owner.
27. Plant: A combination of vegetation in a designed, specific application which meets the purpose of this resolution. Vegetation may include: trees, shrubs, groundcovers, vines and grasses. For purposes of this section it does not include flowers or weeds.
28. Planting Area: The area prepared for the purpose of accommodating the planting of plants.
29. Planting Yard: A planting area around the perimeter of a property separating the access way and vehicular use area from adjoining property and/or public right-of-way. Its purpose is to enhance the visual appearance of the site and to provide screening of the vehicular use area and certain other activities from abutting property.
30. Public Street: For the purpose of this section, any public street or dedicated roadway easement.
31. Retention Area: Area used for storage of storm water without controlled release of stored water.
32. Shrub, Large: An upright plant growing ten (10) feet to twenty (20) feet in height at maturity planted for ornamental or screening purposes.
33. Shrub, Medium: A plant growing five (5) feet to nine (9) feet in height at maturity planted for ornamental or screening purposes.
34. Shrub, Small: A plant growing to less than five (5) feet in height at maturity planted for ornamental or screening purposes.

35. Sight Triangle: Area at the intersection of the road right-of-way and an access point to property where driver visibility must be maintained as required in this section. (See section 7.13 of this chapter for further explanations).
36. Travel Lanes: That part of the roadway provided for the movement of vehicles, exclusive of shoulders and auxiliary lands.
37. Tree Credit: A unit of measurement used in determining a site's landscape requirements when existing trees are preserved and a tree preservation plan is submitted for approval. (See section 7.10 of this chapter)
38. Tree, Ornamental or Understory: A small to medium tree, growing fifteen (15) feet to forty (40) feet at maturity often used for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage. Understory trees must be used for planting under or near overhead utility lines.
39. Tree Preservation Plan: A plan to preserve existing trees on a site for the purpose of receiving tree credits.
40. Tree Protection Zone: The area around a tree corresponding to the drip line or ten (10) feet, whichever is greater, in all directions from the trunk.
41. Tree, Shade or Canopy: A large tree growing to over forty (40) feet in height at maturity, usually deciduous, planted to provide canopy cover shade.
42. Vehicular Use Areas: All areas subject to vehicular traffic including access ways, driveways, loading areas, service areas, bicycle lanes and parking stalls for all types of vehicles. This definition does not include covered parking structures or underground parking lots.
43. Vines: A woody plant that has a spreading pattern of growth. Vines may be used on the ground, on walls and on trellises.
44. Wash Out Area: Area where construction machinery may have concrete, or other material that may be harmful to trees, washed out or off the equipment. This area should be away from and not drain toward any existing trees.

7.4 LANDSCAPE PLAN SUBMITTAL

7.4.1 APPROVAL PROCESS

1. Landscape and tree preservation plans, along with support documentation meeting all specified requirements, must be submitted to the Director of Planning or his designee, reviewed and approved prior to the issuance of a building permit.
2. A building permit may be issued prior to approval of a landscape plan if the proposed development has received site plan approval by the Regional Planning Commission, and the site plan reflects adequate provisions for compliance with the landscape ordinance, as determined by the Director of Planning or his designee.
3. The Director of Planning or his designee first conducts a review of the plans to determine if all basic information has been included. Should the plans be determined to be incomplete, they will be returned to the applicant along with a request for any additional information. The review for completeness will be made within five (5) working days of the receipt of plans.

4. When all basic information has been supplied, the Director of Planning shall have fifteen (15) days to review the plans and issue a decision approving, rejecting, or conditionally approving the plans.
5. If the plan is not approved by the Director of Planning, it will then be reviewed by the Regional Planning Commission within the specified time frame at its next regularly scheduled meeting.
6. Failure to submit a complete landscape plan will result in the denial of building permits until such plan is submitted, reviewed and approved.
7. All submitted landscape and tree preservation plans must meet current Tennessee State Laws regarding preparation and sealing of drawings and details.

7.4.2 LANDSCAPE PLAN REQUIREMENTS

1. **Separate Plan or when combined with Site Plan.** A separate landscape plan must be submitted; provided that, if the site plan is for a building of less than fifteen thousand (15,000) square feet of ground floor area (area obscured to the sky), and is on a lot of less than two (2) acres, then the landscape plan may be combined with the site plan if the scale of the site plan is not smaller than one inch equals (=) thirty (30) feet. The landscape plan must not be of a lesser scale than the site plan.
2. **Content.** All items on the following checklist which are applicable shall be depicted on the landscape plan or the combined site and landscape plan.
   a. A plant schedule. The plant schedule must contain:
      i. Quantity of each plant material;
      ii. Common and botanical name of plant material
      iii. Size and spacing of all proposed landscape material at time of planting;
      iv. General plant comments;
   b. Plant calculations including total linear feet of buffers;
   c. Sight triangle shown and labeled;
   d. Existing plant materials to be left in natural state (non-disturbed areas only);
   e. Methods and details for protecting existing plants (tree protection zones must be designated and established in order to receive credit for required landscaping);
   f. All building setback lines and buffers shown and labeled;
   g. Location and description of required landscape improvements within buffer zones;
   h. Location and description of other landscape improvements, such as earth berms, walls, fences, and screens;
   i. Planting and installation details to ensure conformance with all required standards;
   j. Location and type of irrigation system compliance;
   k. Location of existing and proposed buildings;
   l. Layout of parking and traffic patterns;
   m. Plan drawn to scale with north arrow and any interpretative legends;
   n. Location and size of all overhead and underground utilities, existing and proposed;
   o. Location and size of all public or private easements, existing and proposed;

p. Location of all existing and proposed ground signage. (Note: Approval of the landscaping plan shall not constitute any approval as to location that may be required under the sign resolution.);
q. Connections to existing streets; and,
r. Zoning designation of the subject property and the adjacent properties.

3. **Support Documentation.** Support documentation, if required, shall include but may not be limited to, copies of the grading, drainage and erosion control plans when required by and submitted to the county building and codes department. Plans shall meet all requirements as specified in the county stormwater management resolution.
4. **Changes and Resubmittals.** A change to a previously approved landscape plan requires resubmittal and reapproval before the installation of plant materials. Such changes may occur as a result of, but are not limited to a:
   a. Reduction in the quantity of required landscape materials.
   b. Reduction in the size of plant materials (if adding larger plant materials of the same category, resubmittal and reapproval are not necessary).
   c. Change in location of plant materials (no revisions are necessary if minor field adjustments, not to exceed three (3) feet, must occur).
   d. Change in design, layout or location of design elements such as: earth berms, buffer zones, walls, fences etc.
   e. Change in location of overhead or underground utilities.
   f. Changes to a previously approved landscape plan will not require resubmittal and reapproval before the installation of plant materials if such changes occur as a result of change in species due to lack of plant availability. However, the new plants must be of the same general category, i.e. shade tree, ornamental tree, evergreen tree, deciduous shrub, or evergreen shrub, and shall maintain the same general design characteristics, such as form, mature height, crown spread and intent, as the plants on the originally approved landscape plan.

7.5 EXCEPTIONS AND APPEALS

7.5.1 SUBMITTAL AND APPROVAL OF ALTERNATIVE METHODS OF COMPLIANCE

1. If application of these landscape requirements to a particular lot would be unreasonable or impractical, or would damage or eliminate existing vegetation, a landscape plan may be submitted with a request for approval of an alternate and equivalent means of providing landscaping.
   a. The need for alternative means of landscaping might arise from unusual site conditions, including streams, natural rock formations or topography; or for the preservation of significant landscape features or wetlands or from an unusual lot configuration or development design; or, from the presence of utility easements.
   b. The request for approval of an alternative to the landscape requirements must specify the reason for requesting the alternative and the landscape plan must demonstrate the equivalency of the proposed alternative to the requirements.

c. The Director of Planning or his designee will determine if the proposed alternative is equivalent and whether it meets the intent and purpose of the ordinance.
d. The Regional Planning Commission may consider appeals from this decision and the decision of this body shall be final.
f. This determination may take into account the land use classification of adjacent properties; the number of plantings, species, arrangement and coverage proposed; the location of the plantings on the lot; and the level of screening, height, spread, and canopy of the plantings at maturity.

7.5.2 VARIANCE REQUEST TO REGIONAL PLANNING COMMISSION

1. Each applicant for a variance to the Regional Planning Commission shall have the burden of proving that compliance with the landscape requirements would be extraordinarily difficult because of one or more unusual characteristics of the property. Generally such characteristic may not have been created by deliberate action of the owner or the owner's representative. Each applicant for a variance must prove that an alternative and equivalent means of landscaping is not viable. In considering a variance request, cost alone is not an extraordinary difficulty and it does not justify granting a variance.
2. Requests for exceptions and appeals from the provisions of the Ordinance or a staff determination may only be made by the owner (or owner's representative) of the tract of land on which development is to occur requiring the landscaping.
3. Requests for variances must be submitted at least twenty-one (21) days prior to the next regularly scheduled meeting of the Regional Planning commission. The application must be accompanied by at least three (3) copies of the proposed alternative Landscape Plan in the same format required for the submission of all other landscape plans (Subsection 7.4.2). Said plan must include a listing of required quantities, types, and locations of landscape or buffering materials along with a similar listing of proposed reductions or alterations. Any other supporting documentation and narratives in sufficient detail to clearly justify the reason for the variance must be included with the request.
4. Upon receipt of all information required above the staff will notify the applicant and all property owners adjoining the proposed development by mail of the date and time of the Regional Planning Commission meeting where the appeal will be considered.
5. A public hearing will be held at the Regional Planning Commission meeting following regular established rules of the Commission.
6. The Regional Planning Commission may postpone action on any appeal request for further study for a reasonable period of time.
7. The decision of the Regional Planning Commission is final.

7.6 INSTALLATION

1. All landscaping materials shown and listed on the approved plans shall be installed in a sound, workmanship like manner and according to accepted, good construction and planting procedures.

2. Plants installed shall meet the standards for size, form and quality set out in the American Standard for Nursery Stock, latest edition.
3. Any landscape material, which fails to meet the minimum requirements of this section at the time of installation, shall be removed and replaced with acceptable materials.
4. All trees and shrubs shall be tagged according to species. Tags shall not be removed until after inspection.

7.7 INSPECTIONS FOR CERTIFICATE OF OCCUPANCY

1. Site inspections for the issuance of a certificate of occupancy will occur only after the contractor or installer and the owner have submitted a landscape certificate of compliance to the building official or his designee.
2. No certificate of occupancy for any development on a site subject to the landscaping requirements of this section shall be issued until all landscaping materials are in place in substantial compliance with the approved landscape plan. However, should conditions occur beyond the reasonable control of owner that would delay the installation of the landscaping, the owner may submit an installation bond or other financial instrument acceptable to the county and in an amount set by the building official to cover the cost of incomplete work. The amount of installation bond required shall be set by a schedule adopted by the building official or his designee.
3. A permanent certificate of occupancy will be issued by the building official or his designee when it is verified that the plantings are correct as to their location, size, number, and species; all buffer zones have been installed; the installed system meets the irrigation requirements and the site does not violate the sight triangle prohibitions.

7.8 MAINTENANCE

1. The person in charge of or in control of the property whether as owner, lessee, tenant, occupant, or otherwise shall be responsible for the continued proper maintenance of all landscaping materials and shall keep them in proper, neat and orderly appearance, free from refuse and debris at all times.
2. All required landscaping shall be watered by one of the following methods: An underground sprinkling system or a hose attachment within two hundred feet of all landscaping.
3. The use of plants which are naturally adapted to the climatic conditions of Montgomery County, and which can survive drought in the opinion of the Director of Planning or his designee is recommended.
4. Undisturbed areas of natural vegetation retained in fulfillment of the requirements of this code shall not require irrigation.
5. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within three (3) months.
6. Violation of these installation and maintenance provisions shall be considered a violation of the provisions of this Zoning Resolution and shall be grounds for the Building Official or his

designee to refuse a building occupancy permit, require replacement of landscape material or institute legal proceedings to enforce the provisions of this section.

7.9 ADMINISTRATION AND ENFORCEMENT

1. The Director of Planning or his designee shall be the person responsible for review and approval of landscape plans and tree preservation plans.
2. Decisions regarding landscape plans may be the subject of an administrative appeal to the Clarksville-Montgomery County Regional Planning Commission whose decision shall be final.
3. All inspections, further enforcement of an approved landscape plan or tree preservation plan, and the continued maintenance thereof will be the responsibility of the building official or his designee.

7.10 CREDIT TOWARD LANDSCAPING FOR PRESERVED TREES

1. Credits for preserved trees are offered when a tree preservation plan is submitted and approved along with the site plan prior to commencing any grading or construction activity on a site. A tree preservation plan may be submitted as part of the landscape plan. A tree preservation plan must show that there will be no substantial disturbance in the critical root zone (CRZ). A substantial disturbance is considered compaction of soil, trenching, placing backfill in the CRZ, grading or dumping of trash, oil, paint, or other materials detrimental to plant health in close proximity of the tree(s).
2. Only those trees that are determined to be viable and savable will receive tree credits. A tree(s) that is determined to be hazardous, diseased or severely injured will not receive tree credits. Likewise, if it is determined that a large portion of the root system of a tree(s) will be disturbed or destroyed by grading, trenching etc. then no tree credits will be granted. Only those trees that exhibit a reasonable chance of survival will receive tree credits. Should the owner of the property wish to receive credit for a tree that did not initially qualify for credit, then said owner may provide documentation regarding the particular tree's health and survivability. This documentation shall include any and all corrective measures, including long-term maintenance that would be effective toward saving the tree(s). The planning director or his designee will review any such additional documentation.
3. Protective barricades or tree fence shall be placed around all trees designated in the tree preservation plan prior to the start of development activities, and shall remain in place until development activities are complete. The area within the protective barricade shall remain free of all building materials, dirt or other construction debris, vehicles and development activities. Failure to comply with this requirement will result in the denial of tree credits and the landscape plan will have to be modified to include new tree plantings.
4. Decisions regarding tree credits may be the subject of an administrative appeal to the regional planning commission whose decision shall be final.
5. The following information shall be submitted and/or indicated on the tree preservation plan:
   a. Tree survey at the same scale as the site plan or landscape plan, showing location of each existing tree(s) to be preserved that is six (6) inches in diameter or larger;

b. Groups of trees in close proximity (those within five (5) feet of each other) may be designated as a clump of trees, with the predominant species, estimated number and average diameter indicated. Any tree greater than twenty-four (24) inches DBH must be identified individually;
c. Tree inventory including location, species, size and condition of each tree;
d. Trees which are noteworthy due to size, age, historic, cultural or aesthetic value;
e. Trees to be removed;
f. Location and type of tree protection barrier with tree save area labeled;
g. Existing and proposed grades;
h. Tree protection details;
i. Indicate staging and parking areas or wash out areas;
j. Indicate limits of disturbance;
k. Location of all existing utilities and proposed utilities;
l. Location of all existing and proposed structures, improvements, rights-of-way, and easements on the property (driveways, alleys, walkways, bicycle paths, parking lots, etc.)
m. Critical root zone;
n. All buffers; and
o. Proposed root and branch pruning, if any. (See subsection 7.10.11.g.)

6. Existing landscape material which is proposed to be used to fulfill landscape requirements shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the Director of Planning or his designee, such material meets the requirements and achieves the objectives of this section.

   a. Existing healthy trees may be substituted for trees required for buffer perimeter by using the following criteria: a 4-inch to 6-inch caliper tree may be substituted for three (3) new trees of the required minimum size; a 6-inch to 12- inch caliper tree may be substituted for six (6) new trees of the required minimum size; a 12-inch to 24-inch caliper tree may be substituted for nine (9) new trees of the required minimum size; a 24-inch or greater caliper may be substituted for twelve (12) new trees of the required minimum site**.** (See Table 7.1 Tree Credits below.)
   b. Each tree or group of trees to be counted for tree credits must be surrounded by a minimum undisturbed planting area of the drip-line, whichever is greater, or ten (10) feet, whichever is greater, in all directions from the trunk.
   c. The minimum planting area must be delineated by a tree fence.

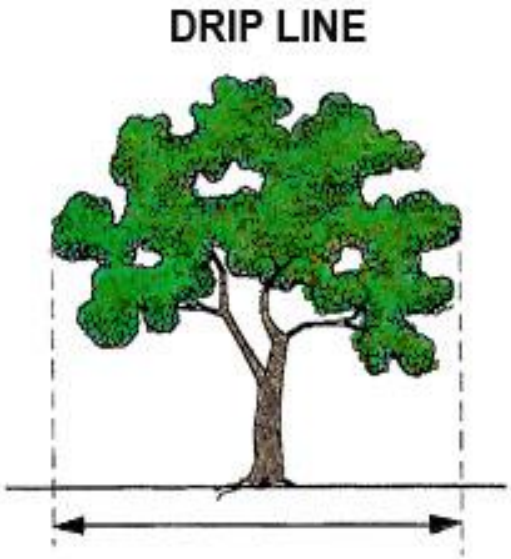
Table 7.1: Tree Credits

Existing Tree Caliper	Substitutes For Number Of Trees
4 To 6 Inch	3
6 To 12 Inch	6
12 To 24 Inch	9
Greater Than 24 Inches	12

7. Upon approval of a tree preservation plan, an owner shall receive tree credits for a tree within the surveyed portion of the property for which a site plan was submitted. An owner may include an existing tree straddling an adjacent property line in a tree preservation plan but tree credits for any such tree shall only be half of the amount otherwise applicable.
8. Reserved.
9. Should any tree designated on the tree preservation plan die or be removed at any time after approval of the plan or issuance of a certificate of occupancy, the owner shall replace sufficient landscaping equal to the tree preservation credit within six (6) months. The owner shall notify the county in writing and submit plans to the regional planning commission for approval showing the location of the tree(s) lost and the number, size, species and location of replacement tree(s). The replacement tree(s) shall be a minimum of two (2) inches in caliper for a deciduous tree, a minimum of six (6) feet in height for an evergreen tree.
10. If it is determined that a tree proposed for credit on a development site is undesirable due to visible weakness, limited life span, susceptibility to disease, and/or overpopulation of the species, such tree shall not be eligible for credit. Such species may include, but are not limited to, Box Elder (female), Silver Maple, Bradford Pear, Hackberry, American Elm, Osage Orange (female), Cottonwood (except hybrids), Siberian Elm, Tree of Heaven, Mimosa, Gingko (female), Mulberry, and Empress trees.
11. Trees offered for credit are to be protected on or adjacent to a development site. The following procedures shall be followed to adequately protect the trees during construction.
    a. A protection barrier or tree fence shall be installed at a minimum four (4) feet in height around the tree that is identified to be protected. The tree fence shall be constructed before the issuance of any permits, and shall remain intact throughout the entire period of construction.
    b. The tree fence shall be constructed of a barrier material securely fastened to a wood or metal frame properly braced by two- by-four inch minimum structural members with cross braces, or another form of substantial barrier approved by the Building Official.
    c. The tree fence shall be installed to whichever is greater, either the drip line, as measured from the trunk of the protected tree [i.e., if the radius of the drip line is twenty (20) feet, the radius of the tree fence shall be installed at a minimum distance of twenty (20) feet] or ten (10) feet, whichever is greater, in all directions measured from the trunk. See Picture 7.1 below
    d. Any required excavation in or around the protection zone to accommodate underground services, footings, etc. shall be indicated on the plan, and shall be excavated by hand. In addition, related root pruning shall be accomplished via ANSI (American National Standards Institute) A- 300-95 standard so as to minimize impact on the general root system.
    e. The storage of building materials or stockpiling shall not be permitted within the limits of or against the protection barriers.
    f. Trees within the protection barriers must be adequately cared for throughout the construction process (i.e., they must be watered sufficiently, particularly if the tree's root

system has been disturbed by excavation.) Fill shall not be placed upon the root system in such a manner as to endanger the health or life of the affected tree.

g. Proposed root and branch pruning, where necessary, shall be noted on the tree preservation plan and shall be accomplished in accordance with standard tree pruning practices, as established by ANSI (American National Standards Institute) A-300-995 standards. Tree topping shall not be permitted.



