

**CALL TO ORDER**

**PUBLIC HEARING REGARDING ZONING**

**CZ-12-2011:** Application of Pleasant View Baptist Church from R-1 to EM-1

**CZ-13-2011:** Application of L.C. & Margret Connell / B & S Development from AG/R-1/C-5 to M-1

**RESOLUTIONS**

**11-10-1:** Resolution to Acquire Certain Real Estate for the Clarksville Montgomery County Veterans Community Living Center

**11-10-2:** Resolution to Apply for a Grant from the Recreation Trail Program (RTP) by the Tennessee Department of Environment and Conservation for Rotary Park

**11-10-3:** Resolution to Accept a Proposal from the Tennessee Department of Transportation for Improvements to State Route 149 and State Route 13

**11-10-4:** Resolution to Adopt Regulatory Powers Pursuant to Tennessee Code Annotated § 5-1-118

**REPORTS**

1. Kurt Bryant – Demonstration of Webmail Portal on the County’s Website
2. Ed Baggett, Nominating Committee
3. Carolyn Bowers, County Mayor Appointments

**REPORTS FILED**

1. Minutes from September 12, 2011

**CITIZENS TO ADDRESS THE COMMISSION**

Bryan Boyd, Common Sense Coalition of Montgomery County – Home Rule Charter

**ANNOUNCEMENTS**

**ADJOURN**

**RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS  
AMENDING THE ZONE CLASSIFICATION OF THE PROPERTY OF PLEASANT VIEW BAPTIST CHURCH**

WHEREAS, an application for a zone change from R-1 Single Family Residential District to EM-1 Single Family Mobile Home Estate District has been submitted by Pleasant View Baptist Church and

WHEREAS, said property is identified as County Tax Map 091 C-A, parcel 043.01, 043.02 (portion), containing 2.00 acres, situated in Civil District 13, located 800+/- feet west of the Cumberland Heights Rd. & Church Rd. intersection. Fronting on the south side of Church Rd. 180 +/- feet; and

WHEREAS, said property is described as follows:

Beginning at an iron pin (old) in the southern right-of-way of Church Road, said iron pin being 1007 feet West of Cumberland Heights Road, as measured along the said southern right-of-way, said iron pin being the northeastern corner of the Fred A. Hoard, Jr., ET UX property, as recorded in O.R.V. 1362, Page 2508, R.O.M.C.T.;Thence with the said southern right-of-way, North 89 degrees 24 minutes 45 seconds East 181.55 feet to an iron pin (new), said iron pin being the northwestern corner of the Pleasant View Baptist Church property, as recorded in Deed Book 52, Page 54, R.O.M.C.T.;Thence leaving the said southern right-of-way, and with the western line of the Pleasant View Baptist Church property, South 11 degrees 20 minutes 59 seconds East 117.60 feet to a set stone at an elm tree;Thence continuing with the said western line, South 82 degrees 20 minutes 59 seconds East 236.00 feet to an iron pin (new);Thence continuing with the said western line, South 07 degrees 33 minutes 32 seconds West 127.20 feet to a set stone, said set stone being the northwestern corner of the Dorothy G. Hoard property, as recorded in O.R.V. 966, Page 2328, R.O.M.C.T.;Thence on a new severance line, South 87 degrees 41 minutes 14 seconds West 401.88 feet to an iron pin (new), said iron pin being in the eastern line of the said Fred A. Hoard, Jr., ET UX property;Thence with the eastern line of the said Fred A. Hoard, Jr., ET UX property, North 04 degrees 02 minutes 38 seconds West 287.89 feet to the point of beginning.  
Said Tract 1 contains 2.000 Acres more or less. (Tax Map 091-C-A Parcel 043.01 & 043.02 p/o R-1 to EM-1)

WHEREAS, the Planning Commission staff recommends \_\_\_\_\_ and the Regional Planning Commission recommends \_\_\_\_\_ of said application.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of County Commissioners assembled in regular session on this 10th day of October, 2011, that the zone classification of the property of Pleasant View Baptist Church from R-1 to EM-1 is hereby approved.

Duly passed and approved this 10th day of October, 2011.

