

**OFFICIAL ZONING CODE
OF
MCMINNVILLE, TENNESSEE**

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THE MCMINNVILLE REGIONAL PLANNING COMMISSION

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UPPER CUMBERLAND REGION

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OFFICIAL ZONING CODE
OF
THE CITY OF MCMINNVILLE, TENNESSEE
TITLE 14
CHAPTER 2
GENERAL ZONING PROVISIONS

SECTION 14-201

SHORT TITLE

Chapters 2 through 7 of Title 14 of the McMinnville Municipal Code shall be known as the "Official Zoning Code of the City of McMinnville, Tennessee" and the map herein referred to, which is identified by the title "Official Zoning Map of the City of McMinnville, Tennessee," dated June 10, 2003, shall be made a part of Chapters 2 through 7 of Title 14 of the McMinnville Municipal Code.

SECTION 14-202

PURPOSE

This Official Zoning Code is enacted for the following purposes:

14-202.1

To promote and protect the public health, safety, morals, comfort, convenience, and general welfare of the people;

14-202.2

To divide the municipality into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, business, commercial, industrial, and other specified uses;

14-202.3

To protect the character and maintain the stability of residential, business, commercial, and industrial areas within the planning region, and to promote the orderly and beneficial development of such areas;

14-202.4

To provide adequate light, air, privacy, and convenience of access to property;

14-202.5

To regulate the intensity of open spaces surrounding buildings that are necessary to provide adequate light and air and protect the public health;

14-202.6

To establish building lines and the location of buildings designated for residential, business, commercial, industrial, or other uses within such lines;

14-202.7

To fix reasonable standards to which buildings or structures shall conform;

14-202.8

To prohibit uses, buildings, or structures which are incompatible with the character of development or the permitted uses within specified zoning districts;

14-202.9

To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder;

14-202.10

To limit congestion in the public streets and so protect the public health, safety, convenience, and general welfare by providing for the off-street parking of motor vehicles and for the loading and unloading of commercial vehicles;

14-202.11

To provide protection against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and general welfare;

14-202.12

To prevent overcrowding of land and undue concentration of structures so far as is possible and appropriate in each district by regulating the use and the bulk of buildings in relation to the land surrounding them;

14-202.13

To conserve the taxable value of land and buildings throughout the planning region;

14-202.14

To provide for the gradual elimination of those uses of land, buildings and structures which do not conform to the standards of the districts in which they are respectively located and which are adversely affecting the development and taxable value of property in each district;

14-202.15

To define and limit the powers and duties of the administrative officers and bodies as provided herein;

14-202.16

To protect and in general allow for the beneficial uses of property in a like manner to that which was permitted under the previous zoning regulations (Ordinance No. 374, as amended); and

14-202.17

These general purposes include the specific purposes stated in the various chapters throughout this Official Zoning Code.

SECTION 14-203**CONSTRUCTION OF LANGUAGE**

For the purposes of this Official Zoning Code, certain terms or words shall be interpreted as follows:

14-203.1

The words SHALL or MUST are always mandatory and not discretionary.

14-203.2

The word MAY is permissive.

14-203.3

Words used in the present tense include the future tense, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.

14-203.4

The word PERSON includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

14-203.5

The phrase USED FOR shall include the phrases ARRANGED FOR, DESIGNED FOR, INTENDED FOR, MAINTAINED FOR, and OCCUPIED FOR.

14-203.6

The word LOT shall include the words PLOT, PIECE, or PARCEL.

14-203.7

Unless the context clearly indicates to the contrary conjunctions shall be interpreted as follows:

14-203.7A AND indicates that all connected items, conditions, provisions, or events shall apply.

14-203.7B OR indicates that the connected items, conditions, provisions, or events shall apply.

14-203.7C EITHER...OR indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

SECTION 14-204**DEFINITIONS**

Except where definitions are specifically included in various chapters and sections, certain words in the text of this Official Zoning Code shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail.

14-204.1

ACCESSORY ATTACHED DWELLING UNIT APARTMENT--A separate and complete dwelling unit that is contained within the structure of a single-family dwelling unit or commercial building, on the same lot with, and of a nature customarily incidental, appropriate, and subordinate to, the principal dwelling unit.

14-204.1A

ACCESSORY DETACHED DWELLING UNIT--A separate and complete dwelling unit that is located on the same lot as a commercial building and is incidental, appropriate, and subordinate to, the principal use or structure.

14-204.2

ACCESSORY USE OR STRUCTURE--A use or structure on the same lot with, and of a nature customarily incidental, appropriate and subordinate to, the principal use or structure.

14-204.3

ACTIVITY--The performance of a function or operation which constitutes the use of land.

14-204.4

ALLEY--A narrow service way providing a secondary public means of access to abutting property.

14-204.5

ALTERNATIVE TOWER STRUCTURE shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that conceal the presence of antennas or towers and are architecturally compatible with the area.

14-204.6

ANTENNA shall mean any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communications signals.

14-204.7

BACKHAUL NETWORK shall mean the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices or long-distance providers, or the public switched telephone network.

14-204.8

BED AND BREAKFAST INN--A dwelling or portion thereof, where short term lodging rooms and meals are provided. The owner/operator of the inn shall live in the dwelling.

14-204.9

BUFFER AREA--A landscaped area intended to separate and obstruct the view of two adjacent land uses or properties from one another.

14-204.10

BOARDING OR ROOMING HOUSE--Any dwelling in which three (3) or more persons, either individually or as families, are housed or lodged for hire with or without meals.

14-204.11

BUILDING--A structure having a roof supported by columns or walls and intended for housing, shelter, or enclosure of goods or persons.

14-204.12

BUILDING AREA--The total area taken on a horizontal plane at the average ground elevation of the principal building and all accessory buildings.

14-204.13

BUILDING LINE--The line, parallel to the street line, that passes through the point of the principal building nearest the front lot line.

14-204.14

BUILDING PERMIT--A permit required under the McMinnville Municipal Code prior to the commencement of certain types of construction.

14-204.14A

CARPORT --A freestanding roofed structure designed or used to shelter vehicles, which is open on all sides. Carports may be attached to the principal residence where the carport structure will be open on all sides excluding the wall of the principal structure where the carport is attached.

14-204.15

CUSTOMARY HOME OCCUPATION--An occupation, profession, activity or use having traditional acceptance as being one customarily carried on in the home, provided that such occupation be clearly incidental and secondary to the residential use, and which does not alter the exterior of the property or affect the residential character of the neighborhood.

14-204.16

CO-LOCATION shall mean when one (1) or more antenna or transmitter that is located on a single tower.

14-204.16A

COMMUNITY CENTER -- A meeting place where people living in the same community can be involved in cultural, recreational, or social activities. Said activities may occur either inside or outside.

14-204.17

DAYCARE CENTER--A building or structure where care, protection, and supervision are provided, on a regular schedule, at least twice a week to more than seven (7) children, including the children of the adult provider.

14-204.18

DAYCARE HOME--A private residence where care, protection, and supervision are provided, for a fee, at least twice a week to no more than seven (7) children, including children of the adult provider.

14-204.19

DEVELOPER--An individual, firm, corporation, association, partnership or trust involved in commencing proceedings to effect development of land for himself or others.

14-204.20

DEVELOPMENT--Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, paving, excavating, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

14-204.21

DWELLING--A building or portion thereof, designed or used exclusively for residential occupancy.

14-204.21A DWELLING, SINGLE-FAMILY--A detached residence designed for or occupied by one (1) family only.

14-204.21B DWELLING, TWO-FAMILY--A residence designed for or occupied by two (2) families only, with separate housekeeping, cooking, and sanitary facilities for each.

14-204.21C DWELLING, MULTI-FAMILY--A residence designed for or occupied by three (3) or more families, with separate housekeeping, cooking, and sanitary facilities for each. The term includes cooperative apartments, condominiums, and the like.

14-204.22

DWELLING UNIT--A room or rooms connected together constituting a separate, independent housekeeping establishment for one (1) family only, for owner occupancy rental and/or lease, and containing cooking, living, sleeping, and sanitation facilities.

14-204.23

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

14-204.24

FAA shall mean the Federal Aviation Administration.

14-204.25

FAMILY--One (1) or more persons occupying a premises and living as a single, nonprofit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity, rooming house, motel, or other structures designed for transient residence.

14-204.26

FCC shall mean the Federal Communications Commission.

14-204.27

FLOOD--A general and temporary condition of partial or complete inundation of normally dry land areas. For related definitions refer to Title 14, Chapter 8 of the McMinnville Municipal Code which is included as Appendix A of this Official Zoning Code.

14-204.28

FLOOR AREA RATIO--The ratio derived by dividing the total floor area by the gross site area.

14-204.29

FLOOR AREA TOTAL--The area of all floors of a building including finished attics, finished basements and covered porches.

14-204.30

GROSS DENSITY--The ratio derived by dividing the number of dwellings by the gross site area.

14-204.31

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

14-204.32

GROUP HOME--A residence operated by a public or private agency which may provide a program of services in addition to room and board which has continuous supervision. When appropriate Tennessee Code Section 13-24-102 shall apply.

14-204.33

HEIGHT shall mean, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any other antenna.

14-204.34

HEIGHT OF BUILDING--The vertical distance from the established average sidewalk grade, or street grade, or finished grade at the building line, whichever is the highest, to the highest point of the building, excluding spires, towers, domes not for human occupancy, flag poles, masts, or aerials.

14-204.35

LOT--A piece, parcel or plot of land in one ownership which may include one or more lots of record, occupied or to be occupied by one principal building and its accessory buildings and including the open spaces required in this Official Zoning Code. All lots shall front on and have access to a street.

14-204.35A LOT, CORNER--A lot abutting on and at the intersection of two (2) or more streets.

14-204.35B LOT DEPTH-- Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

14-204.35C LOT FRONTAGE--The front of a lot shall be construed to be the portion nearest to the street.

14-204.35D LOT LINE--The boundary dividing a given lot from a street, an alley, or adjacent lots.

14-204.35E LOT OF RECORD--A lot which is part of a subdivision legally recorded in the Office of the Warren County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

14-204.35F LOT WIDTH--The distance between the side boundaries of the lot measured at the front building line.

14-204.36

MOBILE HOME (HOUSE TRAILER) -- A detached one-family dwelling unit with all of the following characteristics:

14-204.36A Designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower, and kitchen facilities, with plumbing and electrical connections provided for attachment to utility systems.

14-204.36B Designed to be transported after fabrication on its own wheels, or detachable wheels, or on a flat bed or other trailer.

14-204.36C Arriving at the site where it is to be occupied as a dwelling complete, often including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation support, connection to utilities, and the like.

Mobile home dwellings do not include camping trailers, commercial mobile structures, motor homes, recreational vehicles, travel trailers, truck campers or similar units designed to provide temporary living quarters.

14-204.37

MOBILE HOME (TRAILER) PARK--A parcel of land under single ownership designed for or which is intended to be used for the accommodation of mobile homes (trailers) for dwelling purposes.

14-204.38

NONCONFORMING USE--A building, structure, or use of land existing at the time of enactment or amendment of this Official Zoning Code, and which does not conform to the regulations of the zone in which it is located.

14-204.38A

PLACE OF PUBLIC ASSEMBLY, INDOOR--A building in which people assemble for civic, educational, religious, cultural, or recreational purposes. This use includes community centers, retirement centers, and places of worship.

14-204.39

PRE-EXISTING TOWERS AND ANTENNAS shall mean any tower or antenna on which a permit has been properly issued prior to the effective date of this ordinance.

14-204.40

PRINCIPAL BUILDING--A building which contains the principal activity or use located on a lot which it is situated.

14-204.41

RESIDENCE--A building or part of a building containing one (1) or more dwelling units, including one-family, two-family, or multi-family dwellings and mobile homes.

14-204.41A

RETIREMENT CENTER--A facility that provides care and companionship for older adults who need assistance or supervision during the day. The facility's services may include, but are not limited to, social activities, meals, recreation, health, and therapeutic services.

14-204.42

SCREENING (SEE ALSO BUFFER AREA) -- The method by which a view of one (1) site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, trees, hedges, shrubs, or other landscaping, berms or other features.

14-204.43

SETBACK LINE--The required minimum horizontal distance between the building line and the related front, side or rear property line.

14-204.44

SIGN--An attached or free-standing structure conveying some information, knowledge or idea to the public. For related definitions refer to Title 14, Chapter 14 of the McMinnville Municipal Code which is included as Appendix B of this Official Zoning Code.

14-204.45

SPECIAL EXCEPTION (USE PERMITTED ON APPEAL) -- A special exception is a use that would not be appropriate generally or without restrictions in a particular zoning district but which, if controlled as to the number, area, location, or relation to the neighborhood would promote the public health, safety, welfare, order, comfort, convenience, appearance or prosperity. The location of such uses is subject to the approval of the McMinnville Board of Zoning Appeals.

14-204.46

STORY--That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or any portion of a building used for human occupancy between the topmost floor and the roof. A basement shall be counted as a story if its ceiling is over six feet above the average level of the finished ground surface adjoining the exterior walls of such story, or if it is used for business or dwelling purposes.

14-204.47

STREET--A publicly maintained right-of-way, other than an alley, which affords a primary access to abutting property.

14-204.47A CENTERLINE OF STREET--That line surveyed and monumented by the City of McMinnville as the centerline of the street, or if such centerline has not been surveyed, that line running midway between the outside curbs or ditches of such street.

14-204.47B STREET LINE--The property line which bounds the right-of-way set aside for use as a street. Where a sidewalk exists and locations of the property line is questioned, the side of the sidewalk farthest from the traveled street shall be considered the street line.

14-204.48

STRUCTURE--Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, towers, walls, fences, billboards, and ground signs.

14-204.49

TOWER shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, personal communications service towers (PCS), microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, specialized mobile radio, paging, and the like. This definition does not include any structure erected solely for residential, non-commercial individual use, such as television antennas, satellite dishes or uses as defined in Section 14-604.10, subsections A thru G of the McMinnville Zoning Code.

14-204.50

USE--The specific purpose for which land or building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

14-204.51

VARIANCE--A variance is a relaxation of the terms of the Official Zoning Code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Official Zoning Code would result in unnecessary and undue hardship. As used in this Official Zoning Code, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

14-204.52

WIRELESS COMMUNICATION ANTENNA ARRAY (ANTENNA ARRAY) shall mean one or more rods, panels, or discs or similar devices used for the transmission or reception of radio frequency (RF) signals through electromagnetic energy, which may include omni-directional antenna (whip), directional antenna (panel) and parabolic antenna (dish).

14-204.53

WIRELESS COMMUNICATION FACILITY shall mean an unstaffed facility for the transmission and/or reception of radio frequency (RF) signals through electromagnetic energy usually consisting of an equipment shelter or cabinet, a support tower or other structure used to achieve the necessary elevation, and the transmission and reception devices or antenna.

14-204.54

YARD--A required open space unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

14-204.54A YARD, FRONT--The yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building, including covered porches.

14-204.54B YARD, REAR--The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building, including carports and covered porches.

14-204.54C YARD, SIDE--A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including carports and covered porches.

2. Change to a Conforming Use

A nonconforming use may be changed to any conforming use, and the applicable bulk regulations and accessory off-street parking requirements shall apply to such change of use or to alterations made in order to accommodate such conforming use.

Whenever a nonconforming use is changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

3. Change to Another Nonconforming Use

An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same classification; provided, however, that establishment of another nonconforming use of the same classification shall be subject to the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect the area.

14-205.3 NUMBER OF PRINCIPAL BUILDINGS ON A LOT

In all residential districts, only one (1) principal building and its customary accessory buildings shall be erected on any individual lot. This provision shall not apply to legally located multi-family dwellings nor legally located mobile home parks.

14-205.4 PUBLIC STREET FRONTAGE

No building shall be erected on any residential lot which does not abut at least one (1) public street for at least fifty (50) feet, except on a permanent dead-end street (cul-de-sac) where the minimum public street frontage shall be thirty (30) feet. No building shall be erected on any nonresidential lot which does not abut at least one (1) public street for at least twenty-five (25) feet.

14-205.5 REAR YARD ABUTS A PUBLIC STREET

When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line, center line of the street or property line as required for adjacent properties which front on that street.

14-205.6 REDUCTIONS IN LOT AREA PROHIBITED

No lot, even though it may consist of one (1) or more adjacent lots or record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of the Official Zoning Code are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

14-205.7

**OBSTRUCTION TO VISION AT
STREET INTERSECTION PROHIBITED**

On a corner lot within the area formed by the right-of-way lines of the intersecting or intercepting streets adjoining said corner lot and a line joining points on such right-of-way lines at a distance of twenty-five (25) feet from the point of intersection, there shall be no obstruction to vision between their height of two (2) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

14-205.8

**SIDE SETBACK ALLOWANCES FOR
EXISTING STRUCTURES LAWFULLY BUILT**

When an existing building or structure was lawfully built and it does not meet the current required side or rear setback, the existing building or structure may be expanded upon only if the addition of the building does not encroach any further into the required setback. For example, if a lawfully built building or structure exists 10 feet from a property line, however the required setback per the existing regulations is 15 feet then the existing building or structure in question may be expanded consistent with the 10 feet setback. This provision applies only to buildings and structures that are being enlarged and it does not apply to any new detached building or structure.

CHAPTER 3

PARKING, ACCESS, AND OFF-STREET LOADING AND UNLOADING REQUIREMENTS

SECTION 14-301 OFF-STREET AUTOMOBILE STORAGE (PARKING)

In all zoning districts there shall be provided, at such time any building or structure is erected or enlarged or increased in capacity, off-street parking spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below. For uses not specifically mentioned herein, off-street parking requirements shall be determined by the Board of Zoning Appeals. Parking requirements determined herein by square footage are based on gross square feet. For uses resulting in a fractional requirement the fraction shall be rounded off to the higher whole number.

14-301.1 MINIMUM OFF-STREET PARKING REQUIREMENTS

14-301.1A Residential Uses

1. Single-Family Dwelling--Three (3) spaces per dwelling unit.
2. Two-Family Dwelling--Three (3) spaces per dwelling unit.
3. Multi-Family Dwelling--Two and one-half (2.5) spaces per dwelling unit.
4. Mobile Home on Individual Lot--Three (3) spaces per dwelling unit.
5. Mobile Home Park--Two (2) spaces per dwelling unit.
6. Elderly Housing--One and one-half (1.5) spaces per dwelling unit.

14-301.1B Public, Semi-Public and Office Facilities

1. Cemetery--Parking on private drives, plus one (1) space per employee.
2. Charitable, Fraternal or Social Organization--One (1) space per four (4) persons to capacity.
3. Place of Public Assembly, Indoor--One (1) space per four (4) seats to capacity.
4. Day-Care Center--One (1) space per four (4) children, plus one (1) space per employee.
5. Funeral Home--One (1) space per four (4) seats to capacity.
6. Group Home--One (1) space per bedroom or sleeping room.

7. Hospital--One (1) space per two (2) beds intended for patient use, plus one (1) space per employee on largest shift.
8. Medical Clinic for Human Care--Three (3) spaces per doctor, plus one (1) space per employee.
9. Nursing Home--One (1) space per four (4) beds intended for patient use, plus one (1) space per employee.
10. Office--One (1) space per 300 square feet.
11. Postsecondary Educational Institution--One (1) space per five (5) students, plus one (1) space per employee.
12. School (K-12)--K-9: One (1) space per classroom, plus one (1) space per employee; 9-12: One (1) space per four (4) students, plus one (1) space per employee.
13. Temporary Care Facility--One (1) space per four (4) patients, plus one (1) space per employee.

14-301.1C

Business and Personal Services

1. Appliance Repair--One (1) space per 300 square feet, plus one (1) space per employee.
2. Barber and Beauty Service--One (1) space per 200 square feet, plus one (1) space per employee.
3. Bed and Breakfast--Three (3) spaces for the principal dwelling, plus one (1) space per rented room.
4. Coin-operated Cleaning and Laundry--One (1) space per 200 square feet.
5. Convenience Storage--One (1) space per 1,000 square feet.
6. Copy Service--One (1) space per 200 square feet.
7. Dry Cleaning and Laundry Pickup--One (1) space per 200 square feet.
8. Dry Cleaning and Laundry Service--One (1) space per 200 square feet.
9. Electrical Repair--One (1) space per 300 square feet, plus one (1) space per employee.
10. Employment Agency--One (1) space per 200 square feet.
11. Equipment Rental--One (1) space per 200 square feet, plus one (1) space per employee.
12. Exterminating Service--One (1) space per 500 square feet.

13. Financial Service--One (1) space per 200 square feet, plus each drive-through lane shall have a stacking length to accommodate a minimum of six (6) vehicles.
14. Gunsmith--One (1) space per 200 square feet.
15. Hotel--One (1) space per rented room, plus one (1) space per four (4) persons to capacity of meeting and/or banquet rooms.
16. Industrial Equipment Repair--One (1) space per 500 square feet.
17. Insurance Agency--One (1) space per 200 square feet.
18. Interior Decorating--One (1) space per 200 square feet.
19. Legal Service--One (1) space per 200 square feet.
20. Locksmith--One (1) space per 200 square feet.
21. Motel--One (1) space per rented room, plus one (1) space per four (4) persons to capacity of meeting and/or banquet rooms.
22. Office Equipment Repair--One (1) space per 300 square feet, plus one (1) space per employee.
23. Photographic Service--One (1) space per 200 square feet.
24. Real Estate Agency--One (1) space per 200 square feet.
25. Self-Service Storage--Two (2) spaces, plus one (1) additional space per 200 storage cubicles, plus meeting the provision of Section 14-604.5 of this Zoning Code.
26. Shoe Repair--One (1) space per 300 square feet, plus one (1) space per employee.
27. Small Engine and Motor Repair--One (1) space per 300 square feet, plus one (1) space per employee.
28. Tailoring--One (1) space per 200 square feet.
29. Taxidermist--One (1) space per 300 square feet.
30. Upholstery Service--One (1) space per 200 square feet.
31. Veterinary Service (Indoor)--One (1) space per 500 square feet, plus one (1) space per employee.
32. Veterinary Service (Outdoor)--One (1) space per 1,000 square feet, plus one (1) space per employee.
33. For developments in which the tenants have not been determined, one (1) space per 200 square feet shall be provided.

34. For developments which also provide drive-through service, a stacking length to accommodate a minimum of five (5) vehicles per lane shall be provided, unless otherwise required herein.

14-301.1D

Retail and Wholesale Trade

1. Agricultural Supply--One (1) space per 500 square feet.
2. Apparel Shop--One (1) space per 200 square feet.
3. Appliance Sales--One (1) space per 500 square feet.
4. Automotive Sales--One (1) space per 500 square feet, plus two (2) spaces per service bay.
5. Automotive Parts Supply--One (1) space per 300 square feet.
6. Bakery (Retail)--One (1) space per 200 square feet.
7. Bakery (Wholesale)--Two (2) spaces per employee.
8. Bookstore--One (1) space per 200 square feet.
9. Building Materials--One (1) space per 200 square feet, plus one (1) space per employee.
10. Cabinet Sales--One (1) space per 500 square feet.
11. Camera and Photographic Supply--One (1) space per 200 square feet.
12. Caterer--One (1) space per 200 square feet.
13. Confectionery--One (1) space per 200 square feet.
14. Department Store--One (1) space per 200 square feet.
15. Drapery Sales--One (1) space per 500 square feet.
16. Drugstore--One (1) space per 200 square feet.
17. Fertilizer Sales (Bulk)--One (1) space per 500 square feet.
18. Fertilizer Sales (Packaged)--One (1) space per 500 square feet.
19. Florist (Retail)--One (1) space per 200 square feet.
20. Florist (Wholesale)--Two (2) spaces per employee.
21. Fruit Market--One (1) space per 200 square feet.
22. Furniture Sales--One (1) space per 500 square feet.
23. Gift Shop--One (1) space per 200 square feet.