Picture 7.1

7.11 LANDSCAPE BUFFER YARD REQUIREMENTS

7.11.1 PURPOSE AND INTENT

1. The purpose of this subsection is to protect the value and integrity of property from the potential adverse effects of non-compatible land uses. To that end, this subsection requires that landscape buffer yards be provided at the boundaries of selected zoning districts. (See Pictures 7.3 through 7.8 at the end of this Section.)
2. Buffers may also be required between incompatible uses within R-4 and O-1 Districts zoning districts or between districts. For example, in the R-4 or O-1 Districts, office and professional uses will be required to provide an "A buffer" when adjacent to R-4 or O-1 residential uses.
3. The landscape buffer yard standards of this subsection are also employed by other subsections to accomplish special screening and buffering objectives.
4. The width of the landscape buffer yard and the intensity of plantings required may vary depending upon the relative intensities of the abutting zone districts or the activity itself. In most cases, the property owner may choose among a number of buffer yard widths and

plantings to satisfy the requirement. In some cases, minimum buffer widths may be set by the Director of Planning or his designee.

5. Buffering requirements may be reduced or eliminated if it is determined by the Director of Planning or his designee, that the proposed use would have a minimal impact on the immediate surrounding area; or if it is determined that the likelihood exists of similar developments occurring within a reasonable amount of time.

7.11.2 LANDSCAPE BUFFER YARD REQUIRED FOR DOUBLE FRONTAGE LOT

Where parcels in zoning districts covered by this section are developed with dual road frontage, the parcel frontage along the secondary road shall be screened from the public right-of-way by a landscape buffer yard "A".

7.11.3 EXEMPTIONS

1. No landscape buffer yard shall be required in the following situations:
   a. When a zoning boundary falls along a public street, except as noted in Chapter 7.11.2, or along an elevated railroad bed, navigable river, controlled access highway, or other natural topographic or manmade feature which provides adequate buffer in the opinion of the Director of Planning.

Table 7.2: Montgomery County Buffer Yard Matrix								
	Zoning District Providing Buffer Yard							
Abutting Zoning Districts		AG E-1 EM-1 E-1A EM-1A R-1 R-1A RM-1 RM-2	R-2D R-3 R-4	O-1	OP	C-1	AGC C-2 C-3 C-4 C-5	M-1 M-2 M-3
	AG E-1 EM-1 E-1A EM-1A R-1 R-1A RM-1 RM-2	N/A	B	B	B	C	C	D
	R-2D R-3 R-4	N/A	N/A	B	B	B	C	D
	O-1	N/A	A	N/A	N/A	A	B	C
	OP	N/A	A	N/A	N/A	A	B	C
	C-1	N/A	A	N/A	N/A	N/A	N/A	B
	AGC C-2 C-3 C-4 C-5	N/A	B	N/A	N/A	N/A	N/A	B
	M-1 M-2 M-3	N/A	D	A	A	N/A	N/A	N/A

7.11.4 DETERMINATION OF LANDSCAPE BUFFER YARD REQUIREMENTS

1. Generally, a landscape buffer yard shall be located at the perimeter of the building site along zoning district boundaries, or otherwise coincident with the edge of a specified facility that is to be screened, and shall not be located in any portion of a public right-of-way.
2. On lots which have a split zoning in place, and owned by the same property owner, the required buffers may be positioned in locations other than along the zone district boundaries, as long as the intended effect is achieved.
3. Where the building setback line and the width of landscape buffer differs, the greater of the two (2) will prevail and take precedence.
4. When the gross floor area of a building legally existing on December 14, 2009, is expanded by fifty (50) percent or more, that perimeter portion of the property in proximity to the area of expansion shall be brought into conformance with the landscaping buffer yards standard of this code.
5. When incremental expansions occur over time, the total of all expansions shall be used in applying the provisions of this section.
6. If the requirements of this section have been fully complied with on an adjoining property, additional buffer areas may not be required.
7. The following procedure shall be followed to determine the standard of landscape buffer yard required along a zoning district boundary (refer to Table 7.2; Montgomery County Buffer Yard Matrix):
   a. Identify the zone district for the proposed site as well as for the abutting site(s);
   b. Determine the landscape buffer yard standard required on each building site boundary (or portion thereof) by referring to the buffer yard matrix.
   c. Select the desired width/screening option from those listed in the illustrations at the end of this section, landscape buffer yard standards. Any of the listed width or screening variations shall satisfy the requirement between abutting zone districts.

7.11.5 LANDSCAPE BUFFER YARD DESIGN AND MATERIALS.

1. **Existing Native Plant Material.** The use of existing plant material is strongly encouraged in landscape buffer yards. Existing natural groundcover shall be retained where possible by avoiding scraping, grading and sodding within the landscape buffer yard. Where the planting requirements of the landscape buffer yard standards require additional trees or shrubs to be installed in an existing natural area, installation shall minimize disturbances to native species.
2. **Trees.** Where the planting requirements of the landscape buffer yard standards indicate that additional trees shall be installed, required trees shall be a minimum of six (6) feet in height for an evergreen tree or two (2) inches in caliper for a deciduous tree, as appropriate. No more than forty (40) percent of any one genus may be included in any planting. At least one-half (1/2) of the required trees shall be locally adapted natural evergreen species. Trees shall be distributed throughout the yards, so that there are no horizontal gaps between trees greater than thirty (30) feet as measured parallel to the property line except in A-1 or A-2. Required canopy trees shall have an expected mature height of forty (40) feet or greater. Required understory trees shall have an expected mature height of at least fifteen (15) feet. A list of

recommended and prohibited trees is available from the Regional Planning Commission. This list will periodically be updated as needed.

3. **Shrubs.** No more than forty (40) percent of any one genus may be included in any planting. At least one-half (1/2) of the required shrubs shall be locally adapted natural evergreen species. Evergreen shrubs planted to meet the minimum standards of this section shall be a minimum of one and one-half (1 1/2) feet in height when planted and at least one-half (1/2) shall be expected to reach five (5) feet or greater in height within five (5) years of planting. Shrubs planted on berms may have a lesser mature height provided that the combined height of the berm and plantings after five (5) years is at least five (5) feet. Shrubs may be planted in staggered rows or any other pattern. Pedestrian areas and other places where surveillance for the purpose of preventing crime is a design objective may be planted with the smaller of the required shrubs. Required shrubs may be replaced with approved evergreen trees at a ratio of one (1) evergreen tree per four (4) shrubs. Evergreen trees shall be a minimum of six feet in height at time of planting.
4. **Utility and Drainage Easements.** Required landscape buffer yards shall not be used for utility or drainage easements unless approved by the entity controlling the easement. If such an easement exists along the perimeter of the site or if there is no alternative in locating the easement, the full landscape buffer yard shall be placed inward (toward the interior of the site) from the easement.
5. **Compatibility of Landscaping Materials.** Supplemental plantings shall be chosen to enhance the existing vegetation within the landscape buffer yard. The species used in the supplemental plantings shall be species that occur naturally in the landscape, and shall be selected for their noninvasive properties.
6. **Opaque Fences.** When utilized to satisfy a screening requirement of this section, opaque fences shall be constructed of permanently affixed materials that comprise an integral part of the fence itself. The use of non-rigid plastic or fabric material shall not qualify as an opaque fence. Walls shall be constructed of natural stone, brick or other weatherproof materials arranged in a linear, serpentine, or other alignment; fences shall be constructed of wood or other weatherproof, durable materials generally used in the exterior construction of buildings. Fence posts shall be structurally stable based on the material used and shall have a maximum spacing of eight (8) feet on center. If wood is used, the posts shall be four (4) inches by four (4) inches minimum. Posts shall be set in or anchored to crowned concrete footers at least six (6) inches larger in each direction than the post it supports. The base of the footer shall be at least twenty-four (24) inches below finished grade. If wood is used for any member, it shall be softwood treated with water-borne preservative to the American Wood Preservers Institute standard LP-2 for above ground use or LP-22 for ground contact use, or all-heart redwood, or all-heart cedar. All cut surfaces of pressure treated lumber shall be waterproofed. If another material is used, it shall be weatherproofed. Slats, pickets or panels are to be placed on the outside of the fence unless the design is two-sided (e.g. shadow box). All hardware is to be galvanized or otherwise rustproofed. Wood horizontal members shall be installed bark-side up. Chain link fencing may not be used. There shall be a six (6) foot height restriction for walls or fences in front yards and side street side yards, and an eight (8) foot height

restriction in side and rear yards. All walls or fences shall have a minimum opacity of eighty (80) percent. Walls and fences allowed to meet the requirements of this section shall not be used for the erection or display of any sign or other advertising device. Walls and fences shall be horizontally level as opposed to following the topography of the site where said topography is other than level. In this situation, the height restriction shall apply to a reasonable average height above the grade between step-downs.

7.11.6 OTHER USES WITHIN LANDSCAPE BUFFER YARDS

1. Trails. Sidewalks or bike trails may occur within landscape buffer yards provided that the required effect of the yard is not compromised. In no event, however, shall the following uses be permitted in landscape buffer yards: playfields, stables, swimming pools, golf courses, tennis courts, and other recreational facilities; parking areas and other vehicular use areas; dumpsters, equipment storage and other open storage; buildings or overhangs.
2. Subterranean stormwater retention/detention facilities which are designed in a manner so as not to interfere with the proper installation and maintenance of the yard are allowed.
3. Buffer yards shall be continuous and unbroken except for driveways or sidewalks required to access parking areas or streets. Driveway/sidewalk penetrations shall cross the buffer yard as close to perpendicular as possible and shall not exceed twenty-five (25) percent of the entire buffer yard, with no single penetration to exceed thirty-five (35) feet.

7.11.7 LANDSCAPE BUFFER YARD STANDARDS

1. **Application of Landscape Buffer Yard Standards**. The specifications contained in the illustrations set out at the end of this section, shall be used to select the desired landscape buffer yard option for the building site. These yard requirements are stated in terms of minimum yard width and the density of required plant material per linear foot of yard. To determine the total number of plants required, the length of each side of property requiring a landscape buffer yard shall be divided by one hundred (100) and multiplied by the number of plants shown in the illustration.
2. **Allowable Design Variations**. The landscape buffer yard is normally calculated as parallel to the property line. However, design variations, especially when used to incorporate native vegetation into the yard area, shall be considered. The edges of the landscape buffer yard may meander provided that:
   a. The total area of the yard is equal to or greater than the total area of the required landscape buffer yard; and
   b. The yard measures no less than the minimum width permitted by the applicable landscape buffer yard standard at all points along the perimeter of the property line requiring a landscape buffer yard.
3. **Fractional Requirements.** When the requirements of this section result in a fractional number of plantings, any fraction less than one-half (1/2) may be dropped and any fraction of one-half (1/2) or more shall be counted as one planting.
4. **Yard Exceeds Twenty (20) Percent of Lot Area.** In circumstances where the ground area required for the landscape buffer yard exceeds twenty (20) percent of the total lot area, the

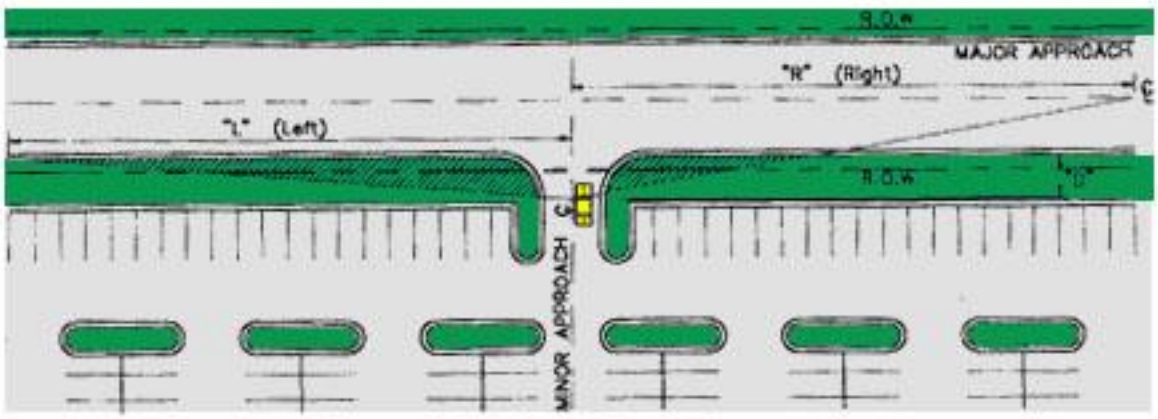
width and the number of trees and shrubs within the yard may be reduced up to fifty (50) percent provided that a solid wall or closed wooden fence at least six (6) feet in height is provided along the length of the reduced landscape buffer yard.

5. **Grading and Use of Berms.** Proposals for the use of berms within a landscape buffer yard shall demonstrate superior enhancement of the buffer function compared to retention of the existing grades. Grading shall not endanger or remove existing trees which occur within a landscape buffer yard, unless the proposal clearly demonstrates an enhanced buffer. The use of earthen berms within a landscape buffer yard is encouraged when disturbance to existing vegetation can be minimized. Where berms are incorporated into the yard, the required plantings may have a lesser mature height, provided that the combined height of the berm and plantings will equal the required mature heights of plantings as set forth in this section.
6. **Waiver of Landscape Buffer Yard.** Landscape buffer yard requirements may be waived by a demonstration of unusual site grade conditions which would clearly negate the effects of the required yard. The applicant shall furnish sections or profiles (drawn to scale) through the property line along the yard which is proposed for waiver. These drawings shall demonstrate the existing and proposed grades on both sides of the property line, as well as the principal structures on both properties. The sections or profiles shall show the line of sight for a pedestrian (taken at four and one-half (4 1/2) feet above grade) from principal entrances and from the highest point on the site to be buffered. Such profiles or sections shall clearly demonstrate that the effect of the change in grade would negate the effect of a mature landscape buffer yard thirty (30) feet in height.

7.12 LANDSCAPE RESTRICTIONS-SIGHT TRIANGLE STANDARDS

1. A sight triangle is that area located at the intersection of two public streets or a public street and private driveway through which an unobstructed view of approaching traffic is necessary for motorists. Except as permitted in this section, no landscaping or vegetation, or fence, structure, or object shall be included in a sight triangle, nor shall any such landscaping or object be planted, erected or maintained within a sight triangle. A sight triangle shall be defined by the table and illustration below:

SIGHT TRIANGLE



Picture 7.2

The distance "D" shall measure twenty (20) feet and fifteen (15) feet from the edge of the nearest travel lane for a public street and private driveway, respectively. The distance "L" shall be measured from the centerline of the minor approach to a point at the edge of the nearest travel lane. The distance "R" shall be measured from the centerline of the minor street to a point on the centerline of the major street approach.

Table 7.3: Minimum Required Sight Distances for Different Posted Speed Limits

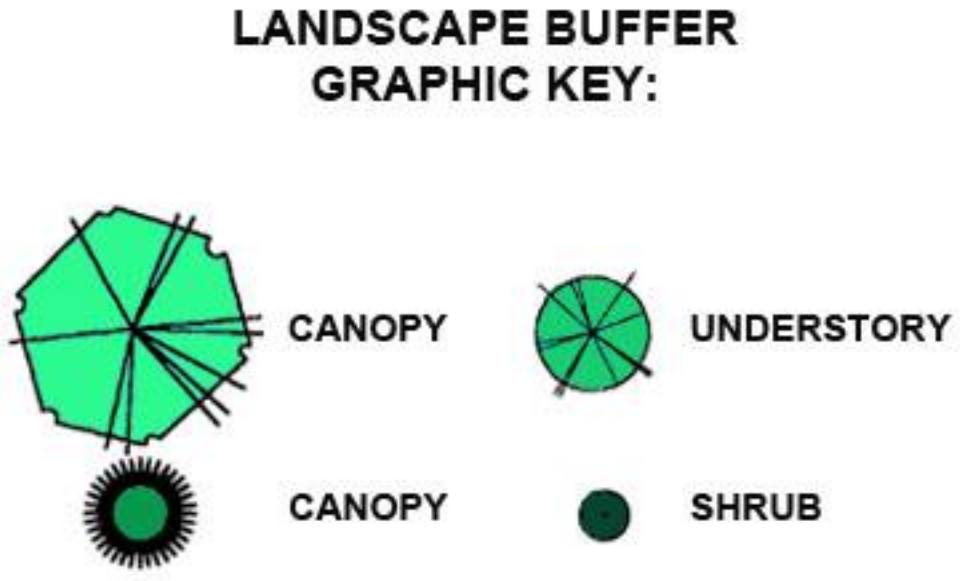
Posted Speed Limit	Minimum Sight Distance (L and R)
25 mph	200 feet
30 mph	250 feet
35 mph	325 feet
40 mph	400 feet
45 mph	475 feet
50 mph	550 feet
55 mph	650 feet

Sight triangles shall be measured from the minor leg of the intersection of two (2) public streets where the minor approach shall be defined as that approach whose right-of-way is controlled by a stop sign and whose major approach is uncontrolled. At a signalized intersection of two (2) public streets, sight triangles shall be measured for all approaches. For an intersection of a public street and private driveway, the sight distance is only measured from the private driveway.

2. No landscaping object or plant material, except those meeting the requirements set forth below, shall be allowed within the sight triangle at an elevation greater than three and one-half (3 1/2) feet above the crown of pavement on the adjacent roadway.
3. Notwithstanding the table and illustration provided in this section, the Director of Planning or his designee with concurrence from the Director of Streets or his designee may recommend variances of this section to the Regional Planning Commission, which shall have the authority to grant variances upon application by the owner. Any variance for landscaping shall take into account roadway conditions as they relate to traffic control devices, alignments, geometrics, or other unique circumstances that are supported by generally accepted engineering practices or principles, or actual on site studies.
4. No landscape plan shall be approved if the landscaping proposed for the intersection of a public street and a vehicular use area would create an unsafe obstruction in the opinion of the Director of Planning or his designee. No landscaping or vegetation, or fence, structure, or object, shall be planted, erected, or maintained by an owner at the intersection of a public street and a vehicular use area if it creates a safety hazard by obstructing the view of a motorist.

7.13 SPECIAL SCREENING REQUIREMENTS

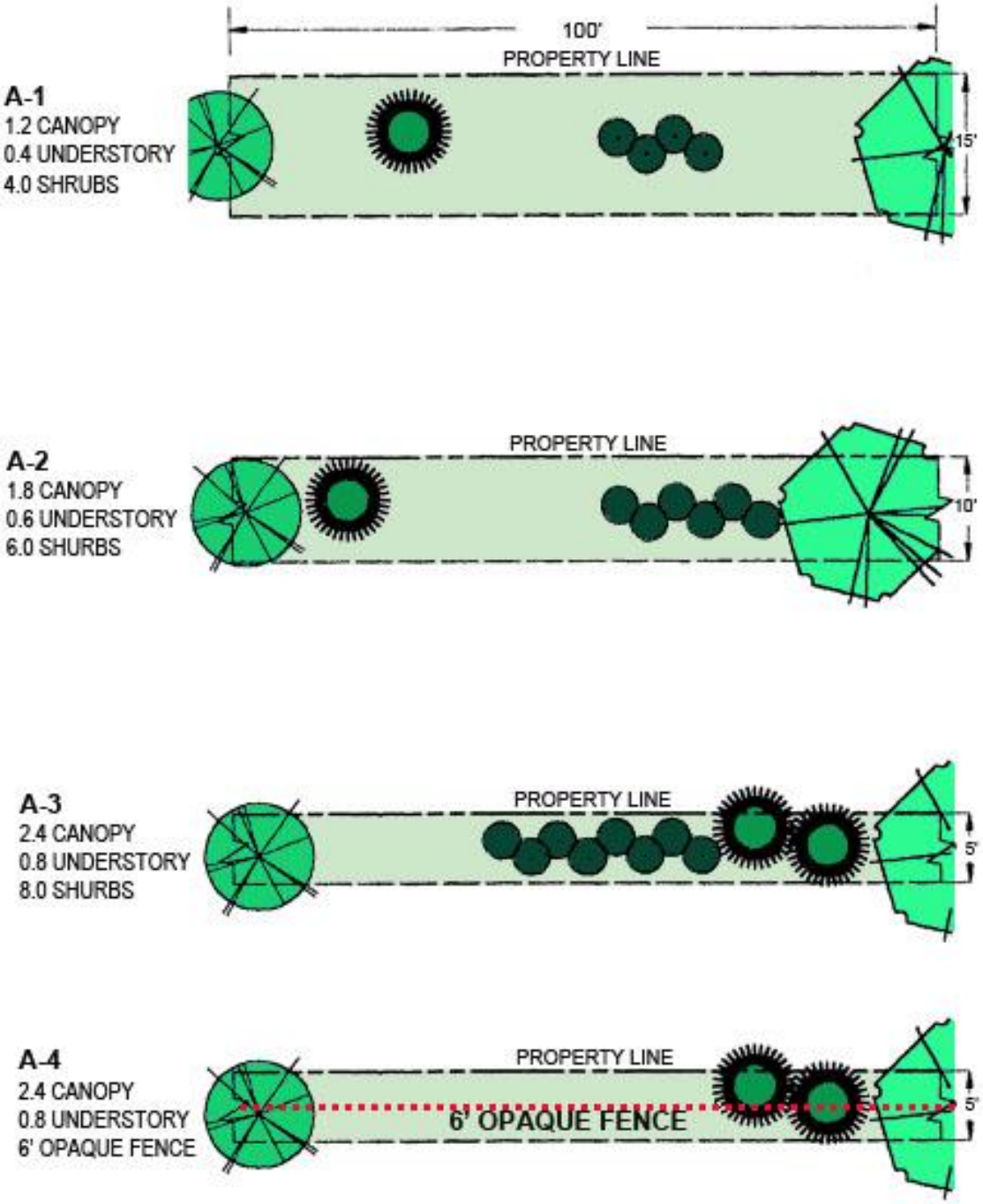
1. Screening of unsightly areas shall be accomplished as follows:
    a. Dumpsters and other trash receptacles for all structures other than single-family or two-family residences shall be screened from public streets or properties which are zoned or policed for residential use. Receptacles shall be placed on a concrete pad and shall be enclosed by an opaque fence or wall at least six (6) feet in height. An enclosure shall have an opaque gate unless the service opening is oriented away from public streets or adjacent residential properties. The enclosure shall be built of wood, masonry or other permanent materials and evergreen plants may be used in part to meet the requirement of capacity.
    b. Mechanical equipment, terminals, satellite dishes, etc. located at grade shall be screened from all abutting public streets and residential properties by opaque fences or evergreen screens with eighty (80) percent opacity at maturity in five (5) years to equal or exceed the height of equipment. Screening installed around utility equipment, including pad-mounted switchgear, transformers or junction boxes shall be installed so as not to interfere with the operations or accessibility to the equipment.
    c. The exterior service areas of commercial or industrial building, including loading docks and outdoor storage areas, if oriented toward a public street or residential uses, shall be screened twelve (12) foot deep with evergreen trees planted in two (2) rows, offset six (6) foot on center, six (6) foot high at planting; or as approved by the Director of Planning or his designee.
    d. Other areas, natural or manmade, may be considered unsightly and also require screening from public roads and properties zoned or policed for residential uses. These areas might include, but are not limited to, detention basins.