Sponsor David Rogus  
Commissioner \_\_\_\_\_  
Approved \_\_\_\_\_

County Mayor

Attested: \_\_\_\_\_  
County Clerk

**RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF  
COMMISSIONERS  
AMENDING THE ZONE CLASSIFICATION OF THE PROPERTY OF  
L. C. & MARGRET CONNELL / B & S DEVELOPMENT**

WHEREAS, an application for a zone change from AG Agricultural District / R-1 Single-Family Residential District / C-5 Highway & Arterial Commercial District to M-1 Light Industrial District has been submitted by L. C. & Margret Connell / B & S Development and

WHEREAS, said property is identified as County Tax Map 057, parcel 021.00 (portion), containing 157.00 +/- acres, situated in Civil District 13, located south of the International Blvd & Rossview Road intersection and fronts on the south side of Rossview Road 1,450+/- feet.; and

WHEREAS, said property is described as follows:

"EXHIBIT A"

WHEREAS, the Planning Commission staff recommends \_\_\_\_\_ and the Regional Planning Commission recommends \_\_\_\_\_ of said application.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of County Commissioners assembled in regular session on this 10th day of October, 2011, that the zone classification of the property of L. C. & Margret Connell / B & S Development from AG / R-1 / C-5 to M-1 is hereby approved.

Duly passed and approved this 10th day of October, 2011.

Sponsor *David Higgins*  
Commissioner \_\_\_\_\_  
Approved \_\_\_\_\_  
County Mayor

Attested: \_\_\_\_\_  
County Clerk

## "EXHIBIT A"

Beginning at a point at the northwest corner of said L.C. Connell Jr. Property, said point of beginning being further described as the northeast corner of the B & S Development Property as recorded in ORV 1145, Pg. 1486 R.O.M.C.T.; Thence leaving said northwest corner, South 52 degrees 06 minutes 39 seconds East for a distance of 905.13 feet to a point, said point being "The True Point of beginning"; Thence on a new zone line, North 88 degrees 26 minutes 39 seconds West for a distance of 254.30 feet to a point; Thence continuing along the new zone line of said L.C. Connell Jr. Property, South 01 degrees 33 minutes 21 seconds East for a distance of 2914.16 feet to a point; Thence continuing along a new zone line, South 88 degrees 26 minutes 39 seconds West for a distance of 2051.49 feet to a point, said point lying in the east property line of the Alice Connell Property as recorded in ORV 146, Pg. 921; Thence along the east line of said Alice Connell Property, North 05 degrees 59 minutes 40 seconds East for a distance of 479.91 feet to a point, said point being southwest corner of said B & S Development Property; Thence leaving said southwest corner of said B & S Development property, South 83 degrees 36 minutes 30 seconds East for a distance of 1271.13 feet to a point, said point being the southeast corner of said B & S Development Property; Thence leaving the southeast corner of said B & S property, North 08 degrees 44 minutes 50 seconds East for a distance of 2657.00 feet to the " True Point of Beginning". Said tract containing 46.1 acres more or less. (Tax Map 58 Parcel 4.00 p/o AG to M-1)

Beginning at a point in the north right of way of said Interstate 24, said point of beginning being further described as the south corner of the said Alice Connell property and the west corner of the L.C. Connell Property as recorded in ORV 416, Pg. 687 R.O.M.C.T.; Thence leaving said north right of way along Alice Connell east property line, North 05 degrees 59 minutes 40 seconds East for a distance of 333.05 feet to a point, said point being "The True Point of Beginning"; Thence on a new zone line, South 88 degrees 26 minutes 39 seconds West for a distance of 346.89 feet to a point, said point lying in the north right-of-way of said Interstate 24; Thence along the south property line of said Alice Connell property, North 44 degrees 06 minutes 41 seconds West for a distance of 36.59 feet to a point; Thence on a new zone line, North 01 degrees 33 minutes 21 seconds West for a distance of 1314.97 feet to a point, said point being the west property corner of the B & S Development Property as recorded in ORV 1145, Pg. 1486 ; Thence leaving the west property corner of said B & S Development Property, South 81 degrees 49 minutes 13 seconds East for a distance of 557.88 feet to a point;

Thence leaving said east line along the west line of said B & Development property, South 06 degrees 55 minutes 47 seconds West for a distance of 780.38 feet to a point; Thence along the west line of said L.C. Connell Jr property, South 05 degrees 59 minutes 40 seconds West for a distance of 479.91 feet to the "True Point of Beginning". Said tract-containing 13.7 acres more or less. (Tax map 57-21 p/o AG to M-1)