24. Grocery Store--One (1) space per 100 square feet, plus one (1) space per 200 square feet of storage area.
25. Handicrafts--One (1) space per 500 square feet.
26. Hardware--One (1) space per 200 square feet.
27. Heavy Machinery Sales--One (1) space per 500 square feet, plus one (1) space per employee.
28. Industrial Supplies--One (1) space per 500 square feet, plus one (1) space per employee.
29. Jewelry--One (1) space per 200 square feet.
30. Marine Supply--One (1) space per 500 square feet, plus one (1) space per employee.
31. Meat Market--One (1) space per 200 square feet.
32. Mobile Home Sales--One (1) space per 500 square feet.
33. Motorcycle Sales--One (1) space per 500 square feet.
34. Music Store--One (1) space per 200 square feet.
35. Nursery and Garden Centers--One (1) space per 200 square feet, plus one (1) space per employee.
36. Office Supplies--One (1) space per 200 square feet.
37. Optical Goods--One (1) space per 200 square feet.
38. Pet Shop--One (1) space per 300 square feet.
39. Petroleum Bulk Sales and Storage--One (1) space per 500 square feet, plus one (1) space per employee.
40. Restaurant--One (1) space per 100 square feet, plus one (1) space per employee based on the largest work shift.
41. Restaurant (Drive-In)--Two (2) spaces per three (3) seats to capacity.
42. Restaurant (Drive-through)--Each drive-through lane shall have a stacking length to accommodate fifteen (15) vehicles, plus one (1) space per employee based on the largest work shift, plus one (1) space per 100 square feet if on-site dining is also provided.
43. Sporting Goods--One (1) space per 200 square feet.
44. Tavern--One (1) space per 50 square feet, plus one (1) space per employee based on the largest work shift.
45. Used Merchandise (Antiques)--One (1) space per 500 square feet.

46. Uses Merchandise (Flea Market)--One (1) space per rented area.
47. Used Merchandise (General)--One (1) space per 500 square feet.
48. Video Rental--One (1) space per 50 square feet, plus one (1) space per employee.
49. For developments in which the tenants have not been determined, one (1) space per 200 square feet shall be provided.
50. For developments which also provide drive-through service, a stacking length to accommodate a minimum of five (5) vehicles per lane shall be provided, unless otherwise required herein.

14-301.1E

Automotive and Transportation Services

1. Automotive Paint Shop--One (1) space per 200 square feet.
2. Automotive Rentals--One (1) space per 500 square feet.
3. Automotive Repair Shop--One (1) space per 200 square feet.
4. Automotive Tire Repair--One (1) space per 200 square feet.
5. Bus Terminal--One (1) space per 100 square feet of waiting room area, plus one (1) space per vehicle used in the operation.
6. Car Wash--Parking and waiting space equivalent to three (3) times the service capacity of the use.
7. Cold Storage Plant--One (1) space per employee based on the largest work shift.
8. Gasoline Service Station--Four (4) spaces per employee, plus one (1) space per gasoline pump.
9. Grain Elevator--One (1) space per employee based on the largest work shift.
10. Motorcycle Repair--Two (2) spaces per employee.
11. Storage Warehouse and Yard--Two (2) spaces per employee.
12. Taxicab Stand--One (1) space per employee, plus one (1) space per vehicle used in the operation.
13. Transfer or Storage Terminal--One (1) space per employee based on the largest work shift.
14. Travel Agency--One (1) space per 300 square feet.
15. Trucking Terminal--Two (2) spaces per employee, plus one (1) space per vehicle used in the operation.

16. Wrecker Service--One (1) space per employee, plus one (1) space per vehicle used in the operation.

14-301.1F Amusement and Recreational Services

1. Club or Lodge--One (1) space per four (4) persons to capacity.
2. Private Recreational Facility--One (1) space per four (4) expected patrons at maximum capacity.
3. Indoor Motion Picture Theater--One (1) space per three (3) seats to capacity.
4. Park and Recreational Services--One (1) space per four (4) expected patrons at maximum capacity.
5. Stadium or Coliseum--One (1) space per four (4) persons to capacity.
6. Transient Amusement Enterprises--One (1) space per four (4) expected patrons at maximum capacity.

14-301.1G Manufacturing Mining, Construction and Industrial Uses

All-- One (1) space per employee based on the largest work shift, plus one (1) space per vehicle used in the operation.

14-301.2 CERTIFICATION OF MINIMUM PARKING REQUIREMENTS

Each application for a building permit shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the building inspector to determine whether or not the requirements of this section are met.

14-301.3 COMBINATION OF REQUIRED PARKING SPACE

The required parking space for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another use, except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

14-301.4 OFF-SITE PARKING

14-301.4A If the vehicle parking spaces required by this section cannot be reasonably provided on the same lot on which the principal use is conducted, then the Board of Zoning Appeals may approve the location of a portion of the parking required for a use on another site.

14-301.4B Off-site parking shall be located within three-hundred (300) feet of the use which it serves, measured as the shortest practical walking distance from the nearest off-site parking space to the nearest entrance to the building or use which it serves.

- 14-301.4C In determining whether to approve off-site parking, the Board of Zoning Appeals shall consider all relevant factors, including:
1. The location of the use and the proposed off-site parking.
 2. Existing and potential parking demand created by other uses in the vicinity.
 3. The characteristics of the use, including employee and customer parking demand, hours of operation and projected convenience and frequency of use of the off-site parking.
 4. Adequacy, convenience and safety of pedestrian access between the proposed off-site parking and the use.
 5. Traffic patterns on adjacent streets and proposed access to the off-site parking.
- 14-301.4D A written agreement between the owner of the off-site parking area and the owner of the use assuring the continued availability and usability of off-site parking shall be submitted to the Board of Zoning Appeals prior to approval of off-site parking.
- 14-301.4E Handicapped parking spaces shall be provided on the same lot on which the principal use is conducted.

14-301.5 DESIGN REQUIREMENTS FOR PARKING
SPACES AND LOTS

Parking spaces and lots shall be designed and constructed in accordance with the following minimum standards and requirements.

- 14-301.5A Except for parcels of land devoted to one- and two-family residential 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.
- 14-301.5B No parking space shall be of dimensions of less than nine (9) feet in width and nineteen (19) feet in length.
- 14-301.5C Ingress and egress points for all off-street parking lots shall comply with the access control requirements of Section 14-302 of this Official Zoning Code.
- 14-301.5D All off-street parking lots for more than five (5) vehicles shall be surfaced with asphalt or concrete and be so constructed to provide for adequate drainage and prevent the release of dust.
- 14-301.5E Grades within the paved area of a parking lot shall at no place be less than one (1) percent nor more than five (5) percent. Grades of driveways or entrances from a public street serving a parking lot shall at no point exceed eight (8) percent.
- 14-301.5F Off-street parking areas containing twenty-five (25) or more parking spaces shall be subdivided into sub-lots containing not more than twenty-five (25) parking spaces separated by landscaped strips of five (5) feet in width.

- 14-301.5G Off-street parking areas containing ten (10) or more parking spaces shall have landscaped strips with broken screening in conformance with Section 14-601 of this Official Zoning Code along the perimeter except where driveways are provided for access to adjoining streets, drives, or properties.
- 14-301.5H Interior landscaped strips shall be a minimum of five (5) feet in width and planted with acceptable indigenous landscaping materials.
1. It shall be the obligation of the occupant(s) of each building, structure or use on whose premises landscaped strips are located to maintain said landscaped strips.
 2. Failure to properly maintain landscaped strips shall be a violation of this Official Zoning Code, punishable as a misdemeanor under the provisions of the McMinnville Municipal Code.
- 14-301.5I Continuous curbing or individual wheel stops shall be provided where the front of a parking space is adjacent to the perimeter of the parking lots.
- 14-301.5J Any lighting used to illuminate off-street parking lots shall be so arranged to prevent direct glare onto any public or private property or streets.

14-301.6 **SPECIAL PROVISIONS FOR
HANDICAPPED PARKING**

When required, parking spaces for the handicapped shall be provided in conformance with the provisions of the Americans with Disabilities Act (ADA) and/or other applicable federal or state law.

14-301.7 **CENTRAL COMMERCIAL DISTRICT EXEMPTED**

The provisions of Section 14-301 shall not apply to any building, structure or use located in the C-1 Central Commercial District provided, however, that any off-street parking and loading, if provided at the option of the owner of any building, structure or use, shall comply with the design requirements of this Section.

SECTION 14-302 ACCESS CONTROL

In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

14-302.1

A point of access for vehicles onto a street, excluding the necessary turning radius, shall not exceed twenty-five (25) feet in width in a residential district or thirty (30) feet in width in any other district. A point of access of forty (40) feet in width in a commercial or industrial district may be permitted by the Board of Zoning Appeals in cases where a high volume of tractor trailer vehicular traffic is anticipated.

14-302.2

There shall be no more than two points of access to any one public street for each four-hundred (400) feet of lot frontage, or fraction thereof; provided, however, that lots less than one-hundred (100) feet in width shall have no more than one (1) point of access to any one (1) public street.

14-302.3 Where two (2) driveways are provided for one (1) lot frontage, the clear distance between driveways shall not be less than twenty-five (25) feet.

14-302.4 No point of access shall be allowed within thirty (30) feet of the right-of-way line of any public intersection.

14-302.5 No curbs on city streets or rights-of-way shall be cut or altered without approval of the McMinnville Street Department, or if a state highway, a permit must be obtained from the Tennessee Department of Transportation.

14-302.6 Cases requiring variances relative to the above provisions shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street.

SECTION 14-303 OFF-STREET LOADING AND UNLOADING REQUIREMENTS

In all districts in which a structure of three-thousand (3000) square feet or more is located, which requires deliveries or shipments, off-street loading and unloading space shall be provided meeting the following requirements:

14-303.1 LOCATION

14-303.1A Loading/unloading spaces shall be located on the same lot as the building or structure on which they serve.

14-303.1B No loading/unloading space shall be located in any required front yard.

14-303.1C All loading/unloading spaces shall have access to a public or private alley or if there is no alley, to a public street.

14-303.2 DESIGN STANDARDS AND USE

14-303.2A Off-street loading/unloading berths for industrial or manufacturing uses shall be at least twelve (12) feet wide and at least fifty (50) feet long, exclusive of access or maneuvering space. For all other uses off-street loading/unloading berths shall be at least twelve (12) feet wide and at least thirty (30) feet long, exclusive of access or maneuvering space.

14-303.2B A minimum of fifteen (15) feet overhead clearance and adequate means for ingress and egress shall be provided for off-street loading/unloading spaces.

14-303.2C At no time shall part of a truck, van or other vehicle be allowed to extend onto a sidewalk, into the right-of-way or onto a public thoroughfare in order to deliver, load or unload goods.

14-303.2D Off-street loading/unloading berths shall be marked and shall be paved with asphalt or concrete and be so constructed to provide for adequate drainage and prevent the release of dust.

14-303.2E No off-street loading/unloading space shall be substituted for any parking space. 14-

303.3 REQUIRED NUMBER OF LOADING AND UNLOADING SPACES

Off-street loading and unloading spaces shall be based on gross floor area, excluding enclosed or covered areas used for loading and unloading, and the number of berths required shall be determined by the following table:

GROSS SQUARE FEET OF STRUCTURE	MINIMUM NUMBER OF BERTHS REQUIRED
3,000 - 10,000	1
10,000 - 25,000.....	2
25,001 - 90,000.....	3
90,001 - 155,000	4
155,001 - 240,000	5
240,001 - 325,000	6
325,001 - 410,000	7
410,001 - 500,000	8
Each 100,000 above 500,000	1

CHAPTER 4

ZONING DISTRICTS AND MAP

SECTION 14-401 ESTABLISHMENT OF DISTRICTS

For the purpose of this Official Zoning Code, the City of McMinnville is hereby divided into zoning districts, as follows:

R-1, Low Density Residential District
R-2, Medium Density Residential District
R-3, High Density Residential District
R-4, Residential Multi-Use District
R-5, Residential Commercial District
C-1, Central Commercial District
C-2, General Commercial District
C-3, Highway Commercial District
I-1, Light Industrial District
I-2, Heavy Industrial District
PRD, Planned Residential District
PCD, Planned Commercial District

SECTION 14-402 PROVISION FOR OFFICIAL ZONING MAP

14-402.1

The boundaries of the above zoning districts are hereby established as shown on the map entitled, "Official Zoning Map of the City of McMinnville, Tennessee," dated November 15, 1993, which is a part of the Official Zoning Code and which is on file in the Office of the McMinnville City Clerk.

14-402.2

If, in accordance with the provisions of this Official Zoning Code and Sections 13-7-201 through 13-7-210, *Tennessee Code Annotated*, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map, promptly after the amendment has been approved by the Board of Mayor and Aldermen, together with an entry on the Official Zoning Map showing the date of such change.

14-402.3

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Official Zoning Code. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Code and punishable as provided under Section 14-710 of this Official Zoning Code.

14-402.4

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the Office of the City Clerk shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the municipality.

SECTION 14-403

REPLACEMENT OF
OFFICIAL ZONING MAP

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Mayor and Aldermen may, by ordinance, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Code or any subsequent amendment thereof.

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

SECTION 14-404

RULES FOR INTERPRETATION
OF DISTRICT BOUNDARIES

14-404.1

District boundaries, unless otherwise indicated on the Official Zoning Map, shall be platted lot lines, the center line of streets or alleys, midway between railroad tracks, the center lines of streams, rivers or other bodies of water, or the corporate limit lines as they exist at the time of the enactment of this Official Zoning Code.

14-404.2

Where a district boundary divides a lot existing at the time this Official Zoning Code takes effect and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portion of said lot as is not more than twenty (20) feet within the more restricted district.

14-404.3

Any questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.

SECTION 14-405

ANNEXATION OF TERRITORY

14-405.1

All territory which may hereafter be annexed to the City of McMinnville shall be considered by the planning commission and assigned an appropriate zoning classification based on the existing land use, the long-range plans of the community, and the land use of the contiguous property inside the previous city limits. If a zoning classification is not assigned to a territory at the time of annexation, such territory shall be considered to be in the R-1 Low Density Residential District until otherwise classified.

14-405.2

Annexed territory and the subsequent zoning of such territory shall be reflected on the zoning map of McMinnville, Tennessee, in the manner described in Section 14-402 of this Official Zoning Code.

SECTION 14-501

**R-1, LOW DENSITY
RESIDENTIAL DISTRICT**

14-501.1 GENERAL DESCRIPTION

The purpose of the R-1 District is to provide a low density residential environment having good access to schools, public water and sewer, and other community services, but well separated from other incompatible uses and activities.

Within the R-1 Low Density Residential District, as shown on the Official McMinnville Zoning Map, the following regulations shall apply:

14-501.2 PERMITTED USES

14-501.2A Single-family detached dwellings; excluding mobile homes.

14-501.2B Accessory buildings or uses customarily incidental to aforementioned permitted uses. Such uses may include noncommercial gardens and greenhouses, tool sheds, unattached carports and garages, swimming pools (subject to the conditions of Section 14-604.4 of this Official Zoning Code), gazebos and the like.

14-501.2C Television, radio, and satellite dish antennas when in compliance with conditions specified in Section 14-604.10 of this Official Zoning Code.

14-501.2D Temporary structures, subject to the provisions of Section 14-608 of this Official Zoning Code.

14-501.3 USES PERMITTED ON APPEAL
(SPECIAL EXCEPTIONS)

After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit as special exceptions:

14-501.3A Accessory apartments meeting the following conditions:

1. Only one (1) accessory apartment per single-family dwelling shall be permitted.
2. The accessory apartment shall be located within or connected to the single-family dwelling and shall be a clearly subordinate part thereof.
3. The accessory apartment shall not exceed twenty-five (25) percent of the gross floor area of the principal dwelling; shall not be larger than eight-hundred (800) square feet; and shall not contain more than two (2) bedrooms.
4. The principal dwelling shall be owner-occupied.
5. All exterior entrances to the accessory apartment shall be made from the rear or side of the principal dwelling.
6. Two (2) additional off-street parking spaces shall be provided.

7. The accessory apartment shall conform with all applicable housing and building codes.
8. A floor plan and site plan depicting all proposed changes to the single-family dwelling shall be submitted.

14-501.3B Public utilities such as water, sewer, gas, electric, cable TV and telephone but limited to those facilities necessary to serve the immediate neighborhood and excluding general office buildings, warehouses and storage areas. Opaque screening in conformance with Section 14-601 of this Official Zoning Code shall be provided along all shared lot lines.

14-501.3C Municipal fire or police substation subject to the following conditions:

1. Sites shall contain a minimum of one (1) acre and have a minimum street frontage of one-hundred fifty (150) feet.
2. They shall be located on an arterial or collector street only.
3. Such facilities shall be set back a minimum of fifty (50) feet from all lot lines.
4. Opaque screening in conformance with Section 14-601 of this Official Zoning Code shall be provided along all lot lines adjoining residential properties.
5. Off-street parking shall be provided for all anticipated equipment, employees and visitors.

14-501.3D Where this district adjoins a commercial or industrial district without an intervening street, but with or without an intervening alley, off-street parking lots in connection with nearby commercial or industrial uses, provided:

1. Such parking lots may be permitted only between the commercial or industrial district and the nearest street in the residential district.
2. Opaque screening in conformance with Section 14-601 of this Official Zoning Code shall be provided along edges of portions of such lots adjoining residential districts as the Board of Zoning Appeals may direct.
3. The design requirements for parking spaces and lots in Section 14-301.5 of this Official Zoning Code shall be complied with.
4. No source of illumination for such lots shall be directly visible from any window in any residence in the residential district.
5. There shall be no movement of vehicles on such lots between the hours of 10:00 p.m. and 6:00 a.m. and the Board of Zoning Appeals may impose greater limitations.
6. There shall be no sales or service activity on such lots.

14-501.4 USES PROHIBITED

- 14-501.4A Mobile homes; two-family dwellings; and multi-family dwellings.
- 14-501.4B Storage or overnight parking of commercial or industrial vehicles.
- 14-501.4C Commercial and industrial uses.
- 14-501.4D Outdoor storage of any type, except that in connection with and on the premise of active building and/or land developments.
- 14-501.4E Any other use or structure not specifically permitted or permitted on appeal.

14-501.5 MINIMUM LOT AREA, WIDTH, AND YARD REQUIREMENTS

The principal building shall be located so as to comply with the following requirements:

- 14-501.5A Minimum lot area.....15,000 sq. ft.
- 14-501.5B Minimum lot width at building line75 ft.
- 14-501.5C Minimum depth of front yard40 ft.
- 14-501.5D Minimum depth of rear yard.....50 ft.
- 14-501.5E Minimum interior side yard:
 - 1. One or two story building15 ft.
 - 2. Three story building20 ft.
- 14-501.5F Minimum side yard on street side corner lots.....40 ft.

14-501.5G On lots fronting on the east right-of-way of North Chancery Street as it exists on the date this Ordinance is adopted from its intersection with New Smithville Highway and Hobson Street to the U.S. Highway 70 Bypass the minimum depth of the front yard shall be 47 1/2 feet. This depth shall be reduced to 40 feet provided 7 1/2 of additional right-of-way for the east right-of-way of North Chancery Street has been obtained or dedicated from the lot. (As amended by Ordinance No. 1267 on August 18, 1997).

14-501.6 LOCATION OF ACCESSORY BUILDINGS

Accessory buildings shall meet the following provisions:

- 14-501.6A No accessory building shall be erected in any required front or side yard.
- 14-501.6B Accessory buildings shall not cover more than twenty (20) percent of the required rear yard.
- 14-501.6C Minimum setback from other buildings.....10 ft.

- 14-501.6D Minimum setback from all lot lines5 ft.
- 14-501.6E Minimum setback for street side corner lots.....40 ft.
- 14-501.6F Maximum height: The height of accessory buildings and structures shall not exceed the height of the principal building. Exception: if the principal building is a one-story dwelling, an accessory building or structure may be constructed to a height not exceeding one and one-half times the height of the principal building, or 27', whichever is greater.

14-501.7 MAXIMUM BUILDING AREA

On any lot the area occupied by all buildings, including accessory buildings, shall not exceed twenty-five (25) percent of the total area of such lot.

14-501.8 PARKING REQUIREMENTS

Uses in the R-1 District shall conform with the provisions of Section 14-301 of this Official Zoning Code.

14-501.9 ACCESS REQUIREMENTS

Uses in the R-1 District shall conform with the provisions of Section 14-302 of this Official Zoning Code.

14-501.10 MAXIMUM BUILDING HEIGHT

No structure in the R-1 District shall exceed thirty-five (35) feet or three (3) stories in building height.

14-501.11 SIGN REQUIREMENTS

No billboards or similar off-premise advertising structures are allowed in the R-1 District; all other signs and similar advertising structures shall conform with the provisions of Title 14, Chapter 14 of the McMinnville Municipal Code. (See Appendix B)

14-501.12 PLOT PLAN OR SITE PLAN REQUIREMENTS

All developments in the R-1 District requiring building permits shall conform with the applicable plot plan requirements in Section 14-704 of this Official Zoning Code or site plan requirements in Section 14-705 of this Official Zoning Code.

14-501.13 LOCATION OF CARPORTS

Carports shall meet the following provisions:

14-501.13A Carports shall be permitted in the front, side or rear yards meeting the following requirements:

14-501.13B All caports and accessory structures combined shall not cover more than twenty (20) percent of the required yard.

14-501.13C Minimum front setback from street right-of-way.....15 ft.

14-501.13D Minimum side setback from side lot lines..... 5 ft.

14-501.13E Minimum setback for street side corner lots.....15 ft.

14-501.13F Maximum height: The height of accessory buildings and structures shall not exceed the height of the principal building. Exception: if the principal building is a one-story dwelling, an accessory building or structure may be constructed to a height not exceeding one and one-half times the height of the principal building, or 27', whichever is greater.

SECTION 14-502

**R-2. MEDIUM DENSITY
RESIDENTIAL DISTRICT**

14-502.1 GENERAL DESCRIPTION

The purpose of the R-2 District is to provide a medium density residential environment having good access to schools, public water and sewer, and other community services, but well separated from other incompatible uses and activities.

Within the R-2 High Density Residential District, as shown on the Official McMinnville Zoning Map, the following regulations shall apply:

14-502.2 PERMITTED USES

- 14-502.2A Single-family detached and two-family dwellings, excluding mobile homes.
- 14-502.2B Accessory apartments for single-family detached dwellings when in conformance with the provisions of Section 14-501.3A of this Official Zoning Code.
- 14-502.2C Accessory buildings or uses customarily incidental to aforementioned permitted uses. Such uses may include noncommercial gardens and greenhouses, tool sheds, unattached carports and garages, swimming pools (subject to the provisions of Section 14-604.4 of this Official Zoning Code) and the like.
- 14-502.2D Television, radio, and satellite dish antennas when in compliance with the conditions specified in Section 14-604.10 of this Official Zoning Code.
- 14-502.2E Temporary structures, subject to the provisions of Section 14-608 of this Official Zoning Code.

14-502.3 USES PERMITTED ON APPEAL
(SPECIAL EXCEPTIONS)

After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit as special exceptions:

- 14-502.3A Multi-family dwellings and apartments provided that the following conditions are complied with:
 - 1. Application and site plan as required in Section 14-602.1 of this Official Zoning Code shall be submitted to and approved by the McMinnville Building Inspector.
 - 2. Development standards as required in Section 14-602.2 of this Official Zoning Code shall be complied with.
- 14-502.3B Bed and breakfast establishments and the renting of rooms by the residents on premises provided that the floor area used for said purpose may not exceed twenty-five (25) percent of total habitable floor area of the dwelling, and provided that the following additional conditions are complied with:

1. Three (3) off-street parking spaces shall be provided for the residence plus one (1) additional space for each room offered for rent. Required additional parking shall not be allowed in any front yard.
 2. Signs associated with bed and breakfast establishments shall meet the requirements of Title 14, Chapter 14 of the McMinnville Municipal Code. (See Appendix B)
- 14-502.3C Churches and other places of worship when in compliance with conditions specified in Section 14-604.7 of this Official Zoning Code.
- 14-502.3D Schools offering general education courses when in compliance with conditions specified in Section 14-604.8 of this Official Zoning Code.
- 14-502.3E Public parks and public recreational facilities meeting the following conditions:
1. A minimum lot area of one-half (1/2) acre with a minimum lot width of fifty (50) feet at the building setback line shall be provided.
 2. The minimum depth of the front yard shall be thirty-five (35) feet and the minimum depth of the side and rear yards shall be twenty-five (25) feet. The minimum side yard on the street side of corner lots shall be thirty-five (35) feet.
 3. The maximum lot coverage for all enclosed buildings shall be ten (10) percent.
- 14-502.3F Public utilities such as water, sewer, gas, electric, cable TV and telephone, but limited to those facilities necessary to serve the immediate neighborhood and excluding general office buildings, warehouses, and storage areas. Opaque screening in conformance with Section 14-601 of this Official Zoning Code shall be provided along all shared lot lines.
- 14-502.3G Municipal uses such as fire or police substation subject to the following conditions:
1. Sites shall contain a minimum of one-half (1/2) acre and have a minimum street frontage of one-hundred (100) feet.
 2. Shall be located on an arterial or collector street only.
 3. Such facilities shall have a minimum rear yard of fifty (50) feet, minimum side yard of twenty-five (25) feet, and a minimum front yard of thirty-five (35) feet.
 4. Opaque screening in conformance with Section 14-601 of this Official Zoning Code shall be provided along all lot lines adjoining residential properties.
 5. Off-street parking shall be provided for all anticipated equipment, employees and visitors.
- 14-502.3H Day care home for the care of up to seven (7) children, provided they meet the minimum standards established by the Tennessee Department of Human Services

for such facilities and provided that the conditions specified in Section 14-604.9 of this Official Zoning Code are complied with.