Picture 7.3

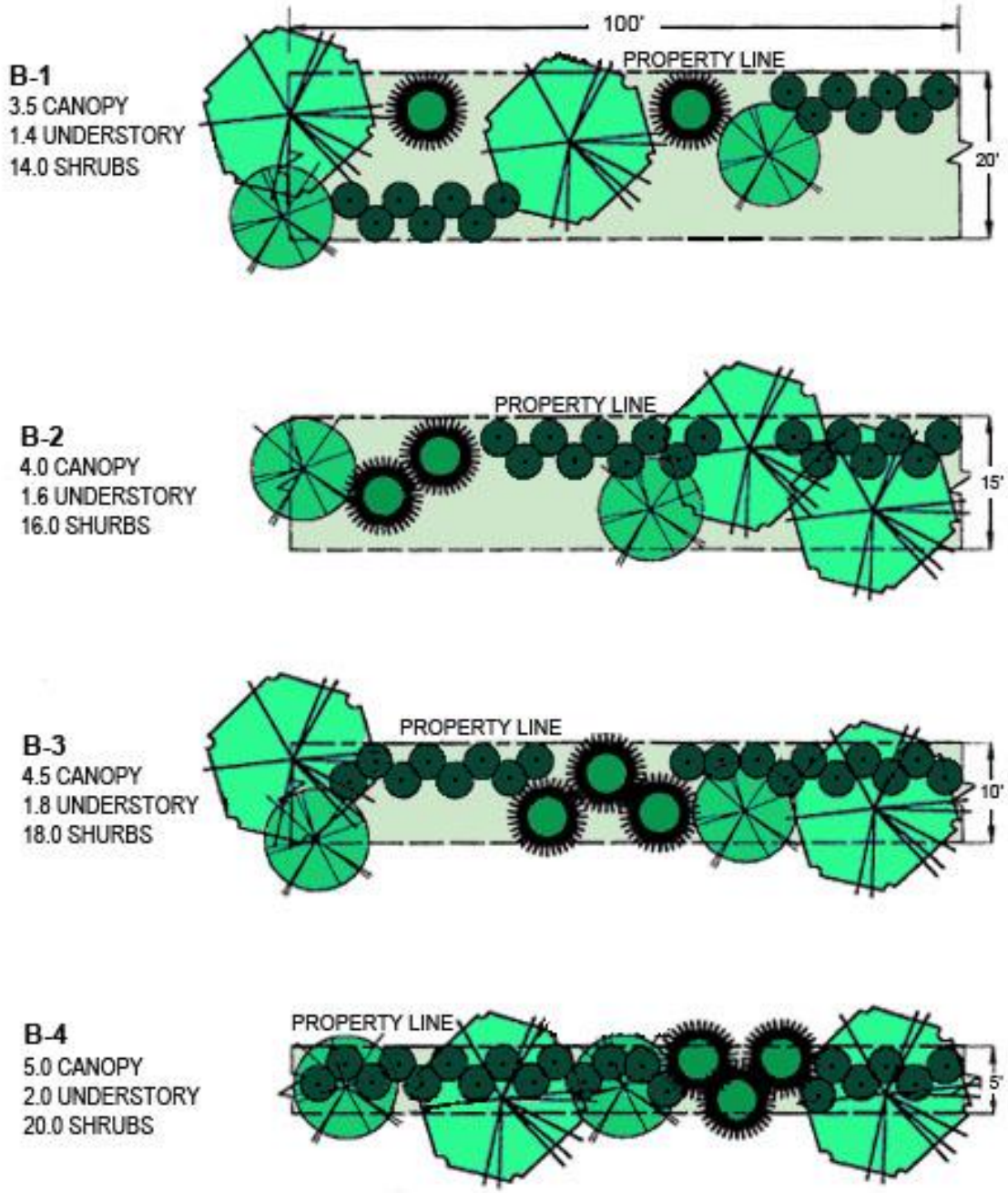
- A minimum of fifty (50) percent of all plants must be evergreen;
- No more than forty (40) percent of any one (1) plant genus allowed;
- Evergreen trees shall be a minimum of six (6) feet in height at planting;
- Deciduous trees shall be a minimum of two (2) inch caliper at planting;
- There shall be no horizontal gaps greater than thirty (30) feet between trees except in A-1 and A-2 buffers;
- All shrubs shall be a minimum of eighteen (18) inches in height at planting;
- A minimum of fifty (50) percent of the evergreen shrubs shall reach a minimum of five (5) feet in height within five (5) years of planting;
- Required shrubs may be replaced at a ratio of one (1) evergreen tree per four (4) shrubs.

LANDSCAPE BUFFER "A"



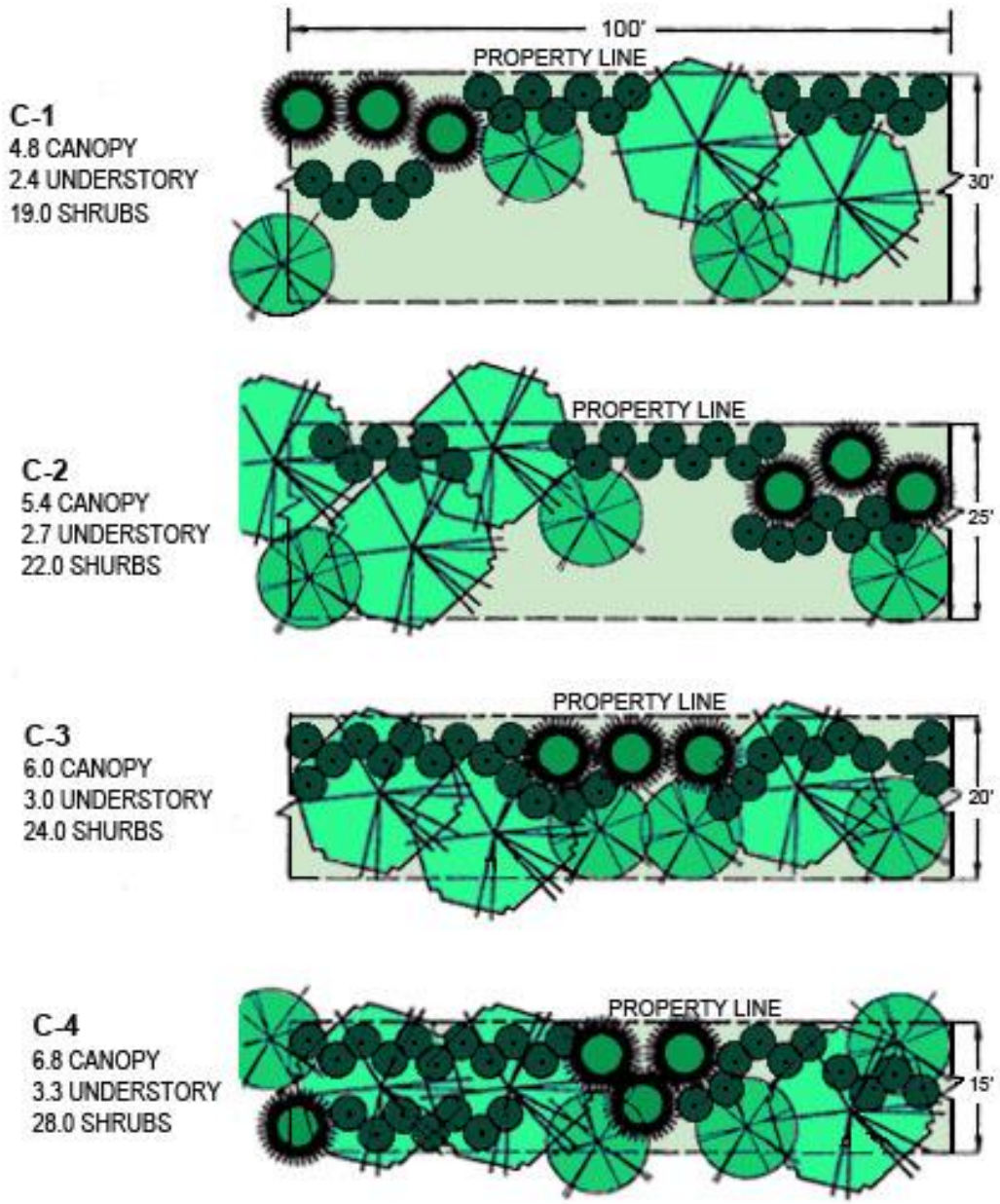
Picture 7.4

LANDSCAPE BUFFER "B"



Picture 7.5

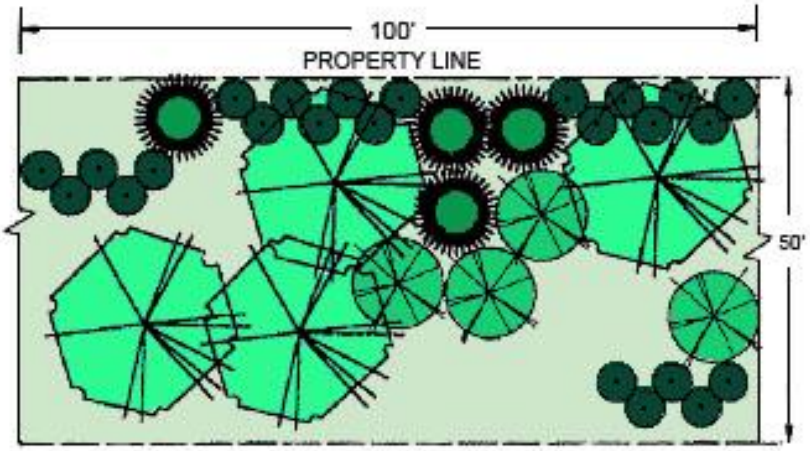
LANDSCAPE BUFFER "C"



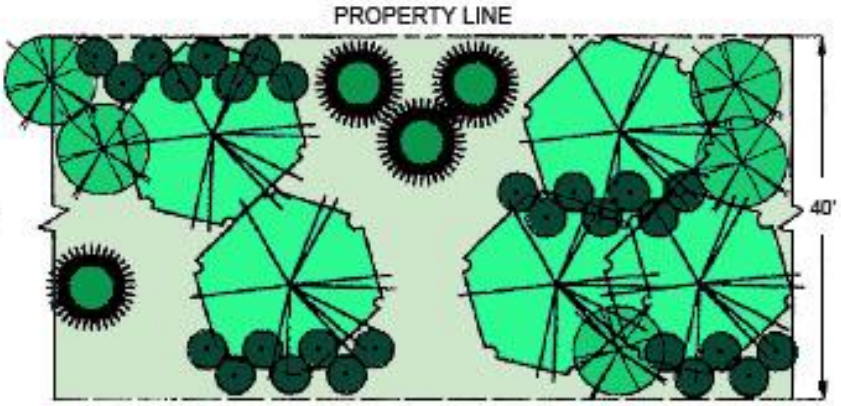
Picture 7.6

LANDSCAPE BUFFER "D"

D-1
8.0 CANOPY
4.0 UNDERSTORY
24.0 SHRUBS

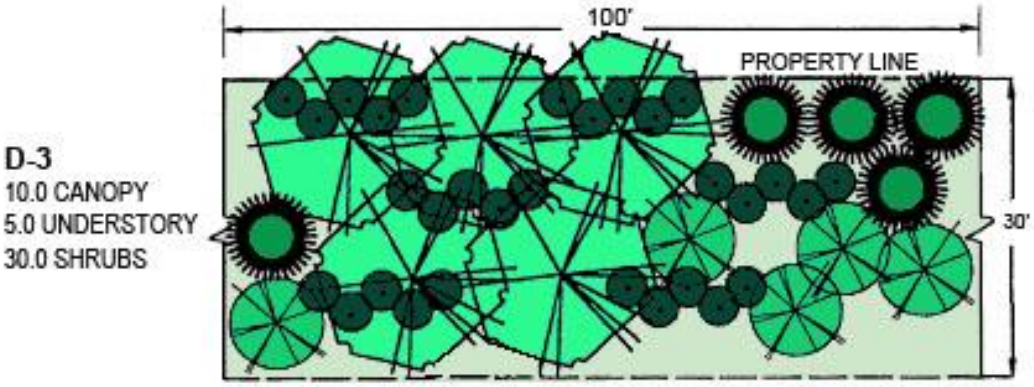


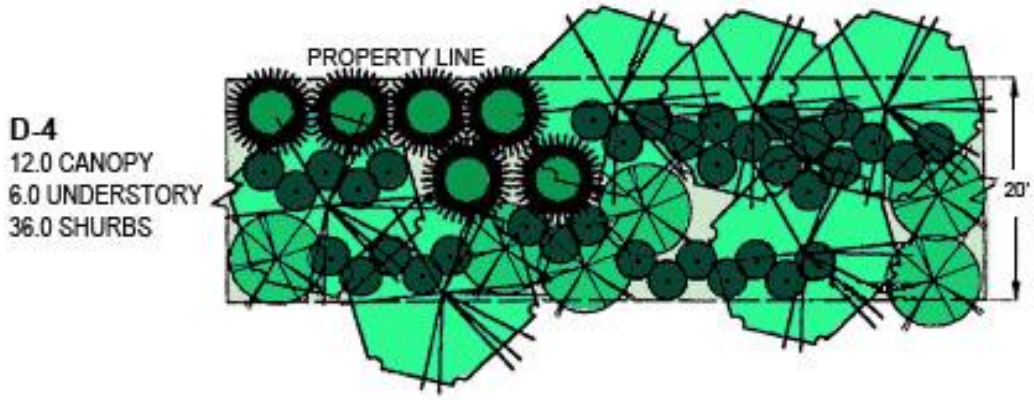
D-2
9.0 CANOPY
4.5 UNDERSTORY
27.0 SHURBS



Picture 7.7

LANDSCAPE BUFFER "D"





Picture 7.8

CHAPTER 8: SIGN REGULATIONS

8.1 GENERAL PURPOSE AND EXEMPTIONS

1. These conditions are established as a reasonable method of regulating advertising structures in order to insure light, air, and open space, to reduce hazards at intersections, to prevent accumulation of trash, to preclude the establishment of structures which would afford hiding places for activities characterized as criminal, and to protect property values of the entire community.
2. Notwithstanding regulations contained in this Resolution, all signs and billboards must also be in compliance with all state and federal laws.
3. The regulations for private signs, billboards, and other advertising structures are indicated below.
4. The interpretation of nomenclature in this section shall be as defined in Article II and as defined in the currently adopted building code.
5. The following signs shall be exempt from regulation under this Resolution:
   a. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or resolution.
   b. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three (3) feet beyond the lot line of the zone lot or parcel on which such sign is located.
   c. Works of art that do not include a commercial message.
   d. Holiday signs and decoration with no commercial message.
   e. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message of any sort.
   f. Signs placed upon buses or any structures utilized in conjunction with, and authorized by, the Clarksville Transit System or the Regional Transportation Authority of Middle Tennessee.

8.2 REGULATIONS APPLYING TO ALL DISTRICTS

In any zoning district, the following general regulations shall apply:

1. No sign shall be erected or maintained at any location where, by reason of its position, wording, illumination, size, shape, or color may obstruct, impair, obscure, interfere with the view of, or be confused with any authorized traffic control sign, signal, or device. At any location deemed a safety hazard by the Montgomery County Building and Codes Department, a clear zone of vision shall be established between three and one-half (3 ½) feet to ten (10) feet above grade level. Clearance shall be measured from grade level.
2. No sign shall contain or make use of any word, phrase, symbol, shape, form or character in such manner as to interfere with, mislead, or confuse traffic. Flashing or intermittent illumination is prohibited.

3. No illuminated sign shall be permitted within twenty-five (25) feet of property in any residential district unless the illumination of such sign is so designed that it does not shine or reflect light onto such property.
4. No business or advertising sign shall be erected to exceed fifty (50) feet in length. No sign shall be erected to exceed the height restrictions of the district in which it is located, or to exceed any other height restrictions of this Article.
5. All outdoor advertising structures, including billboards, shall be erected in conformity with all side and rear yard requirements of the district in which located, and shall be set back from the established street right-of-way line as to not block the view of an adjacent building.
6. No outdoor advertising sign shall be located in any area designated by the County or Planning Commission as one of scenic beauty.
7. Temporary signs are prohibited in all areas except in the following cases:
   a. Temporary signs not exceeding thirty-two (32) square feet in area, are allowed to advertise drives or events of civic, philanthropic, educational or religious organizations, provided that said signs are posted only during said drive or no more than thirty (30) days before said event and are removed no more than five (5) days after an event.
   b. Signs not exceeding twenty-four (24) square feet in area and containing a commercial message are allowed on private property only upon the issuance of a Temporary Sign Permit, which shall authorize the use of such sign for a specified ten (10) day period. Only one such permit shall be issued to the same business license holder on the same lot more than once each calendar quarter. The fee for a temporary permit shall be established by the Montgomery County Building and Codes Department. <u>Such signs shall not be considered "billboards", "outdoor advertising devices", or "off-premise advertising devices" relative to the prohibition of such structures contained in Sections 8.3 through 8.8 of this Resolution</u>.
   c. Election signs are allowed for a period of no more than 60 days before and are to be removed no more than 5 days after such elections. Such election signs must conform to all applicable signage restrictions within the zone district in which they are located.
   d. The following section applies only to the aforementioned allowable temporary signs: Temporary signs shall not be erected or otherwise fixed to any pole, tree, stone, fence, building, structure or any object within the right-of-way of any street. No temporary sign shall be erected at the intersection of any street in such a manner as to obstruct vision, or be confused with any authorized traffic sign, signal, or device. All such signs shall be constructed, connected, operated and maintained according to the requirements and specifications of the currently adopted building code.
8. Permanent signs from a building shall maintain a clear height of eight (8) feet above the sidewalk or pavement. No sign shall project over any public right-of-way.
9. Professional signs for home occupations shall not exceed eight (8) square feet, provided such sign is either a wall or ground sign located not closer than twenty (20) feet to the street right-of-way line, does not exceed ten (10) feet in height, and is indirectly illuminated or unilluminated.
10. No rotating sign shall exceed eight (8) rpm's. No direct beam of light shall revolve.