Beginning at a point in the south right of way of said Rossvie Road, said point of beginning being further described as the northwest corner of said B & S Development Property and the northeast corner of the James Reese Property as recorded in ORV 824, Pg. 2815 R.O.M.C.T.; Thence leaving said south right of way along B & S Development west property line, South 01 degrees 33 minutes 20 seconds East for a distance of 407.68 feet to a point, said point being "The True Point of Beginning"; Thence on a new zone line, North 88 degrees 15 minutes 27 seconds East for a distance of 1526.11 feet to a point; Thence continuing on a new zone line, North 01 degrees 33 minutes 21 seconds West for a distance of 209.64 feet to a point, said point being the south corner of the L.C. Connell, Jr. property as recorded in ORV 416, Pg. 687 R.O.M.C.T.; Thence along the west property line of said Connell property, South 85 degrees 33 minutes 47 seconds East for a distance of 627.00 feet to a point; Thence continuing along the west property line of said Connell property, South 08 degrees 44 minutes 50 seconds West for a distance of 2657.00 feet to a point; Thence continuing along the west property line of said Connell property, North 83 degrees 36 minutes 30 seconds West for a distance of 1271.13 feet to a point, said point lying in the east property line of Alice Connell property as recorded in ORV 146, Pg. 921 R.O.M.C.T.; Thence leaving said west line along the east line of said Alice Connell property, North 06 degrees 55 minutes 47 seconds East for a distance of 780.38 feet to a point; Thence continuing along the east line of said Alice Connell property, North 81 degrees 49 minutes 13 seconds West for a distance of 557.88 feet to a point; Thence continuing along the east line of said Alice Connell property, North 02 degrees 20 minutes 27 seconds West for a distance of 487.60 feet to a point, said point being the northeast corner of the Ida Collier property (no deed found), also lying in the south property line of the Timothy Childress property as recorded in ORV 843, Pg. 452 R.O.M.C.T.; Thence, along said Childress south property line, South 89 degrees 15 minutes 45 seconds East for a distance of 25.85 feet to a point, said point being southeast corner of said Childress Property; Thence, along the east property line of said Childress Property, North 01 degrees 33 minutes 20 seconds West for a distance of 936.56 feet to the "True Point of Beginning". Said tract containing 97.2 acres more or less. (Tax Map 58 Parcel 1.00 p/o C-5 & R-1 to M-1)

**RESOLUTION TO ACQUIRE CERTAIN REAL ESTATE FOR THE CLARKSVILLE  
MONTGOMERY COUNTY VETERANS COMMUNITY LIVING CENTER**

**WHEREAS**, due to the high population of military service Veterans in Clarksville, Montgomery County, Tennessee, the need for a Veterans' Community Living Center in Montgomery County is urgent and the development of the Living Center is in the best interest of the citizens of Montgomery County; and

**WHEREAS**, the original site acquired by the Industrial Development Board located on Tiny Town Road was not approved by the Tennessee State Veterans' Homes Board and a more suitable and compatible site has been identified to purchase for the Veterans' Community Living Center; and

**WHEREAS**, a proposed contract for the purchase of this real estate is attached hereto; and

**WHEREAS**, the purchase price for the proposed Veterans' Community Living Center is being funded with the proceeds from the sale of the prior proposed site which was not approved; and

**WHEREAS**, the prior proposed site is being sold by the Industrial Development Board for the sum of \$500,000 and after the sale, the Industrial Development Board shall transfer the proceeds to Montgomery County Capital Projects Fund (171), Veterans Nursing Home Project (P0282); and

**WHEREAS**, \$750,000 has previously been appropriated to the Capital Projects Fund (171) for this project by this legislative body.

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of Commissioners assembled in Regular Session on this 10<sup>th</sup> day of October, 2011, that the contract for the purchase of real estate attached hereto is hereby approved and that Montgomery County is authorized to accept the sum of \$500,000 from the Industrial Development Board from the sale of the prior proposed site for a Veterans' Community Living Center.