14-502.3I Customary home occupations provided that the conditions specified in Section 14-604.3 of this Official Zoning Code are complied with.

14-502.3J Parking Lots. Where this district adjoins a commercial or industrial district without an intervening street, but with or without an intervening alley, off-street parking lots in connection with nearby commercial or industrial uses, provided that the following conditions are complied with:

1. Such parking lots may be permitted only between the commercial or industrial district and the nearest street in the residential district.
2. Opaque screening in conformance with Section 14-601 of this Official Zoning Code shall be provided along edges of portions of such lots adjoining residential districts as the Board of Zoning Appeals may direct.
3. The design requirements for parking spaces and lots in Section 14-301.5 of this Official Zoning Code shall be complied with.
4. The lighting for such lots shall be directed downward or otherwise focused so as not to shine directly on adjacent residential structures.
5. There shall be no movement of vehicles on such lots between the hours of 10:00 p.m. and 6:00 a.m. and the Board of Zoning Appeals may impose greater limitations at the time of the hearing.
6. There shall be no sales or service activity on such lots.

14-502.3K Tea rooms, provided that the following conditions are complied with:

1. Shall only be located in existing residential structures converted for the operation of a tea room and shall as much as possible maintain the exterior appearance of a residential structures.
2. Shall be open only for lunch between the hours of 11:00 a.m. and 2:00 p.m.
3. Shall be considered as restaurants for off-street parking requirements and shall conform with the provisions of Section 14-301 of this Official Zoning Code.
4. Areas provided for off-street parking lots which adjoin residential lots shall have opaque screening in conformance with Section 14-601 of this Official Zoning Code along all shared lot lines.
5. Shall be considered as customary home occupations for sign requirements and shall conform with the provision of Title 14, Chapter 14 of the McMinnville Municipal Code. (See Appendix B)

14-502.3L Elderly housing and residential homes for the aged, provided the following conditions are complied with: (As amended by Ordinance No. 1279 on 2/17/98)

1. Application and site plan requirements and development standards for multi-family dwellings as specified in Section 14-602 of this Official Zoning Code shall be complied with.
2. Minimum lot area, width, and yard requirements for multi-family dwellings as specified in Section 14-502.5 of this Official Zoning Code shall be complied with.
3. Parking requirements of Section 14-301.1A(6) of this Official Zoning Code shall be complied with.

14-502.3N Attached single-family dwellings:

1. The minimum lot area, width and yard requirements as required in the R-3 High Density Residential District of this Official Zoning Code shall be complied with.
2. The off-street parking requirements of Section 14-301 of this official Zoning Code shall be complied with.
3. Application and site plan as required in Section 14-602.1 of this official zoning code shall be submitted to and approved by the McMinnville Building Inspector
4. Development standards as required in Section 14-602.2 of this Official Zoning Code shall be complied with.

14-502.4 USES PROHIBITED

- 14-502.4A Mobile homes.
- 14-502.4B Storage or overnight parking of commercial or industrial vehicles.
- 14-502.4C Outdoor storage of any type, except that in connection with and on the premise of active building and/or land developments.
- 14-502.4D Any other use or structure not specifically permitted or permitted on appeal.

14-502.5 MINIMUM LOT AREA, WIDTH,
AND YARD REQUIREMENTS

The principal building or buildings shall be located so as to comply with the following requirements:

- 14-502.5A Minimum lot area for single-family dwelling unit.....7,500 sq. ft.
- 14-502.5B Duplex.....10,000 sq. ft.
- 14-502.5C Minimum lot width at building line:

	1. Single-family dwelling.....	60 ft.
	2. Two-family dwelling.....	75 ft.
	3. Multi-family dwelling.....	100 ft.
14-502.5D	Minimum depth of front yard.....	35 ft.
14-502.5E	Minimum depth of rear yard.....	25 ft.
14-502.5F	Minimum interior side yard:	
	1. Single-family dwelling.....	10 ft.
	2. Two-family dwelling.....	15 ft.
	3. Multi-family dwelling.....	20 ft.
14-502.5G	Minimum side yard for street side corner lots.....	35 ft.

14-502.6 LOCATION OF ACCESSORY BUILDINGS

Accessory buildings shall meet the following provisions:

14-502.6A	No accessory building shall be erected in any required front or side yard.	
14-502.6B	Accessory buildings shall not cover more than twenty (20) percent of the required rear yard.	
14-502.6C	Minimum setback from other buildings.....	10 ft.
14-502.6D	Minimum setback from all lot lines.....	5 ft.
14-502.6E	Minimum setback for street side corner lots.....	35 ft.
14-502.6F	Maximum height: The height of accessory buildings and structures shall not exceed the height of the principal building. Exception: if the principal is a one-story dwelling, an accessory building or structure may be constructed to a height not exceeding one and one-half times the height of the principal building, or 27' whichever is greater.	

14-502.7 MAXIMUM BUILDING AREA

On any lot the area occupied by all buildings, including accessory buildings, shall not exceed thirty (30) percent of the total area of such lot.

14-502.8 PARKING REQUIREMENTS

Uses in the R-2 District shall conform with the provisions of Section 14-301 of this Official Zoning Code.

14-502.9 ACCESS REQUIREMENTS

Uses in the R-2 District shall conform with the provisions of Section 14-302 of this Official Zoning Code.

14-502.10 MAXIMUM BUILDING HEIGHT

No Structure in the R-2 District shall exceed thirty-five (35) feet or three (3) stories in building height.

14-502.11 SIGN REQUIREMENTS

No billboards or similar off-premise advertising structures are allowed in the R-2 District, all other signs or similar advertising structures shall conform with the provisions of Title 14, Chapter 14 of the McMinnville Municipal Code. (See Appendix B)

14-502.12 PLOT PLAN OR SITE PLAN REQUIREMENTS

All developments in the R-2 District requiring building permits shall conform with the applicable plot plan requirements in Section 14-704 of this Official Zoning Code or site plan requirements in Section 14-705 of this Official Zoning Code.

14-502.13 LOCATION OF CARPORTS

Carports shall meet the following provisions:

14-502.13A Carports shall be permitted in the front, side or rear yards meeting the following requirements:

14-502.13B All carports and accessory structures combined shall not cover more than twenty (20) percent of the required yard.

14-502.13C Minimum front setback from street right-of-way... 10 ft.

14-502.13D Minimum side setback from side lot lines... 5 ft.

14-502.13E Minimum setback for street side corner lots... 10 ft.

14-502.13F Maximum Height: The height of accessory buildings and structures shall not exceed the height of the principal building. Exception: if the principal is a one-story dwelling, an accessory building or structure may be constructed to a height not exceeding one and one-half times the height of the principal building, or 27' whichever is greater.

14-502.12 PLOT PLAN OR SITE PLAN REQUIREMENTS

All developments in the R-2 District requiring building permits shall conform with the applicable plot plan requirements in Section 14-704 of this Official Zoning Code or site plan requirements in Section 14-705 of this Official Zoning Code.

14-502.13 LOCATION OF CARPORTS

Carports shall meet the following provisions:

14-502.13A Carports shall be permitted in the front, side or rear yards meeting the following requirements:

14-502.13B All carports and accessory structures combined shall not cover more than twenty (20) percent of the required yard.

14-502.13C Minimum front setback from street right-of-way... 10 ft.

14-502.13D Minimum side setback from side lot lines... 5 ft.

14-502.13E Minimum setback for street side corner lots... 10 ft.

14-502.13F Maximum height... 1 story or 18 ft.

Section 4. Title 14, Chapter 2, "Zoning Ordinance of McMinnville, Tennessee" of the McMinnville Municipal Code of 1995, Chapter 5, "Specific District Regulations", is hereby amended by inserting new Sections 14-503.13 inclusive in words and figures as follows be enacted

SECTION 14-503 **R-3 HIGH DENSITY RESIDENTIAL DISTRICT**

14-503.1 GENERAL DESCRIPTION

The purpose of the R-3 District is to provide a high density residential environment having good access to schools, public water and sewer, and other community services, but well separated from other incompatible uses and activities.

Within the R-3 High Density Residential District, as shown on the Official McMinnville Zoning Map, the following regulations shall apply:

14-503.2 PERMITTED USES

14-503.2A Single-family detached and two-family attached dwellings.

14-503.2B Accessory apartments for single-family detached dwellings when in conformance with the provisions of Section 14-501.3A of this Official Zoning Code.

14-503.2C Multi-family dwellings and apartments; provided an application and site plan as required in Section 14-602.1 of this Official Zoning Code are submitted to and

approved by the Building Inspector and provided the development standards required in Section 14-602.2 of this Official Zoning Code are complied with.

- 14-503.2D Accessory buildings or uses customarily incidental to aforementioned permitted uses. Such uses may include noncommercial gardens and greenhouses, tool sheds, unattached garages and carports, swimming pools (subject to the provisions of Section 14-604.4 of this Official Zoning Code) and the like.
- 14-503.2E Television, radio, and satellite dish antennas when in compliance with the provisions of Section 14-604.10 of this Official Zoning Code.
- 14-503.2F Temporary structures, subject to the provisions of Section 14-608 of this Official Zoning Code.
- 14-503.2G Elderly housing and residential homes for the aged provided the application and site plan requirements and development standards for multi-family dwellings as specified in Section 14-602 of this Official Zoning Code are complied with, provided the minimum lot requirements for multi-family dwellings as specified in Section 14-503.5 of this Official Zoning Code are complied with, and provided the parking requirements of Section 14-301.1A(6) of this Official Zoning Code are complied with. (As amended by Ordinance No. 1279 on 2/17/98)
- 14-502.3.2H Attached single-family dwellings; provided an application and site plan as required in Section 14-602.1 of this Official Zoning Code are submitted to and approved by the Building Inspector and provided the development standards required in Section 14-602.2 of this Official Zoning Code are complied with.

14-503.3 **USES PERMITTED ON APPEAL
(SPECIAL EXCEPTIONS)**

After public notice and hearing and subject to appropriate conditions and safeguards to protect the character of the neighborhood, the Board of Zoning Appeals may permit as special exceptions:

- 14-503.3A Bed and breakfast establishments and the renting of rooms by the residents on premises provided that the floor area used for said purpose may not exceed fifty (50) percent of total habitable floor area of the dwelling, and provided that the following additional conditions are complied with:
1. Three (3) off-street parking spaces shall be provided for the residence plus one additional space for each room offered for rent. Required additional parking shall not be allowed in any front yard.
 2. Signs associated with bed and breakfast establishments shall meet the requirements of Title 14, Chapter 14 of the McMinnville Municipal Code. (See Appendix B)
- 14-503.3B Churches and other places of worship provided that the conditions specified in Section 14-604.7 of this Official Zoning Code are complied with.
- 14-503.3C Schools offering general education courses provided that the conditions specified in Section 14-604.8 of this Official Zoning Code are complied with.
- 14-503.3D Public parks and public recreational facilities provided that the conditions specified in Section 14-502.3E of this Official Zoning Code are complied with.
- 14-503.3E Public utilities such as water, sewer, gas, electric, cable TV and telephone but limited to those facilities necessary to serve the immediate neighborhood and excluding general office buildings, warehouses, and storage areas. Opaque

screening in conformance with Section 14-601 of this Official Zoning Code shall be provided along all shared lot lines.

- 14-503.3F Municipal uses such as fire or police substations provided that the conditions specified in Section 14-502.3G of this Official Zoning Code are complied with.
- 14-503.3G Daycare home for the care of up to seven (7) children, provided they meet the minimum standards established by the Tennessee Department of Human Services for such facilities and provided that the conditions specified in Section 14-604.9 of this Official Zoning Code are complied with.
- 14-503.3H Customary home occupations provided that the conditions specified in Section 14-604.3 of this Official Zoning Code are complied with.
- 14-503.3I Parking lots. Where this district adjoins a commercial or industrial district without an intervening street, but with or without an intervening alley, off-street parking lots in connection with nearby commercial or industrial uses, provided that the conditions specified in Section 14-502.3J of this Official Zoning Code are complied with.
- 14-503.3J Tea rooms, provided the conditions specified in Section 14-502.3K of this Official Zoning Code are complied with.

14-503.4 USES PROHIBITED

- 14-503.4A Mobile homes.
- 14-503.4B Storage or long-term parking of commercial or industrial vehicles.
- 14-503.4C Outdoor storage of any type, except that in connection with and on the premise of active building and/or land development.
- 14-503.4D Any other use or structure not specifically permitted or permitted on appeal.

14-503.5 MINIMUM LOT AREA, WIDTH, AND YARD REQUIREMENTS

The principal building shall be located so as to comply with the following requirements:

- 14-503.5A Minimum lot area single-family dwelling unit.....5,000 sq. ft.
- 14-503.5B Each additional dwelling unit.....3,000 sq. ft.
- 14-503.5C Minimum lot width at building line:
 - 1. Single-family dwelling.....50 ft.
 - 2. Two-family dwelling.....75 ft.
 - 3. Multi-family dwelling.....100 ft.
- 14-503.5D Minimum depth of front yard.....35 ft.

- 14-503.5E Minimum depth of rear yard20 ft.
- 14-503.5F Minimum interior side yard:
 - 1. Single-family dwelling10 ft.
 - 2. Two-family dwelling15 ft.
 - 3. Multi-family dwelling20 ft.
- 14-503.5G Minimum side yard for street side corner lots35 ft.

14-503.6 LOCATION OF ACCESSORY BUILDINGS

Accessory buildings shall meet the following provisions:

- 14-503.6A No accessory building shall be erected in any required front or side yard.
- 14-503.6B Accessory buildings shall not cover more than twenty (20) percent of the required rear yard.
- 14-503.6C Minimum setback from other buildings10 ft.
- 14-503.6D Minimum setback from all lot lines5 ft.
- 14-503.6E Minimum setback for street side corner lots35 ft.
- 14-503.6F Maximum Height: The height of accessory buildings and structures shall not exceed the height of the principal building. Exception: if the principal building is a one-story dwelling, an accessory building or structure may be constructed to a height not exceeding one and one-half times the height of the principal building, or 27', whichever is greater.

14-503.7 MAXIMUM BUILDING AREA

On any lot the area occupied by all buildings, including accessory buildings, shall not exceed thirty (30) percent of the total area of such lot.

14-503.8 PARKING REQUIREMENTS

Uses in the R-3 District shall conform with the provisions of Section 14-301 of this Official Zoning Code.

14-503.9 ACCESS REQUIREMENTS

Uses in the R-3 District shall conform with the provisions of Section 14-302 of this Official Zoning Code.

14-503.10 MAXIMUM BUILDING HEIGHT

No structure in the R-3 District shall exceed thirty-five (35) feet or three (3) stories in building height.

14-503.11 SIGN REQUIREMENTS

No billboards or similar off-premise advertising structures are allowed in the R-3 District, all other signs or similar advertising structures shall conform with the provisions of Title 14, Chapter 14 of the McMinnville Municipal Code. (See Appendix B)

14-503.12 PLOT PLAN OR SITE PLAN REQUIREMENTS

All developments in the R-3 District requiring building permits shall conform with the applicable plot plan requirements in Section 14-704 of this Official Zoning Code or site plan requirements in Section 14-705 of this Official Zoning Code.

14-503.13 LOCATION OF CARPORTS

Carports shall meet the following provisions:

14-503.13A Carports shall be permitted in the front, side or rear yards meeting the following requirements:

14-503.13B All caports and accessory structures combined shall not cover more than twenty (20) percent of the required yard.

14-503.13C Minimum front setback from street right-of-way... 10 ft.

14-503.13D Minimum side setback from side lot lines... 5 ft.

14-503.13E Minimum setback for street side corner lots... 10 ft.

14-503.13F Maximum height: The height of accessory buildings and structures shall not exceed the height of the principal building. Exception: if the principal building is a one-story dwelling, an accessory building or structure may be constructed to a height not exceeding one and one-half times the height of the principal building, or 27', whichever is greater.

SECTION 14-504

R-4 RESIDENTIAL MULTI-USE DISTRICT

14-504.1

GENERAL DESCRIPTION

The purpose of the R-4 District is to provide a suitable environment for individuals who desire a predominantly single-family detached residential area in which a variety of housing types are permitted and in which single-family mobile homes would be a use compatible and unobtrusive to the area.

Within the R-4 Residential Multi-Use District, as shown on the Official McMinnville Zoning Map, the following regulations shall apply:

14-504.2

PERMITTED USES

- 14-504.2A Single-family detached dwellings.
- 14-504.2B Accessory apartments in single-family detached dwellings when in conformance with the provisions of Section 14-501.3A of this Official Zoning Code.
- 14-504.2C Mobile homes on individual lots when meeting the conditions set forth in Section 14-603 of this Official Zoning Code.
- 14-504.2D Places of public assembly, indoor provided that the conditions specified in Section 14-604.7 of this Official Zoning Code are complied with.
- 14-504.2E Schools offering general education courses provided that the conditions specified in Section 14-604.8 of this Official Zoning Code are complied with.
- 14-504.2F Public parks and public recreational facilities provided that the conditions specified in Section 14-502.3E of this Official Zoning Code are complied with:
- 14-504.2G Public utilities such as water, sewer, gas, electric, cable TV and telephone, but limited to those facilities necessary to serve the immediate neighborhood and excluding general office buildings, warehouses, and storage areas. Opaque screening in conformance with Section 14-601 of this Official Zoning Code shall be provided along all shared lot lines.
- 14-504.2H Municipal uses such as fire or police substation provided that the conditions specified in Section 14-502.3G of this Official Zoning Code are complied with.
- 14-504.2I Accessory buildings or uses customarily incidental to aforementioned permitted uses. Such uses may include noncommercial gardens and greenhouses, tool sheds, unattached carports and garages, swimming pools (subject to the provisions of Section 14-604.4 of this Official Zoning Code) and the like.
- 14-504.2J Television, radio and satellite dish antennas when in conformance with the provisions of Section 14-604.10 of this Official Zoning Code.
- 14-504.2K Temporary structures, subject to the provisions of Section 14-608 of this Official Zoning Code.
- 14-504.2L Two-family attached dwellings. Two-family mobile homes are strictly prohibited.

14-504.2M Elderly housing and residential homes for the aged, provided the following conditions are complied with:(As amended by Ordinance No. 1279 on 2/17/98)

1. Application and site plan requirements and development standards for multi-Family dwellings as specified in Section 14-602 of this Official Zoning Code shall be complied with.
2. Minimum lot area, width, and yard requirements for multi-family dwellings as specified in Section 14-502.5 of this Official Zoning Code shall be complied with.
3. Parking requirements of Section 14-301.1A(6) of this Official Zoning Code Shall be complied with:

14-504.3 USES PERMITTED ON APPEAL
(SPECIAL EXCEPTIONS)

After public notice and hearing and subject to appropriate conditions and safeguards to protect the character of the neighborhood, the Board of Zoning Appeals may permit as special exceptions:

14-504.3A Bed and breakfast establishments and the renting of rooms by the residents on premises provided that the floor area used for said purpose may not exceed fifty (50) percent of total habitable floor area of the dwelling, and provided that the following additional conditions are complied with:

1. Three (3) off-street parking spaces shall be provided for the residence plus one additional space for each room offered for rent. Required additional parking shall not be allowed in any front yard.
2. Signs associated with bed and breakfast establishments shall meet the requirements of Title 14, Chapter 14 of the McMinnville Municipal Code. (See Appendix B)

14-504.3B Daycare homes for the care of up to seven (7) children, provided they meet the minimum standards established by the Tennessee Department of Human Services for such facilities and provided that the conditions specified in Section 14-604.9 of this Official Zoning Code are complied with.

14-504.3C Customary home occupations provided that the conditions specified in Section 14-604.3 of this Official Zoning Code are complied with.

14-504.3D Parking lots. Where this district adjoins a commercial or industrial district without an intervening street, but with or without an intervening alley, off-street parking lots in connection with nearby commercial or industrial uses, provided that the conditions specified in Section 14-502.3J of this Official Zoning Code are complied with.

14-504.3E Tea rooms, provided that the conditions specified in Section 14-502.3K of this Official Zoning Code are complied with.

14-504.3F Day Care Centers when in compliance with the conditions specified in Section 14-604.12 of this Official Zoning Code.

14-504.3G Attached single-family dwellings:

1. The minimum lot area, width and yard requirements as required in the R-3 High Density Residential District of this Official Zoning Code shall be complied with.
2. The off-street parking requirements of Section 14-301 of this Official Zoning Code shall be complied with.
3. Application and site plan as required in Section 14-602.1 of this official zoning code shall be submitted to and approved by the McMinnville Building Inspector.
4. Development standards as required in Section 14-602.2 of this Official Zoning Code shall be complied with.

14-504.4 USES PROHIBITED

14-504.4A Storage or overnight parking of commercial or industrial vehicles.

14-504.4B Outdoor storage of any type, except that in connection with and on the premise of active building and/or land developments.

14-504.4C Any other use or structure not specifically permitted or permitted on appeal.

14-504.5 MINIMUM LOT AREA, WIDTH AND YARD REQUIREMENTS

The principal building shall be located so as to comply with the following requirements:

14-504.5A Minimum lot area..... 5,000 sq. ft.

14-504.5B Minimum lot width at building setback line 50 ft.

14-504.5C Minimum depth of front yard 25 ft.

14-504.5D Minimum depth of rear yard..... 20 ft.

14-504.5E Minimum interior side yard..... 10 ft.

14-504.5F Minimum side yard for street side corner lots 25 ft.

14-504.6 LOCATION OF ACCESSORY BUILDINGS

Accessory buildings shall meet the following provisions:

14-504.6A No accessory building shall be erected in any required front or side yard.

- 14-504.6B Accessory buildings shall not cover more than twenty-five (25) percent of the required rear yard.
- 14-504.6C Minimum setback from other buildings..... 10 ft.
- 14-504.6D Minimum setback from all lot lines..... 5 ft.
- 14-504.6E Minimum setback for street side corner lots 20 ft.

14-504.6F Maximum height: The height of accessory buildings and structures shall not exceed the height of the principal building. Exception: if the principal building is a one-story dwelling, an accessory building or structure may be constructed to a height not exceeding one and one-half times the height of the principal building, or 27', whichever is greater.

14-504.7 MAXIMUM BUILDING AREA

On any lot the area occupied by all buildings, including accessory buildings, shall not exceed thirty (30) percent of the total area of such lot.

14-504.8 PARKING REQUIREMENTS

Uses in the R-4 District shall conform with the provisions of Section 14-301 of this Official Zoning Code.

14-504.9 ACCESS REQUIREMENTS

Uses in the R-4 District shall conform with the provisions of Section 14-302 of this Official Zoning Code.

14-504.10 MAXIMUM BUILDING HEIGHT

No structure in the R-4 District shall exceed thirty-five (35) feet or three (3) stories in building height.

14-504.11 SIGN REQUIREMENTS

No billboards or similar off-premise advertising structures are allowed in the R-4 District. All other signs or similar advertising structures shall conform with the provisions of Title 14, Chapter 14 of the McMinnville Municipal Code. (See Appendix B)

14-504.12 PLOT PLAN OR SITE PLAN REQUIREMENTS

All developments in the R-4 District requiring building permits shall conform with the applicable plot plan requirements in Section 14-704 of this Official Zoning Code or site plan requirements in Section 14-705 of this Official Zoning Code.