11. All abandoned signfaces identifying or advertising relocated, permanently closed or non-existent business, or sign faces relating to termination of the associated tenant's operations at that location must be removed within thirty (30) days after cessation of the business either through the removal of lettering and logos, the replacement with a blank sign face or through "painting out" obsolete lettering and logos to match the sign background so as to give the appearance of a blank sign. Such removal is the responsibility of the owner of the sign. Open sign enclosures are not permitted.
12. All signs shall be constructed, connected, operated, and maintained according to the specifications of the currently adopted building code.
13. All signs shall be maintained in a good state of repair. Painted faces or structural members shall be repainted whenever peeling or fading occurs. Neon tubes, lamps, ballasts, and transformers shall be kept in a good state of repair and in safe condition. The County may order the removal of any sign which becomes a public hazard due to lack of maintenance or repair.
14. Free standing signs shall be designed so that all framework for the lateral support of the sign shall be contained within the body of the sign or within the structure to which it is attached and shall not be visible. Exposed guy wires, chains, or other connections shall not be made a permanent part of this sign.
15. The following provisions shall apply to roof-mount signs:
    a. The supporting member of roof-mount signs shall appear to be free of any extra bracing, angle irons, guy wires or cables.
    b. Supports shall appear to be an architectural and integral part of the building.
    c. Supporting columns of round, square, or shaped steel members may be erected if required bracing visible to the public is minimized or covered.
    d. The backs of roof-mount signs shall be concealed or screened.
16. Free standing signs shall be designed so that all framework for the lateral support of the sign shall be contained within the body of sign or within the structure to which it is attached and shall not be visible. Exposed guy wires, chains, or other connections shall not be made a permanent part of the sign.
17. Signs may be illuminated provided such illumination shall be effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled ways of any road or street. Illumination which is of such intensity and brilliance as to cause glare or to impair the vision of the driver of any motor vehicle or which otherwise interferes with any driver's operation of a motor vehicle is prohibited.
18. Signs shall be illuminated by internal lighting or from an exterior source, provided the beam from an external source is effectively concealed from view.
19. One (1) projecting sign or one free standing sign shall be permitted for each ground floor use, except that where a use has frontage on more than one (1) street, there may be one projecting sign or free standing sign for each frontage, provided that only a sign computed for the frontage of a street shall face that street, or there may be a corner projecting sign or free standing sign the maximum size of which shall be computed on the basis of one half the frontage of the two streets creating the corner upon which the sign is placed.

20. Upon the effective date of Resolution CZO-1-2000 (February 14, 2000), no new off-premise advertising structures shall be erected. Any off-premise advertising structure which is legally permitted on the effective date of Resolution CZO-1-2000 shall be considered non-conforming and are subject to the following regulations:
    a. The maximum area for any one sign shall be 1,200 square feet, with a maximum height of 30 feet and maximum length of 60 feet, inclusive of any border and trim but excluding ornamental base or apron supports and other structural members.
    b. The area shall be measured by the smallest square, rectangle, triangle, circle or combination thereof which will encompass the entire sign.
    c. A sign structure may contain one or two signs per facing and may be placed double-faced, back to back, or V-type, but the total area of any facing may not exceed 1,200 square feet.
    d. On Interstate highways and controlled access highways no two structures shall be spaced less than 500 feet apart on the same side of the highway; provided however, that such signs may be located within 500 feet of another sign when the signs are separated by buildings or other obstructions so that only one sign located adjacent to or within the 500 feet zone is visible from the highway at any one time. Outside incorporated municipalities no structure may be located adjacent to, or within 500 feet of an interchange, or intersection at grade, measured along the interstate or controlled access highways on the primary system from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way.
    e. On Non-Controlled access highways no two structures shall be spaced less than 300 feet apart on the same side of the highway, provided that structures may be spaced closer to others when they are separated by buildings or other obstructions so that only one is visible within the otherwise applicable spacing requirement at any one time. The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway.
    f. Outdoor advertising structures shall not exceed (50) feet in height above the roadway grade level to which the sign is oriented.
21. Nothing in this Resolution shall prohibit the use of advertising signs within the confines of athletic facilities, civic halls, or within the confines of parks in conjunction with sporting events. Such allowance shall be at the discretion of the Montgomery County Building and Codes Department.

8.3 SIGNAGE IN ZONING DISTRICTS

8.3.1 RESIDENTIAL AND AGRICULTURAL DISTRICTS

In residential and agricultural districts, the following regulations shall apply:

1. No bulletin board or sign in these districts shall exceed ten (10) feet in height. All signs must be indirectly illuminated or unilluminated.
2. For single family, two and three family, and multiple family dwellings, nameplates, not to exceed two (2) square feet in area, shall be permitted for each dwelling unit; such nameplate

shall indicate nothing other than name and/or address of occupants, premises, announcements of boarders or roomers.

3. Signs for home occupations are regulated by A.9 in this Article.
4. For multiple family and group dwellings, identification signs, not to exceed twelve (12) square feet in area, shall be permitted; such sign shall indicate nothing other than name and/or address of premises and name of management.
5. For all other permitted uses not listed above, signs not to exceed thirty-two (32) square feet in area shall be permitted. Such signs shall not be located in a manner so as to obscure or impair vision of persons operating vehicles entering or leaving the premises.
6. Only one sign per street frontage shall be permitted.
7. Identification signs containing only the name of the public use or institution shall be permitted; but shall not exceed seventy-five (75) square feet of area.

8.3.2 OFFICE DISTRICTS

In an OP Office, Professional District, and in an 0-1 Office, Medical, Institutional and Civic District the following regulations shall apply:

1. For residential uses permitted, the regulation of signs shall be the same as in the residential regulations above.
2. There shall be permitted for public use, hospitals and clinics, bulletin boards not exceeding seventy-five (75) square feet in area, nor twelve (12) feet in height, and shall be indirectly illuminated or unilluminated. In addition, one facing sign not to exceed 10 percent in area of the building face may be installed for each exposed side.
3. Identification signs relevant to public use, hospitals and clinics shall not exceed seventy-five (75) square feet in area, nor ten (10) feet in height, and shall be indirectly illuminated or unilluminated.
4. For other permitted principal uses, business signs shall be permitted as follows:
   a. One (1) sign not exceeding one (1) square foot of surface for each one (1) lineal foot of lot adjoining public street.
   b. Such sign shall be mounted on the main building, and shall not extend above the building face upon which it is mounted.
5. Flashing or intermittent illumination signs are prohibited.

8.3.3 COMMERCIAL DISTRICTS

In Commercial and Shopping Center Districts, the following regulations shall apply:

1. There shall be permitted for public uses, utilities, hospitals, and clinics - bulletin boards not exceeding forty (40) square feet in area, nor twenty (20) feet in height.
2. All outdoor advertising structures proposed for properties in the C-3 Regional Shopping Center District must be submitted with site plans for the development as required in Article IV, Section 10.
3. No sign shall exceed, from the ground elevation on which it is placed, 35 feet in height in the C-1 zone and 50 feet in height in the C-2, C-3, C-4 and C-5 zones.

4. One on-premise sign is permitted for each business provided that the maximum area of the sign shall not exceed three square feet per lineal foot of property frontage. In addition, one fascia sign may be erected provided the background area shall not exceed 30 percent of the building facade to which it is applied, or three (3) square feet per lineal of business frontage, whichever is greater. Maximum projection allowed is two (2) feet. In addition, one identification sign per street frontage is allowed for shopping centers, not to exceed fifty (50) feet in height or two hundred (200) square feet in area.
5. Notwithstanding the provisions of this section, no sign in the C-1 zone shall exceed seventy (70) square feet in area.

8.3.4 INDUSTRIAL DISTRICTS

In industrial or manufacturing districts the following regulations shall apply:

1. In an M-3 Planned Industrial District business signs shall be permitted not exceeding two (2) square feet per one (1) lineal foot of street frontage. Such signs shall be located not closer than one-half (1/2) the required setback from all property lines.
2. Flashing or intermittent illumination is prohibited.
3. No sign shall exceed thirty-five (35) feet in height. Total sign allowance for each business industry shall not exceed one hundred (100) square feet.

8.3.5 HISTORIC OVERLAY DISTRICTS

In an H-1 Historical District, the following regulations shall apply:

1. Informational signs may be displayed in connection with such use, but the total area of each sign shall not exceed nine (9) square feet. Such signs may have indirect lighting, and shall not exceed ten (10) feet in height.
2. Flashing or intermittent illumination is prohibited.

CHAPTER 9: OVERLAY DISTRICTS

9.1 FLOODWAY OVERLAY DISTRICT

9.1.1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVCES

1. **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 floodplain regulations designed to minimize danger to life and property and to allow its citizens to participate in the National Flood Insurance Program. Therefore, Montgomery County, Tennessee, does resolve as follows:
2. **Findings of Fact:**
   a. Montgomery County Board of County Commissioners wishes to maintain/establish eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3(d) of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-88 Edition) and subsequent amendments.
   b. Areas of Montgomery County are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
   c. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; and by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.
3. **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:
   a. Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which cause damaging increases in erosion, flood heights, or velocities;
   b. Require that uses vulnerable to floods, including County facilities, be protected against flood damage at the time of initial construction;
   c. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which accommodate flood waters;
   d. Control filling, grading, dredging and other development which may increase erosion or flood damage, and;
   e. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.
4. **Application.** This Section shall apply to all areas within the planning region of Montgomery County, Tennessee.
   a. Basis for establishing the Areas of Special Flood Hazard.

b. The Areas of Special Flood Hazard identified on the Montgomery County, Tennessee, Federal Emergency Management Agency (FEMA), Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers beginning with map panel number 47125C0040D and including panels: 45D, 63D, 88D, 115D, 160D, 180D, 181D, 182D, 201D, 202D, 203D, 204D, 206D, 207D, 208D, 209D, 215D, 216D, 217D, 220D, 226D, 227D, 228D, 229D, 235D, 236D, 237D, 238D, 241D, 242D, 243D, 244D, 251D, 260D, 261D, 262D, 263D, 264D, 270D, 286D, 305D, 310D, 315D, 320D, 330D, 335D, 340D, 341D, 351D, 352D, 354D, 356D, 360D, 362D, 370D, 380D, 382D, 390D, 395D, 435D, 451D, 460D, 480D, 485D and 491D dated March 18, 2008, along with all supporting technical data, are adopted by reference and declared to be a part of this Zoning Resolution.
c. Effective Date: March 18, 2008 and any subsequent amendments or revisions, are adopted by reference and declared to be a part of this Zoning Resolution.
d. These areas shall be incorporated into the Montgomery County, Tennessee Regional Zoning Map.

5. **Objectives.** The objectives of this Resolution are:
   a. To protect human life, health and property;
   b. To minimize expenditure of public funds for costly flood control projects;
   c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
   d. To minimize prolonged business interruptions;
   e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in floodable areas;
   f. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize damage in flood areas;
   g. To ensure that potential homebuyers are notified that property is in a floodable area; and,
   h. To establish/maintain eligibility for participation in the National Flood Insurance Program.

9.1.2 DEFINITIONS UNQIUE TO FLOODPLAIN OVERLAY DISTRICT

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

1. "Accessory Structure" shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:
   a. Accessory structures shall not be used for human habitation.
   b. Accessory structures shall be designed to have low flood damage potential.
   c. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
   d. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.

e. Service facilities such as electrical, heating equipment, ductwork shall be elevated or floodproofed.

2. "Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.
3. "Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition, which is connected by a fire wall or is separated by an independent perimeter load-bearing wall, shall be considered “new construction”.
4. "Appeal" means a request for a review of the Building Commissioner or his designee interpretation of any provision of this Resolution or a request for a variance.
5. "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 where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
6. "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.
7. "Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AR, AE or A99.
8. "Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year.
9. "Basement" means that portion of a building having its floor subgrade below ground level.
10. "Breakaway Wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
11. "Building" for purposes of this section, means any structure built for support, shelter, or enclosure for any occupancy or storage. (See "structure")
12. “Building Permit” Permit required under the Montgomery County, Tennessee, Building Code.
13. "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, excavation or drilling operations, or permanent storage of equipment or materials.
14. “Development Permit” Any written approval or decision by the local authority under its land development regulations that gives authorization to undertake some category of

development, including, but not limited to a building permit, grading permit, subdivision plat, variance, appeal, and site plan.

15. "Elevated Building" means a non-basement building:
    a. Built to have the bottom of the lowest floor of the lowest enclosed area elevated above the ground level by means of pilings, fill, solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, columns, posts and piers, or shear walls.
    b. Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood event.
16. "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.
17. "Erosion" means the process of the gradual wearing away of land masses. This peril is not per se covered under the Program.
18. "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.
19. "Existing Construction" any structure for which the "start of construction" commenced 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 National Flood Insurance Program (NFIP).
20. "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, and either 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 National Flood Insurance Program (NFIP).
21. "Existing Structures" see "Existing Construction"
22. "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).
23. "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
    a. The overflow of inland or tidal waters;
    b. The unusual and rapid accumulation or runoff of surface waters from any source.
24. "Flood Elevation Determination" means a determination by the Building Commissioner or his designee 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.

25. "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) and/or flood-related erosion hazards.
26. "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of areas of special flood hazard have been designated as Zone A.
27. "Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
28. "Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency, evaluating flood hazards and containing flood profiles and the water surface elevation of the base flood.
29. "Floodplain" - The relatively flat or lowland area adjoining a river, stream, watercourse, lake, or other body of standing water which has been or may be covered temporarily by floodwater. Unless otherwise stated, the floodplain is defined as the 100-year floodplain having a one percent chance of being equaled or exceeded in any given year.
30. "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.
31. "Flood Prone Area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").
32. "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.
33. "Flood-proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
34. "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 an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.
35. "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.

36. "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.
37. "Floodway" Means the portion of the stream channel and adjacent floodplain required for the passage or conveyance of a 100-year flood discharge. The floodway boundaries are placed to limit encroachment in the floodplain so that a 100-year flood discharge can be conveyed through the floodplain without materially increasing (less than one foot) the water surface elevation at any point and without producing hazardous velocities or conditions.
38. "Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.
39. "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.
40. "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.
41. "Grading Permit" - A permit issued to authorize excavation or fill to be performed under the provisions of the Storm Water Management Resolution.
42. "Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.
43. "Historic Structure" means any structure that is:
    a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
    b. 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;
    c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
    d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
        i. By an approved state program as determined by the Secretary of the Interior, or
        ii. Directly by the Secretary of the Interior.
44. "Hydrodynamic Force" Force exerted by a fluid (water) because it is in motion (flowing).
45. "Hydrostatic Force" Forces exerted by a fluid (water) in a static, non-flowing state (at rest).

46. "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.
47. "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.
48. "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable 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
49. "Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle", unless such transportable structures are placed on a site for 180 consecutive days or longer.
50. "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.
51. "Map" means the Flood Hazard Boundary Map (FHBM), Flood Boundary and Floodway Map(FBFM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.
52. "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 purposes of this Resolution, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations (BFE) shown on a community's Flood Insurance Rate Map are referenced.
53. "National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.
54. "New Construction" any structure for which the "start of construction" commenced on or after the effective date of this Resolution or the effective date of the first floodplain management Resolution and includes any subsequent improvements to such structure.
55. "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 first floodplain management Resolution and includes any subsequent improvements to such structure.
56. “North American Vertical Datum (NAVD)” As corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.
57. "100-Year Flood" see "Base Flood".

58. "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.
59. "Recreational Vehicle" means a vehicle which is:
    a. built on a single chassis;
    b. four hundred (400) square feet or less when measured at the largest horizontal projections;
    c. designed to be self-propelled or permanently towable by a light duty truck; and
    d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
60. "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.
61. "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
62. "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.
63. "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; or 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.
64. "State Coordinating Agency" (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office designated by the Governor of the State or by state statute at the request of the Building Commissioner or his designee to assist in the implementation of the National Flood Insurance Program in that state.
65. "Structure", for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

66. "Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
67. "Substantial Improvement" means any repairs, reconstruction's, rehabilitation's, additions, alterations or other improvement of a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement.
    a. The market value of the structure should be:
        i. the appraised value of the structure prior to the start of the initial repair or improvement or;
        ii. in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.
    b. For the purpose of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either:
        i. 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;
        ii. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".
68. "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 (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.
69. Variance" is a grant of relief from the requirements of this Resolution which permits construction in a manner otherwise prohibited by this Resolution where specific enforcement would result in unnecessary hardship.
70. "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.
71. "Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

9.1.3 ADMINSTRATION AND ENFORCEMENT

1. Requirement for Development Permit. A development permit shall be required in conformity with The Official Code of Montgomery County, Tennessee, prior to the commencement of any development activity.
2. Compliance. No 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.
3. Abrogation and Greater Restrictions. This Resolution is not intended to repeal, abrogate, or impair any existing easement, covenants, or deed restriction. However, where this Resolution conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.
4. Interpretation. In the interpretation and application of this Resolution, all provisions shall be:
   (a) considered as minimum requirements;
   (b) liberally construed in favor of the governing body, and
   (c) deemed neither to limit nor repeal any other powers granted under state statutes.
5. 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 flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This Resolution shall not create liability on the part of Montgomery 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.
6. 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 or special exceptions shall be punishable as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Montgomery County, Tennessee from taking such other lawful actions to prevent or remedy any violation.
7. Administration. Designation of Building Commissioner or his designee. The Building Commissioner or his designee is hereby appointed to administer and implement the provisions of this Resolution.

9.1.4 PERMIT PROCEDURES

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

2. **Application Stage:**
   a. Elevation in relation to mean-sea-level of the proposed lowest floor, including basement, heating and cooling units and ductwork of all buildings.
   b. Elevation in relation to mean-sea-level to which any non-residential building will be floodproofed, or to the highest adjacent grade when applicable under this Resolution.
   c. Certificate from a registered professional engineer or architect that the non-residential floodproofed building will meet the floodproofing criteria as provided in this Resolution.
   d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
3. **Construction Stage:**
   a. Within unnumbered A zones, where flood elevation data are not available, the Building Commissioner or his designee shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.
   b. For all new construction and substantial improvements, the permit holder shall provide to the Building Commissioner or his designee an as-built certificate of the regulatory floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing. Within unnumbered A zones, where flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.
   c. Any lowest floor certification made relative to mean-sea-level shall be prepared by or under the direct supervision of, a registered land surveyor and certified by same. When floodproofing is utilized for a non-residential building said certification shall be prepared by or under the direct supervision of, a professional engineer or architect and certified by same.
   d. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Building Commissioner or his designee 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.

9.1.5 DUTIES AND RESPONSIBILITIES OF THE BUILDING COMMISSIONER

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

1. Review of 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. Advice to permittee that additional federal, state and or local permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits and or applications be provided and maintained on file with the appropriate development permit. This shall include Section 404, of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.

3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
5. Record the actual elevation (in relation to mean-sea-level or highest adjacent grade, whichever is applicable) of the lowest floor including basement, heating and cooling units, and ductwork of all new or substantially improved buildings, in accordance with this Resolution.
6. Record the actual elevation (in relation to mean-sea-level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been floodproofed, in accordance with this Resolution.
7. When floodproofing is utilized for a structure, the Building Commissioner or his designee shall obtain Certification of design criteria from a registered professional engineer or architect, in accordance with this Resolution.
8. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Building Commissioner or his designee shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Resolution.
9. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Building Commissioner or his designee shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FHBM or FIRM meet the requirements of this Resolution. Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Building Commissioner or his designee shall require the lowest floor of a building to be elevated or floodproofed to a level of at least (3) three feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Section (D) of this Resolution). All applicable data including the highest adjacent grade elevation and the elevations of the lowest floor of floodproofing shall be recorded as set forth in accordance of this Resolution.
10. All records pertaining to the provisions of this Resolution shall be maintained in the office of the Building Commissioner 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.

9.1.6 PROVISIONS FOR FLOOD HAZARD REDUCTION

1. **General Standards:** In all flood prone areas the following provisions are required:
   a. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
   b. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
   c. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
   d. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
   e. 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;
   f. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
   g. 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;
   h. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
   i. Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this Resolution, shall meet the requirements of "new construction" as contained in this Resolution; and,
   j. Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provision of this Resolution, shall be undertaken only if said non-conformity is not extended.
2. **Specific Standards:** These provisions shall apply to **ALL** areas of special flood hazard as provided herein:
   a. Residential Construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement all heating and cooling units, and ductwork elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Subsection 9.1.6.2.
   b. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, heating and cooling units, and ductwork, elevated no lower than one (1) foot above the level of the base flood elevation. 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 registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Building Commissioner as set forth in accordance with this Resolution.

c. Elevated Building. All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.
    i. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.
        A. Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
        B. The bottom of all openings shall be no higher than one (1) foot above grade; and
        C. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
    ii. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
    iii. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Subsection 9.1.6.2, of this Resolution.