**Duly passed and approved this 10<sup>th</sup> day of October, 2011.**

**Sponsor** \_\_\_\_\_

**Commissioner** \_\_\_\_\_

**Approved** \_\_\_\_\_

**County Mayor**

**Attest** \_\_\_\_\_

**County Clerk**

**RESOLUTION TO APPLY FOR A GRANT FROM THE RECREATION TRAIL PROGRAM (RTP) BY THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION FOR ROTARY PARK**

**WHEREAS**, the Tennessee Department of Environment and Conservation has established the Recreation Trail Program (RTP) for eligible local governmental entities for the use of capital projects in parks, natural areas and greenways; and

**WHEREAS**, the Montgomery County Parks and Recreation Department is applying for a grant from the Recreation Trail Program; and

**WHEREAS**, the grant application states that a resolution from the Montgomery County Board of Commissioners is required to indicate the amount of the funds requested, designate the source of said funds, and to assure the County’s commitment to match the requested amount of the grant; and

**WHEREAS**, this grant is an 80% / 20% matching funds grant. Montgomery County will match the RTP grant at the required percentage in an amount up to \$30,000 for this project with funds taken from the capital improvements budget as well as other in-kind matching sources.

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of Commissioners assembled in Regular Session on this 10<sup>th</sup> day of October, 2011, that the Mayor or her representative is hereby authorized to prepare an application to the RTP to fund in the amount of \$150,000 for the proposed project at Rotary Park.

**Duly passed and approved this 10<sup>th</sup> day of October, 2011.**

Sponsor \_\_\_\_\_

Commissioner \_\_\_\_\_

Approved \_\_\_\_\_

County Mayor

Attested \_\_\_\_\_

County Clerk

**RESOLUTION TO ACCEPT A PROPOSAL FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO STATE ROUTE 149 AND STATE ROUTE 13**

**WHEREAS**, the Tennessee Department of Transportation (TDOT) has made a proposal to Montgomery County for improvements to State Route 149 from River Road to State Route 13 at Zinc Plant Road; and

**WHEREAS**, said improvements will result in the widening of this section of highway to promote more efficient traffic flow; and

**WHEREAS**, said improvements will alleviate traffic congestion which is caused by the high volume of daily traffic on this roadway.

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of Commissioners assembled in Regular Session on this 10<sup>th</sup> day of October, 2011, that Montgomery County accept the proposal from TDOT for improvements to State Route 149 from River Road to State Route 13 at Zinc Plant Road.

**Duly passed and approved this 10<sup>th</sup> day of October, 2011.**

**Sponsor** \_\_\_\_\_

**Commissioner** \_\_\_\_\_

**Approved** \_\_\_\_\_

**County Mayor**

**Attest** \_\_\_\_\_

**County Clerk**



# P R O P O S A L

## OF THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF TENNESSEE

### TO THE COUNTY OF MONTGOMERY TENNESSEE:

The DEPARTMENT OF TRANSPORTATION of the State of Tennessee, hereinafter "DEPARTMENT", proposes to construct a project in the COUNTY of MONTGOMERY hereinafter "COUNTY", designated as State Project Number 63023-2236-14, that is described as S.R. 149/S.R. 13 Widening S.R. 149 from River Road to S.R. 13, S.R. 13, from S.R. 149 to Zinc Plant Rd., and the COUNTY agrees to cooperate with the DEPARTMENT as set forth in this proposal, so that the general highway program may be carried out in accordance with the intent of the General Assembly of the State.

Accordingly, the parties agree as follows:

1. That in the event any civil actions in inverse condemnation or for damages are instituted against County by reason of the DEPARTMENT, or its contractor, going upon the highway right-of-way and easements, and constructing said project in accordance with the plans and as necessary to make the completed project functional, the COUNTY will notify in writing the Attorney General of the State, whose address is 425 Fifth Avenue North, Nashville, Tennessee 37243, of the institution of each civil action, the complaint and all subsequent pleadings, within ten (10) days after the service of each of the same, under penalty of defending such actions and paying any judgments which result therefrom at its own expense.
2. The COUNTY will close or otherwise modify any of its roads or other public ways if indicated on the project plans, as provided by law.
3. The COUNTY will transfer or cause to be transferred to the DEPARTMENT without cost to it, all land owned by the COUNTY or by any of its instrumentalities as required for right-of-way or easement purposes, provided such land is being used or dedicated for road or other public way purposes.