14-504.13

LOCATION OF CARPORTS

Carports shall meet the following provisions:

14-504.13A Carports shall be permitted in the front, side or rear yards meeting the following requirements:

14-504.13B All carports and accessory structures combined shall not cover more than twenty (20) percent of the required yard.

14-504.13C Minimum front setback from street right-of-way..... 10 ft.

14-504.13D Minimum side setback from side lot lines 5 ft.

14-504.13E Minimum setback for street side corner lots 10 ft.

14-504.13F Maximum height: The height of accessory buildings and structures shall not exceed the height of the principal building. Exception: if the principal building is a one-story dwelling, an accessory building or structure may be constructed to a height not exceeding one and one-half times the height of the principal building, or 27', whichever is greater

SECTION 14-505

**R-5 RESIDENTIAL-
COMMERCIAL DISTRICT**

14-505.1 GENERAL DESCRIPTION

The purpose of the R-5 District is to provide a transitional area allowing a mixture of residential and commercial uses that are located, designed, and screened to allow an area of compatible uses existing and functioning in harmony and without conflict. It is the intent of the R-5 District to allow new and expanded commercial uses within the district while at the same time providing a high level of protection to the existing residential structures in the area.

Within the R-5, Residential-Commercial District, as shown on the Official McMinnville Zoning Map, the following regulations shall apply:

14-505.2 PERMITTED USES

14-505.2A Single-family detached and two-family attached dwellings; excluding mobile homes.

14-505.2B Accessory apartments in single-family detached dwellings when in conformance with the provisions of Section 14-501.3A of this Official Zoning Code.

14-505.2C Limited retail business uses such as dress shops, florists, gift shops, stationery stores, antique shops, arts and craft supplies, and beauty and barber shops.

14-505.2D Bed and breakfast establishments and tea rooms.

14-505.2E Professional offices for doctors, dentists, lawyers, architects, accountants, engineers, insurance agents, real estate agents, surveyors and the like.

14-505.2F Television, radio, and satellite dish antennas when in conformance with the provisions of Section 14-604.10 of this Official Zoning Code.

14-505.2G Temporary structures, subject to the provisions of Section 14-608 of this Official Zoning Code.

14-505.3 USES PERMITTED ON APPEAL
(SPECIAL EXCEPTIONS)

After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit as special exceptions:

14-505.3A Daycare homes for the care of up to seven (7) children, provided they meet the minimum standards established by the Tennessee Department of Human Services for such facilities and provided that the conditions specified in Section 14-604.9 of this Official Zoning Code are complied with.

14-505.3B Public utilities such as water, sewer, gas, electric, cable TV and telephone but limited to those facilities necessary to serve the immediate neighborhood and excluding general office buildings, warehouses, and storage areas. Opaque screening in conformance with Section 14-601 of this Official Zoning Code shall be provided along all shared lot lines.

- 14-505.3C Municipal uses such as fire or police substations provided that the conditions specified in Section 14-502.3G of this Official Zoning Code are complied with.
- 14-505.3D Public parks and public recreational facilities provided that the conditions specified in Section 14-502.3E of this Official Zoning Code are complied with.
- 14-505.3E Places of public assembly, indoor provided that the conditions specified in Section 14-604.7 of this Official Zoning Code are complied with:
- 14-505.3F Community/Grocery, mini markets and the like provided that no sales of flammable liquids, including gasoline, shall be permitted and provided that the off-street parking requirements of Section 14-301 of this Official Zoning Code are complied with.
- 14-505.3G Multi-family apartments and commercial/multi-family mixed use building (new construction or rehabilitation of existing structure) provided that the following conditions are complied with:
1. The off-street parking requirements of Section 14-301 of this Official Zoning Code shall be complied with.
 2. A minimum square footage per dwelling unit of 650 sq. ft. for a one-bedroom unit, 800 sq. ft. for a two-bedroom unit, and 1000 sq. ft. for a three-bedroom unit shall be provided.
 3. All municipal building and fire codes shall be adhered to.
 4. All new residential construction shall meet the minimum lot area, width and yard requirements as required in the R-3 High Density Residential District.
- 14-505.3H Multi-family apartments and commercial/multi-family mixed use building (new construction or rehabilitation of existing structure) provided that the following conditions are complied with:
- 14-505.3I Day Care Centers when in compliance with the conditions specified in Section 14-604.12 of this Official Zoning Code.
- 14-505.3J Attached single-family dwellings:
1. The minimum lot area, width and yard requirements as required in the R-3 High Density Residential District of this Official Zoning Code shall be complied with.
 2. The off-street parking requirements of Section 14-301 of this Official Zoning Code shall be complied with.
 3. Application and site plan as required in Section 14-602.1 of this official zoning code shall be submitted to and approved by the McMinnville Building Inspector.
 4. Development standards as required in Section 14-602.2 of this Official Zoning Code shall be complied with.

14-505.4 USES PROHIBITED

- 14-505.4A Storage or overnight parking of commercial or industrial vehicles.
- 14-505.4B Outdoor storage of any type, except that in connection with and on the premise of active building and/or land developments.
- 14-505.4C Any other use or structure not specifically permitted or permitted on appeal.

14-505.5 MINIMUM LOT AREA, WIDTH AND YARD REQUIREMENTS

The principal building shall be located so as to comply with the following requirements:

- 14-505.5A Minimum lot area..... 7,500 sq. ft.
- 14-505.5B Minimum lot area two-family 10,000 sq. ft.
- 14-505.5C Minimum lot width at building setback line 60 ft.
- 14-505.5D Minimum depth of front yard 30 ft.
- 14-505.5E Minimum depth of rear yard..... 30 ft.
- 14-505.5F Minimum side yard on each side 15 ft.
- 14-505.5G Minimum side yard for street side corner lots 30 ft.
- 14-505.5H Additional yard requirements:
 1. No part of any required front yard may be encroached upon in order to comply with off-street automobile storage requirements.
 2. No living trees which contribute to the character of the district may be removed from existing front yards.
 3. When a nonresidential use abuts a residential lot, a buffer strip of ten (10) feet in width with semi-opaque screening in conformance with Section 14-601 of this Official Zoning Code shall be provided along all lot lines shared with residential uses.

14-505.6 LOCATION OF ACCESSORY BUILDINGS

Accessory buildings shall meet the following provisions:

- 14-505.6A No accessory building shall be erected in any required front or side yard.
- 14-505.6B Accessory buildings shall not cover more than twenty-five (25) percent of the required rear yard.
- 14-505.6C Minimum setback from other buildings..... 10 ft.
- 14-505.6D Minimum setback from all lot lines..... 5 ft.
- 14-505.6E Minimum setback for street side corner lots 30 ft.
- 14-505.6F Maximum height: The height of accessory buildings and structures shall not exceed the height of the principal building. Exception: if the principal building is a one-story dwelling, an accessory building or structure may be constructed to a height not exceeding one and one-half times the height of the principal building, or 27', whichever is greater

14-505.7 MAXIMUM BUILDING AREA

On any lot the area occupied by all buildings, including accessory buildings, shall not exceed thirty (30) percent of the total area of such lot.

14-505.8 PARKING REQUIREMENTS

Uses in the R-5 District shall conform with the provisions of Sections 14-301 and 14-505.5H of this Official Zoning Code.

14-505.9 ACCESS REQUIREMENTS

Uses in the R-5 District shall conform with the provisions of Section 14-302 of this Official Zoning Code.

14-505.10 MAXIMUM BUILDING HEIGHT

No structure in the R-5 District shall exceed thirty-five (35) feet or three (3) stories in building height.

14-505.11 SIGN REQUIREMENTS

No billboards or similar off-premise advertising structures are allowed in the R-5 District. All other signs or similar advertising structures shall conform with the provisions of Title 14, Chapter 14 of the McMinnville Municipal Code. (See Appendix B)

14-505.12 PLOT PLAN OR SITE PLAN REQUIREMENTS

All developments in the R-5 District requiring building permits shall conform with the applicable plot plan requirements in Section 14-704 of this Official Zoning Code or site plan requirements in Section 14-705 of this Official Zoning Code.

14-505.13 LOCATION OF CARPORTS

Carports shall meet the following provisions:

14-505.13A Carports shall be permitted in the front, side or rear yards meeting the following requirements:

14-505.13B All carports and accessory structures combined shall not cover more than twenty (20) percent of the required yard.

14-505.13C Minimum front setback from street right-of-way..... 10 ft.

14-505.13D Minimum side setback from side lot lines 5 ft.

14-505.13E Minimum setback for street side corner lots 10 ft.

14-505.13F Maximum height: The height of accessory buildings and structures shall not exceed the height of the principal building. Exception: if the principal building is a one-story dwelling, an accessory building or structure may be constructed to a height not exceeding one and one-half times the height of the principal building, or 27', whichever is greater

SECTION 14-506

C-1 CENTRAL COMMERCIAL DISTRICT

14-506.1

GENERAL DESCRIPTION

The purpose of the C-1 District is to provide an area for the conduct of community and regional retail and service business of an indoor and intensive nature, especially for those sales and service uses which require a central location, which generate substantial pedestrian traffic, and which are mutually benefitted by close proximity to other uses of a similar nature.

Within the C-1 Central Commercial District, as shown on the Official McMinnville Zoning Map, the following regulations shall apply:

14-506.2

PERMITTED USES

- 14-506.2A Business and personal services but limited to the following types of establishments: Appliance repair, barber and beauty shops, coin operated cleaning and laundry, copy service, day care centers, dry cleaning and laundry pickup, employment agency, financial service, insurance agency, interior decorating, legal service, locksmith, office equipment repair, photographic service, real estate agency, shoe repair, tailoring, travel agencies and similar uses.
- 14-506.2B Retail trade but limited to the following types of establishments: Antique shop, apparel shop, appliance shop, bakery-retail, bookstore, camera and photographic supply, caterer, confectionery, drapery sales, drug store, electronic shop, florist-retail, fruit market, furniture-retail, gift shop, grocery store-retail, liquor store-retail, handicrafts, hardware, jewelry, meat market, music store, office supplies, optical goods, restaurant, sporting goods, video sales and rental, and similar uses.
- 14-506.2C Professional offices for doctors, dentists, lawyers, architects, artists, engineers and the like.
- 14-506.2D Federal, state, county and municipal uses except outside storage areas.
- 14-506.2E Place of public assembly, indoor; and charitable, fraternal or social organization.
- 14-506.2F Off-street parking lots meeting the design requirements of Section 14-301.5 of this Official Zoning Code.
- 14-506.2G Amusement and recreational services; but limited to the following types of establishments: Club or lodge, indoor theater, public parks, and private recreational facility.
- 14-506.2H Accessory structures and uses incidental and subordinate to the principal structure.
- 14-506.2I Temporary structures, subject to the provisions of Section 14-608 of this Official Zoning Code.
- 14-506.2J Single-family detached dwellings; excluding mobile homes.

14-506.2K Two-Family Dwelling; provided that the minimum lot area and minimum lot width requirements of R-3 High Density Residential District are met.

14-506.3 USES PERMITTED ON APPEAL
(SPECIAL EXCEPTIONS)

After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit as special exceptions:

14-506.3A Multi-family apartments and commercial/multi-family mixed use building (new construction or rehabilitation of existing structure) provided that the following conditions are complied with:

1. The off-street parking requirements of Section 14-301 of this Official Zoning Code shall be complied with.
2. A minimum square footage per dwelling unit of 650 sq. ft. for a one-bedroom unit, 800 sq. ft. for a two-bedroom unit, and 1000 sq. ft. for a three-bedroom unit shall be provided.
3. All municipal building and fire codes shall be adhered to.
4. All new residential construction shall meet the minimum lot area, width and yard requirements as required in the R-3 High Density Residential District.

14-506.3B Limited manufacturing for an on-premise business or service provided the following conditions are complied with:

1. The manufacturing area shall not occupy more than forty (40) percent of the floor area.
2. No more than five (5) operators shall be employed.
3. All municipal building and fire codes shall be adhered to.

14-506.3C Automobile sales (new and used) and automobile rentals provided the following conditions are complied with:

1. Shall be in conformance with the provisions of Section 14-601 of this Official Zoning Code.
2. Shall not be located on public street of a classification of less than major collector status.
3. Shall be in conformance with the provisions of Section 14-604.6 of this Official Zoning Code.

14-506.4 USES PROHIBITED

14-506.4A Outdoor storage of any type, except that in connection with and on the premise of active building and/or land developments.

14-506.4B Any other use or structure not specifically permitted or permitted on appeal.

14-506.12

SITE PLAN REVIEW REQUIREMENTS

Uses in the C-1 District shall conform with the provisions of Section 14-705 of this Official Zoning Code.

SECTION 14-507

**C-2 GENERAL
COMMERCIAL DISTRICT**

14-507.1

GENERAL DESCRIPTION

The purpose of the C-2 District is to provide an area for the conduct of community and regional retail and service business dealing predominantly in those goods transportable by private auto and for those creating a substantial amount of automobile traffic. It is intended that such areas have properties of sufficient size so that activities performed thereon will not interfere with traffic circulation.

Within the C-2 General Commercial District, as shown on the Official McMinnville Zoning Map, the following regulations shall apply:

14-507.2

PERMITTED USES

- 14-507.2A Business and personal services; all those permitted in the C-1 Central Commercial District and including the following types of establishments: Dry cleaning and laundry service, electrical repair, equipment rental, exterminating service, gunsmith, hotel and motels, small engine and motor repair, upholstery service, veterinary service-indoor, and similar uses.
- 14-507.2B Retail and wholesale trade; all those permitted in the C-1 Central Commercial District and including the following types of establishments: Automotive parts store, building materials, cabinet sales, department store, fertilizer sales-packaged, florist-wholesale, furniture sales, motorcycle sales, nursery and garden centers- retail, pet shop, restaurant-drive-in, and similar uses.
- 14-507.2C Cemetery (subject to the provisions of Section 14-604.2 of this Official Zoning Code), charitable, fraternal or social organization, place of public assembly, indoor (when in compliance with the conditions specified in Section 14-604.7 of this Official Zoning Code), daycare center, funeral home, general office buildings, group homes, hospital, medical clinic, nursing home, schools, (when in compliance with the conditions specified in Section 14-604.8 of this Official Zoning Code), temporary care facility and similar uses.
- 14-507.2D Professional offices for doctors, dentists, lawyers, architects, artists, engineers and the like.
- 14-507.2E Federal, state, county and municipal uses.
- 14-507.2F Automotive and transportation services, limited to the following types of establishments: Automotive tire sales and tire repair, car wash, gasoline station (with no above ground storage of flammable material in excess of 500 gallons and subject to the provisions of Section 14-604.1 and 14-604.6 of this Official Zoning Code), off-street parking lots (meeting the design requirements of Section 14- 301.5 of this Official Zoning Code), taxicab stand, and similar uses.
- 14-507.2G Amusement and recreational services; all those permitted in the C-1 Central Commercial District and including the following types of establishments: health and physical fitness clubs.

- 14-507.2H Light manufacturing; limited to the following types of establishments: Commercial printing, laboratories, optical instruments and lenses, and similar uses.
- 14-507.2I Limited manufacturing for an on-premise business or service provided the following conditions are complied with:
1. The manufacturing area shall not occupy more than forty-nine (49) percent of the floor area.
 2. No more than ten (10) operators shall be employed.
- 14-507.2J Newspaper, radio and television stations.
- 14-507.2K Accessory structures and uses incidental and subordinate to the principal structure.
- 14-507.2L Temporary structures, subject to the provisions of Section 14-608 of this Official Zoning Code.
- 14-507.2M Single-family detached dwellings; excluding mobile homes.

14-507.3 **USES PERMITTED ON APPEAL
(SPECIAL EXCEPTIONS)**

After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit as special exceptions:

- 14-507.3A Multi-family residential provided the following conditions are complied with:
1. The minimum lot area, width and yard requirements as required in the R-3 High Density Residential District of this Official Zoning Code shall be complied with.
 2. The off-street parking requirements of Section 14-301 of this Official Zoning Code shall be complied with.
 3. The required standards of Section 14-602 of this Official Zoning Code shall be complied with.
- 14-507.3B Automobile sales (new and used) and automobile rentals provided the following conditions are complied with:
1. Shall not be located adjacent to any residential district.
 2. Shall not be located on public street of a classification of less than major collector status.
 3. Shall be in conformance with the provisions of Section 14-604.6 of this Official Zoning Code.
- 14-507.3C Automobile repair shops provided the following conditions are complied with:
1. Shall not be located adjacent to any residential district.

2. Shall be in conformance with the provisions of Section 14-604.6 of this Official Zoning Code.

14-507.3D Agriculture supply provided the following conditions are complied with:

1. Shall not be located adjacent to any residential district.
2. Shall not have any unpackaged fertilizer, feed, grain, or pesticide storage nor any bulk fertilizer, feed, grain or pesticide sales.
3. No milling, grinding, or mixing of materials shall be permitted.
4. No feed lots or stockyards shall be permitted.

14-507.3E Self-service storage facilities (mini-warehouses) provided the following conditions are complied with:

1. The sale or auction of any item at a self-service storage facility is specifically prohibited.
2. Shall not be located on public street of a classification of less than major collector status.
3. The standards of Section 14-604.5 of this Official Zoning Code shall be complied with.

14-507.3F Marine supply, including boat sales and service, provided the following conditions are complied with:

1. Shall not be located adjacent to any residential district.
2. Shall not be located on public streets of a classification of less than major collector status.
3. Shall be in conformance with the provisions of Section 14-604.6 of this Official Zoning Code.

14-507.3G Attached accessory apartments meeting the following conditions:

1. Only two (2) accessory apartment per commercial building shall be permitted.
2. The accessory apartment shall be located within or connected to the commercial building and shall be a clearly subordinate part thereof.
3. The residential areas shall not exceed fifty (50) percent of the gross floor area of the principal structure; shall not contain more than two (2) bedrooms.
4. All exterior entrances to the accessory apartment shall be made from the rear or side of the principal structure.
5. Two (2) additional off-street parking spaces shall be provided.

6. All municipal building and fire codes shall be adhered to.
7. A floor plan and site plan depicting all proposed changes to the commercial structure shall be submitted.

14-507.3H Two-Family Dwelling:

1. The minimum lot area, width and yard requirements as required in the R-3 High Density Residential District of this Official Zoning Code shall be complied with.
2. The off-street parking requirements of Section 14-301 of this Official Zoning Code shall be complied with.

14-507.3I General contractors' and specialty contractors' offices and enclosed storage

1. All activities completely enclosed within a building or buildings.
2. Storage shall not occupy more than sixty (60) percent of the total gross square footage of a building or, in the case of multiple buildings, of all buildings combined.
3. A floor plan and site plan shall be submitted
4. Outdoor storage of building materials and equipment is prohibited

14-507.3J Accessory Detached Dwelling Unit

1. Only one (1) accessory detached apartment per lot shall be permitted.
2. The accessory detached apartment shall not be located in the required front or required side yard. It shall be located at least 10 ft from the principal structure and shall be a clearly subordinate part thereof.
3. The residential areas of the accessory detached apartment shall not exceed thirty (30) percent of the gross floor area of the principal structure and shall not contain more than two (2) bedrooms.
4. Two (2) additional off-street parking spaces shall be provided.
5. All municipal building and fire codes shall be adhered to.

14-507.4 USES PROHIBITED

14-507.4A Outdoor storage of any type, except that in connection with and on the premise of active building and/or land developments and except that permitted under the provisions of Section 14-604.6 of this Official Zoning Code.

14-507.4B Any other use or structure not specifically permitted or permitted on appeal.

14-507.10

OFF-STREET LOADING AND
UNLOADING SPACE REQUIREMENTS

Uses in the C-2 District shall conform with the provisions of Section 14-303 of this Official Zoning Code.

14-507.11

MAXIMUM BUILDING HEIGHT

No structure in the C-2 District shall exceed thirty-five (35) feet or three (3) stories in building height.

14-507.12

SIGN REQUIREMENTS

All signs and similar advertising structures in the C-2 District shall conform with the provisions of Title 14, Chapter 14 of the McMinnville Municipal Code. (See Appendix B)

14-507.13

SITE PLAN REVIEW REQUIREMENTS

Uses in the C-2 District shall conform with the provisions of Section 14-705 of this Official Zoning Code.

SECTION 14-508

C-3 HIGHWAY COMMERCIAL DISTRICT

14-508.1

GENERAL DESCRIPTION

The purpose of the C-3 District is to provide an area for the conduct of heavy retail and wholesale commercial uses of a predominantly regional nature. It is generally intended to promote the clustering and development of commercial facilities which are directly dependent on transient patronage and as such should be located on roads of no less than minor arterial classification. The C-3 District is also intended to provide areas for shopping centers, office buildings, and other commercial uses containing greater than 30,000 square feet of total floor space.

Within the C-3 Highway Commercial District, as shown on the Official McMinnville Zoning Map, the following regulations shall apply:

14-508.2

PERMITTED USES

- 14-508.2A Business and personal services; all those permitted in the C-2 General Commercial District (subject to the same conditions or provisions, if any) and including the following types of establishments: self-service storage facilities (mini-warehouses), meeting the provisions of Section 14-604.5 of this Official Zoning Code.
- 14-508.2B Retail and wholesale trade; all those permitted in the C-2 General Commercial District; and including the following types of establishments: bakery wholesale, grocery wholesale, meat sales wholesale, nursery and garden centers wholesale.
- 14-508.2C Public and semi-public uses; all those permitted in the C-2 General Commercial District (subject to the same conditions or provisions, if any).
- 14-508.2D Professional offices for doctors, dentists, lawyers, architects, artists, engineers and the like.
- 14-508.2E Federal, state, county and municipal uses.
- 14-508.2F Automotive and transportation services; all those permitted in the C-2 General Commercial District (subject to the same conditions or provisions, if any) and including the following types of establishments when meeting the provisions of Section 14-604.6 of this Official Zoning Code: automotive sales-new and used, automotive rentals, automotive repair shops, bus terminals, marine supply and boat sales and service, movers and moving equipment rentals, recreational vehicle sales.
- 14-508.2G Amusement and recreational services; all those permitted in the C-2 General Commercial District.
- 14-508.2H Light manufacturing; all those permitted in the C-2 General Commercial District and including the following: book binding, data processing service, printing, publishing, and record processing.
- 14-508.2I Limited manufacturing for an on-premise business or service provided the following conditions are complied with:

1. The manufacturing area shall not occupy more than forty-nine (49) percent of the floor area.
2. No more than ten (10) operators shall be employed.

14-508.2J Mobile home sales, equipment and parts.

14-508.2K Newspaper, radio and television studios.

14-508.2L Farm equipment sales and supplies, tractor sales.

14-508.2M Accessory structures or uses incidental and subordinate to the principal structures.

14-508.2N Temporary structures, subject to the provisions of Section 14-608 of this Official Zoning Code.

14-508.3 USES PERMITTED ON APPEAL
(SPECIAL EXCEPTIONS)

After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit as special exceptions:

14-508.3A Automobile wrecker service provided the following conditions are complied with:

1. Shall not be located adjacent to any residential district.
2. Shall be in conformance with the provisions of Section 14-604.6 of this Official Zoning Code.

14-508.3B Flea markets and the like provided the following conditions are complied with:

1. Shall not be located adjacent to any residential district.
2. A site plan depicting the information required in Section 14-705 of this Official Zoning Code shall be submitted and in addition the site plan shall depict the number, location and size of all flea market stands and booths.
3. All structures shall be constructed in compliance with all applicable building codes.
4. A minimum of two (2) off-street parking spaces per booth or stand shall be provided.
5. Off-street parking areas shall be in conformance with Section 14-301 of this Official Zoning Code.
6. A minimum of one (1) central restroom facility, with separate facilities for men and women, shall be provided on the premises.
7. The storage, collection and disposal of refuse shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.

14-508.3C Truck sales and rentals and truck repairs provided the following conditions are complied with:

1. Shall not be located adjacent to any residential district.
2. Shall be in conformance with the provisions of Section 14-604.6 of this Official Zoning Code.

14-508.3D Agriculture supply provided the following conditions are complied with:

1. Shall not be located adjacent to any residential district.
2. Shall not have any unpackaged fertilizer, feed, grain, or pesticide storage nor any bulk fertilizer, feed, grain or pesticide sales.
3. No milling, grinding, or mixing of materials shall be permitted.
8. No feed lots or stockyards shall be permitted.