3. **Standards for Manufactured Homes and Recreational Vehicles:**
    a. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions of existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.
    b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
        i. When base flood elevations are available the lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation on a permanent foundation;
        ii. The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and,

iii. Any manufactured home that has incurred "substantial-damage" as the result of a flood, any manufactured home placed or–substantially improved must meet the standards of Subsection 9.1.6.3.

c. All recreational vehicles placed on sites must either:

i. Be on the site for fewer than one hundred-eighty (180) consecutive days;

ii. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions.

4. **Standards for Areas of Special Flood Hazard without Base Flood Elevation Data:** In all areas of special flood hazard where base flood elevation data or floodway data have not been provided, the provisions of Subsection9.1.5, Items 8 and 9, shall be utilized for all requirements relative to the base flood elevation or floodways.

5. **Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevation, but Without Floodways Designated:** Located within the areas of special flood hazard established in Subsection 9.1.1.3, where streams exist with base flood data provided but where no floodways have been designated (AE) the following provisions apply:

a. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

b. New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Subsection 9.1.6.2.

6. **Standards for Streams Without Established Base Flood Elevations or Floodways (A-Zones):** Located within the areas of special flood hazard where streams exist, but no base flood data has been provided (A-Zones), OR where a Floodway has not been delineated, the following provisions shall apply:

a. When base flood elevation data or floodway data have not been provided in accordance with the County Storm Water Resolution, then the Building Commissioner shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State or other source, in order to administer the provisions of Subsections 9.1.6.1 and 91.6.2. ONLY if data is not available from these sources, then the following provisions (a and b) shall apply:

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

community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

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

7. **Standards For Areas of Shallow Flooding (AO and AH Zones):** Located within the areas of special flood hazard established in Subsection9.1.1.2, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

   a. When base flood elevation data or floodway data have not been provided in accordance with the County Storm Water Resolution, then the Building Commissioner shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State or other source, in order to administer the provisions of Subsections 9.1.6.1 and 9.1.6.2. ONLY if data is not available from these sources, then the following provisions (b and c) shall apply:

   b. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement heating and cooling units, and ductwork, elevated to at least one (1') foot above the flood depth number specified on the Flood Insurance Rate Map (FIRM). If no flood depth number is specified, the lowest floor, including basement, heating and cooling units and ductwork, shall be elevated, at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Subsection 9.1.6.2 and "Elevated Buildings".

   c. All new construction and substantial improvements of nonresidential buildings may be flood-proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood-proofed to at least one (1') foot above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, heating and cooling units, and ductwork, shall be flood proofed to at least three (3) feet above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards or practice such certification to the Building Official or his designee as set forth above and as required in accordance of this Resolution.

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

e. The Building Commissioner or his designee shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

8. **Standards For Areas Protected by Flood Protection System (A-99 Zones):** Located within the areas of special flood hazard established in Subsection (B) Items 1 through 4, are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of Subsection 9.1.3, 9.1.4, 9.1.5, 9.1.6.1 and 9.1.6.2 shall apply.

9. **Standards for Areas of Special Flood Hazard with Established Base Flood Elevation and with Floodways Designated:** Located within the areas of special flood hazard established in Subsection 9.1.1.4 Item 2. 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:

   a. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in ANY increase of the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.

   b. New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of Subsection9.1.6.1.

10. **Standards for Unmapped Streams:** Located within Montgomery 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

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

   b. When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood proofed to elevations established in accordance with Subsections 9.1.3, 9.1.4, and 9.1.5.

11. **Standards for Subdivision Proposals:** Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reviewed to

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

a. All subdivision proposals shall be consistent with the need to minimize flood damage.
b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
d. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty (50) lots and/or five (5) acres.

12. **Conditions Attached to Permitted Approvals:** Upon consideration of the flood hazards of a proposed development, structure, or use of land and its site, the agency required to review or make a final decision on building permits, special permits, subdivision approvals, site plan approvals, and amendments to this Section may recommend, if the reviewing authority, and may impose, if the final authority, conditions upon the granting of use permits and approvals to further the purposes of this Section, which conditions may include:

a. Requirements for waste collection and disposal facilities.
b. Requirements for water supply facilities.
c. Requirements for construction of dikes, levees, and other protective measures.
d. Flood proofing measures required for flood protection of nonresidential structures taking into consideration the elevation of a site compared to the flood base elevation and the elevation of adjacent sites, and the flood velocities, duration, rates of rise, hydrostatic and hydrodynamic forces, and any other relevant flood conditions on the site.
e. The flood proofing measures which may be required may include, without limitation:
    i. Installation of watertight doors, bulkheads, shutters, or similar methods of construction.
    ii. Reinforcement of walls to resist water pressures.
    iii. Use of paints, membranes, or mortars to reduce seepage of water through walls.
    iv. Addition of mass or weight to structures to resist flotation.
    v. Installation of pumps to lower water levels in structures.
f. Installation of pumping facilities or comparable practices for subsurface drainage systems for structures to relieve external foundation wall and basement floor pressures.
g. Construction to resist rupture or collapse caused by water pressure or floating debris.
h. Installation of valves or controls on sanitary and storm drain which will permit the drains to be closed to prevent backup of sewage and storm waters into structures.
i. Location of all electrical equipment, circuits, and installed electrical appliances in a manner which will assure they are not subject to flooding.

9.1.7 VARIANCE PROCEDURES

1. **Geographic Area of Application:** The provisions of this subsection shall apply exclusively to areas of special flood hazard within the Montgomery County Planning Region as defined in Subsection 9.1.1.4.
2. **Board of Zoning Appeals:**
   a. Creation and Appointment. The Montgomery County Regional Board of Zoning Appeals shall consist of three (3)/five (5) members appointed by the County Mayor. The term of membership shall be four (4) years except that the initial individual appointments to the Board of Zoning Appeals shall be terms of one, two, and three years respectively. Vacancies shall be filled for any unexpired term by the County Mayor.
   b. Procedure. Meetings of the Board of Zoning Appeals shall be held at such times as the Board shall determine. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereon, which shall be a public record. Compensation of the members of the Board of Zoning Appeals shall be set by the Legislative Body.
   c. Appeals: How taken. An appeal to the 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 Building Commissioner or his designee based in whole or in part upon the provisions of this Resolution. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of $100.00 for the cost of publishing a notice of such hearings shall be paid by the appellant. The Building Commissioner or his designee shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The 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 10 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.
   d. Powers. The Board of Zoning Appeals shall have the following powers:
      i. 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 Building Commissioner or his designee or other administrative official in the carrying out or enforcement of any provisions of this Resolution.
      ii. Variance Procedures. In the case of a request for a variance the following shall apply:
         A. The Montgomery County Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Resolution.
         B. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation

will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

C. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Resolution, and:
    1. The danger that materials may be swept onto other property to the injury of others;
    2. The danger to life and property due to flooding or erosion;
    3. The susceptibility of the proposed facility and its contents to flood damage;
    4. The importance of the services provided by the proposed facility to the County;
    5. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
    6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
    7. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
    8. The safety of access to the property in times of flood for ordinary and emergency vehicles;
    9. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
    10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

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

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

3. **<u>Conditions for Variances:</u>**

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

b. Variances shall only be issued upon:
    i. a showing of good and sufficient cause,

ii. a determination that failure to grant the variance would result in exceptional hardship; and

iii. 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.

c. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

d. The Building Commissioner or his designee shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

9.1.8 LEGAL STATUS PROVISIONS

1. **Conflict with Other Resolutions:** Conflict between this Resolution or any part thereof, and the whole or part of any existing or future Resolution of Montgomery County, Tennessee, the most restrictive shall in all cases apply.
2. **Validity and 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.

9.2 HISTORIC OVERLAY DISTRICT

9.2.1 GENERAL DESCRIPTION AND PURPOSES

1. The historic district provisions are established in order that appropriate measures may be taken to ensure preservation of structures of historic and/or cultural value to the City of Clarksville and Montgomery County, Tennessee, pursuant to the authority contained in Section 13-7-401 through 13-7-409, Title 13, of the Tennessee Code Annotated.
2. The general intent includes, among others, the following specific purposes:
   a. To preserve and protect the historic and/or architectural value of building of other structures.
   b. To protect the historic buildings or other structures from encroachment of surrounding uses which diminish or lessen their significance.
   c. To regulate exterior design, arrangement, texture, and materials proposed to be used within the historic district to ensure compatibility.
   d. To create an aesthetic appearance which compliments the historic buildings or other structures.
   e. To stabilize and improve property values.
   f. To foster civic beauty.
   g. To strengthen the local economy; and
   h. To promote the use of historic district for the education, pleasure and welfare of the present and future citizens of the City of Clarksville, and Montgomery County.

9.2.2 CREATION OF HISTORIC DISTRICTS

1. Upon the creation of an Historic District, the boundaries shall be shown on the zoning map or on special overlays thereto which are made a part of this Zoning Resolution/Ordinance and may be viewed upon request at the Office of the Regional Planning Commission.
2. **No structure shall be constructed, altered, repaired, moved or demolished in any Historic District unless the action complies with the requirements set forth in this Section.**

9.2.3 CREATION OF A REGIONAL HISTORIC ZONING COMMISSION

1. **Membership:** A Regional Historic Zoning Commission is hereby created for the City of Clarksville and Montgomery County, Tennessee, and it shall consist of seven (7) members who shall have been bona fide residents of the area of jurisdiction of Montgomery County for not less than three (3) years immediately prior to appointment and who shall continue to be so eligible as long as they serve.
2. Composition: Membership on the Regional Historic Zoning Commission shall be composed of the following seven (7) members and include:
   a. A representative of a local patriotic or historical organization;
   b. An architect, if available;
   c. One representative of the City Council;
   d. One representative of the County Commission;

e. One representative of the Regional Planning Commission;
f. The remaining members shall be appointed from the general public.

3. **Appointment:**
   a. The Mayor of the City of Clarksville shall appoint the representative of the local patriotic or historical organization, the member of the City Council, and one member from the general public, all subject to confirmation by the City Council.
   b. The Mayor of Montgomery County shall appoint the architect, the member of the Board of County Commissioners, and one member from the general public, all subject to confirmation by the County Commission.
   c. The Regional Planning Commission shall nominate the member of that commission and that member shall be confirmed by both legislative bodies of the City and County.

4. **Term of Appointment, Removal and Vacancies:**
   a. The members of the Regional Historic Zoning Commission shall serve for 5-year terms, except that the members appointed initially shall be appointed for staggered terms so that the terms of at least one (1) member but not more than two (2) members shall expire each year.
   b. The term of the member nominated from the Regional Planning Commission shall be concurrent with the term on the Planning Commission, and the term of members from the local legislative bodies shall be concurrent with the terms on the local legislative body.
   c. All members shall serve without compensation and may be removed from membership by the appointing authority for just cause. Any member being so removed shall be provided, upon request, a public hearing on the removal decision before the City Council and County Commission.
   d. Vacancies on the Regional Historic Zoning Commission shall be filled for the unexpired term of those members whose position has become vacant in the manner herein provided for the appointment of such member. Vacancies shall be filled within a period of sixty (60) days following their occurrence.
   e. The commission may adopt rules and regulations consistent with the provisions of this part.

5. **Election of Officers, Rules and Meetings:**

The Regional Historic Zoning Commission shall elect from its members its own chairman and other officers deemed appropriate to carry out its purpose. The Commission shall adopt rules of order for conducting meetings and establish regular meeting dates.

6. **Conflict of Interest:**

Any member of the Regional Historic Commission who shall have a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of said Commission shall be disqualified from participating in the discussion, decision, or proceedings of the Regional Historic Zoning Commission in connection therewith.

9.2.4 POWERS AND DUTIES OF THE REGIONAL HISTORIC ZONING COMMISSION

1. **General Powers and Duties:**
   a. The Regional Historic Zoning Commission may submit and it shall review applications for amendments to this Ordinance/Resolution designating historic sites or buildings for special Historic Districts.
   b. A historic district or zone shall be defined as a geographically definable area which possesses a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and which meets one or more of the following criteria:
      i. That it is associated with an event which has made a significant contribution to local, state, or national history;
      ii. That it includes structures associated with the lives of persons significant in local state or national history;
      iii. That it contains structures or groups of structures which embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction;
      iv. That it has yielded or may be likely to yield archaeological information important in history or prehistory;
      v. That it is listed in the National Register of Historic Places; (Acts 1982 (Adj. S.), Ch. 814, 1.); or
      vi. That it addresses the cost of acquisition by City and/or County Governments, restoration, maintenance and repair, as applicable.
2. **Additional Powers and Duties:**
   a. It shall be the duty of the Regional Historic Zoning Commission to make the following determination with respect to Historic Districts:
      i. Appropriateness of altering or demolishing any building or structure within the Historic District. The Commission may require interior and exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features to be used for historical documentation as a condition of any permission to demolish a building or structure.
      ii. Appropriateness of exterior architectural features including signs and other exterior fixtures of any new buildings and structures to be constructed within the Historic District.
      iii. Appropriateness of front yards, side yards, rear yards, off-street parking spaces, location of entrance drives into the property, sidewalks along the public right-of-way, which might affect the character of any building or structure within the Historic District.
      iv. The general exterior design, arrangement, texture, material, color of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings. However, the Regional Historic Zoning

Commission shall not consider interior arrangement or design, nor shall it make any requirements except for the purpose of preventing extensions incongruous to the historic aspects of the surroundings.

b. It shall also be the responsibility of the commission to review all proposed nominations to the National Register of Historic Places for properties within the jurisdiction of Montgomery County. A report of the Commission's recommendations in this regard will then be forwarded to the Tennessee Historical Commission/State Historic Preservation Office.

c. The Commission shall also have the authority to conduct surveys of local historical and cultural resources and will maintain a list of districts and individual properties that have been designated historic pursuant to local legislation.

d. The Commission shall also have the authority to establish reasonable fees in regard to applications for Certificates of Appropriateness.

3. **Right of Entry Upon Land:** The Commission, its members and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this Ordinance/Resolution, but there shall be no right of entry into any building without the consent of the owner.

4. **Liability of Regional Historic Zoning Commission Member:**

a. Any Regional Historic Zoning Commission member acting within the powers granted by this Ordinance/ Resolution is relieved from all personal liability for any damage and shall be held harmless by the City and County Governments.

b. Any suit brought against any member of the Commission shall be defended by a legal representative furnished by the City of Clarksville or Montgomery County, until the final termination of the procedure.

9.2.5 PROCESS

1. **Submittal of Building Permit to the Historic Zoning Commission:**

a. The City Building Official and the County Building Commissioner shall not issue any permit for the construction, reconstruction, alteration, or extension of building or other structure within any historic zone district, nor shall any other agency issue a permit for the demolition or removal of any building or other structure within said district without first submitting the application for such permit together with all exterior plans, elevations, and other information necessary to determine the appropriateness of the features to be passed upon by the Regional Historic Zoning Commission.

2. **Meetings on Applications:** The Regional Historic Zoning Commission shall meet at quarterly meetings scheduled for January, April, July, and October, or within ten (10) days after notification by the City Building Official or the County Building Commissioner of the filing of an application relating to a historic district or a nomination to the National Register.

3. **Approval:**

a. Upon approval of any application, the Historic Zoning Commission shall forthwith transmit a report to the City Building Official or the County Building Commissioner

stating the basis upon which such approval was made, and cause a certificate of appropriateness to be issued to the applicant.

b. Upon failure of the Historical Zoning Commission to take final action within thirty (30) days after receipt of the application, the case shall be deemed approved, except when mutual agreement has been made for an extension of the time limit.

c. When a certificate of appropriateness has been issued, a copy thereof shall be transmitted to the City Building Official or the County Building Commissioner who shall from time to time inspect the construction or alteration of the exterior approved by such certificate, and report to the Regional Historic Zoning Commission any work not in accordance with such certificate before issuing a certificate of zoning compliance.

4. **Disapproval:**
   a. In the case of disapproval of any application, the Regional Historic Zoning Commission shall state the reasons therefore in a written statement to the applicant, in terms of design, arrangement, texture, color, material, and the like of the property involved.
   b. Notice of such disapproval and a copy of the written statement of reasons therefore shall also be transmitted to the City Building Official or the County Building Commissioner.
5. **Approval of Removal or Demolition:**
   a. In the event an application for removal or demolition or redevelopment of a building or other structure within an historic district is submitted or such demolition is required, the governmental agency receiving such request or initiating such action shall transmit a copy thereof to the Regional Historic Zoning Commission, and said Commission shall have a period of ninety (90) days from the date the application was filed to acquire such property.
   b. Upon failure of the Regional Historic Zoning Commission to take final action within ninety (90) days after the filing of the application, the case shall be deemed approved, except when mutual agreement has been made for an extension of the time limit.
6. **Appeals from Decision of the Regional Historic Zoning Commission** Appeals from decision of the Regional Historic Zoning Commission: anyone who may be aggrieved by any final order or judgment of the Historic Zoning Commission may have such order or judgment reviewed by the courts by procedure of statutory certiorari as provided for in the Tennessee Code Annotated, Section 27, Chapter 8. (Acts 1982, Ch. 814 and 1; 1987, Ch. 40 and 6.)
7. **Public Comment:**
   a. All meetings of the Commission shall adhere to the Tennessee Open Meetings Act (TCA sec. 8-44-101, et. seq.)
   b. Further, the Commission will provide opportunity for public comment during the press of the Commission's review of the National Register nominations as well as its consideration of local zoning applications.

9.2.6 ANNUAL REPORT TO STATE HISTORIC PRESERVATION OFFICE

The Commission shall send all annual reports of its activities to the Tennessee Historical Commission/State Historic Preservation Office.

9.3 SABRE HELIPORT OVERLAY DISRICT

9.3.1 GENERAL DESCRIPTION AND PURPOSE:

1. The purpose of this overlay district designation is to establish regulations to protect the health, safety, and general welfare of persons and property in the vicinity of U.S. Army Sabre Heliport.
2. This is accomplished by:
   a. minimizing public exposure to high noise levels and accident hazards generated by airport operations;
   b. restricting structure heights and the permitted use of outdoor light fixtures which have a detrimental effect on aircraft operations at Sabre; and
   c. encouraging future development which is compatible with the continued operation of the airport and the military mission of Fort Campbell Military Installation.
3. The Sabre Heliport Overlay District shall consist of areas identified as Noise Zone II (NZ-2), Noise Zone III (NZ-3), the Military Noise Disclosure Area (NDA), Aircraft Light Sensitive Area (ALSA) and the Approach Departure Surface Area (ADSA) as shown in the report "Joint Land Use Study Compatible Use Zone for Fort Campbell Military Installation" (U.S. Department of the Army, September 2003) and hereby incorporated by reference as the "Sabre Heliport Overlay District" on the Official Zoning Map for the Unincorporated Area of Montgomery County.

9.3.2 APPLICATION OF REGULATIONS:

1. The Sabre Heliport Overlay District is not intended to be utilized as a district classification, but as a designation, which identifies areas subject to regulations, which are supplementary to the regulations of the district to which such designation is attached, appended, or overlaid. Where there is a conflict between the provisions of this section and those of the underlying zoning district, the more stringent standards, and requirements shall apply.
2. The provisions of this Section shall apply to any new use and structure, when such uses are located in a zone established by this section. Nothing contained herein shall require any change or alteration in a lawfully constructed or established structure or use in existence at the time of adoption or amendment of the overlay district.
3. If a structure or use is located in more than one of the zones established by this Section, the structure or use shall comply with all applicable provisions, except that if a conflict exists, the zone with the more restrictive regulations shall apply.
4. Agricultural uses and structures shall be exempt from the height requirements of this Section, notwithstanding the height requirements specified under Federal Aviation Regulations (FAR), Part 77, "Objects Affecting Navigable Space".

9.3.3 DEFINITIONS:

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

1. **Airport:** Sabre Army Heliport (SAH), a United States Army Airfield located in Montgomery County, engaged in aerial operations.