4. Where privately, publicly or cooperatively owned utility lines, facilities and systems for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, and other similar commodities, including publicly owned facilities such as fire and police signal systems and street lighting systems are located within the right-of-way of any road or other public way owned by the COUNTY, or any of its instrumentalities, the COUNTY agrees that it will take action necessary to require the removal or adjustment of any of the above described facilities as would conflict with the construction of the project. But the foregoing may not be a duty of the COUNTY since it shall become operative only after the DEPARTMENT has been unsuccessful in its efforts to provide for said removals or adjustments for the benefit of the COUNTY.

The foregoing does not apply to those utility facilities which are owned by the COUNTY or one of its instrumentalities, it being understood that the COUNTY has the duty to relocate or adjust such facilities, if required, provided the COUNTY is notified to do so by the DEPARTMENT with detailed advice as to this duty of the COUNTY.

5. The COUNTY will maintain any frontage road to be constructed as part of the project.

6. After the project is completed and open to traffic, to the COUNTY will accept for jurisdiction and maintenance such parts of any existing DEPARTMENT highway to be replaced by the project.

7. The COUNTY will make no changes or alter any segment of a road on its road system that lies within the limits of the right-of-way acquired for any interchange to be constructed as part of the project and will not permit the installation or relocation of any utility facilities within the right-of-way of any such a segment of one of its roads without first obtaining the approval of the DEPARTMENT.

8. No provision hereof shall be construed as changing the maintenance responsibility of the COUNTY for such part of the project as may presently be on its highway, street, road or bridge system.

9. It is understood and agreed between the DEPARTMENT and the COUNTY that all traffic control signs for the control of traffic on a street under the jurisdiction of the COUNTY and located within the DEPARTMENT's right-of-way shall be maintained and replaced by the COUNTY.

10. When traffic control devices for the direction or warning of traffic, lighting of roadways or signing, or any of them, which are operated or function by the use of electric current are constructed or installed as part of the project, they will be furnished with electricity and maintained by the COUNTY.

11. If, as a result of acquisition and use of right-of-way for the project, any building improvements become in violation of a COUNTY setback/building line requirement, the COUNTY agrees to waive enforcement of the COUNTY setback/building line requirement and take other proper governmental action as necessary to accomplish such waiver.

12. The COUNTY will prohibit encroachments of any kind upon the right-of-way and easements for the project.

13. The COUNTY will prohibit the servicing of motor vehicles within the right-of-way and easements for the project.

14. The COUNTY will obtain the approval of the DEPARTMENT before authorizing parking on the right-of-way and easements for the project and before installing any device for the purpose of regulating the movement of traffic.

15. The DEPARTMENT will maintain the completed project if it is classified as full access control (i.e., a project which has no intersecting streets at grade), and it will maintain the pavement from curb to curb where curbs exist or the full width of the roadway where no curbs exist on non-access control projects. The COUNTY agrees to maintain other parts of non-access control projects.

16. If a sidewalk is constructed as a component of this project, the COUNTY shall be responsible for maintenance of the sidewalk and shall assume all liability for third-party claims for damages arising from its use of

the sidewalk or premises beyond the DEPARTMENT'S maintenance responsibilities as set forth in Section 15 of this Proposal.

17. When said project is completed, the COUNTY thereafter will not permit any additional median crossovers, the cutting of the pavement, curbs, gutters and sidewalks, by any person, firm, corporation or governmental agency, without first obtaining the approval of the DEPARTMENT.

18. The DEPARTMENT will acquire the right-of-way and easements, construct the project and defend any inverse condemnation or damage civil actions of which the Attorney General has received the notice and pleadings provided for herein.

19. The project plans hereinbefore identified by number and description are incorporated herein by reference and shall be considered a part of this proposal, including any revisions or amendments thereto, provided a copy of each is furnished the COUNTY.

20. The acceptance of this proposal shall be evidenced by the passage of an ordinance, or by other proper governmental action, which shall incorporate this proposal verbatim, or by reference thereto.