14-508.3E Single-family detached dwellings; excluding mobile homes.

14-508.3F General contractors' and specialty contractors' offices and enclosed storage

1. All activities completely enclosed within a building or buildings.
2. Storage shall not occupy more than sixty (60) percent of the total gross square footage of a building or, in the case of multiple buildings, of all buildings combined.
3. A floor plan and site plan shall be submitted.
4. Outdoor storage of building materials and equipment is prohibited.

14-508.4 USES PROHIBITED

14-508.4A Outdoor storage of any type, except that in connection with and on the premise of active building and/or land developments and except that permitted under the provisions of Section 14-604.6 of this Official Zoning Code.

14-508.4B Any other use or structure not specifically permitted or permitted on appeal.

14-508.5 MINIMUM LOT AREA, WIDTH
AND YARD REQUIREMENTS

All buildings or structures, including accessory structures, hereafter constructed in the C-3 District shall be located so as to comply with the following requirements:

- 14-508.5A Minimum lot requirements None except as necessary to meet all other requirements.
- 14-508.5B Minimum depth of front yard 45 ft.

- 14-508.5C Minimum depth of rear yard..... 15 ft.
- 14-508.5D Minimum side yard on one side..... 15 ft.
- 14-508.5E Minimum side yard for street
side corner lots..... 45 ft.
- 14-508.5F On lots adjacent to a residential district, all buildings or structures shall be located so as to conform with the side and/or rear yard requirements of the adjacent residential district.

14-508.6 MAXIMUM BUILDING AREA

On any lot the area occupied by all buildings, including accessory structures, shall not exceed seventy-five (75) percent of the total area of such lot.

14-508.7 SCREENING REQUIREMENTS

Where a lot line is shared with an adjacent residential lot, the owner of the commercial lot shall provide semi-opaque screening in conformance with Section 14-601 of this Official Zoning Code along the entire shared lot line or lines so as to provide a pleasant screen between the two different but contiguous land uses.

14-508.8 PARKING REQUIREMENTS

Uses in the C-3 District shall conform with the provisions of Section 14-301 of this Official Zoning Code.

14-508.9 ACCESS REQUIREMENTS

Uses in the C-3 District shall conform with the provisions of Section 14-302 of this Official Zoning Code.

14-508.10 OFF-STREET LOADING AND UNLOADING SPACE REQUIREMENTS

Uses in the C-3 District shall conform with the provisions of Section 14-303 of this Official Zoning Code.

14-508.11 MAXIMUM BUILDING HEIGHT

No structure located in the C-3 District shall exceed thirty-five (35) feet or three (3) stories in building height.

14-508.12 SIGN REQUIREMENTS

All signs or similar advertising structures in the C-3 District shall conform with the provisions of Title 14, Chapter 14 of the McMinnville Municipal Code. (See Appendix B)

14-508.13

SITE PLAN REVIEW REQUIREMENTS

Uses in the C-3 District shall conform with the provisions of Section 14-705 of this Official Zoning Code.

SECTION 14-509

I-1 LIGHT INDUSTRIAL DISTRICT

14-509.1

GENERAL DESCRIPTION

The purpose of the I-1 District is to provide an area 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 uses shall be restricted to activities that are safe and not a nuisance due to dust, fumes, noise, odor, refuse matter, smoke, vibration, water-carried waste or other adverse effects on surrounding areas.

Within the I-1, Light Industrial District, as shown on the Official McMinnville Zoning Map, the following regulations shall apply:

14-509.2

PERMITTED USES

- 14-509.2A Light industrial and manufacturing uses; all those permitted in the C-3 District and including the following types of establishments: apparel, appliance assembly, bakeries, beverage products, bottling machinery, dairy products, electronic devices and instruments, engineering, medical, and scientific instruments, excelsior, food products, furniture, glass and glassware, ice plant, industrial laundries, insulation products, jewelry products, laboratories, machine assembly, metal working machinery, motor vehicle and equipment assembly, musical instruments, office and computer equipment, optical instruments and lenses, paper products, pharmaceuticals, plastic products assembly, boat manufacturing and repair, sign manufacturing, textiles, textile machinery, tobacco products, toys, amusements, sporting and athletic goods, upholstering, watches and clocks, welding, and wood products, provided that any industrial or manufacturing use that may cause injurious or obnoxious noise, vibrations, smoke, gas fumes, odor, dust, fire hazard, or other objectionable conditions, shall be required to show that the proposed location, construction, and operation will not injure or disturb adjoining properties.
- 14-509.2B General office buildings.
- 14-509.2C Vocational learning and training centers, trade schools.
- 14-509.2D Day care facilities when located in connection with and on the same premises as permitted, principal uses and when used solely for the care of dependents of employees of said principal use.
- 14-509.2E Gasoline service stations, (meeting the provisions of Sections 14-604.1 and 14-604.6 of this Official Zoning Code) automobile tire repair, motorcycle repair.
- 14-509.2F General contractors and specialty contractors.
- 14-509.2G Building materials and supplies.
- 14-509.2H Transfer or storage terminal, truck terminal and freight handling, packing and crating services.

- 14-509.2I Nursery-wholesale.
- 14-509.2J Restaurants when primarily intended to serve the needs of the industrial community.
- 14-509.2K Industrial machinery and supplies sales, heavy equipment sales.
- 14-509.2L Warehousing, cold storage plant, distribution center, self-service storage facilities (meeting the provisions of Section 14-604.5 of this Official Zoning Code).
- 14-509.2M Veterinarian hospitals and kennels.
- 14-509.2N Agriculture supplies and equipment sales and repairs.
- 14-509.2O Public utility structures, fire and police stations.
- 14-509.2P Accessory uses and structures.
- 14-509.2Q Temporary structures, subject to the provisions of Section 14-608 of this Official Zoning Code.

14-509.3 **USES PERMITTED ON APPEAL
(SPECIAL EXCEPTIONS)**

After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit as special exceptions:

- 14-509.3A Day care center provided that the following conditions are complied with:
 1. Shall meet the minimum standards established by the Tennessee Department of Human Services.
 2. Outdoor play space shall be fenced or otherwise enclosed to a minimum height of four (4) feet on all sides.
- 14-509.3B Public parks and public recreational facilities meeting the following conditions:
 1. A minimum lot area of one-half (1/2) acre with a minimum lot width of fifty (50) feet at the building setback line shall be provided.
 2. The minimum depth of the front yard shall be thirty-five (35) feet and the minimum depth of the side and rear yards shall be twenty-five (25) feet. The minimum side yard on the street side of corner lots shall be thirty-five (35) feet.
 3. The maximum lot coverage for all enclosed buildings shall be ten (10) percent.

14-509.3C Petroleum products dealers and wholesalers provided that the following conditions are complied with:

1. Shall not be located adjacent to any residential district.
2. Shall be in conformance with all federal, state or local environmental, fire, safety or other applicable codes or laws.
3. Above ground storage of flammable materials shall be a minimum of one-hundred (100) feet from all property lines.

14-509.3D Outside storage of materials provided that the following conditions are complied with:

1. Shall be fenced and shall be screened with opaque screening in conformance with Section 14-601 of this Official Zoning Code.
2. Shall be located in the rear yard only.
4. Shall be located on the same property as the principal use.

14-509.3E Establishment where the real or personal property of others is sold by a broker or auctioneer to persons who attend scheduled sales or events

14-509.4 USES PROHIBITED

14-509.4A Outside storage of unscreened materials.

14-509.4B Any use determined by the Building Inspector to be potentially noxious, dangerous or offensive to adjacent uses by reason of odor, smoke, noise, glare, fumes, gas, vibration, threat of fire or explosion, or other similar reasons to be incompatible with the character of the I-1 District.

14-509.4C Any other use or structure not specifically permitted or permitted on appeal.

14-509.5 MINIMUM LOT AREA, WIDTH AND YARD REQUIREMENTS

All buildings or structures, including accessory structures, hereafter constructed in the I-1 District shall be located so as to comply with the following requirements:

- 14-509.5A Minimum lot requirements None except as necessary to meet all other requirements.
- 14-509.5B Minimum depth of front yard 45 ft.
- 14-509.5C Minimum depth of rear yard 20 ft.
- 14-509.5D Minimum depth of side yard each side 20 ft.

14-509.5E On lots adjacent to a residential district, all rear and side yard setback requirements of the adjacent residential district, in greater than required in the industrial district, shall be provided.

14-509.6 MAXIMUM BUILDING AREA

None, except as necessary to meet all other requirements.

14-509.7 SCREENING REQUIREMENTS

Where a lot line is shared with an adjoining residential lot the owner of the industrial lot shall provide opaque screening in conformance with Section 14-601 of this Official Zoning Code along the entire shared lot line so as to provide a pleasant screen between the two different but contiguous land uses.

14-509.8 PARKING REQUIREMENTS

Uses in the I-1 District shall conform with the provisions of Section 14-301 of this Official Zoning Code.

14-509.9 ACCESS REQUIREMENTS

Uses in the I-1 District shall conform with the provisions of Section 14-302 of this Official Zoning Code.

14-509.10 OFF-STREET LOADING AND UNLOADING SPACE REQUIREMENTS

Uses in the I-1 District shall conform with the provisions of Section 14-303 of this Official Zoning Code.

14-509.11 MAXIMUM BUILDING HEIGHT

A building height of fifty (50) feet or four (4) stories may be permitted if automatic sprinkler systems and dry stand pipes with external fire department connections are provided. No other structure shall exceed thirty-five (35) feet or three (3) stories in building height.

14-509.12 SIGN REQUIREMENTS

All signs and similar advertising structures in the I-1 District shall conform with the provisions of Title 14, Chapter 14 of the McMinnville Municipal Code. (See Appendix B)

14-509.13 SITE PLAN REVIEW REQUIREMENTS

Uses in the I-1 District shall conform with the provisions of Section 14-705 of this Official Zoning Code.

14-510.3

USES PERMITTED ON APPEAL
(SPECIAL EXCEPTIONS)

After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit as special exceptions:

14-510.3A Extensive and heavy industrial and manufacturing uses; but limited to the following uses: abrasive products; asphaltic cement plants; cement and/or concrete plants; chemical and allied products; clay, pottery, terra cotta and tile products; grain milling; junkyards, hard surface floor coverings, kiln drying operations; leather goods, machine shop, paints and allied products; paper and allied products; petroleum products dealers and wholesalers, rubber and miscellaneous plastic products; saw mills; slaughtering of animals; provided the following conditions are complied with:

1. Shall not be located adjacent to any residential district.
2. Shall not have an adverse affect on any surrounding properties.
3. All federal, state or other permits for air pollution standards, ground water and emissions must be obtained and kept up-to-date.
4. Access shall be provided only from streets of a classification of no less than minor arterial classification or an industrial access road from a minor arterial.
5. Outside storage shall be fenced and shall be screened with opaque screening in conformance with Section 14-601 of this Official Zoning Code.

14-510.3B Day care centers provided that the following conditions are complied with:

1. Shall meet the minimum standards established by the Tennessee Department of Human Services.
2. Outdoor play space shall be fenced or otherwise enclosed to a minimum height of four (4) feet on all sides.

14-510.3C Outside storage of materials provided that the following conditions are complied with:

1. Shall be fenced and shall be screened with opaque screening in conformance with Section 14-601 of this Official Zoning Code.
2. Shall be located in the rear yard only.
3. Shall be located on the same property as the principal use.

14-510.4 USES PROHIBITED

14-510.4A Outside storage of unscreened materials.

14-510.4B Any use determined by the Building Inspector to be potentially noxious, dangerous or offensive to adjacent uses by reason of odor, smoke, noise, glare, fumes, gas, vibration, threat of fire or explosion, or other similar reasons to be incompatible with the character of the I-2 District.

14-510.4C Any other use or structure not specifically permitted or permitted on appeal.

14-510.5 MINIMUM LOT AREA, WIDTH AND YARD REQUIREMENTS

All buildings or structures, including accessory structures, hereafter constructed in the I-2 District shall be located so as to comply with the following requirements.

14-510.5A Minimum lot requirements None except as necessary to meet all other requirements.

14-510.5B Minimum depth of front yard 45 ft.

14-510.5C Minimum depth of rear yard..... 50 ft.

14-510.5D Minimum depth of side yard each side..... 50 ft.

14-510.6 MAXIMUM BUILDING AREA

None, except as necessary to meet all other requirements.

14-510.7 SCREENING REQUIREMENTS

Where a lot line is shared with an adjoining residential lot, the owner of the industrial lot shall provide opaque screening in conformance with Section 14-601 of this Official Zoning Code along the entire shared lot line so as to provide a pleasant screen between the two different but contiguous land uses.

14-510.8 PARKING REQUIREMENTS

Uses in the I-2 District shall conform with the provisions of Section 14-301 of this Official Zoning Code.

14-510.9 ACCESS REQUIREMENTS

Uses in the I-2 District shall conform with the provisions of Section 14-302 of this Official Zoning Code.

14-510.10 OFF-STREET LOADING AND
UNLOADING SPACE REQUIREMENTS

Uses in the I-2 District shall conform with the provisions of Section 14-303 of this Official Zoning Code.

14-510.11 MAXIMUM BUILDING HEIGHT

A building height of fifty (50) feet or four (4) stories may be permitted if automatic sprinkler systems and dry stand pipes with external fire department connections are provided. No other structure shall exceed thirty-five (35) feet or three (3) stories in building height.

14-510.12 SIGN REQUIREMENTS

All signs and similar advertising structures in the I-2 District shall conform with the provisions of Title 14, Chapter 14 of the McMinnville Municipal Code. (See Appendix B)

14-510.13 SITE PLAN REVIEW REQUIREMENTS

Uses in the I-2 District shall conform with the provisions of Section 14-705 of this Official Zoning Code.

SECTION 14-511

**PLANNED UNIT
DEVELOPMENT DISTRICTS**

14-511.1 GENERAL DESCRIPTION

The purpose of Planned Unit Development Districts is to provide areas for flexibility and innovation in land development and land use in residential and commercial developments. There are two types of Planned Unit Development Districts: (1) PRD- Planned Residential District and (2) PCD-Planned Commercial District. It is intended that projects within the PRD or PCD Districts provide a compatible blending with surrounding development, minimizing such negative impacts as land use conflicts, traffic congestion, and excessive demands on existing or proposed public facilities.

Planned Residential and Planned Commercial Districts may be established in existing zoning districts by amendment to the Official McMinnville Zoning Map.

Within the PRD-Planned Residential District and the PCD-Planned Commercial District the following regulations shall apply:

14-511.2 MINIMUM LAND AREA

14-511.2A Minimum land area PRD 5 acres

14-511.2B Minimum land area PCD 2 acres

14-511.3 OWNERSHIP REQUIREMENTS

At the time of application for PRD or PCD zoning, the entire tract of land for which this zoning is requested shall be under the control of a single individual, partnership or corporation.

14-511.4 PROCESS FOR DEVELOPMENT AND APPROVAL

14-511.4A Process Summary

1. Attend preapplication conference with planning staff.
2. Prepare and submit Preliminary PRD or PCD Plan to Office of Codes Enforcement.
 - (a) Include Written Statement.
 - (b) Include \$50.00 review fee.
 - (c) Include application for rezoning to PRD or PCD.
 - (d) Obtain Planning Commission approval of Preliminary PRD or PCD Plan and rezoning request.
3. Obtain City Council approval of rezoning request.
 - (a) Public Hearing held by City Council.
 - (b) Preliminary Plan approval will expire 6 months after effective date of rezoning.

4. Prepare and submit final PRD or PCD Plan and Preliminary Subdivision Plat to Office of Codes Enforcement.
 - (a) Obtain Planning Commission approval of Plan and Plat.
 - (b) Record approved Final PRD or PCD Plan.
 - (c) Developer can begin construction of required improvements.

5. Prepare and submit Final Subdivision Plat to Office of Codes Enforcement.
 - (a) Required improvements completed or Financial Guarantee submitted.
 - (b) Obtain Planning Commission approval of plat.
 - (c) Record approved Final Subdivision Plat.
 - (d) Obtain building permits.
 - (e) Transfer of real property permitted.

6. Obtain Certificate of Compliance.
 - (a) All required improvements completed.
 - (b) Financial Guarantee released.

14-511.4B

Preapplication Conference Required

The developer is encouraged to confer with the planning office staff prior to submission of the Preliminary PRD or PCD Plan to the planning commission. The purpose of the conference is to exchange information and guidance concerning the process for approval and the provisions of the PRD or PCD regulations. Discussions will concern, but not be limited to, the site, the proposed development, the effect on community facilities, and the proposed scheduled for planning and construction of the PRD or PCD.

14-511.4C

Submission of Preliminary PRD
or PCD Plan Required

The Preliminary PRD or PCD Plan shall include a Schematic Map Plan and Written Statement meeting the following requirements:

1. Schematic Map Plan shall be drawn to a scale of not less than 1 inch = 10 feet and shall include the following information:
 - (a) Location and name of proposed development.
 - (b) Location sketch map showing relationship of PRD or PCD to area.
 - (c) Approximate north point, graphic scale, and date.
 - (d) Acreage of site.
 - (e) Existing zoning of site and area within 300 feet of site.

- (f) Existing and proposed land uses, and approximate location, size and density of buildings and other structures, both existing and proposed.
- (g) The location of existing and proposed property lines, streets, water courses, railroads, sewer lines, water lines, drainage pipes, bridges, culverts, and easements for existing utilities and other features.
- (h) Proposed vehicular and pedestrian circulation system.
- (i) Existing topographic and hydrographic features of the site, drawn with contours at vertical intervals of not more than five (5) feet.
- (j) Public uses, including schools, parks, playgrounds, and other open spaces, and common open spaces, structures and uses for the residents or occupants of the PRD or PCD.

2. The Written Statement shall include the following information:

- (a) Information about the physical characteristics of the surrounding area and developments within 300 feet of the site.
- (b) Types of dwelling units proposed and other structures and improvements as a means of explaining the general character of the proposed PRD or PCD.
- (c) Expected Development Schedule, including approximate date when construction will begin; the approximate stages of the project and approximate starting dates for each stage; the rate of development; and the area and location of open space that will be provided with each stage.
- (d) Proposed covenants, grants of easement or other restrictions to be imposed upon the use of the land, including common open space areas, buildings, and other structures within the PRD or PCD.
- (e) Any other supportive information which was not able to be shown graphically.

3. Eight (8) copies of the Preliminary PRD or PCD Plan must be submitted to the McMinnville Office of Codes Enforcement for review by the planning commission, along with a review fee of \$50.00. The planning commission will not accept the Preliminary PRD or PCD Plan for consideration until all information described above has been submitted. The Preliminary PRD or PCD Plan will be taken for minimum one-month study period for planning staff review for compliance with the provision and requirements of this Official Zoning Code.

4. The planning commission will take action on the Preliminary PRD or PCD Plan within 60 days of formal acceptance of the application and plan for study.

5. The planning commission shall submit the application and the Preliminary PRD or PCD Plan to the city council, with its recommendations as to

approval, disapproval, desirable changes and/or special conditions and safeguards.

6. Upon receipt of the Preliminary PRD or PCD Plan and the planning commission's recommendations, the city council will set the date of the public hearing. After holding the public hearing and reviewing the preliminary PRD or PCD Plan, the application for rezoning and the planning commission's recommendations, the city council will consider enactment of the rezoning ordinance for the site of the proposed PRD or PCD.
7. No building permits may be issued and no final plat may be approved on land within the PRD or PCD site until the Final PRD or PCD Plan has been approved by the planning commission.
8. Approval of the Preliminary PRD or PCD Plan will expire 6 months after the effective date of the rezoning action of the city council if no Final PRD or PCD Plan has been submitted to the planning commission. Extensions may be granted by the planning commission upon written request by the developer, stating his reasons for needing the extension.

14-511.4D

Submission of Final PRD or PCD Plan
and Preliminary Subdivision Plat

1. In most cases, a Preliminary Subdivision Plat will be required with the submission of the Final PRD or PCD Plan which will be reviewed by the planning commission for compliance with the Preliminary PRD or PCD Plan and with the requirements of this ordinance. The Preliminary Subdivision Plat must conform to the requirements of the subdivision regulations.
2. The Final PRD or PCD Plan shall substantially conform to the Preliminary PRD or PCD Plan and will be submitted for the entire PRD or PCD. The number of dwelling units shown on the Preliminary PRD or PCD Plan shall not be exceeded. The developer may choose to construct the PRD or PCD in stages or sections, each of which must be clearly identified on the Final PRD or PCD Plan.
3. The planning commission's approval of the Final PRD or PCD Plan and Preliminary Subdivision Plat is required before construction can begin. After receiving approval of the Final PRD or PCD Plan from the planning commission, the developer is required to register the Final PRD or PCD Plan in the Register of Deeds' Office at the Warren County Courthouse.
4. The Final PRD or PCD Plan must include the following information:
 - (a) Engineering drawings and maps drawn at a scale of not more than 1 inch = 50 feet.
 - (b) Finished topography of the site, with contours of not more than five (5) foot vertical intervals.
 - (c) Circulation diagram(s) indicating movement of vehicles, goods and pedestrians within the PRD or PCD area, and to and from existing

thoroughfares. The following should also be included with the circulation plan:

- (i) Street and sidewalk layout.
 - (ii) Street widths and pavement rights-of-way.
 - (iii) Street profiles and cross-sections.
 - (iv) Any proposed special engineering features and/or traffic regulation devices.
- (d) Off-street parking and loading plan, with ground coverage of parking areas indicated.
 - (e) Areas to be conveyed, dedicated, or reserved for parks, parkways, and other public or semi-public open space uses and including any improvements which are to be deeded as part of the common use area.
 - (f) Each building site and common open area, including the location, height and bulk of all buildings and structures, landscaping and other improvements. Also, the type, use and number of dwelling units for each structure, and elevation and perspective drawings of structures.
 - (g) Floor plan of each type of dwelling unit to be built.
 - (h) Proposed utilities including sewers, both sanitary and storm, gas lines, water lines, and electric lines showing connections to existing systems, and easements for such. Also, the locations of fire hydrants.
 - (i) Location, function and ownership of all open spaces, except those open spaces included in fee-simple lots.
 - (j) Final drafts of all proposed covenants and grants of easement, particularly those pertaining to common open spaces.
 - (k) Computation of coverage by all buildings, structures, recreational facilities and parking lots within the PRD or PCD Development Schedule indicating:
 - (i) The approximate date when construction of the project can be expected to begin.
 - (ii) Outline of each phase or stage of the construction of the development, with a tabulation of proposed densities to be allocated at each stage.
 - (iii) The approximate date when construction of each stage or phase can be expected to begin.
 - (iv) The anticipated rate of development.

- (v) The approximate dates when each stage in the development will be completed.
 - (vi) The area, location and degree of development of common open space that will be provided at each stage.
5. Minor amendments to Final PRD or PCD Plan may be submitted to the Building Inspector for review and approval. If the Building Inspector determines that the amendment is substantially different from the Final PRD or PCD Plan and/or involves a change in the intent of the character of the PRD or PCD, then he may refer the amendment to the city council for approval, at which time the city council would hold a public hearing.

14-511.4E

Construction

1. Building permits shall not be issued before the Final PRD or PCD Plan has been approved and recorded.
2. Building permits shall not be issued prior to the posting of a Performance Bond or other negotiable instrument as may be required by the planning commission to guarantee necessary improvements.
3. Transfer of real property within the PRD or PCD is not permitted until a Final Subdivision Plat has been approved and recorded.
4. If construction is to be carried out in phases or stages, the Performance Bond or other negotiable instrument, as required and referred to above, will be reduced to a Maintenance Bond upon the completion of each stage or phase.
5. The Maintenance Bond must be of sufficient amount and duration (not to exceed five (5) years) to cover the maintenance of the improvements of each phase or section until the entire PRD or PCD is complete and/or responsibility of maintenance has been transferred.

14-511.4F

Final Subdivision Plat

1. A Final Subdivision Plat, conforming to the McMinnville Subdivision Standards for Plats, must be submitted to the planning commission for review and approval by one of the following methods.
 - (a) After completion of construction of all streets, utilities, and other areas, buildings or structures to be dedicated to a public agency.
 - (b) After posting a financial guarantee or other negotiable instrument in an amount, to be determined by the planning commission, to cover the cost of construction of any and all improvements to be dedicated to a public agency, such as streets and utilities.
2. The Final Subdivision Plat must be recorded at the Register of Deeds' Office in the Warren County Courthouse, before final transfer of ownership of units in the PRD or PCD.