2. **Sabre Heliport Overlay District Map:** A map prepared by the Clarksville-Montgomery County Planning Commission for Montgomery County in the vicinity of U.S. Army Sabre Heliport consisting of areas identified as Noise Zone II (NZ-2), Noise Zone III (NZ-3), the Military Noise Disclosure Area (NDA), Aircraft Light Sensitive Area (ALSA) and the Approach Departure Surface Area (ADSA) as shown in the report "Joint Land Use Study Compatible Use Zone for Fort Campbell Military Installation" (U.S. Department of the Army, September 2003) and hereby incorporated by reference as the "Sabre Heliport Overlay District" on the Official Zoning Map for the Unincorporated Area of Montgomery County.. The provisions of this map hereby create and establish specific airport noise zones, noise disclosure areas, military light-sensitive areas, and approach departure surfaces, and are hereby incorporated by this reference and are hereby a part of the official Zoning Resolution of Montgomery County and a part of the official Zoning Map of Montgomery County for the purpose of establishing various land uses and design criteria within the Sabre Heliport Overlay District.
3. **Day-Night Average Sound Level (DNL):** The time-weighted day/night energy average of a noise level for a 24-hour time period. Weighting factors are included which place a penalty on noise events occurring between 10:00 p.m. and 7:00 a.m. and for those, which occur on weekends. It has as its base the A-weighted sound level that is designed to approximate the response of the human ear to sound.
4. **Decibels (dB):** The physical unit commonly used to describe noise levels.
5. **High Noise Levels:** Sound levels which equal or exceed the 65 Ldn noise contour line developed by the application of the day-night average sound level methodology of sound measurement (Ldn).
6. **Ldn:** The day-night sound level.
7. **Noise Level Reduction (NLR):** The difference in decibels of the noise level from outside to inside of a building. Such reduction depends primarily upon the construction and materials in the walls, ceilings, windows, doors and vents.
8. **Outdoor Light Fixtures:** Outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement. Such devices shall include, but are not limited to, search, spot and flood lights for buildings and structures, recreational facilities, parking lot lighting, landscape lighting, billboards and other signs; street lighting and walkway lighting.
9. **Runway:** A strip of ground designed, paved and used at an airport for the landing and takeoff of aircraft.
10. **Substantial Improvement:** Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure. The market value of the structure should be either before the improvement or repair is started, or if the structure has been damaged, before the damage occurred.

9.3.4 PERMITTED USES:

The uses permitted in this overlay district shall be those permitted in the underlying zoning district unless otherwise noted in this Section.

9.3.5 OVERLAY ZONES DEFINED:

1. In order to carry out the provisions of this Section, there are hereby created and established certain zones which include all of the land lying within the Aircraft Light Sensitive Area, Noise Zone II, Noise Zone III, Military Noise Disclosure Area and the Approach Departure Surface Area.
2. Such areas and zones are shown in the report "Joint Land Use Study Compatible Use Zone for Fort Campbell Military Installation" (U.S. Department of the Army, September 2003) which is made a part hereof. The various zones are hereby established and defined as follows:
   a. **Aircraft Light Sensitive Area (ALSA)** – The circular area where light emissions can adversely impact military aircraft operations at Sabre Army Heliport.
   b. **Noise Zone II (NZ-2)** – The area between the 65 Ldn and 70 Ldn noise contour lines developed by the application of the day-night average sound level methodology of sound measurement (Ldn).
   c. **Noise Zone III (NZ-3)** – The area between the 70 Ldn and 75 Ldn noise contour lines developed by the application of the day-night average sound level methodology of sound measurement (Ldn).
   d. **Military Noise Disclosure Area (NDA)** – The area where persons may be periodically exposed to increased noise levels due to the close proximity of their property to Fort Campbell Military Installation.
   e. **Approach Departure Surface Area (ADSA)** – The area consisting of primary, approach, transitional, horizontal and conical surfaces for Sabre Army Heliport.

9.3.6 USE RESTRICTION AND DESIGN CRITERIA BY OVERLAY ZONE:

1. Any development, structure, or use located on land within this overlay district shall comply with the following standards in addition to any other standards or requirements for such development, structure, or use under any of the provisions of this Section, the Subdivision Regulations, and the Building Code:
   a. In the **Aircraft Light Sensitive Area (ALSA),** all new developments, with the exception of single-family and two-family dwelling uses, shall comply with the following:
      i. Outdoor lighting shall be planned, erected and maintained so light is shielded from upward illumination.
      ii. On-site parking lot lighting shall not exceed 40' in height.
      iii. On-site parking areas shall be constructed of asphalt, dyed concrete or other non-reflective paving surfaces.
      iv. Gas station canopy lighting shall be designed to conceal the illumination source and the lighting fixture shall not extend below the canopy skirt.

v. Outdoor recreational facilities shall not be permitted to use or install high intensity lighting such as stadium lighting.

vi. Single-family and two-family dwelling uses are encouraged **<u>but not required</u>** to comply with the lighting requirements of the ALSA zone, with the exception that all exterior pole lighting shall be downward facing.

b. In the **Noise Zone II (NZ-2) and Noise Zone III (NZ-3),** all new developments shall comply with the following:

i. Noise sensitive land uses such as residential dwellings, administrative & professional offices, churches, schools and places of public accommodation are discouraged in NZ-2 and **strongly discouraged** in NZ-3, but can be constructed if permitted in the underlying zoning district.

ii. All construction must meet the minimum requirements of local building codes. New construction must also meet the noise attenuation requirements specified below:

A. Residential buildings shall incorporate sound attenuation measures into the design and construction of the dwelling to achieve a noise level reduction (NLR) of 30 (NZ-2) or 35 (NZ-3) decibels in order to bring the interior DNL of the living unit to forty-five (45) decibels or below. The attenuation requirements can be met by one of two ways as described in the following subsection:

1. The builder may choose to use a design that incorporates the design standards described in the Noise Level Reduction Standards (Subsection 9.3.11 and 9.3.12), and, if so, the design shall be considered to have met the required sound attenuation standard.

2. The builder may choose to use design features other than those described in the Noise Level Reduction Standards (Subsection 9.3.11 and 9.3.12), as long as the final design is capable of achieving the required Noise Level Reduction. A registered architect, structural engineer, or acoustician shall certify such sound attenuation capability.

B. Administrative & professional offices, churches, schools and places of public accommodation shall incorporate sound attenuation measures into the building design and construction to achieve a noise level reduction (NLR) of 30 (NZ-2) or 35 (NZ-3) decibels into portions of these buildings where the public is received, office areas, noise sensitive areas or where normal noise level is low. A registered architect, structural engineer, or acoustician shall certify such sound attenuation capability.

iii. The sound attenuation requirements in this Section do not apply to the expansion of any structure already in existence at the time of adoption of this overlay district. These requirements are also not applicable to existing structures that have been issued a building permit or to room additions, garages or storage buildings.

iv. Any application for a building or occupancy permit within a designated high noise zone must demonstrate compliance with the provisions of this resolution prior to

the issuance of such permit(s). As a condition of obtaining a building permit, the applicant shall sign a noise disclosure statement acknowledging that the premises may be exposed to excessive noise levels from Sabre Army Heliport.

c. In the **Military Noise Disclosure Area (NDA),** all new developments shall comply with the following:
   i. Any person proposing a new structure or use within this zone shall complete a noise disclosure form with the Montgomery County Building & Codes Department acknowledging their property is located in close proximity to Fort Campbell Military Installation and may be subjected to increased noise levels resulting from the overflight of both fixed-wing and rotary-wing aircraft, the movement of vehicles, the firing of small and large caliber weapons, and other accepted and customary military training activities.
   ii. Any subdivision plat and site review plan submitted for property within this zone shall contain the following note in bold print and in a conspicuous location on the plat or plan: "This property is located in close proximity to Fort Campbell Military Installation and may be subjected to increased noise levels resulting from the overflight of both fixed-wing and rotary-wing aircraft, the movement of vehicles, the firing of small and large caliber weapons, and other accepted and customary military training activities."

d. In the **Approach Departure Surface Area**, all new developments shall comply with the following:
   i. The construction or establishment of any building, structure or use shall comply with the underlying zoning district, but shall not exceed 75' in height above ground level.
   ii. The use of open space and/or low density development (one acre or more in size) is encouraged on properties underlying the airport horizontal surface as a transition between Sabre Army Heliport airport operations and the proposed development.

9.3.7 ADDITIONAL HEIGHT AND USE RESTRICTIONS:

1. No use may be made of land within any zone established by this Section in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, take off, or maneuvering of aircraft.
2. Sanitary landfills and any other use or activity, which promotes the gathering, feeding or roosting of birds, shall not be permitted within 10,000 feet of any runway.

9.3.8 PLAN REVIEW AND APPROVAL:

1. The owner or owners of a tract of land within this Overlay District shall submit to the Regional Planning Commission a site plan for the development and use of such tract meeting the requirements set forth in Section 5.7.

2. Uses and structures proposed within a zoning district in which a site plan approval is not required to be submitted to the Regional Planning Commission, such plans shall be submitted to the Montgomery County Building and Codes Department.
   a. For tracts located in the **Aircraft Light Sensitive Area (ALSA),** a lighting plan shall be included as part of the required site plan submittal which shall contain but not be limited to the following:
      i. The location of the site where the outdoor light fixtures will be installed;
      ii. Plans indicating the location on the premises, and the types of outdoor light fixtures;
      iii. A description of the outdoor light fixtures including but not limited to manufacturer's catalog cuts and drawings.
   b. For tracts located within **Noise Zone II (NZ-2) or Noise Zone III (NZ-3)**, all applicants for a building or occupancy permit shall include with the application all plans, specifications or other information required by this resolution. The plans and specifications shall describe in sufficient detail all pertinent features of the building, building materials, heating and ventilation systems, including but not limited to the STC ratings of roof/ceilings, walls, windows, and doors and other pertinent data as may be requested by the building official to demonstrate conformance with the applicable noise reduction level requirements as specified herein.

9.3.9 NONCONFORMING USES:

1. The regulations prescribed by this Section shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree nonconforming to the regulations as of its effective date, or otherwise interfere with the continuance of any nonconforming use.
2. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure or use of land, which was legally existing or begun prior to the effective date of this Section, and is diligently pursued.

9.3.10 RESIDENTIAL CLUSTER OPTION (PROPERTIES IN NOISE ZONES II AND III):

1. In order to encourage residential development away from high noise areas, properties wholly or partially located within Noise Zones II or III shall be allowed to utilize the Residential Cluster Option provision (Section 21 of this Resolution) under the following conditions:
   a. No residential structures shall be allowed on any property located in Noise Zone III.
   b. All proposed cluster developments shall be in accordance with and meet the minimum standards of Section 21 (Residential Cluster Option) of this Resolution.
   c. Minimum required and any other dedicated open space must be reserved within designated high noise areas.
   d. No clustering of residential structures shall be allowed on any property located in Noise Zone II. Minimum lot sizes and widths shall be those required within the base zone district.

e. The determination of lot yield shall be determined by deducting fifteen (15) percent from the gross land area and dividing the remaining eighty-five percent of the gross land area by the minimum lot area of the base zone classification of the subject tract.

2. It is the intent of this option to allow the use of cluster development techniques in all single-family residential zoning classifications (AG, E-1, EM-1, R-1, RM-1, R-1A, and RM-2).
3. Minimum lot size requirements, excluding perimeter lots in a cluster development shall be as follows:
   a. AG (Agricultural District): 30,000 square feet
   b. E-1 (Single-Family Estate District): 25,000 square feet
   c. EM-1 (Single-Family Mobile Home Estate District): 25,000 square feet
   d. E-1A (Single Family Estate District) : 20,000 square feet
   e. EM-1A (Single Family Mobile Home Estate District): 20,000 square feet
   f. R-1 (Single-Family Residential District): 6,000 square feet
   g. RM-1 (Single-Family Mobile Home Res. Dist.): 6,000 square feet
   h. R-1A (Single-Family Residential District): 6,000 square feet
   i. RM-2 (Single-Family Mobile Home Res. Dist.): 6,000 square feet
4. Minimum lot width requirements, excluding perimeter lots in a cluster development shall be as follows:
   a. AG, E-1, and EM-1 : 75 feet at front setback line
   b. E-1A and EM-1A: 60 feet at front setback line
   c. R-1, RM-1, R-1A, and RM-2: 50 feet at front setback line
5. Unless a greater setback is shown on the final recorded plat due to the required drainage and/or utility easements, the minimum side yard setback requirements, for principal uses and unattached buildings of accessory use, excluding perimeter lots, shall be as follows:
   a. AG, E-1, and EM-1 : Same as respective districts
   b. R-1, RM-1, R-1A, and RM-2: 10 foot minimum both sides
6. Unless a greater setback is shown on the final recorded plat due to the required drainage and/or utility easements, the minimum rear yard setback requirements for principal uses and unattached buildings of accessory use, excluding perimeter lots, shall be 20 feet.

9.3.11 RESIDENTIAL DESIGN STANDARDS FOR NOISE ZONE II:

1. **Noise Level Reduction (NLR) Requirements for Noise Zone II: I**
   a. Sabre Heliport Overlay District, contained within the Montgomery County, Tennessee zoning resolution, requires that all new residential uses developed within Noise Zone II of the district be designed to achieve an outside to inside noise reduction level of at least 30 decibels (dB).
   b. This noise reduction requirement may be achieved by any suitable combination of building design, building materials and construction standards so as to reduce the interior noise levels from overhead aircraft flights.
   c. The Noise Zone II NLR requirement applies only to new residential construction and not to the expansion of existing residential uses or to structure additions.
   2. NLR Compliance:

a. The following noise level reduction design standards are taken from the Department of Defense (DoD) publication Guidelines for Sound Insulation of Residences Exposed to Aircraft Operations, dated February 2005. These design standards are applicable to plans and specifications for any proposed residential use and building constructed to comply with the Sabre Heliport Overlay District's minimum 30 dB NLR requirement for Noise Zone II.
b. The Sabre Heliport Overlay District requires that prior to the issuance of a building permit for a residential use in Noise Zone II, a qualified acoustical professional must certify that the design standards, construction methods and materials used to construct the residential use will achieve at least a 30 dB noise level reduction. The plans and specifications for a building permit may either
    i. indicate compliance with these NLR design standards herein or
    ii. provide written certification from a qualified acoustical consultant confirming that the construction of the building as indicated in the plans and specifications will result in a minimum 30 dB NLR.
c. When using these NLR design standards, please refer to Guidelines for Sound Insulation of Residences Exposed to Aircraft Operations for details and reference information.

3. General NLR Design Standards:

a. The NLR standards should be applied to all occupied rooms having one or more exterior walls or ceiling. The Sound Transmission Class (STC) ratings required for exterior walls, windows, doors, and ceilings are presented in Appendix (D) Guidelines for Sound Insulation of Residences Exposed to Aircraft Operations.
b. Sound Transmission Class (STC) ratings for windows and doors are valid only if they are determined by laboratory tests performed by an independent laboratory for the product manufacturer. A rating estimated for glass alone is not an acceptable substitute for STC tests of windows. Likewise, ratings estimated for door leafs alone are not an acceptable substitute for STC ratings of doors. The installed products must have the same accessories such as storm panels, glazing thickness, glazing size, gaskets, bottom door seals, thresholds, etc., as the tested assembly.
c. In order to achieve the STC ratings specified below, special measures are necessary to install doors and windows. These include the use of non-hardening (acoustical) caulk at all hidden surfaces, flexible caulk at all exposed surfaces, and solid continuous blocking to fill all voids over 1/4" around windows and doors.

4. Minimum 30 dB NLR Building Standards:

a. Exterior walls

i. Exterior walls, other than as described below, shall have a laboratory sound transmission class rating of at least STC-43. This rating can be achieved as follows. The gypsum board or plaster shall be fastened rigidly to the studs if the exterior is brick veneer. If the exterior is siding, then the interior gypsum board or plaster must be fastened to the studs using resilient channels. Resilient channels must be installed horizontally along the studs, and screws connecting the gypsum

board or plaster to the channels must not contact the studs. Oriented Strand Board (OSB) at least 7/16 inches thick shall cover the exterior side of the wall studs.

ii. Rooms that have one exterior wall and a total exterior wall area below 170 square feet need not meet the requirements of the paragraph above.

iii. The interior surface of the exterior walls shall be of gypsum board or plaster at least 1/2 inch thick.

iv. Fiberglass batt or blanket insulation shall be installed continuously and completely throughout the stud cavity. Batts or blankets should be held firmly in place between studs, with fasteners if necessary, to prevent sagging; however, packing the insulation such that it is compressed may slightly reduce its acoustical (and thermal) performance.

b. Windows

i. Windows, other than as described in this section, shall have a laboratory sound transmission class rating of at least STC-33.

ii. 2 Windows in rooms with 2 exterior walls and a total exterior wall area greater than 300 square feet must have a laboratory sound transmission class rating of at least STC-40.

c. Doors

i. Exterior doors, or door/storm composite assemblies, other than as described in this section, shall have a laboratory sound transmission class rating of at least STC-26. A typical door in combination with a typical storm door will achieve a rating of at least STC 26. Therefore, either a door tested to achieve an STC 26 rating may be used, or else a storm door can be added to an untested door. If a storm door is not used, then all glass in the door shall be at least 3/16" thick.

ii. Doors in rooms with 2 exterior walls and a total exterior wall area greater than 300 square feet must have a laboratory sound transmission class rating of at least STC-33. This rating may be achieved either by using a door tested to achieve an STC 33 rating, or a typical door in combination with a secondary/storm door tested to achieve an STC 29 rating, or a typical door in combination with a full-view secondary/storm door utilizing 1/4" thick laminated glass. If a storm door is not used, then all glass in the door shall be at least 1/4" thick laminated glass.

iii. Interior doors between occupied spaces and attached garages or unfinished attic spaces shall be solid-core wood or 20-gauge insulated metal at least 1-3/4 inches thick and shall be fully weather-stripped.

iv. If a storm/secondary door is used, then the airspace between the surfaces of the two doors shall be maximized.

d**. Roof-Ceiling Assemblies**

i. The standard roof construction is assumed to be shingles, 7/16" minimum OSB deck, and wood trusses or rafters spaced 16' or more O.C. forming an attic space over occupied rooms.

ii. Roof-ceiling assemblies in top-floor rooms with 2 exterior walls and a total exterior wall area greater than 300 square feet must have a laboratory sound

transmission class rating of at least STC-56. The required construction consists of resilient channels mounted perpendicular to the ceiling joists, on the bottom of the joists, with one layer of 1/2" gypsum-board attached to the channels. Resilient channels must be installed horizontally along the studs, and screws connecting the gypsum board or plaster to the channels must not contact the studs.

iii. The use of cathedral ceilings is not allowed. A mock-cathedral ceiling with a small attic space above is acceptable.

iv. Skylights can be used if a secondary panel of 1/4-inch-thick safety glass or insulated thermopane glass is used at the bottom of the skylight well. Alternatively, skylights with an STC 38 rating can be used.

v. Gypsum board or plaster ceilings at least 1/2 inch thick shall be provided. Ceilings shall be substantially airtight with a minimum number of penetrations.

vi. Attic access panels shall be constructed of ¾" thick plywood and shall have continuous neoprene perimeter bulb seals. Pull-down attic stairs whole-house ceiling fans and evaporative coolers shall have movable or operable covers above or below consisting of ¾" thick plywood and continuous neoprene perimeter bulb seals.

e. Floors, Foundations and Basements

i. The floor of the lowest occupied rooms shall be slab on fill, below grade, or over a fully enclosed basement or crawlspace. If the basement is used as a habitable living area (as a recreation area, study, or additional sleeping area, for example), then the doors and windows shall conform to the requirements stated in herein.

ii. Concrete slabs require no treatment.

iii. Crawl spaces with masonry walls must have noise control louvers at the under-floor vents (see Appendix C). If crawl spaces do not have masonry walls, a massive barrier panel must be used as a skirt connecting the bottom of the walls to the ground.

iv. Dryer vents and other basement vents should be constructed of sheet metal to limit the amount of noise that will enter through them and then pass through the duct wall to the surrounding room.

f. Ventilation and Wall Penetrations

i. In-window, through-wall, or through-floor air-conditioning, ventilating, or heating units shall not be used.

ii. Through-the-wall/door mailboxes or mail slots shall not be used.

iii. A mechanical ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms, as specified in the Guidelines for Sound Insulation of Residences Exposed to Aircraft Operations Building Code, without the need to open any windows, doors, or other openings to the exterior.

iv. Gravity vent openings in attics shall not exceed the building code minimum in number and size.

v. If an attic fan is used for forced ventilation, then the attic inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least 20 gauge steel at least 5 feet long with at least one 900 bend.

vi. All vent ducts connecting the interior space to the outdoors, excepting domestic range exhaust and bathroom exhaust ducts, shall be at least 10 feet long and shall contain at least two 90 degree bends. It is recommended that in-line sound attenuators (silencers) be installed in fresh-air intake ducts larger than 3" in diameter.

vii. Unvented range exhaust fans should be used, if allowed by the building code. If unvented range exhaust fans are not used, then the range exhaust ducts connecting the interior space to the outdoors shall be at least 20-gauge steel and shall contain at least two 90 degree bends.

viii. Fireplaces shall be provided with glass doors and well-fitted dampers. Wood stoves shall not be used. Fireplaces in bedrooms are not allowed.