Federal Project Number : STP-149 (10) \_\_\_\_\_  
State Project Number: 63023-2236-14

IN WITNESS WHEREOF, the DEPARTMENT has caused this proposal to be executed by its duly authorized official on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

THE COUNTY OF MONTGOMERY

BY: \_\_\_\_\_  
County Mayor

DATE: \_\_\_\_\_

STATE OF TENNESSEE  
DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_  
John C. Schroer  
Commissioner

DATE: \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY:

BY: \_\_\_\_\_  
Attorney Department of Transportation

DATE: \_\_\_\_\_

**RESOLUTION TO ADOPT REGULATORY POWERS PURSUANT  
TO TENNESSEE CODE ANNOTATED § 5-1-118**

**WHEREAS**, the State Legislature has allowed counties to acquire certain regulatory powers granted to all or certain municipalities pursuant to Tennessee Code Annotated (T.C.A.) § 5-1-118, a copy of which is attached hereto; and

**WHEREAS**, with the vast urban growth being experienced in Montgomery County, certain regulatory powers have become vital to the best interests of the citizens; and

**WHEREAS**, this legislative body declares that it is in the best interest of the health, safety and welfare of the citizens of Montgomery County that this resolution be approved; and

**WHEREAS**, this resolution requires a two-thirds (2/3) vote for passage pursuant to T.C.A. § 5-1-118(c)(1).

**NOW, THEREFORE, BE IT RESOLVED** by the Montgomery County Board of Commissioners assembled in Regular Session on this 10<sup>th</sup> day of October, 2011, that Montgomery County adopt the regulatory powers granted pursuant to T.C.A. § 5-1-118.

**Duly passed and approved this 10<sup>th</sup> day of October, 2011.**

**Sponsor** \_\_\_\_\_

**Commissioner** \_\_\_\_\_

**Approved** \_\_\_\_\_

**County Mayor**

**Attest** \_\_\_\_\_

**County Clerk**

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\*\*\* CURRENT THROUGH THE 2011 REGULAR SESSION \*\*\*

Title 5 Counties  
Chapter 1 General Provisions  
Part 1 Counties Generally

Tenn. Code Ann. § 5-1-118 (2011)

**5-1-118. County powers shared with municipalities.**

~~(a) Counties, by resolution of their respective legislative bodies, in addition to other powers authorized by general law or private act, may exercise the following powers granted to all or certain municipalities by the following code sections:~~

~~(1) Section 6-2-201(3)-(8), (10)-(13), (18), (19), (26) and (28);~~

~~(2) Section 6-54-103;~~

~~(3) Section 6-54-110;~~

~~(4) Section 6-54-307; and~~

~~(5) Sections 6-54-601 - 6-54-603.~~

~~(b) Nothing in this part shall be construed as granting counties the power to prohibit or regulate normal agricultural activities.~~

~~(c) (1) In addition to those powers granted to counties pursuant to subsection (a), any county may, by adoption of a resolution by a two-thirds (2/3) vote of their respective legislative bodies, exercise those powers granted to all or certain municipalities by § 6-2-201(22) and (23), except as provided in subsection (b) and subdivisions (c)(2) and (3). Any such regulations shall be enacted by a resolution passed by a two-thirds (2/3) vote of the county legislative body. The powers granted to counties in this subdivision (c)(1) apply only within the unincorporated areas. Nothing in this subdivision (c)(1) may be construed to allow any county to prohibit or in any way impede any municipality in exercising any power or authority the municipality may lawfully exercise. If, prior to April 17, 2002, a county has adopted a resolution by a two-thirds (2/3) vote, pursuant to previous acts enacted by the general assembly, to exercise the powers granted in accordance with this subdivision (c)(1), no further action by the legislative body of such county is necessary to continue exercising such powers.~~

~~(2) The powers granted by § 6-2-201(22) and (23) shall not apply to those activities, businesses, or uses of property and business occupations and practices that are subject to regulation pursuant to title 57, chapters 5 and 6; title 59, chapter 8; title 60, chapter 1; title 68, chapters 201-221; or title 69, chapters 3, 7, 10 and 11.~~

~~.....(3) All court decisions and statutory laws relating to variances and non-conforming uses.....~~  
applicable to zoning ordinances and land use controls shall apply to the enforcement and exercise of those powers granted pursuant to subdivision (c)(1).

**HISTORY:** Acts 1995, ch. 264, § 1; 2000, ch. 969, § 1; 2001, ch. 7, § 1; 2002, ch. 627, § 1; 2003, ch. 57, § 1.

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