14-511.4G

Certificate of Compliance Required

A Certificate of Compliance will be issued upon a determination by the Building Inspector that the entire PRD or PCD has been completed according to the recorded Final PRD or PCD Plan. The planning commission shall not release the performance bond if the development is constructed in a single phase, or any maintenance bonds, if constructed in several phases, until a Certificate of Compliance has been issued.

14-511.4H

Property Owner Associations

1. For the City to approve a development with commonly owned open space, the establishment of a property owner association consistent with the requirements of this section is required.
2. The City shall have a limited right of approval concerning the incorporation documents for a property owners' association that is proposed to be enacted within its City limits. This right of approval is limited only to the items specifically listed in subsection (4) below which directly affects the City.
3. The City will not seek to intervene in purely private disputes pertaining to a private covenant, condition, or restriction.
4. The Developer shall submit to the City Attorney all proposed property owner association incorporation documents to ensure that the following provisions are included in a format that is acceptable to the City:
 - a. All items that are required by either the City's Official Zoning Code or any additional conditions of approval, which may include specific rights of enforcement being granted to the City.
 - b. Membership in the property owners' association shall be mandatory for all owners of property in the subdivision or condominium.
 - c. Dues are payable to the property owners' association at regular intervals.
 - d. The property owners' association has lien rights with respect to unpaid dues.
 - e. The property owners' association has a perpetual existence.
 - f. The property owners' association has all responsibilities for the maintenance of common open space, green space, and other facilities provided for benefit and enjoyment of members.
 - g. The property owners' association has the capacity to sue and be sued.
 - h. Plats and site plans shall be approved subject to the submission of a legal instrument setting forth a plan or manner of permanent care and maintenance of open spaces, recreational areas and other communally owned facilities.
 - i. A homeowners association (HOA) or other similar management entity shall be organized as a nonprofit corporation with automatic membership in the HOA when property is purchased. This shall be specified in the covenants which run with the land and which bind all subsequent owners. Covenants for maintenance assessments shall also run with the land. Included in the maintenance covenants shall be

procedures for changing them at stated intervals. Deeds shall also reference the rights and responsibilities of property owners to the HOA. The HOA shall also be responsible for liability insurance, local taxes, and the maintenance of all commonly held facilities through the use of a pro-rata formula for all property owners.

5. Approval of any property owners' association shall occur simultaneously with all of the requirements set forth in this Section 14-511, *Planned Unit Developments*, of this Official Zoning Code.

14-511.5 SPECIFIC STANDARDS FOR THE PRD
 PLANNED RESIDENTIAL DISTRICT

The following specific standards shall apply to all PRD-Planned Residential Districts:

14-511.5A Permitted Uses

The following uses are permitted in the PRD District:

1. Single-family and two-family dwellings.
2. Multi-family dwellings and condominiums.
3. Churches and similar places of worship.
4. Public and private educational facilities.
5. Public and private child care facilities.
6. Public and private recreational facilities.
7. Community assembly facilities.
8. Accessory structures and uses customarily and clearly incidental and subordinate to the aforementioned permitted uses.
9. Temporary structures, subject to the provisions of Section 14-608 of this Official Zoning Code.

14-511.5B Uses Permitted on Review

The planning commission may permit neighborhood commercial activities intended to serve the residents of the PRD. Such neighborhood commercial activities shall meet the following criteria:

1. No commercial activities shall be permitted within any PRD containing fewer than two-hundred (200) dwelling units.
2. All commercial facilities must be designed as an integral part of the development: External advertising or other characteristics which would alter the residential scenic quality, noise level, or traffic load shall not be permitted.

3. The commercial activities permitted with a PRD shall not in the aggregate exceed more than four (4) percent of the total floor area within such development, provided further that the maximum floor area devoted to any single activity shall not exceed three-thousand (3,000) square feet.
4. All commercial facilities authorized must be intended for the primary use and convenience of residents and their guests.

14-511.5C Uses Prohibited

Any use or structure not specifically or provisionally permitted herein.

14-511.5D Maximum Density

The maximum number of dwelling units in the PRD shall not exceed more than fifteen (15) dwelling units per gross acre.

14-511.5E Minimum Yard Requirements

The minimum yard requirements for the PRD are only applicable to the perimeter of the area so zoned. The required minimum front, rear, and side yards shall be seventy-five (75) feet unless a permanent evergreen landscaping or other screening of a semi-opaque nature as described in Section 14-601 of this Official Zoning Code is provided in which case the minimum front, rear, and side yards shall be fifty (50) feet.

14-511.5F Parking Requirements

Uses in the PRD shall conform with the provisions of Section 14-301 of this Official Zoning Code.

14-511.5G Access Requirements

Uses in the PRD shall conform with the provisions of Section 14-302 of this Official Zoning Code.

14-511.5H Off-Street Loading and Unloading Space Requirements

Uses in the PRD shall conform with the provisions of Section 14-303 of this Official Zoning Code.

14-511.5I Design Standards

1. Access

- (a) Access to each single-family dwelling unit shall be provided via a public right-of-way or a private driveway owned by the individual in fee simple or in common ownership with the other residents of the PRD. Access and circulation shall adequately provide for firefighting and emergency vehicles, furniture moving vans, fuel trucks, garbage collection and deliveries.

- (b) Access to buildings containing multi-family dwelling units under individual ownership shall be provided via a public right-of-way or a private driveway owned by the individual in fee simple or in common ownership with the other residents of the PRD. Access and circulation shall adequately provide for firefighting and emergency vehicles, furniture moving vans, fuel trucks, garbage collection and deliveries.
- (c) Access to buildings containing multi-family dwelling units not owned by their occupants shall be provided via a public right-of-way. Access and circulation shall adequately provide for firefighting and emergency vehicles, furniture moving vans, fuel trucks, garbage collection and deliveries.

2. Obstruction of Vision at Intersections

No fence, wall, hedge, or other planting, or structure that will materially obstruct vision between a height of two (2) feet and ten (10) feet above the centerline grades of intersecting streets shall be erected, placed, or maintained within the triangular area formed by the street lines at any corner and a straight line joining such street lines at points which are fifty (50) feet distant from the intersection of the street lines and measured along said street lines. In cases of rounded street lines at the intersecting streets, such measurement shall be made from the point of the tangents of the curve constituting the rounding. This section shall also apply to the intersection of any private drive, entrance or exit from a common parking area.

3. Area and Bulk Regulations

There shall be no minimum lot size, no minimum setback lines (except as specified in Section 14-511.5E above), and no maximum percentages of lot coverage in any PRD except as necessary to meet all other requirements.

(a) Spacing of Structures

- (i) The location of all structures shall be as shown on the Final PRD Plan.
- (ii) The proposed location of all structures shall not be detrimental to existing or prospective adjacent dwellings or to the existing or prospective development of the neighborhood.
- (iii) There shall be a minimum distance between detached structures as follows:
 - One and two stories 15 feet
 - Three stories 20 feet
 - Greater than three stories.....as determined by the planning commission.

In no instance shall any one structure extend more than two-hundred (200) feet in length.

- (iv) For structures exceeding three (3) stories or thirty-five (35) feet in height, the planning commission shall be consulted concerning the location and proper spacing for such units.

(b) Height of Buildings

- (i) Building height restrictions in any PRD shall be thirty-five (35) feet for any building located within two-hundred (200) feet of a perimeter adjacent to any other Residential District.
- (ii) Elsewhere within the PRD there are no height restrictions on any residential structure. However, the plans for any structure which exceeds thirty-five (35) feet or three (3) stories in height shall be reviewed by the planning commission in order to determine:

That proper fire protection can be provided by the city.

That the location and spacing of such structures is adequate to provide proper light and air.

That the privacy of the occupants of adjacent low-rise dwellings is not invaded by the location of high-rise structures.

(c) Common Open Space

- (i) Quantity of Common Open Space

A minimum of twenty-five (25) percent of the acreage within the PRD shall be set aside for use as common open space.

- (ii) Quality and Improvement of Common Open Space

No open space may be accepted as common open space under the provisions of this ordinance unless the location, shape, size and character of the open area is suitable for use of residents in the PRD.

Common open space must be for amenity or recreational purposes. The uses authorized for the common open space must be appropriated to the scale and character of the PRD considering its size, density, topography, and the number and type of dwelling units to be provided.

The development schedule, which is part of the Preliminary PRD Plan, must coordinate improvement of common open space with construction of residential dwellings in the PRD so that such space becomes available as dwelling units are occupied.

The developer shall provide a bond or irrevocable letter of credit as assurance that the buildings, structures, and improvements identified as common open space will be completed.

(iii) Maintenance of Common Open Space

All common open space shall be preserved for its intended purpose as expressed in the Final PRD Plan. The developer shall choose one or a combination of the following methods of administering common open space:

Public dedication to the city of the common open space. This method is subject to formal acceptance by the city.

Establishment of an association or non-profit corporation of all individuals or corporations owning property within the PRD to insure maintenance of all common open space.

4. Privacy

Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walls, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, the screening of objectionable view or use and the reduction of noise. High-rise buildings shall be located within the PRD in such a way as to dissipate any adverse impact on adjoining low-rise buildings and shall not invade the privacy of the occupants of low-rise buildings.

14-511.5J

Site Improvements

1. Streets

The arrangement of public and common ways for pedestrian and vehicular circulation in relation to other existing or planned streets in the area and to the McMinnville Major Road Plan, together with provisions for street improvements, shall generally comply with standards set forth in the subdivision regulations. However, the uniqueness of each proposal for PRD may require that specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs and other standards may be subject to modification from the specifications of the subdivision regulations. Upon application from the developer and good cause shown, the planning commission may permit changes or alterations of such standards which are consistent with the spirit and intent of this section.

2. Utilities

(a) The provision of underground utilities (including electricity, telephone and cable television) in both public and private extensions thereof shall be mandatory in every PRD.

- (b) Provisions shall be made for acceptable design and construction of storm water facilities including grading, gutters, piping, and treatment of turf to handle storm water and prevent erosion. Storm water retention areas shall be required when deemed necessary. See Section 14-511.5G(3) below.
- (c) Sanitary sewers shall be provided within every PRD and these sewers shall meet the requirements of the Tennessee Department of Environment and Conservation. No sanitary sewer system construction shall take place until a set of plans and specifications, prepared by a registered engineer and approved by said department, is presented to and approved by the city.
- (d) Water mains shall be of the size required by the Tennessee Department of Environment and Conservation, but no instance shall any main used for fire protection be less than six (6) inches in diameter. No water system construction shall take place until a set of plans and specifications, prepared by a registered engineer and approved by said department, is presented to and approved by the city.
- (e) Fire hydrants shall be spaced so as to be at a point no further than seven-hundred (700) feet from the most remote point of any residential structure which is to be protected by the hydrant. In the case of non-residential structures, this maximum distance shall not exceed four-hundred (400) feet.

3. Storm Water Management

No project shall be permitted in the PRD from which storm water run-off is discharged into public rights-of-way, public drainage structures or natural drainage ways at a rate greater than the rate at which water is being discharged from the site prior to the proposed development taking place. No construction of drainage improvements shall take place until a set of plans and specifications is presented to and approved by the city. Said plans shall show all proposed drainage structures and points of discharge of storm water from the site. Said plans shall be accompanied by a set of calculations which illustrate the flow of storm water from each existing and proposed discharge point as expressed as cubic feet per second (cfs) and gallons per minutes (gpm). Said calculations shall show the discharge of water from these points under existing and proposed conditions.

4. Garbage Collection

Adequate collection facilities shall be provided as required by the Director of Public Works. All collection facilities and containers shall be permanently screened in a manner which is sufficient to completely remove facilities from sight.

5. Pedestrian Circulation

A pedestrian circulation system is required. The system and its related walkways shall be separated as completely as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement. This separation shall include, when deemed necessary by the planning commission, pedestrian underpasses and overpasses in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses which generate a considerable amount of pedestrian traffic. Sidewalks shall be constructed of concrete.

14-511.5K

Sign Requirements

All signs and similar advertising structures in the PRD shall conform with the provisions of Title 14, Chapter 14 of the McMinnville Municipal Code. (See Appendix B)

14-511.6

SPECIFIC STANDARDS FOR THE PCD
PLANNED COMMERCIAL DISTRICT

The following specific standards shall apply to all PCD-Planned Commercial Districts.

14-511.6A

Permitted Uses

The following uses are permitted in the PCD:

1. Business and personal services and retail trade, but limited to the following types of establishments: all those permitted in the C-1 Central Commercial District.
2. Professional offices for doctors, dentists, lawyers, architects, artists, engineers and the like.
3. General office buildings and office parks, shopping centers.
4. Public and semi-public uses, but limited to the following types of establishments: church or similar place of worship, charitable, fraternal or social organization, community center, day care center, medical clinic, and similar uses.
5. Federal, state, county and municipal uses.
6. Amusement and recreational services, but limited to the following types of establishments: all those permitted in the C-1 Central Commercial District.
7. Accessory structures and uses incidental and subordinate to the principal structure.
8. Temporary structures, subject to the provisions of Section 14-608 of this Official Zoning Code.

14-511.6B

Uses Permitted on Review

The planning commission may permit residential uses. Such residential uses shall be developed to meet the requirements of the PRD-Planned Residential District.

14-511.6C

Uses Prohibited

Any use or structure not specifically or provisionally permitted herein.

14-511.6D

Maximum Density

1. Commercial Uses--None except to meet the minimum yard requirements.
2. Residential Uses--Maximum number of dwelling units in the PCD shall not exceed more than fifteen (15) dwelling units per gross acre.

14-511.6E

Minimum Yard Requirements

The minimum yard requirements for the PCD are only applicable to the perimeter of the area so zoned. The required minimum front, rear, and side yards shall be seventy-five (75) feet unless a permanent evergreen landscaping or other screening of a semi-opaque nature as described in Section 14-601 of this Official Zoning Code is provided in which case the minimum front, rear, and side yards shall be fifty (50) feet.

14-511.6F

Parking Requirements

Uses in the PCD shall conform with the provisions of Section 14-301 of this Official Zoning Code.

14-511.6G

Access Requirements

Uses in the PCD shall conform with the provisions of Section 14-302 of this Official Zoning Code.

14-511.6H

Off-Street Loading and
Unloading Space Requirements

Uses in the PCD shall conform with the provisions of Section 14-303 of this Official Zoning Code.

14-511.6I

Design Standards

1. Access

When residential uses are proposed in the PCD the access requirements in Section 14-511.5I(1) shall be complied with.

2. Obstruction of Vision at Intersections

No fence, wall, hedge, or other planting, or structure that will materially obstruct vision between a height of two (2) feet and ten (10) feet above the centerline grades of intersecting streets shall be erected, placed, or maintained within the triangular area formed by the street lines at any

corner and a straight line joining such street lines at points which are fifty (50) feet distant from the intersection of the street lines and measured along said street lines. In cases of rounded street lines at the intersecting streets, such measurement shall be made from the point of the tangents of the curve constituting the rounding. This section shall also apply to the intersection of any private drive, entrance or exit from a common parking area.

3. Area and Bulk Regulations

There shall be no minimum lot size, no minimum setback lines (except as specified in Section 14-511.6E above), and no maximum percentages of lot coverage in any PCD, except as necessary to meet all other requirements.

(a) Spacing of Structures

- (i) The location of all structures shall be as shown on the Final PCD Plan.
- (ii) The proposed location of all structures shall not be detrimental to existing or prospective adjacent uses or to the existing or prospective development of the neighborhood.
- (iii) There shall be a minimum distance between detached structures as follows:

One and two stories 15 feet
Three stories 20 feet

Greater than three stories as determined by the planning commission.
- (iv) For structures exceeding three (3) stories or thirty-five (35) feet in height, the planning commission shall be consulted concerning the location and proper spacing for such units.

(b) Height of Buildings

- (i) Building height restrictions in any PCD shall be thirty-five (35) feet for any building located within two-hundred (200) feet of a perimeter adjacent to any residential district.
- (ii) Elsewhere within the PCD there are no height restrictions on any structure. However, the plans for any structure which exceeds thirty-five (35) feet or three (3) stories in height shall be reviewed by the planning commission in order to determine:

That proper fire protection can be provided by the city.

That the location and spacing of such structures is adequate to provide proper light and air.

That the privacy of the occupants of adjacent low-rise dwellings is not invaded by the location of high-rise structures.

4. Privacy

In cases where housing units are provided as a part of the PCD, each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walls, barriers, and landscaping shall be used as appropriate for the protection and aesthetic enhancement of property and the privacy of its occupants, the screening of objectionable view or use and the reduction of noise. High-rise buildings shall be located within the PCD in such a way as to dissipate any adverse impact on adjoining low-rise buildings and shall not invade the privacy of the occupants of low-rise buildings.

14-511.6J

Site Improvements

1. Streets

The arrangement of public and common ways for pedestrian and vehicular circulation in relation to other existing or planned streets in the area and to the McMinnville Major Road Plan, together with provisions for street improvements, shall generally comply with standards set forth in the subdivision regulations. However, the uniqueness of each proposal for PCD may require that specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs and other standards may be subject to modification from the specifications of the subdivision regulations. Upon application from the developer and good cause shown, the planning commission may permit changes or alterations of such standards which are consistent with the spirit and intent of this section.

2. Utilities

- (a) The provision of underground utilities (including electricity, telephone and cable television) in both public and private extensions thereof shall be mandatory in every PCD.
- (b) Provisions shall be made for acceptable design and construction of storm water facilities including grading, gutters, piping, and treatment of turf to handle storm water and prevent erosion. Storm water retention areas shall be required when deemed necessary.
- (c) Sanitary sewers shall be provided within every PCD and these sewers shall meet the requirements of the Tennessee Department of Environment and Conservation. No sanitary sewer system construction shall take place until a set of plans and specifications, prepared by a registered engineer and approved by said department, is presented to and approved by the city.
- (d) Water mains shall be of the size required by the Tennessee Department of Environment and Conservation, but in no instance shall any main used for fire protection be less than six (6) inches in

diameter. No water system construction shall take place until a set of plans and specifications, prepared by a registered engineer and approved by said department, is presented to and approved by the city.

- (e) Fire hydrants shall be spaced so as to be at a point no further than four-hundred (400) feet from the most remote point of any non-residential structure which is to be protected by the hydrant. In the case of residential structures, this maximum distance shall not exceed seven-hundred (700) feet.

3. Storm Water Management

No project shall be permitted in the PCD from which storm water run-off is discharged into public rights-of-way, public drainage structures or natural drainageways at a rate greater than the rate at which water is being discharged from the site prior to the proposed development taking place. No construction of drainage improvements shall take place until a set of plans and specifications is presented to and approved by the city. Said plans shall show all proposed drainage structures and points of discharge of storm water from the site. Said plans shall be accompanied by a set of calculations which illustrate the flow of storm water from each existing and proposed discharge point as expressed as cubic feet per second (cfs) and gallons per minute (gpm). Said calculations shall show the discharge of water from these points under existing and proposed conditions.

4. Garbage Collection

Adequate collection facilities shall be provided as required by the Director of Public Works. All collection facilities and containers shall be permanently screened in a manner which is sufficient to completely remove facilities from sight.

5. Pedestrian Circulation

A pedestrian circulation system is required. The system and its related walkways shall be separated as completely as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement. This separation shall include, when deemed necessary by the planning commission, pedestrian underpasses and overpasses in the vicinity of schools, playgrounds, residential uses, and other neighborhood uses which generate a considerable amount of pedestrian traffic. Sidewalks shall be constructed of concrete.

14-511.6K

Sign Requirements

All signs and similar advertising structures in the PCD shall conform with the provisions of Title 14, Chapter 14 of the McMinnville Municipal Code. (See Appendix B)

Vacancies shall be filled for any unexpired terms by the Mayor and confirmed by the Board of Mayor and Aldermen. All members shall serve without compensation.

14-512.3B

Procedure

The members shall elect a Chair from among themselves to preside over meetings. Meetings of the Commission shall be held at the call of the Chair and at other times as the Commission may determine. Meetings of the Commission shall be open to the public. The Commission shall adopt rules of procedure and shall keep records of applications and actions, which shall be public records. A majority of the membership shall constitute a quorum. The concurring vote of a majority of those present at any meeting shall constitute final action of the Commission on any matter before it.

14-512.3C

Powers and Duties

Applications for building permits for construction, alteration, repair, moving or demolition conducted within the H-1 District shall be referred by the Office of Codes Enforcement to the Commission, which shall:

1. Request detailed construction plans and related data pertinent to review a proposal before the Commission;
2. Direct, within thirty (30) days following the availability of sufficient data, the granting of a building permit, with or without conditions, or the refusal of a building permit, provided that the grounds for refusal are stated in writing;
3. Consider the following in making its decision:
 - (a) Historic and/or architectural value of the existing structure;
 - (b) Relationship of exterior architectural features of the structure to the remaining structures of the surrounding area;
 - (c) General compatibility of exterior design, arrangement, texture and materials proposed to be used; and
 - (d) Any other factor, including aesthetic, which is deemed pertinent.

14-512.3D

Additional Powers and Duties

It shall be the duty of the Commission to make the following determinations with respect to the H-1 District:

1. Appropriateness of altering or demolishing a building or structure. 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 permission to demolish a building or structure. The photographs, drawings, and so forth, shall be provided at the expense of the applicant.
2. Appropriateness of the exterior architectural features, including signs and other exterior fixtures, of new buildings and structures to be constructed.
3. Appropriateness of exterior design or extension of an existing building or structure.
4. Appropriateness of front, side or rear yards, off-street parking spaces, location of entrance drives into property or sidewalks along the public right-of-way which might affect the character of a building or structure.
5. The general compatibility of exterior design, arrangement, texture and material of the building or structure in relation to similar features of buildings in the immediate surroundings. However, the 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.
6. No decision by the Commission shall cause undue economic hardship for any applicant.

14-512.3E

Jurisdiction

The Commission shall have jurisdiction relating to historic zoning matters. Anyone who may be aggrieved by the final order or judgment of the Commission may have the order or judgment reviewed by the courts by the procedures of statutory certiorari as provided for in the *Tennessee Code Annotated*, Section 27- 9-101 et seq.

11-512.4

PROCEDURE FOR ESTABLISHMENT OF H-1 DISTRICT ZONING

The H-1 District classification may be superimposed in addition to existing zoning classifications provided the provisions of Section 14-709 of the Official Zoning Code and the provisions contained in this Section are complied with.

14-512.4A Historic Zoning Commission Recommendation Required

Recommendations for the establishment of H-1 District zoning overlays shall be submitted by the Historic Zoning Commission to the Planning Commission. The Historic Zoning Commission's recommendations for H-1 District overlay rezoning may originate from the Historic Zoning Commission, through its own initiative, or they may originate from a request submitted by property owners to the Historic Zoning Commission.

14-512.4B Procedure for Requests by Property Owners

An application for H-1 District overlay rezoning shall be filed with the Historic Zoning Commission. Said application shall indicate the map, group and parcel numbers of all properties proposed for rezoning. The application shall be signed by the owners of the affected properties. The applicant, which may be the individual property owners or one (1) person may act as a liaison for more than one (1) property owner, shall present the request to the Historic Zoning Commission. The Historic Zoning Commission shall review the request and determine if it should be approved and recommended to the Planning Commission.

14-512.4C Criteria for Recommendation for H-1 District Zoning

Prior to submitting a recommendation to the Planning Commission for the establishment of a H-1 District overlay rezoning, the Historic Zoning Commission shall determine that the following criteria exists. The quality of significance in American history, architecture, archaeology and culture is present in districts, sites, buildings and structures that possess integrity of location, design, setting, materials, workmanship, feeling and association; and

1. That are associated with events that have made a significant contribution to the broad patterns of history; or
2. That are associated with the lives of persons significant in the past; or
3. That 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; or
4. That have yielded, or may be likely to yield, archaeological information.

14-512.4D Majority Approval of Property Owners Required

A majority of property owners (51%) in any area proposed for H-1 District overlay rezoning shall be in favor of such rezoning. Written confirmation of the

majority approval (signed petitions, letters of approval, or similar documentation) shall be provided by the Historic Zoning Commission to the Planning Commission at the time its recommendation for rezoning is submitted.