9.3.12 RESIDENTIAL DESIGN STANDARDS FOR NOISE ZONE III:

1. **Noise Level Reduction (NLR) Requirements for Noise Zone III:**
   a. Sabre Heliport Overlay District, contained within the Montgomery County, Tennessee zoning resolution, requires that all new residential uses developed within Noise Zone III of the district be designed to achieve an outside to inside noise reduction level of at least 35 decibels (dB).
   b. This noise reduction requirement may be achieved by any suitable combination of building design, building materials and construction standards so as to reduce the interior noise levels from overhead aircraft flights.
   c. The Noise Zone III NLR requirement applies only to new residential construction and not to the expansion of existing residential uses or to structure additions.
2. **NLR Compliance:**
   a. The following noise level reduction design standards are taken from the Guidelines for Sound Insulation of Residences Exposed to Aircraft Operations February 2005. These design standards are applicable to plans and specifications for any proposed residential use and building constructed to comply with the Sabre Heliport Overlay District's minimum 35 dB NLR requirement for Noise Zone III.
   b. The Sabre Heliport Overlay District requires that prior to the issuance of a building permit for a residential use in Noise Zone III, a qualified acoustical professional must certify that the design standards, construction methods and materials used to construct the residential use will achieve at least a 35 dB noise level reduction. The plans and specifications for a building permit may either:
      i. indicate compliance with these NLR design standards herein or
      ii. provide written certification from a qualified acoustical consultant confirming that the construction of the building as indicated in the plans and specifications will result in a minimum 35 dB NLR.

c. When using these NLR design standards, please refer to the Guidelines for Sound Insulation of Residences Exposed to Aircraft Operations for details and reference information.

3. General NLR Design Standards:

a. The NLR standards should be applied to all occupied rooms having one or more exterior walls or ceiling. The Sound Transmission Class (STC) ratings required for exterior walls, windows, doors, and ceilings are presented in (Appendix D) Model Building Code of the Guidelines for Sound Insulation of Residences Exposed to Aircraft Operations.

b. Sound Transmission Class (STC) ratings for windows and doors are valid only if they are determined by laboratory tests performed by an independent laboratory for the product manufacturer. A rating estimated for glass alone is not an acceptable substitute for STC tests of windows. Likewise, ratings estimated for door leafs alone are not an acceptable substitute for STC ratings of doors. The installed products must have the same accessories such as storm panels, glazing thickness, glazing size, gaskets, bottom door seals, thresholds, etc., as the tested assembly.

c. In order to achieve the STC ratings specified below, special measures are necessary to install doors and windows. These include the use of non-hardening (acoustical) caulk at all hidden surfaces, flexible caulk at all exposed surfaces, and solid continuous blocking to fill all voids over 1/4" around windows and doors.

4. Minimum 35 dB NLR Building Standards:

a.. Exterior walls

i. Exterior walls, other than as described below, shall have a laboratory sound transmission class rating of at least STC-47. To achieve this rating, all exterior walls must have 2 x 6 studs, and the interior ½ inch gypsum board or plaster must be fastened to the studs using resilient channels. Resilient channels must be installed horizontally along the studs, and screws connecting the gypsum board or plaster to the channels must not contact the studs.

ii. Exterior walls in any one room with one exterior wall and a total exterior wall area below 170 square feet shall have a laboratory sound transmission class rating of at least STC-43. To achieve this rating, the interior ½ inch gypsum board or plaster must be fastened to the 2 x 4 studs using resilient channels. Resilient channels must be installed horizontally along the studs, and screws connecting the gypsum board or plaster to the channels must not contact the studs.

iii. Exterior walls in any room with two exterior walls and a total exterior wall greater than 350 square feet shall have a laboratory sound transmission class rating of at least STC-49. To achieve this rating, a staggered stud construction must be used for all exterior walls. This construction uses two rows of 2 x 4 studs on a 2 x 6 base plate: one row of studs spaced 16" on center supporting the sheathing, and a second row spaced 16" on center supporting the interior wall finish. The end result is that there are studs each 8" on center. ½ inch gypsum board or plaster must be used.

iv. Oriented Strand Board (OSB) at least 7/16 inches thick shall cover the exterior side of the wall studs.

v. Fiberglass batt or blanket insulation shall be installed continuously and completely throughout the stud cavity. Batts or blankets should be held firmly in place between studs, with fasteners if necessary, to prevent sagging; however, packing the insulation such that it is compressed may slightly reduce its acoustical (and thermal) performance.

b. Windows

i. Windows, other than as described in this section, shall have a laboratory sound transmission class rating of at least STC-40.

ii. Windows in rooms with 2 exterior walls and a total exterior wall area greater than300 square feet must have a laboratory sound transmission class rating of at leastSTC-44.

c**. Doors**

i. Exterior doors, or door/storm composite assemblies, other than as described in this section, shall have a laboratory sound transmission class rating of at least STC-38. Achieving this rating will require the use of specialty acoustical products.

ii. Interior doors between occupied spaces and attached garages or unfinished attic spaces shall be solid-core wood or 20-gauge insulated metal at least 1-3/4 inches thick and shall be fully weather-stripped.

iii. If a storm/secondary door is used, then the airspace between the surfaces of the two doors shall be maximized.

d. Roof-Ceiling Assemblies

i. The standard roof construction is assumed to be shingles, 7/16” minimum OSB deck, and wood trusses or rafters spaced 16’ or more O.C. forming an attic space over occupied rooms.

ii. Roof-ceiling assemblies in top-floor rooms with 2 exterior walls and a total exterior wall area greater than 300 square feet must have a laboratory sound transmission class rating of at least STC-55. The required construction consists of resilient channels mounted perpendicular to the ceiling joists, on the bottom of the joists, with one layer of 1/2” gypsum-board attached to the channels. Resilient channels must be installed horizontally along the studs, and screws connecting the gypsum board or plaster to the channels must not contact the studs.

iii. The use of cathedral ceilings is not allowed. A mock-cathedral ceiling with a small attic space above is acceptable.

iv. Skylights shall not be used.

v. Gypsum board or plaster ceilings at least 1/2 inch thick shall be provided. Ceilings shall be substantially airtight with a minimum number of penetrations.

vi. Attic access panels shall be constructed of ¾” thick plywood and shall have continuous neoprene perimeter bulb seals. Pull-down attic stairs and evaporative

coolers shall have movable or operable covers above or below consisting of ¾" thick plywood and continuous neoprene perimeter bulb seals.

e. Floors, Foundations and Basements

i. The floor of the lowest occupied rooms shall be slab on fill, below grade, or over a fully enclosed basement or crawlspace. If the basement is used as a habitable living area (as a recreation area, study, or additional sleeping area, for example), the doors and windows shall conform to the requirements stated in herein.

ii. Concrete slabs require no treatment.

iii. Crawl spaces with masonry walls must have noise control louvers at the under-floor vents (see Appendix C). If crawl spaces do not have masonry walls, then a massive barrier panel must be used as a skirt connecting the bottom of the walls to the ground).

f. Ventilation and Wall Penetrations

i. In-window, through-wall, or through-floor air-conditioning, ventilating, or heating units shall not be used.

ii. Through-the-wall/door mailboxes or mail slots shall not be used.

iii. A mechanical ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms, as specified in the Guidelines for Sound Insulation of Residences Exposed to Aircraft Operations Building Code, without the need to open any windows, doors, or other openings to the exterior.

iv. Gravity vent openings in attics shall not exceed the building code minimum in number and size.

v. If an attic fan is used for forced ventilation, the attic inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least 20 gauge steel at least 10 feet long with at least one 90 degree bend.

vi. All vent ducts connecting the interior space to the outdoors, excepting domestic range exhaust and bathroom exhaust ducts, shall be at least 10 feet long and shall contain at least two 90 degree bends. It is recommended that in-line sound attenuators (silencers) be installed in fresh-air intake ducts larger than 3" in diameter.

vii. Unvented range exhaust fans should be used, if allowed by the building code. If unvented range exhaust fans are not used, then the range exhaust ducts connecting the interior space to the outdoors shall be at least 20-gauge steel and shall contain at least two 90 degree bends.

viii. Operational vented fireplaces or wood stoves shall not be used.

ix. If a fuel-burning appliance is present provide a ducted combustion air enforcer fan. If a fuel-burning appliance is in a living space or is a space not separated by doors from living space, enclose the exhaust duct in a ½" gypsum board or ½" plywood chase.

x. Dryer vents shall be constructed of sheet metal to limit the amount of noise that will enter through them and then pass through the duct wall to the surrounding room.

9.4 OUTLAW FIELD AIRPORT OVERLAY DISRICT

9.4.1 GENERAL DESCRIPTION:

1. The purpose of this district classification is to regulate and restrict the height of structures and objects of natural growth, and otherwise regulate the use of property, in the vicinity of Outlaw Field, the Clarksville and Montgomery County Airport, by creating Airport Approach Zones, Transition Zones, Horizontal Zones and Conical Zones, and establishing the boundaries thereof.
2. The locations and boundaries of the Airport District Zones established by this Section are bounded and defined on the Airport Zoning Map, which is a part of this Resolution.
3. This Resolution is adopted pursuant to the authority conferred by Sections 42-401 through 42-415 and Section 42-242 of the Tennessee Code Annotated. It is hereby found:
   a. that an airport hazard endangers the lives and property of users of Clarksville and Montgomery County Airport and of occupants of land or to property in its vicinity; and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of the Airport;
   b. that it is necessary in the interest of the public health, public safety and general welfare that the creation or establishments of airport hazards be prevented, and;
   c. that the prevention of these hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.
4. It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or making and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or interests in land.

9.4.2 DEFINITIONS:

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

1. Airport - means Outlaw Field, The Clarksville and Montgomery County Airport, Clarksville, Tennessee.
2. Airport Elevation - means the established elevation above sea level of the highest point on the usable landing area.
3. Airport Hazard- means any structure, tree or use of land which obstructs the air space required for or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.
4. Airport Reference Point - means the point established as the approximate geographic center of the airport landing area and so designed.
5. Height - for the purpose of determining the height limits in all zones set forth in this Resolution and shown on the Airport Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.

6. Instrument Runway - means a runway equipped or to be equipped with electronic or visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions.
7. Landing Area - means the area of the Airport used for the landing, take-off or taxiing of aircraft.
8. Non-Instrument Runway - means of runway other than an instrument runway.
9. Runway - means the paved surface of an airport landing strip.

9.4.3 NOISE OVERLAY ZONES:

1. In order to carry out the provisions of this Resolution, there are hereby created and established certain zones which include all of the land lying within the "instrument approach zones", "noninstrument approach zones", "transition zones", "horizontal zone" and "conical zone".
2. Such areas and zones are shown on the Clarksville-Montgomery County Airport Zoning Map consisting of one sheet prepared by Howard, Nielson, Lyne, Batey and O'Brien, Inc. and dated July 1, 1970, which is made a part hereof.
3. The various zones are hereby established and defined as follows:
   a. **Instrument Approach Zone** - An instrument approach zone is established at each end of the instrument runway for instrument landings and take-offs. The instrument approach zones shall have a width of 1,000 feet at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 16,000 feet at a distance of 50,200 feet beyond each end of the runway, its center line being the continuation of the center line of the runway.
   b. **Noninstrument Approach Zone** - A noninstrument approach zone is established at each end of all noninstrument runways for noninstrument landings and take-offs. The noninstrument runways for a noninstrument approach zone shall have a width of 400 feet at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 2,400 feet at a distance of 10,200 feet beyond each end of the runway, its center line being the continuation of the center line of the runway.
   c. **Transition Zones** - Transition zones are hereby established adjacent to each instrument and noninstrument runway and approach zone as indicated on the zoning map. Transition zones symmetrically located on either side of runways have variable widths as shown on the zoning map.
      i. Transition zones extend outward from a line 250 feet on either side of the center line of the noninstrument runway for the length of such runway plus 200 feet on each end; and 500 feet on either side of the center line of the instrument runway, for the length of such runway plus 200 feet on each end and are parallel and level with such runway center lines.
      ii. The transition zones along such runways slope upward and outward one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the horizontal zone.

iii. Further, transition zones are established adjacent to both instrument and noninstrument approach zones for the entire length of the approach zones. These transition zones have variable widths, as shown on the zoning map. Such transition zones flare symmetrically with either side of the runway approach zones from the base of such zones and slope upward and outward at the rate of one (1) foot vertically for each seven (7) feet horizontally to the points where they intersect the surfaces of the horizontal and conical zones.

iv. Additionally, transition zones are established adjacent to the instrument approach zone where it projects through and beyond the limits of the conical zone, extending a distance of 5,000 feet measured horizontally from the edge of the instrument approach zones at right angles to the continuation of the center line of the runway.

d. **Horizontal Zone** - A horizontal zone is hereby established as the area within a circle with its center at the Airport Reference Point and having a radius of 10,000 feet. The horizontal zone does not include the instrument and noninstrument approach zones and the transition zones.

e. **Conical Zones** - A conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a distance of 5,000 feet. The conical zone does not include the instrument approach zones and transition zones.

9.4.4 HEIGHT LIMITATION:

1. Except as otherwise provided in this Resolution, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by this Resolution to a height in excess of the height limit herein established for such zone.
2. Such height limitations are hereby established for each of the zones in question as follows:
   a. Instrument Approach Zone - One (1) foot in height for each fifty (50) feet in horizontal distance beginning at a point 200 feet from and at the center line elevation of the end of the instrument runway and extending to a distance of 10,200 feet from the end of the runway, thence one (1) foot in height of each forty (40) feet in horizontal distance to a point 50,200 feet from the end of the runway.
   b. Noninstrument Approach Zones - One (1) foot in height for each point 200 feet from and at the center line elevation of the end of the noninstrument runway and extending to a point 10,200 feet from the end of the runway.
   c. Transition Zones - One (1) foot in height for each seven (7) feet in horizontal distance beginning at any point 250 feet normal to and at the elevation of the center line of noninstrument runways, extending 200 feet beyond each end thereof, and 500 feet normal to and at the elevation of the center line of the instrument runway, extending 200 feet beyond each end thereof, extending to a height of 150 feet above the airport elevation which is 550 feet above mean sea level. In addition to the foregoing, there are established height limits of one (1) foot vertical height for each seven (7) feet horizontal distance measured from the edges of all approach zones for the entire length of the approach zones and extending upward and outward to the points where they

intersect the horizontal or conical surfaces. Further, where the instrument approach zone projects through and beyond the conical zone, a height limit of one (1) foot for each seven (7) feet of horizontal distance shall be maintained beginning at the edge of the instrument approach zone and extending a distance of 5,000 feet from the edge of the instrument approach zone measured normal to the center line of the runway extended.

d. Horizontal Zone - One hundred fifty (150) feet above the airport elevation or a height of 700 feet above mean sea level.
e. Conical Zone - One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zone, extending to a height of 1,100 feet above the airport elevation.

3. Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail.

9.4.5 USE RESCRICTIONS:

1. Notwithstanding any other provisions of this Resolution, no use may be made of land within any zone established by this Resolution in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for aircraft or make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft.
2. In as much as the "clear zone" (where land use restrictions apply) overlaps the "approach zone" within two thousand seven hundred (2,700 feet) of the end of the runways and there is no "clear zone" within unincorporated areas of Montgomery County to which this Resolution applies, there are no applicable airport overlay district land use restrictions other than height to the geographic areas covered by this Resolution.

9.4.6 NONCONFORMING USES:

1. **Regulations not Retroactive:** The regulations prescribed by this Resolution shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree nonconforming to the regulations as of the effective date of this Resolution (July 19, 1973), or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction, alteration, of which was begun prior to the effective date of this Resolution (July 19, 1973), and is diligently pursued.
2. **Marking and Lighting:** Notwithstanding the preceding provision of this section, the owner of any 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 County Building Commissioner to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the Airport.

9.4.7 ADMINISTRATION PROCEDURES:

1. Except as specifically provided in Paragraphs a, b and c hereunder, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.
   a. In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zone.
   b. In the areas lying within the limits of the instrument and noninstrument approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runways, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such instrument or noninstrument approach zone.
   c. 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 75 feet of vertical height above the ground except when such tree or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transition zones.
2. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by the Resolution except as set forth in Subsection 9.4.4.

CHAPTER 10: NON-CONFORMING BUILDINGS, STRUCTURES, USES AND LOTS

10.1 GENERAL

A nonconforming building, structure or use of land lawfully existing upon the effective date of this Resolution (July 19, 1973) may be continued and maintained, except as otherwise provided in this Chapter; provided, however, that nothing herein shall be construed to authorize the continuation of any illegal or nonconforming use which was illegal prior to the effective date of this Resolution and any amendments.

10.2 ALTERATION OR ENLARGEMENT OF BUILDINGS AND STRUCTURES

1. For uses not otherwise protected by TCA Section 13-7-208, a nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions and enlargements, is made to conform to all of the regulations of the district in which it is located.
2. However, if a building or structure is conforming as to use, but nonconforming as to yards or height or off-street parking space, said building or structure may be enlarged or added to, provided that the enlargement or addition complies with the off-street parking, yards, and height requirements of the district in which said building or structure is located.
3. The regulation prescribed by this Resolution shall not be construed to require the removal, lowering, or other changes or alteration of any structure not conforming to the regulations as of the effective date of this Resolution (July 19, 1973), or otherwise interfere with the continuance of any nonconforming use.
4. Nothing herein contained 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 Resolution (July 19, 1973) and was diligently pursued.
5. Minor repairs and normal maintenance that are required to keep nonconforming uses, structures, lots of record, and signs in a safe condition are permitted, provided the minor repair or maintenance does not extend, expand, or enlarge the nonconforming use, structure, lot of record, or sign, or involve any change in use. For the purposes of this subsection, "minor repair or normal maintenance" shall mean:
   a. Maintenance of Safe Condition. Repairs necessary to maintain a nonconforming use, structure, lot of record, or sign in a safe condition;
   b. Correction of Damage or Deterioration. Repairs necessary to correct any damage less than fifty percent of its value, excluding land, at the time of damage, or deterioration to the structural soundness or interior appearance of a structure without altering the structure; and
   c. Maintenance of Land for Safety. Maintenance of lot or site areas to protect against health hazards and to promote the safety of surrounding uses.

10.3 NONCONFORMING USES

1. **Continuation:** Any nonconforming use of a structure or lot which legally existed prior to the effective date of this Resolution (July 19, 1973) or any use of a structure or lot which has been rendered nonconforming by the provisions of this Resolution as subsequently amended, may continue to be utilized in the same fashion as existed prior to the adoption of these regulations, subject, however, to the other stated requirements under this Chapter and, provided:
2. **Expansion of Nonconforming Use**: Said nonconforming use may not be extended or expanded unless protected by TCA 13-7-208 (which allows the extension and expansion of commercial nonconforming uses on the property owned at the time the use became nonconforming.)
3. **Cessation of Use:** If said nonconforming use or any portion thereof ceases for a period of thirty (30) continuous months, any future use of the land shall be in conformity with the provisions of the district in which it is located.
4. **Junk and Salvage Yards as of the Effective Date:** The following regulations shall apply to any automobile wrecking, junk, or salvage yard, building material storage yard, contractor's yard, sawmill, or any similar temporary use of land when located as a nonconforming use in any residential district or in an agriculture district.
   a. Any such use is hereby declared to be a public nuisance in any residential district or agricultural district established by this Resolution and shall be abated, removed or changed to a conforming use within a period of two (2) years after the effective date of this Resolution (July 19, 1973).
   b. Any nonconforming automobile wrecking, junk or salvage yard in any non-residential or non-agricultural district shall be, after the adoption of this Resolution, abated, removed, or changed to a conforming use within two (2) years of the effective date of this Resolution being July 19, 1973.
5. **Change in Use:** Under TCA Section 13-7-208, the nonconforming use of a structure or lot may be passed on to another owner, but can only be changed to a use that conforms to the underlying zoning district.
6. **Change in Ownership or Tenancy:** Changes of ownership, tenancy, or management of an existing nonconformity are permitted, but shall continue to be subject to the requirements of this section.