14-512.4E Notice to Affected Property Owners

Notice of the time and place of the meeting of the Planning Commission at which the Historic Zoning Commission's recommendation for a H-1 District overlay rezoning shall be presented shall be published in the Southern Standard at least seven (7) days prior to said meeting. Where properties are proposed for rezoning whose owners have not consented in advance in writing, the Historic Zoning Commission shall notify the owners of the properties so affected by certified mail, return receipt requested, of the time and place of the meeting of the Planning Commission at which the rezoning request will be presented, and the receipts shall be presented as exhibits for the rezoning request.

14-512.5 USES PERMITTED

The uses permitted in an underlying zoning district shall be permitted in the H-1 District.

14-512.6 CERTIFICATE OF APPROPRIATENESS REQUIRED

14-512.6A No building permit for construction, alteration or rehabilitation, moving or demolition to be conducted within the H-1 District shall be issued by the Office of Codes Enforcement until the project has been submitted to, and received a written certificate of appropriateness from, the Commission.

14-512.6B Administration shall be by the Codes Director and the Commission, and the items regulated within the H-1 District shall be submitted to the Commission, through the Office of Codes Enforcement, for its review.

14-512.6C Alterations, additions or new construction previous to the establishment of the H- 1 District, which required that application be made for a building permit, shall continue to require that application be made for a building permit, and approval shall be obtained from the Commission before work can begin.

14-512.7 GUIDELINES FOR REVIEW

14-512.7A In evaluating an application for a certificate of appropriateness, the Commission shall determine the following:

1. Whether the proposed action is in harmony with the intent of this section;
2. Whether the proposed action would complement other structures within the H-1 District;
3. In the case of alterations to existing structures, whether the proposed action complies with the “Standards for Rehabilitation” and the applicable guidelines for exterior features promulgated by the Secretary of the Interior in the publication, “Standards for Rehabilitation”, (Revised 1990), as hereafter amended;
4. In the case of new construction, whether the proposed action complies with the “Standards for Rehabilitation” and the applicable guidelines for new construction promulgated by the Secretary of the Interior in the publication, “Standards for Rehabilitation”, (Revised 1990), as hereafter amended;
5. In the case of removal or demolition, whether the structure could not be rehabilitated and used for a conforming purpose with reasonable efforts; and
6. In the case of removal or demolition, whether the structure is without substantial historic or architectural significance.
7. A certificate shall be granted:
 - (a) In the case of alterations to existing structures if the Commission answers (1), (2) and (3) affirmatively;
 - (b) In the case of new construction, if the Commission answers (1), (2) and (4) affirmatively; and
 - (c) In the case of removal or demolition, if the Commission answers (1), (2) and either (5) or (6) affirmatively.
8. If the Commission does not answer the required questions affirmatively, then it shall either deny the certificate of appropriateness or grant it subject to the conditions as may be required in order to permit an affirmative answer to the required questions.

14-512.7B

Additional Design Guidelines

The Commission shall have the authority to adopt additional design guidelines, based on the Secretary of the Interior’s “Standards for Rehabilitation,” for each H-1, Historic District.

14-512.8 BUILDING PERMIT PROCEDURES

14-512.8A Application for a building permit within the H-1 District shall be made to the Office of Codes Enforcement, and the application shall be referred directly to the Commission. The Commission shall have broad powers to request detailed construction plans and related data pertinent to the thorough review of applications.

14-512.8B Upon receiving an application for a building permit, the Commission shall, within thirty (30) days following the availability of sufficient data, meet and consider the request and issue a letter to the Office of Codes Enforcement stating its approval, with or without attached conditions, or disapproval, with the grounds for disapproval stated in writing. This time period may be extended by mutual agreement. If the certificate of appropriateness is issued, then the application shall be processed in the same manner as that of any other building or demolition permit. If the Commission disapproves the application, then a certificate of appropriateness shall not be issued, and the Office of Codes Enforcement shall so advise the applicant.

14-512.8C The Office of Codes Enforcement shall review applications for building permits which have received written approval from the Commission, in the same manner as applications made outside of the H-1 District, and final issuance or rejection shall be based upon adopted building codes. The fee charged for building permits within the H-1 District shall conform to the existing fee schedules for building permits in any other zoning district.

14-512.9 RIGHT OF ENTRY UPON LAND

The Commission, its members and employees, in the performance of its work, may enter upon land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this Zoning Code, but there shall be no right of entry into a building without the consent of the owner.

14-512.10 MAINTENANCE AND REPAIR OF IMPROVEMENTS

Property owners in the H-1 District shall maintain the exterior portions of their improvements in conformity with the Standard Building Code.

14-512.11 REMEDYING OF DANGEROUS CONDITIONS

When a city enforcement agency shall order or direct the construction, removal, alteration or demolition of an improvement in the H-1 District for the purpose of remedying conditions determined to be dangerous to life, health or property, then nothing contained in this chapter shall be construed as making it unlawful for a person, without prior issuance of a letter of approval pursuant to this Code, to comply with the order or direction. However, the enforcement agency shall give the Commission notice of the

proposed order or direction which affects, or may affect, the exterior appearance of a structure or site in the H-1 District. The Commission shall have adequate opportunity to review and provide written comments upon the action proposed by an enforcement agency within the H-1 District prior to the initiation of an action.

14-512.12

INJUNCTIVE POWERS AND PENALTIES

Where it appears that the owner or person in charge of an improvement on a landmark site or preservation site threatens to start, or has started, work in violation of this Code, then the City shall apply to an appropriate court for an injunction against a violation of this Code. If an order of the court enjoining or restraining the violation does not receive immediate compliance, then the city attorney shall apply to an appropriate court to punish the violation pursuant to law.

SECTION 14-513

A-1, AGRUCULTURAL DISTRICT

14-513.1

GENERAL DESCRIPTION

The purpose of the A-1 Agricultural District is to provide space for agricultural uses, which comprise an important part of the economy of the City of McMinnville. The intent is to permit lands best suited for agriculture to be used for agriculture purposes and also to prevent the encroachment of urban and other incompatible land uses on farm lands and thereby protect the physical and economic well-being of agricultural operations.

As the need and demand for additional open land suitable for urban development is determined by the Planning Commission, selected portions of the Agricultural District may be rezoned for more intensive forms of development.

Within the A-1 Agricultural District, as shown on the Official McMinnville Zoning Map, the following regulations shall apply:

14-513.2

DEFINITIONS

14-513.2A Agricultural Uses, Accessory: Those structures or equipment which are normally required in the operation of agricultural uses.

14-513.2B Agricultural Uses, General: Farming, including all forms of agriculture, the growing of crops in the open, dairying, grazing, the raising of and maintaining poultry or other livestock, horticulture, viticulture, floriculture, forsts and woods. The feeding or disposal of community collected garbage, commercial feed lots, the raising of fur bearing animals, riding academy, livery or boarding stables, or dog kennels are not considered to be normal agricultural uses.

14-513.3

PERMITTED USES

14-513.3A General Agricultural uses and their accessory uses.

14-513.3B Single-family detached dwellings; excluding mobile homes.

14-513.3C Conservation areas and wildlife management areas.

14-513.3D Accessory buildings or uses customarily incidental to aforementioned permitted uses. Such uses may include noncommercial gardens and greenhouses, tool sheds, unattached carports and garages, swimming pools (subject to the conditions of Section 14-604.4 of this Official Zoning Code), gazebos and the like.

14-513.3E Television, radio, and satellite dish, antennas when in compliance with conditions specified in Section 14-604.10 of this Official Zoning Code.

14-513.3F Temporary structures, subject to the provisions of Section 14-608 of this Official Zoning Code.

USES PERMITTED ON APPEAL (SPECIAL EXCEPTIONS)

14-513.4 After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit as special exceptions:

14-513.4A Athletic fields, golf courses, campgrounds, parks, playgrounds and recreational areas, fairgrounds, and parks and/or recreational areas operated by membership organizations for the benefit of their members.

14-513.4B Churches or similar places of worship with accessory structures, when in compliance with Section 14-604.7

14-513.4C Lodge halls and civic organizations.

14-513.4D Commercial livestock feed and sales yard.

14-513.4E Dog kennels, livery stable or riding academy, fish and minnow raising and the raising of fur bearing animals.

14-513.4F Home occupations as regulated in Section 14-604.3

14-513.4G Bed and breakfast inns subject to Section 14-502.3B.

14-513.4H Public utilities such as water, sewer, gas, electric, cable TV and telephone but limited to those facilities necessary to serve the immediate neighborhood and excluding general office buildings, warehouses and storage areas. Opaque screening in conformance with Section 14-601 of the Official Zoning Code shall be provided along all shared lot lines.

14-513.4I Municipal fire or police substation subject to the following conditions:

1. Sites shall contain a minimum of one (1) acre and have a minimum street frontage of one hundred fifty (150) feet.
2. They shall be located on an arterial or collector street only.
3. Such facilities shall be set back a minimum of fifty (50) feet from all lot lines.
4. Opaque screening in conformance with Section 14-601 of this Official Zoning Code shall be provided along all lot lines adjoining residential properties.
5. Off-street parking shall be provided for all anticipated equipment, employees, and visitors.

14-513.5 USES PROHIBITED

- 14-513.5A Mobile homes; two-family dwellings; and multi-family dwelling.
- 14-513.5B Storage or overnight parking of commercial or industrial vehicles.
- 14-513.5C Commercial and industrial uses.
- 14-513.5D Outdoor storage of any type, except that in connection with and on the premise of active building and/or land developments.
- 14-513.5E Any other use or structure not specifically permitted or permitted on appeal.

14-513.6 MINIMUM LOT AREA, WIDTH, AND YARD REQUIREMENTS

The principal building shall be located so as to comply with the following requirements:

- 14-513.6A Minimum lot width at building line 100 ft
- 14-513.6B Minimum depth of front yard40 ft
- 14-513.6C Minimum depth of rear yard..... 50 ft
- 14-513.6D Minimum interior side yard:
 1. For single and two-story dwellings and accessory structures (excluding barns and other agricultural storage buildings) side yards shall be not less than twenty (20) feet.
 2. For other main and accessory buildings (including barns and other agricultural storage buildings), other than dwellings, there shall be a side yard setback of not less than thirty-five (35) feet.
- 14-513.6E Minimum side yard on street side corner lots 40 ft
- 14-513.6F No farm, ranch, or other parcel of land shall be reduced in area to provide separate lots or building sites less than 5 acres, except for other non-residential permitted uses. However, where there is an existing lot of record of less than 5 acres, at the time of the adoption of this ordinance, this lot may be used for the development of one single-family dwelling. In no case shall property be subdivided, sold or reduced to less than one acre of lot area for any non-residential use.

14-513.13

PLOT PLAN OR SITE PLAN REQUIREMENTS

All developments in the A-1 District requiring building permits shall conform with the applicable plot plan requirements in Section 14-704 of this Official Zoning Code or site plan requirements in Section 14-705 of this Official Zoning Code.

SECTION 14-514 R-6 SMART GROWTH RESIDENTIAL DISTRICT

14-514.1 GENERAL DESCRIPTION

The purpose of the R-6 District is to provide for a single-family home in a high density residential environment having good access to schools, public water and sewer, and other community services, but well separated from other incompatible uses and activities.

Within the R-6 Smart Growth Residential District, as shown on the Official McMinnville Zoning Map, the following regulations shall apply:

14-514.2 PERMITTED USES

14-514.2A A single-family detached dwellings; excluding mobile homes.

14-514.2B Accessory buildings or uses customarily incidental to aforementioned permitted uses. Such uses may include noncommercial gardens and greenhouses, tool sheds, unattached carports and garages, swimming pools (subject to the conditions of Section 14-604.4 of this Official Zoning Code), gazebos and the like.

14-514.2C Television, radio, and satellite dish antennas when in compliance with conditions specified in Section 14-604.10 of this Official Zoning Code.

14-514.2D Temporary structures, subject to the provisions of Section 14-608 of this Official Zoning Code

14-514.3 USES PERMITTED ON APPEAL (SPECIAL EXCEPTIONS)

After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit as special exceptions:

14-514.3A A public utilities such as water, sewer, gas, electric, cable TV and telephone but limited to those facilities necessary to serve the immediate neighborhood and excluding general office buildings, warehouses and storage areas. Opaque screening in conformance with Section 14-601 of this Official Zoning Code shall be provided along all shared lot lines.

14-514.3B Municipal fire or police substation subject to the following conditions:

1. Sites shall contain a minimum of one (1) acre and have a minimum street frontage of one-hundred fifty (150) feet.
2. They shall be located on an arterial or collector street only.
3. Such facilities shall be set back a minimum of fifty (50) feet from all lot lines.

4. Opaque screening in conformance with Section 14-601 of this Official Zoning Code shall be provided along all lot lines adjoining residential properties.
5. Off-street parking shall be provided for all anticipated equipment, employees and visitors.

14-514.3C Public parks and public recreational facilities meeting the following conditions:

1. A minimum lot area of one-half (1/2) acre with a minimum lot width of fifty (50) feet at the building setback line shall be provided.
2. The minimum depth of the front yard shall be thirty-five (35) feet and the minimum depth of the side and rear yards shall be twenty-five (25) feet. The minimum side yard on the street side of corner lots shall be thirty-five (35) feet.

14-514.4 USES PROHIBITED

14-514.4A Mobile homes; two-family dwellings; and multi-family dwellings. 14-

514.4B Storage or overnight parking of commercial or industrial vehicles. 14-

514.4C Commercial and industrial uses.

14-514.4D Outdoor storage of any type, except that in connection with and on the premise of active building and/or land developments.

14-514.4E Any other use or structure not specifically permitted or permitted on appeal.

14-514.5 MINIMUM LOT AREA, WIDTH, AND YARD REQUIREMENTS

The principal building shall be located so as to comply with the following requirements:

14-501.5A	Minimum lot area	10,000 sq. ft.
14-501.5B	Minimum lot width at building line.....	80 ft.
14-501.5C	Minimum dept of front yard	35 ft.
14-501.5D	Minimum depth of rear yard.....	20 ft.
14-501.5E	Minimum interior side yard.....	10 ft.
14-501.5F	Minimum side yard on street side corner lots	35 ft.

14-514.5G On lots fronting on the east right-of-way of North Chancery Street as it exists on the date this Ordinance is adopted from its intersection with New Smithville Highway and Hobson Street to the U.S. Highway 70 Bypass the minimum depth of the front yard shall be 42 ½ feet. This depth shall be reduced to 35 feet provided 71/2 of additional right-of-way for the east right-of-way of North Chancery Street has been obtained or dedicated from the lot. (As amended by Ordinance No. 1267 on August 18, 1997).

14-514.6 LOCATION OF ACCESSORY BUILDINGS

Accessory buildings shall meet the following provisions:

14-514.6A No accessory building shall be erected in any required front or side yard.

14-514.6B Accessory buildings shall not cover more than twenty (20) percent of the required rear yard.

14-514.6C Minimum setback from other buildings..... 10 ft.

14-514.6D Minimum setback from all lot lines..... 5 ft.

14-514.6E Minimum setback for street side corner 35 ft.

14-514.6F Maximum height 1 story or 18 ft.

14-614.7 MAXIMUM BUILDING AREA

On any lot the area occupied by all buildings, including accessory buildings, shall not exceed twenty-five (25) percent of the total area of such lot.

14-514.8 PARKING REQUIREMENTS

Uses in the R-6 District shall conform with the provisions of Section 14-301 of this Official Zoning Code.

14-514.9 ACCESS REQUIREMENTS

Uses in the R-6 District shall conform with the provisions of Section 14-302 of this Official Zoning Code.

14-514.10 MAXIMUM BUILDING HEIGHT

No structure in the R-6 District shall exceed thirty-five (35) feet or three (3) stories in building height.

14-514.11 SIGN REQUIREMENTS

No billboards or similar off-premise advertising structures are allowed in the R-6 district; all other signs and similar advertising structures shall conform with the provisions of Title 14, Chapter 14 of the McMinnville Municipal Code. (See Appendix B).

14-514.12 PLOT PLAN OR SITE PLAN REQUIREMENTS

All developments in the R-6 District requiring building permits shall conform with the applicable plot plan requirements in Section 14-704 of this Official Zoning Code or site plan requirements in Section 14-705 of this Official Zoning Code.

CHAPTER 6 SUPPLEMENTARY REGULATIONS

For the purpose of the Official Zoning Code these supplementary regulations shall apply to specific, to several or to all districts. These regulations pertain to certain specific uses, authorize certain exemptions, or relate to unusual conditions.

SECTION 14-601 SCREENING REQUIREMENTS

The following regulations shall apply for all uses requiring screening.

14-601.1 PLAN REQUIRED

For all uses requiring screening, a plan for such shall be submitted with the required site plan.

14-601.2 DESCRIPTION OF SCREENS

14-601.2A Opaque Screen--A screen that is opaque from the ground to a height of at least six (6) feet, with intermittent visual obstructions from the opaque portion to a height of at least twenty (20) feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of special separation. The opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten (10) feet wide. The portion of intermittent visual obstructions may contain deciduous plants. Suggested planting patterns that will achieve this standard are depicted on Illustration 1.

14-601.2B Semi-Opaque Screen--A screen that is opaque from the ground to a height of three (3) feet, with intermittent visual obstruction from above the opaque portion to a height of at least twenty (20) feet. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten (10) feet wide. The zone of intermittent visual obstruction may contain deciduous plants. Suggested planting patterns which will achieve this standard are depicted on Illustration 2.

14-601.2C Broken Screen--A screen composed of intermittent visual obstructions from the ground to a height of at least twenty (20) feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The screen may contain deciduous plants. Suggested planting patterns which will achieve this standard are depicted on Illustration 3.

14-601.3 STANDARDS FOR SCREENING MATERIALS

14-601.3A When fences or walls are utilized in screening, they shall be constructed of materials compatible with the principal building.

14-601.3B When earthen berms are utilized in screening, they shall be seeded and/or sodded.

14-601.3C Trees and shrubbery shall be of a species common to McMinnville, shall be hardy, and proper care shall be taken in planting.

14-601.4 MAINTENANCE OF SCREENING

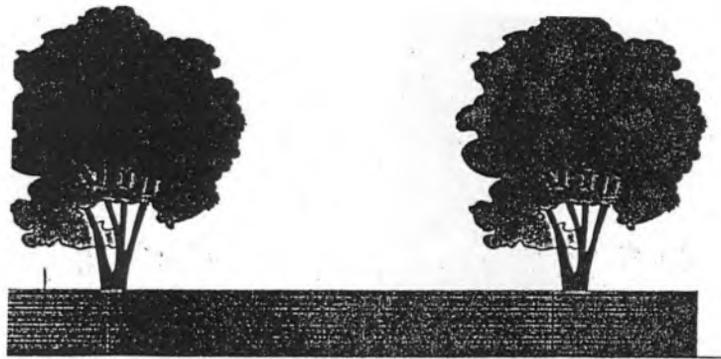
14-601.4A It shall be the obligation of the owner(s) of each building, structure or use on whose premises required screening is located to maintain said screening.

14-601.4B Failure to properly maintain required screening shall be a violation of this Official Zoning Code, punishable as a misdemeanor or under the provisions of the McMinnville Municipal Code.

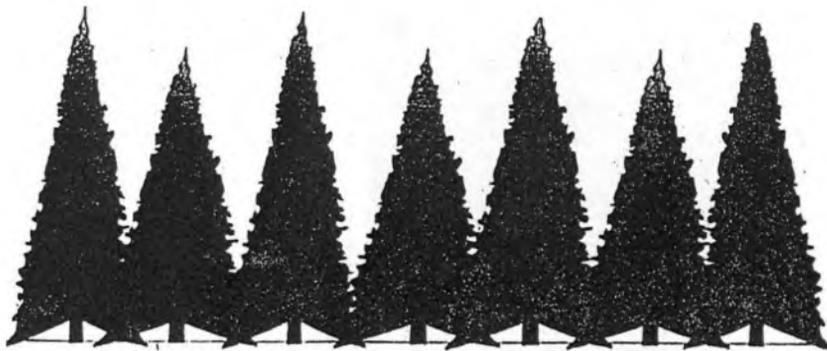
Illustration 1
Typical Opaque Screens



Small trees planted 30 ft on center with 6 ft high evergreen screening shrubbery planted 4 ft on center.



Large trees planted 40 ft on center with 6 ft high redwood fence.

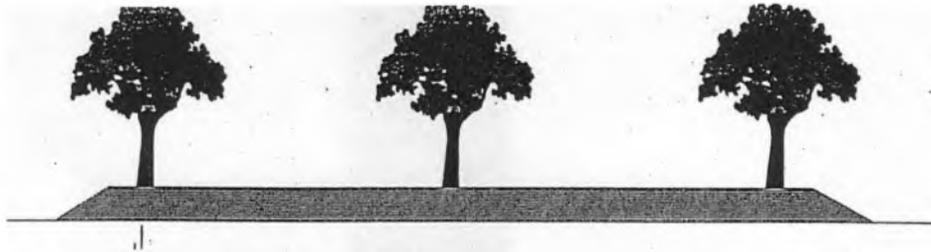


Tall evergreen trees, stagger planted, with branches touching ground

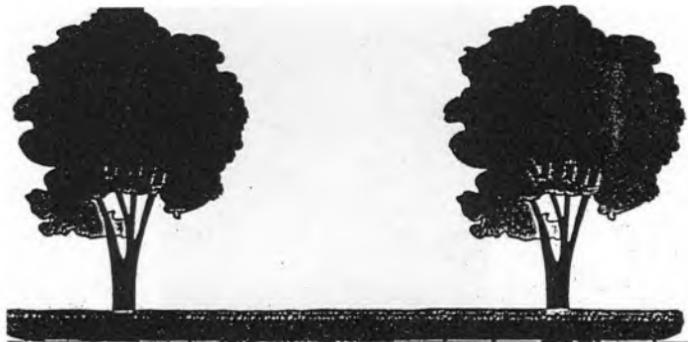
Illustration 2
Typical Semi-Opaque Screens



Small trees planted 30 ft on center with 3 ft high stone wall



Small trees planted 20 ft on center on 3 ft high earth berm



Large trees planted 40 ft on center with 3 ft high evergreen hedge shrubbery planted 3 ft on center.

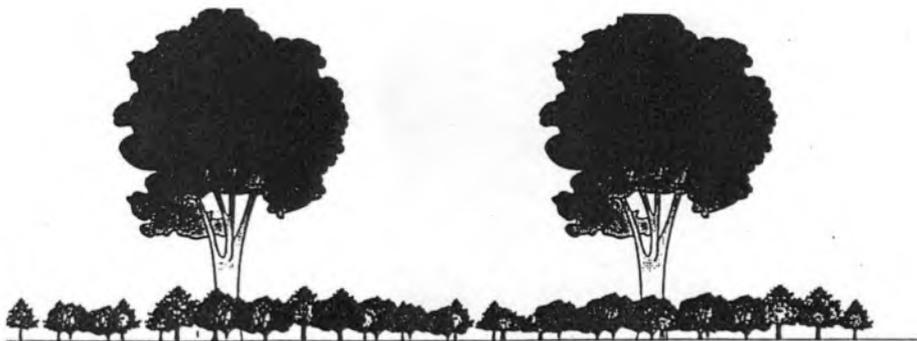
Illustration 3
Typical Broken Screens



Small trees planted 30 ft on center.



Small trees planted 30 ft on center with split rail fence.



Large trees planted 40 ft on center with assorted shrubbery.

SECTION 14-602

MULTI-FAMILY HOUSING

14-602.1 APPLICATION AND SITE PLAN REQUIRED

To provide a maximum flexibility in design and to ensure a minimum standard of site development for multi-family housing developments of two or more residential structures on a single lot or tract of land, not subdivided an application shall be submitted to the planning commission consisting of a site plan drawn to a scale no smaller than 1" = 50' setting forth therein the geographical location, boundaries, surrounding development, drainage, buildings and structures, parking facilities, points of access to public streets, easements, sanitation facilities including the location and size of water and sewer lines, location of fire hydrants, and any other information as the planning commission may require.

14-602.2 REQUIRED STANDARDS FOR MULTI-FAMILY HOUSING DEVELOPMENTS

Multi-family housing developments of two or more residential structures on a single lot or tract of land, not subdivided shall meet the following required standards for development:

14-602.2A Location

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

14-602.2B Area Requirements

All area and setback requirements of the applicable zoning district shall be complied with.