10.4 NONCONFORMING STRUCTURES

1. **Continuation.** Unless otherwise protected by TCA Section 13-7-208, the use of a nonconforming structure may continue subject to the conditions herein.
2. **Enlargement.** Nonconforming structures may not be expanded, enlarged, or altered in any way that increases the degree of nonconformity. For example, a structure that has a five (5) foot side yard setback where this resolution requires a ten (10) foot side yard setback cannot be enlarged so as to further encroach into the ten (10) foot setback.
3. **Damage or Destruction of Nonconforming Structures.**

a. A building which by reason of the passage of this Resolution has become nonconforming, which has been damaged by fire, explosion, act of God or the public enemy to the extent of more than fifty (50) percent of its value at the time of damage, shall not be restored except as provided for herein unless such restored building is in conformity with the regulations of the district in which it is located. However, if an unusual hardship results from the damage, such as the denial of the occupant thereof of his main source of livelihood, the structure may be restored upon approval by the Zoning Board of Appeals.
b. For on-premises signs, if a sign structure or sign face is voluntarily removed or is damaged by involuntary means to the extent of more than fifty (50) of its value at the time of damage, the sign structure or sign face shall be replaced or restored except in conformity with regulations of the district in which it is located. See Section 10.6 for off-premises (outdoor advertising) signs.
c. When damaged by less than fifty (50) percent of its value, a nonconforming building may be repaired or reconstructed, and used as before the time of damage, provided such repairs or reconstructions are completed within one (1) year of the date of such damage.
d. If requested by the property owner, the Building Official may consider percentage of reconstruction cost in lieu of percentage of floor area damaged or destroyed. The value of land shall be excluded.

10.5 NONCONFORMING LOT AREA

1. **Single-Family Residence Allowed:** Where a lot of record as of July 19, 1973, had less area or less width than herein required for the district in which it is located, the lot may nonetheless be used for a single-family dwelling, provided that such single-family dwelling is a use permitted within the district. A front yard shall be provided of not less than thirty (30) feet. A side yard shall be provided of not less than five (5) feet, and the sum of the two (2) side yards shall not be less than twelve (12) feet. A rear yard shall be provided of not less than twenty-five (25) feet.
2. **Nonconforming Subdivision Lots:** Lots within subdivisions with an active preliminary plat or final approval date prior to the effective date of this Resolution (July 19, 1973) shall be permitted to retain their approved lot area, minimum lot width, minimum required yards, and minimum required open space.

10.6 OUTDOOR ADVERTISING SIGNS AND STRUCTURES

1. **Continuation:** Unless otherwise protected by TCA Section 13-7-208, nonconforming outdoor advertising signs and structures may continue subject to the conditions herein
2. **Damage or Destruction:** In the event that a nonconforming sign is damaged or destroyed by any voluntary or involuntary means, or is allowed to become dilapidated to the extent of fifty (50) percent or more of the current cost to replace the sign, including labor and materials, the sign shall not be reconstructed or repaired, and the owner of the sign shall be required to remove the sign, unless the reconstructed or repaired sign conforms to the provisions of this Resolution.

10.7 NONCONFORMING MOBILE HOMES

Where non-conforming status applies to the premises, removal or destruction of the mobile home shall eliminate the non-conforming status of the land, and an individual mobile home shall not be reestablished on the premises affected.

CHAPTER 11: ADMINISTRATION AND ENFORCEMENT

11.1 ORGANIZATION

11.1.1 ADMINISTRATION:

The County Building Commissioner shall administer this Resolution and in addition shall:

1. Issue all building permits and make and maintain records thereof.
2. Issue all certificates of occupancy and make and maintain records thereof.
3. Issue and renew where applicable all temporary use permits and make and maintain records thereof, and
4. Consult the Planning Commission who maintains the current zoning maps and records of amendments thereto.

11.1.2 BOARD OF ZONING APPEALS:

1. The Montgomery County Board of Zoning Appeals is hereby established in accordance with Title 13, Chapter 7, Tennessee Code Annotated.
2. The Board shall consist of the Chairman of the Clarksville-Montgomery County Regional Planning Commission and four persons who reside in the County.
3. The members shall be appointed by the County Mayor and confirmed by majority vote of the Montgomery County Board of Commissioners.
4. The term of membership shall be five (5) years, except that the initial individual appointments to the Board shall be terms of one (1), two (2), three (3), four (4), and five (5) years respectively.
5. Vacancies shall be filled for any unexpired term by appointment by the County Mayor and confirmed by majority vote of the Montgomery County Board of Commissioners.

11.1.3 POWERS OF THE BOARD OF ZONING APPEALS:

The Board shall:

1. Establish such rules of procedure as are necessary to the performance of its functions hereunder.
2. Function as a Board of Zoning Appeals as defined by Title 13, Chapter 7, Tennessee Code Annotated and shall have the following powers:
   a. To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or refusal made by the County Building Commissioner or any other administrative official in the carrying out or enforcement of any ordinance enacted pursuant to this Resolution.
   b. To hear and decide, in accordance with the provisions of any such ordinance, requests for special exceptions or for interpretation of the map or for decisions upon other special questions upon which such board is authorized by any such ordinance to pass.

c. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under said sections would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, to authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan Zoning Resolutions.

11.1.4 MEETINGS:

1. Meetings of the Board shall be held at the call of the Chairman, and at such other times as the Board may determine. All meetings shall be open to the public.
2. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent, or if failing to vote, indicating such fact, shall take all evidence necessary to justify or explain its actions; all of which shall be immediately filed in the office of the Board and shall be a public record.

11.1.5 PUBLIC HEARING:

1. Upon receipt of application for a variance, use permitted on review, an interpretation of the Zoning District Map, or an interpretation of any provision of this Resolution, the Board shall hold a public hearing.
2. Notification of such hearing shall appear in the newspaper of general circulation at least ten (10) days before the date set for such hearing.
3. Notice also shall be mailed to the owner or his agent and to property owners directly affected at least five (5) days prior to the date set for the hearing.
4. Upon the hearing, any person or party may appear and be heard in person, by agent or by attorney.

11.2 VARIANCES

11.2.1 PURPOSE OF VARIANCES:

The purpose of the variance is to modify the strict application of the requirements of this Resolution in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land.

11.2.2 APPLICATION:

After written denial of a building permit from the County Building Commissioner, a property owner may make application for a variance using forms supplied by the office of the County Building Commissioner.

11.2.3 STANDARDS FOR GRANTING VARIANCES:

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

1. That the granting of the permit will not be contrary to the public interest;
2. That the literal enforcement of the Resolution will result in unnecessary hardship;
3. That by granting the permit, contrary to the provisions of the Resolution, the spirit of the Resolution will be observed; and
4. That by granting the permit, substantial justice will be done.
5. In addition to the above-established criteria, the Board may grant variances from any required building setbacks on a lot containing an existing structure if the applicant demonstrates that the following criteria are met:
   a. a variance was not obtained prior to construction due to excusable neglect or the building was constructed in violation of applicable setbacks due to excusable neglect, and
   b. no irreparable harm will be caused by the grant of the variance.
6. The Board of Zoning Appeals shall not accept any application for variances from minimum lot sizes, lot widths, or any other variances which would allow the lot owner to obtain additional lots or units than permitted in the zone district in which the property is located.
7. The Board of Zoning Appeals shall not accept use variances. Uses shall not be "permitted on review or with conditions" in a more restrictive zoning district by variance when such use is first "permitted on review" or "permitted with conditions" in a less restrictive zoning district; nor shall a use be "permitted by right" in a more restrictive zoning district when first "permitted upon review or with conditions" in that or a less restrictive zoning district.

11.3 PROCEDURES FOR USES PERMITTED ON REVIEW

11.3.1 PURPOSE OF USES PERMITTED ON REVIEW:

This procedure enables the Board of Zoning Appeals to evaluate evidence that the proposed use meets specific conditions set forth in Section 5.2 of this Resolution to ensure compatibility with surrounding land uses, and enables the Board to impose additional reasonable conditions to reduce the impacts of access, traffic, odor, light, noise, glare and vibration on abutting properties. The following procedure is established to integrate properly the uses permitted on review with other land uses located in the district:

11.3.2 APPLICATION FOR USES "PERMITTED ON REVIEW

1. An application shall be filed with the County Building Commissioner for review.
2. Said application shall show the location and intended use of the site, the names of the property owners and any other material pertinent to the request which the Board may require.
3. A public hearing and notice shall be provided in accordance with subsection 11.1.5.

11.3.3 RESTRICTIONS:

In the exercise of its approval, the Board may impose such conditions regarding the location, character, or other features of the proposed use of building or grounds as it may deem advisable in the furtherance of the general purposes of this Resolution.

11.3.4 GENERAL CRITIERIA:

1. General requirements are hereby established which shall apply to all applications for uses permitted on review. A use permitted on review shall not be granted by the Board of Zoning Appeals unless and until the following determinations have been made:
   a. The proposed use is compatible with, and will not adversely affect, adjacent properties and other properties in the area.
   b. Adequate public facilities, such as highways, streets, parking spaces, drainage structures, fire protection, and water and sewer services, are available to accommodate the proposed use.
   c. The proposed use will not adversely affect the safety of vehicular and pedestrian circulation in the area.
   d. The proposed use shall provide off-street parking and loading facilities as required by the parking requirements of this Resolution.
   e. The proposed use shall reasonably protect persons and property from erosion, flooding, fire, noise, vibration, glare, odor, or similar hazards, except in such zone district where such are allowed.
   f. The proposed use is so designed, located, and proposed to be operated that the health, safety, and welfare of persons in the neighborhood will be protected.
   g. The request is within the provisions of uses permitted on review and meets all standards as set forth in this Resolution.

11.3.5 VALIDITY OF PLANS:

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

11.4 AMENDMENTS

The regulations, restrictions and zone district boundaries set forth in this Resolution may be amended, supplemented, revised or repealed from time to time as conditions warrant, as hereinafter set forth.

11.4.1 APPLICATION:

1. A proposed change of the zoning district boundaries (map amendment or rezoning) may be initiated by the County Commission, the Planning Commission or by petition of one or more owners or authorized agents of such owner or owners of property within the area proposed to be changed.

2. A proposed change to text of the zoning regulations (text amendment) may be initiated by the County Commission or the Regional Planning Commission.
3. In the case of a zoning district map amendment, the petition (application) by an individual must be by the owner(s) or their authorized agents of the subject property; an individual who is not an owner of the subject property cannot petition (apply) for a zoning district map amendment.
4. All amendments (zoning map or text) thus introduced shall be referred to the Clarksville-Montgomery County Regional Planning Commission for action. The zoning map amendment (rezoning) may be initiated by the subject property owner(s) or their authorized agent(s) through the filing of an application (petition) with the Clarksville-Montgomery County Regional Planning Commission.
5. Amendments introduced shall be initiated by the filing of an application with the Clarksville-Montgomery County Regional Planning Commission. Said application shall contain:
   a. The name and address of the owner and/or owners of the subject property, and the authorized agent.
   b. A description of the subject property, either by metes and bounds or subdivision identification, including the County Tax Plat number.
   c. A description of the proposed zone change, modification or repeal.
6. Regular meeting dates and times, rezoning application fees and the deadline for each regular meeting, shall be established by the Regional Planning Commission Office.

11.4.2 ACTION OF PETITION:

1. The Regional Planning Commission shall hear all matters relating to this petition and shall recommend approval or disapproval of said petition with reasons thereof to the County Commission at the next regular session of the County Commission, unless such application requires more study or a postponement is granted upon request of the applicant.
2. The County Commission, after having received the recommendation of the Planning Commission or if no recommendation is received within thirty-six (36) days of the date of application, shall hold a public hearing and decide on said petition giving not less than fifteen (15) days' notice of the time, place, and object thereof by publication in a newspaper of general circulation in the county. If a recommendation of disapproval is made by the Planning Commission, it shall require a majority vote of the entire membership of the County Commission to enact such amendment.

11.5 FEES

1. Fees required for filing of appeals and uses permitted on review, fees for applications for amendments to this Zoning Resolution, and fees for reviews of site plans and landscape plans shall be established as follows:
   a. Appeals or uses permitted on review - set by Board of Zoning Appeals
   b. Amendments to zone district map:

i. To AG/Single-Family Residential Zone District - set by Regional Planning Commission

ii. To Any Other Zoning Classification (including multi-family, office, commercial, PUD, industrial, etc.) - set by Regional Planning Commission

c. Site Plans:

i. Residential - set by Regional Planning Commission

ii. Non-Residential - set by Regional Planning Commission

iii. Staff Level - set by Regional Planning Commission

d. Landscape Plans set by Regional Planning Commission

e. Right-Of-Way (Street) Abandonments set by Regional Planning Commission

f. Historic Certificates of Appropriateness set by Historic Zoning Commission

2.. Under no condition shall said fees or any part thereof be refunded for failure of such proposed map amendment, appeal or use permitted on review, or site plan to be enacted into law or approved.

11.6 ENFORCEMENT

1. The provisions of this Resolution shall be administered by the County Building Commissioner or his designee.
2. This official and his designee shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings or premises necessary to carry out his duties in the enforcement of this Resolution.

11.7 BULDING PERMITS

1. **Building Permit Required.** Except for bona fide agricultural structures and uses without electrical services, all buildings or structures which after the enactment of this Resolution (effective July 19, 1973) are erected, constructed, reconstructed, structurally altered or renovated shall require a valid building permit issued by the County Building Commissioner before any excavation for foundation erection, structure alteration or construction work of any kind shall be done.
2. **Issuance of Building Permit.** All applications for building permits shall be accompanied by a dimensional sketch or scale plan showing the shape, size, height and locational arrangement of all buildings to be erected, altered or moved and any buildings in place on the lot or parcel, and showing the location, width and length of all roads, driveways, or other means of ingress and egress to and from the subject lot or parcel either presently existing or proposed.

a. The applicant shall also submit a statement of the existing and/or intended use of all such buildings and supply such other information as may be required by the County Building Commissioner for determining whether the provisions of this Resolution are being observed.
b. If the proposed excavation or construction as set forth in the application is in conformity with the provisions of this Resolution and other resolutions of Montgomery County currently in force, the County Building Commissioner shall issue a building permit for such excavation or construction.
c. If a building permit is refused, the Building Commissioner shall state such refusal in writing.

3. **Highway Culverts, Headwalls and Drainage Ditches.** However, prior to the issuing of a building permit as herein described, the applicant shall furnish to the County Building Commissioner such evidence as might be required by the County Highway Supervisor for establishing that the applicant has provided a bond satisfactory to the Montgomery County Highway Department, and the bond to be for the purpose of assuring the proper installation of culverts and headwalls where driveways or other means of ingress and egress go from the subject lot or parcel onto the street or right-of-way and also for the purpose of covering the cost of excavating or developing of any drainage ditches that are needed in connection therewith.
   a. The amount of the bond to be set by the County Highway Supervisor will be based on the cost of replacement by the County Highway Department for culverts, headwalls, drainage ditches, labor and equipment cost thereof.
   b. The County Highway Supervisor, with the approval of the County Highway Commission, shall develop rules, regulations, standards and criteria uniform in nature with regard to such installation of culverts and headwalls for driveways or other means of ingress and egress attached to the public way, and also comparable criteria regarding the development of drainage ditches.
   c. These standards for such construction so developed by the County Highway Supervisor with approval by the County Highway Commission shall be a condition precedent to the requirement of bond as set forth above herein.
   d. After completion of all construction on the project for which the building permit was issued, written or verbal notice shall be given to the County Highway Supervisor who shall cause an inspection of the premises to be made within ten (10) working days of such notice.
   e. Following such inspection by the County Highway Supervisor and/or his designee, the applicant under such bond shall either have same marked "satisfied in full", or be furnished a written statement setting forth with particularity the work needed to be done and/or corrected to achieve compliance.
   f. When the applicant or such bond deems that such deficiencies have been corrected, further notice shall be given to the County Highway Supervisor and the same inspection as hereinabove required shall be made and the bond deemed satisfied and released, or

further written notice will be given to the bond applicant of deficiencies with regard to such construction.

g. In the event a second notice of deficiencies is given by the County Highway Supervisor to the bond applicant, the County Highway Supervisor may proceed to utilize the bond to justify such compliance, and such bond applicant will be provided with a list of materials, equipment and labor used indicating the types, amounts, and hours for each item.

4. **No Waiver of Other Provisions.** The issuance of a permit shall in no case be construed as waiving any provision of this resolution.
5. **Permit Expiration.** A building permit shall become void twelve (12) months from the date of issuance unless substantial progress has been made by that date on the project described therein.
6. **Building Permit Fees.** In order to defray the cost of building inspections and the issuance of building permits, a fee will be charged for the building permit and must be paid at the time of application. The amount of the fee and the method of payment shall be as directed by the County Board of Commissioners under separate resolution.

11.8 CERTIFICATE OF OCCUPANCY

1. No land or building shall be occupied and no change in occupancy of land, a building, or part of a building shall be made until the Building Official has issued a certificate of occupancy stating that the land, building, or part thereof, and the proposed use thereof, are found to be in conformity with the provisions of Chapters 1 through 11 of this Resolution and other applicable Resolutions of the Montgomery County, related to the use of land and/or occupancy of buildings.
2. Within five (5) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the building official to make a final inspection thereof and to issue a certificate of occupancy of the land, building, or part thereof and the proposed use thereof are found to conform with Chapters 1 through 11 of this Resolution and other Resolutions and Codes of the Montgomery County, in force; or, if the certificate is refused, to state the grounds for the refusal in writing.

11.9 HISTORIC ZONING OVERLAY PROCESS

11.9.1 APPLICATION FOR PERMITS (CERTIFICATES OF APPROPRIATENESS):

1. All applications for building permits for construction, alteration, repair, moving, or demolition to be carried on within the historic zones or districts, shall be referred by the County Building Commissioner to the Montgomery County Historic Zoning Commission, who shall have broad powers to request detailed construction plans and related data pertinent to thorough review of the proposal.
2. The Commission shall, within thirty (30) days following the availability of sufficient data, direct the granting of a building permit with or without attached conditions or direct the refusal of the building permit, with the grounds of refusal stated in writing.
3. Upon review of the application for the building permit, the Historic Zoning Commission shall give prime consideration to:

a. Historical and/or architectural value of the present structure;
b. The relationship of the exterior architectural features of such structure to the rest of the surrounding area;
c. The general compatibility of exterior design, arrangement, texture, and materials proposed to be used; and
d. To any other factor, including aesthetic, which it deems to be pertinent.

11.9.2 JURISDICTION:

1. Exclusive jurisdiction relating to historical matters is placed in the seven-member Historic Zoning Commission.
2. Anyone who may be aggrieved by any final order of judgment of this Commission may have said order of judgment reviewed by the Courts by the procedure statutory certiorari as is provided for in Tennessee Code Annotated, 27-902, and 27-903.

11.9 PENALTIES

1. It shall be unlawful to erect, construct, reconstruct, alter, maintain, or use any building or structure or to use any land in violation of any regulation in this Resolution.
2. Any person, firm, association or corporation who violates, omits, neglects or refuses to comply with, any of the provisions of this Resolution shall, upon conviction thereof, be subject to a fine of not less than five (5) dollars nor more than fifty (50) dollars, together with the cost of action; and every day of violation shall constitute a separate offense.
3. Compliance therewith may also be enforced by injunctive process at the suit of the county or the owner or owners of real estate within the district affected by the regulation of this Resolution

11.10 INTERPRETATIONS

1. In their interpretation and application the provisions of this Resolution shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community.
2. Where other Resolutions or regulations which may exist or be adopted hereinafter, impose greater restrictions than those specified herein, compliance with such resolutions or regulations shall be mandatory.
3. This Resolution shall not lower the restrictions of plats, deeds, or other private contracts if such are greater than the provisions of this Resolution.

11.11 AMENDMENTS AFFECTING SAME PARCEL OF LAND

Unless a previously allowed zoning map amendment by the County Commission, no action shall be initiated for a Zoning Amendment affecting the same parcel of land more often than once every twelve (12) months; provided, however, by resolution approved by a three-quarters (¾) majority of the members present of the County Commission, that such action may be initiated at any time.

11.12 SEVERABILITY

1. This Resolution and the various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable.
2. If any part, sentence, paragraph, section, or subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Resolution shall not be affected thereby.
3. The County Commission hereby declares that all such remaining parts would have been passed irrespective of the validity or invalidity of any part found to be invalid.

11.13 REPEAL

Zoning Resolution of Montgomery County, Tennessee, the caption of which is as follows: Comprehensive Zoning Resolution of Montgomery County, Tennessee; which was adopted on July 20, 1964, and became effective on July 29, 1964, and all amendments thereto are hereby repealed.