14-602.2C Design

1. Internal Streets
 - (a) The maximum grade on any street shall be twelve (12) percent except that no more than three (3) percent grade shall be permitted within fifty (50) feet of any intersection with a public street.
 - (b) Where feasible, all street intersections shall be at right angles.
2. Public Street Access
 - (a) The minimum distance between access points along public street frontage shall be one-hundred (100) feet.
 - (b) The minimum distance between an access point and the nearest right-of-way line of a public street intersection shall be one-hundred (100) feet.

Required Improvements

1. Internal Streets
 - (a) Streets shall be privately constructed and maintained.
 - (b) Streets shall be constructed to meet the standards for street construction in the McMinnville Subdivision Regulations.
2. Water and Sewer Systems

All multi-family housing developments shall be serviced by public water and sewer systems on trunk lines not less than six (6) inches.
3. Fire Protection

Fire hydrant protection shall be provided so that no building unit is located further than five-hundred (500) feet from a fire hydrant or as approved by the McMinnville Fire Department. All fire hydrants shall have adequate pressure.
4. Storage of Refuse
 - (a) The storage of refuse shall be done in such a manner as to meet all applicable provisions of Title 8, Chapter 2 of the McMinnville Municipal Code.
 - (b) All central refuse disposal areas shall be approved by the McMinnville Sanitation Department, shall be maintained in such a manner as to meet all applicable health codes and requirements, and shall be screened from view.
5. Service Buildings

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

SECTION 14-603

**MOBILE HOMES AND
MOBILE HOME PARKS**

14-603.1 GENERAL REQUIREMENTS

For the purpose of this Official Zoning Code the following regulations shall apply to all mobile homes within the corporate limits of the City of McMinnville:

14-603.1A Building Permit Required

Prior to the location of a mobile home on an individual lot or in a mobile home park, a building permit shall be obtained from the Office of Codes Enforcement. Said permit shall confirm that the location of the mobile home complies with applicable terms and conditions contained in this ordinance.

The appropriate building permit fee, as specified in the recommended schedule of permit fees of the Standard Building Code as adopted by the City of McMinnville, shall be submitted prior to the issuance of the building permit.

14-603.1B Mobile homes shall not be parked on any public thoroughfare, street, alley, or public place for longer than one (1) hour when no emergency for repairs exists.

14-603.1C None of the provisions of Section 14-603 shall be construed as prohibiting the parking of mobile homes for display by the duly authorized and licensed dealer or sales agency, provided the lot where such mobile homes are parked is within a zoning district where such type of business is permitted.

14-603.2 REQUIREMENTS FOR ALL MOBILE HOMES

For the purpose of this Official Zoning Code, the following regulations shall apply to all mobile homes located on individual lots or in any mobile home park:

14-603.2A Shall comply with the U.S. Manufactured Home Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) (HUD Seal Requirements);

14-603.2B Shall be permanently occupied as a single-family residence;

14-603.2C Shall be a minimum size of 500 square feet;

14-603.2D Shall be placed on a permanent foundation and connected to utilities, including public sewer;

14-603.2E Shall not be located in any identified FEMA flood hazard area;

14-603.2F Mobile home stands, anchors, etc. shall meet the following standards:

1. The area of the mobile home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, sliding, rotating, and overturning.
2. The mobile home stand shall not shift, heave, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, or other forces acting on the structure.

3. The mobile home shall be provided with anchors and tie-downs such as cast-in-place concrete foundations or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home.
4. Anchors and tie-downs shall be placed at least at each corner of the mobile home stand and each shall be able to sustain a minimum tensile strength of 2,800 pounds.
5. The mobile home shall have a suitable skirting around its base which shall cover from view the undercarriage of the mobile home and the foundation on which it rests.

14-603.3 REQUIREMENTS FOR MOBILE HOME PARKS

14-603.3A License Required

It shall be unlawful for any person or persons to maintain or operate within the corporate limits of the City of McMinnville any mobile home park unless such person or persons shall first obtain from the McMinnville City Clerk a license therefor.

Said license shall not be transferable.

1. License Fees

An annual license fee for each mobile home park shall be submitted to the McMinnville City Clerk. Said fee shall be equal to but not greater than the amount fixed by the Tennessee Privilege Tax statutes.

2. Application for License

An application for a mobile home park license shall be filed with the Office of Codes Enforcement upon forms provided by said Office. Applications shall be in writing, signed by the applicant, filed in triplicate, and shall contain the following:

- (a) Name and address of the applicant.
- (b) Location and legal description of the mobile home park.
- (c) Complete site plan of the proposed park, including plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home park. Said plan shall show compliance with the standards set forth in Section 14-603.3C and shall be drawn to a scale showing at a minimum the number and arrangement of all plot spaces, setbacks, access to public streets, driveways, sidewalks, drainage, sanitation facilities including the location and size of water and sewer lines, fire hydrants, and refuse collection facilities. The plan shall also show any other planned facilities.

- (d) Any further information as may be required by the Building Inspector to enable him to determine if the proposed mobile home park shall comply with all applicable provisions of this Official Zoning Code.

3. Review of Application for License

The Building Inspector and the planning commission staff and other appropriate municipal officials if necessary, shall review and inspect the application, plans and specifications. If the proposed mobile home park is found to be in compliance with all applicable provisions of this Official Zoning Code and all other applicable ordinances or statutes, the Building Inspector shall approve the application and authorize the City Clerk to issue the license.

4. Posting of License

The license certificate shall be conspicuously posted in the office of, or on the premises of, the mobile home park at all times.

5. Register of Occupants

It shall be the duty of the licensee to keep a register containing a record of all mobile homeowners and occupants located within the mobile home park. The register shall contain the following information:

- (a) Name and address of each occupant;
- (b) The make, model, and year of all automobiles and mobile homes;
- (c) The license number and owner of each mobile home and automobile by which it is towed if applicable;
- (d) The state issuing such license;
- (e) The dates of arrival and departure of each mobile home.

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

6. Revocation of License

The Building Inspector and/or Health Officer shall make periodic inspections of the park to assure compliance with this Official Zoning Code. In case of noncompliance with this Official Zoning Code, the Building Inspector and/or Health Officer shall serve warning to the licensee. Thereafter upon failure of the licensee to remove said violation, the Building Inspector and/or Health Officer shall recommend to the Board of Mayor and Aldermen revocation of the offending parks' license. The Board shall hold a hearing on the matter and upon determination of noncompliance shall revoke said license. The license may be reissued if

the circumstances leading to revocation have been remedied and the park can be maintained and operated in full compliance with the law.

14-603.3C

Standards for Mobile Home Parks

All mobile home parks shall comply with the following standards:

1. Drainage and Flood Hazard Requirements
 - (a) All mobile home parks shall be located on a well-drained site, property graded to insure rapid drainage and freedom from stagnant pools of water.
 - (b) No mobile home parks or plots shall be located in any identified FEMA flood hazard area.
2. Individual Plot Size Requirements
 - (a) Individual plot spaces for mobile homes shall be clearly defined and mobile home parks provided so that the center line of pads are located not closer than forty (40) feet apart.
 - (b) Minimum plot width 40 ft.
 - (c) Minimum plot depth 100 ft.
 - (d) No more than seventy-five (75) percent of the mobile home plot gross area shall be covered by the mobile home and its accessory structures.
3. Setback and Screening Requirements
 - (a) All mobile homes shall be parked so that there will be a minimum of twenty (20) feet between mobile homes or any attachment such as a garage or porch.
 - (b) The minimum front yard setback from the interior access drive shall be ten (10) feet.
 - (c) No mobile home or any attachments shall be located closer than thirty (30) feet from the right-of-way of any public street or highway or from any mobile home park property line.
 - (d) A buffer strip of not less than ten (10) feet in width, separate from any individual plot space with semi-opaque screening in conformance with Section 14-601 of this Official Zoning Code shall be provided along all property lines of the park except across ingress and egress points to public streets.

4. Public Utilities Requirements

Each individual mobile home space shall contain electrical, water, and wastewater connections for individual mobile home units and shall meet the following standards:

- (a) Electrical--An electrical outlet supplying at least 110/220 volts shall be provided for each mobile home space, and shall be weather proof and accessible to the parked mobile home. All electrical installations shall be in compliance with the National Electrical Code, and shall satisfy all requirements of the McMinnville Electric Department and the Building Inspector.
- (b) Water Supply--All mobile home parks shall be connected to the municipal water supply with a system approved by the Tennessee Department of Environment and Conservation and each mobile home space shall be provided with an adequate outlet. All water line installations shall be inspected by appropriate officials from the McMinnville Water Department.
- (c) Wastewater--All mobile home parks shall be connected to the municipal sewer system in a manner approved by the Tennessee Department of Environment and Conservation and each mobile home space shall be provided with an adequate outlet. All plumbing installations shall be in compliance with existing ordinances and shall be inspected by the appropriate officials from the McMinnville Wastewater Department.

5. Refuse: Storage, Collection and Disposal Requirements

Storage, collection, and disposal of refuse in mobile home parks shall be approved by the Sanitation Department of the City of McMinnville and shall be done in such a manner as to meet all applicable provisions of Title 8, Chapter 2 of the McMinnville Municipal Code.

6. Public Health, Sanitary and Anchoring Requirements

All public health, sanitary, and anchoring requirements prescribed by *Tennessee Code Annotated* must be adhered to.

7. Fire Protection

All mobile home parks shall be subject to the rules and regulations of the McMinnville Municipal Fire Department. At a minimum fire hydrant protection shall be provided so that no mobile home is located further than five-hundred (500) feet from a fire hydrant. All fire hydrants shall have adequate pressure.

8. Access Roads and Parking Requirements

- (a) All mobile home parks shall contain a private interior drive of at least twenty (20) feet in width. Said drive shall be surfaced with asphalt or concrete.
- (b) All mobile home plots, common recreation and other facilities in the park shall have access only from the interior access drive. Said mobile home plot access to the interior access drive shall be a minimum of thirty (30) feet in width.
- (c) All interior access drives shall be lighted by a minimum of one-hundred seventy-five (175) watt lamps at intervals of one-hundred (100) feet, mounted on utility poles.
- (d) Each mobile home plot shall contain two (2) parking spaces per dwelling unit. Said parking spaces shall be located off the interior access drive.

9. Sidewalk Requirements

Where service buildings are included in mobile home parks, sidewalks shall be provided to the service buildings. Sidewalks shall not be smaller than two (2) feet in width and shall be adequately lighted at night.

10. Additions to Mobile Homes Prohibited

No permanent additions of any kind shall be built onto, nor become a part of, any mobile home.

SECTION 14-604

SPECIAL STANDARDS FOR CERTAIN USES

To accomplish the purposes of this Official Zoning Code, special consideration is hereby given to certain uses. These uses shall comply with the following requirements in addition to those of the zoning district in which they may be located.

14-604.1 GASOLINE SERVICE STATIONS

The following regulations shall apply to all gasoline service stations:

14-604.1A All buildings shall comply with all required setbacks in the applicable zoning district.

14-604.1B All gasoline pumps and canopies shall not be located closer than twenty (20) feet to any street right-of-way line.

14-604.1C When other uses are combined with a gasoline service station, such as video rental, deli, or grocery, additional parking, based on the other uses, shall be provided.

14-604.2 CEMETERIES

The following regulations shall apply to all cemeteries:

14-604.2A The site proposed for a cemetery shall not interfere with the development of a system of streets and in addition shall have direct access to a thoroughfare.

14-604.2B Any new cemetery shall be located on a site containing not less than twenty (20) acres.

14-604.2C All structures and facilities including but not limited to mausoleums, graves, burial lots, monuments, and maintenance buildings shall be set back at least thirty (30) feet from any property line or street right-of-way.

14-604.2D All required yards shall be landscaped and maintained.

14-604.2E Proposals for cemeteries shall be approved by the planning commission.

14-604.3 CUSTOMARY HOME OCCUPATIONS

The following regulations shall apply for all permitted customary home occupations:

14-604.3A A customary home occupation is a gainful occupation or profession conducted by members of a family residing on the premises and conducted entirely within the principal dwelling unit.

14-604.3B No more than twenty-five (25) percent of the total habitable floor area of the dwelling shall be devoted to such use.

14-604.3C Shall be conducted entirely within the principal dwelling unit and no alterations to any buildings shall indicate from the exterior that the building is being utilized for any purpose other than a residential unit, including permitted accessory buildings.

- 14-604.3D No stock in trade shall be displayed and no equipment or materials used in the occupation shall be stored outside the dwelling.
- 14-604.3E Only one (1) person, not a resident of the premises, shall be employed.
- 14-604.3F No retail nor manufacturing business shall be permitted.
- 14-604.3G No repair work shall be permitted.
- 14-604.3H Additional off-street parking shall be provided for the non-resident employee and for the parking of anticipated clients. Required parking shall not be permitted in any front yard.
- 14-604.3I All structures used for customary home occupations shall be in conformance with the sign requirements as established in Title 14, Chapter 14 of the McMinnville Municipal Code. (See Appendix B)
- 14-604.3J Special approval may be transferred to another owner contingent upon the following:
1. Request is on a form approved by the Building Official
 2. Applicant agrees to any conditions of approval.
 3. There are no violations on the property.

14-604.4 SWIMMING POOLS

The following regulations shall apply to all private swimming pools:

- 14-604.4A No swimming pool or part thereof, including aprons, walks, and equipment rooms, shall protrude into any required front or side open space.
- 14-604.4B The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or from adjacent properties. Said fence or wall shall be not less than five (5) feet in height and maintained in good condition.

14-604.5 SELF-SERVICE STORAGE FACILITIES (MINI-WAREHOUSES)

The following regulations shall apply to all self-service storage facilities:

- 14-604.5A Parking shall be provided by parking/driving lanes adjacent to the storage buildings. These lanes shall be at least twenty-six (26) feet wide when storage cubicles open onto one side of the lane only and at least thirty (30) feet wide when cubicles open onto both sides of the lane. Said lane shall be surfaced with asphalt or concrete.
- 14-604.5B A minimum of two (2) parking spaces plus one (1) additional space for every two-hundred (200) storage cubicles shall be located adjacent to the project office.
- 14-604.5C No self-service storage facility shall exceed eighteen (18) feet in height.
- 14-604.5D The sale or auction of any item is specifically prohibited.
- 14-604.5E The storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals is specifically prohibited, and all rental contracts shall include clauses prohibiting such storage.

14-604.6K Applicants shall comply with design requirements as provided in Section 14.301.5 of the McMinnville Zoning Code.

14-604.6L No zoning letter will be provided to an applicant until all requirements of this section are complied with.

14-604.7 PLACE OF PUBLIC ASSEMBLY, INDOOR

The following regulations shall apply to all places of public assembly, indoor:

14-604.7A A minimum lot area of two (2) acres with a minimum lot width of two-hundred (200) feet at the building setback line shall be provided.

14-604.7B The minimum depth of the front yard shall be seventy-five (75) feet, and the minimum depth of the side and rear yards shall be fifty (50) feet. The minimum side yard on street side of corner lots shall be seventy-five (75) feet.

14-604.7C The maximum lot coverage for the principal structure and all accessory structures shall be thirty (30) percent.

14-604.7D When parking areas are adjacent to residential lots, buffer strips of ten (10) feet in width with semi-opaque screening in conformance with Section 14-601 of this Official Zoning Code along all shared lot lines shall be provided.

14-604.7E The sale and consumption of alcoholic beverages is strictly prohibited.

14-604.7F The hours of operation of the facility are limited to between 7 am – 9 pm.

14-604.7G Noise levels at the property line shall not exceed 90 decibels.

14-604.8 SCHOOLS

The following regulations shall apply to all permitted schools offering general education courses:

14-604.8A A minimum lot area of five (5) acres with a minimum lot width of three-hundred (300) feet at the building setback line shall be provided.

14-604.8B The minimum depth of the front, rear, side yards and side yards on street side of corner lots shall be one-hundred (100) feet.

14-604.8C The maximum lot coverage for all buildings shall be thirty (30) percent.

14-604.8D All accessory structures and portable classrooms shall be located in the rear yard only. Portable classrooms shall be temporary in nature and subject to annual review by the Board of Zoning Appeals.

14-604.8E When parking areas are adjacent to residential lots, buffer strips ten (10) feet in width with semi-opaque screening in conformance with Section 14-601 of this Official Zoning Code shall be provided along all shared lot lines.

14-604.9

DAY CARE HOMES

The following regulations shall apply to all permitted day care homes for the care of up to seven (7) children:

- 14-604.9A The child day care use will be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.
- 14-604.9B Outdoor play space shall not be permitted within the front yard area and shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas or land unsuited for children's play space.
- 14-604.9C There shall be a fence with the minimum height of four (4) feet surrounding the play space.
- 14-604.9D Operator of a child day care home must be the owner and reside on subject property.
- 14-604.9E Child day care homes, nurseries or kindergartens shall be located within the main structure on the lot and shall not utilize more than fifty (50) percent of the gross floor area of the main structure.
- 14-604.9F Special approval may be transferred to another contingent upon the following:
 - 1. Request is on a form approved by the Building Official
 - 2. Applicant agrees to any conditions of approval.
 - 3. There are no violations on the property.

TELEVISION, RADIO, AND SATELLITE DISH ANTENNAS

The following regulations shall apply to all permitted television, radio, and satellite dish antennas:

- 14-604.10A All ground mounted television, radio and satellite dish antennas shall be located in the rear yard only and no dish antenna shall be more than ten (10) feet in diameter.
- 14-604.10B All installations must comply with all accessory use yard, height, bulk, and setback requirements specified within the district.
- 14-604.10C Antennas that are roof-mounted shall not extend higher than ten (10) feet above the peak of the roof. No roof mounted dish antenna shall exceed twenty-four (24) inches in diameter.
- 14-604.10D All installations shall be located to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties.
- 14-604.10E All installations shall employ (to the extent possible) materials and colors that blend with the surroundings.
- 14-604.10F Antennas shall be installed and maintained in compliance with the requirements of the municipality's building codes.
- 14-604.10G No television or radio antenna shall exceed forty-five (45) feet in height.

14-604.11

**WIRELESS COMMUNICATION FACILITIES
AND ANTENNAE ARRAYS**

14-604.11A All new towers or antennas as defined by this ordinance within the corporate limits of McMinnville shall be subject to these regulations, except as follows:

1. Preexisting towers and preexisting antennas shall not be required to meet this ordinance, other than the requirements of Section *(Regulations)*.
2. The requirements set forth in this ordinance shall govern the location of towers that exceed, and antennas that are installed at a height in excess of, the height limitations for commercial and industrial zoning districts.
3. Antennas or towers located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antenna or tower has been reviewed and approved by the governing authority.

14-604.11 Each applicant for an antenna and/or tower shall provide to the Codes Enforcement Office and the Planning Commission, prior to Council consideration, the following:

1. Engineering Report. Prepared by a professional engineer licensed by the State of Tennessee describing the height and design of the tower, demonstrating the tower's compliance with applicable structural standards, and all building, electric and fire codes; and describing the tower's capacity, including the number and type of antennas it can accommodate shall be submitted to the Codes Enforcement Office.

When an antenna is proposed to be mounted on an existing structure, the report shall indicate the existing structure's suitability and capability to accept the antenna and the proposed method for affixing the antenna to the structure. Complete details of all fixtures and couplings and the precise point of attachment shall be indicated.

2. Written Report. That adequately reports on the inventory of existing towers and antenna sites within a one-mile (1-mile) radius from the proposed site, outlining the opportunities for shared use as an alternative to the proposed use, shall be submitted to the Codes Enforcement Office. The applicant must illustrate that the proposed tower or antenna cannot be accommodated on an existing approved tower or facility due to one or more of the following reasons:

- ✓ Unwillingness of the owner to share the facility.
- ✓ The equipment would exceed the structural capacity of the existing approved tower and facilities.
- ✓ The planned equipment would cause frequency interference with other existing or planned equipment, which cannot be reasonably prevented.
- ✓ Existing or approved towers or facilities do not have space on which proposed equipment can be placed so it can function effectively.
- ✓ Other reasons make it impractical to place the proposed equipment by the applicant on existing towers or facilities.

3. Site Plan. Shall be submitted to the Codes Enforcement Office and approved by the Codes Enforcement Officer prior to the issuance of a permit. The following standards shall be used in the design of the facilities:

- (a) Setbacks. The minimum setbacks on all sides shall be equal to the height of the tower plus an additional twenty (20) feet, including any antennas or appurtenances, as measured from ground level. This setback shall be considered a fall zone. The fall zone setback requirement may be reduced or waived provided it can be demonstrated in a report prepared by a professional engineer licensed in the State of Tennessee that the communication tower will collapse if it falls and it is determined by administrative review that the tower does not pose a safety threat to adjacent property owners in the event of collapse. In such cases, the setback shall be equal to the distance specified in the engineer report or a minimum of fifty (50) feet, whichever is greater. In addition, no communication tower or shall be located closer than one-hundred (100) feet from an existing residential structure. Setbacks shall be measured from the base of the tower, or guy-wire supports for lattice towers, to the property line. For ground structure associated with the tower and located at the same site the minimum setback on all sides shall be fifty (50) feet.
- (b) Landscaping and Screening. The visual impacts of the facility shall be mitigated from nearby viewers by provision of an opaque screen as defined in Chapter VI, Supplementary Regulations, Section 14-601.2A, within a landscaped strip no less than four (4) feet wide located outside the perimeter fence. Sites may be exempted from these requirements provided the Codes Enforcement Official finds the vegetation or topography of the site provides a natural buffer.
- (c) Perimeter Fencing. A chain-link fence or solid wall not less than eight (8) feet in height consisting of at least six (6) feet of material plus two (2) feet of barbed wire on the top of fence measured from finished grade of site shall be provided around the facility. Access to the facility shall be limited to a locked gate.

- (d) Lighting. All artificial lighting deemed necessary or required by federal regulations shall be shielded and oriented inward within the facility so as not to project on the surrounding properties.
- (e) Visual Effects. All towers shall either maintain galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.
- (f) Standards. All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate towers or antenna arrays. If such standards and/or regulations are changed, the owners of the towers and/or antennas shall bring towers and/or antennas into compliance with revised standards within six (6) months of the effective date of such standards and/or regulations unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance shall constitute grounds for removal of the tower or antenna at the owner's expense.
- (g) Removal of Obsolete or Unused Facilities. All obsolete or unused communication facilities shall be removed by the property owner within six (6) months of cessation of use. The applicant shall submit an executed Removal Agreement to ensure compliance with this requirement.
- (h) Facility Changes. Any changes to antenna, reception, or transmitting devices shall require review in the same manner as the existing facility was originally approved.
- (i) Signs and Advertising. The use of any portion of a tower for signs or advertising purposes including banners, streamers, etc. is prohibited except as needed for warning or identification.
- (j) Equipment Storage. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on site unless repairs are being made.
- (k) Maintenance. Adequate inspection and maintenance shall be performed to ensure the structural integrity of the facility and to prevent deleterious conditions from occurring on the site. An annual report regarding the structural integrity of the facility shall be prepared by a professional engineer licensed by the State of Tennessee and submitted to the Codes Enforcement Office.

- (l) Road Access. All access roads, including necessary drainage facilities, shall be constructed to meet the street construction specifications of the McMinnville Subdivision Regulations, except if allowed to be reduced by administrative review of the Public Works Director or other applicable city official.

14-604.11C That the McMinnville Zoning Code be hereby amended so as to modify the provisions for the following zoning districts to include wireless communication tower structures and antenna arrays as permitted uses subject to compliance with the provisions Chapter VI, Section 14-604.11: R-1, R-2, R-3, R-4, C-2 AND C-3.

14-604.12, DAY CARE CENTERS: The use may be permitted provided that the following regulations are met:

14-604.12A An existing building of at least 3,000 sq. ft. that meets all the building and property maintenance requirements is allowed to have this land use. New construction for this land use is not permitted.

14-604.12B The parking requirements of Section 14-301, *Off-Street Automobile Storage Parking*, are met.

14-604.12C When parking areas are adjacent to residential lots, buffer strips of ten (10) feet in width with semi-opaque screening in conformance with Section 14-601 of this Official Zoning Code along with all shared lot lines shall be provided.

14-604.12D Outdoor play space shall not be permitted within the front yard and shall be fenced (with a minimum of four feet high) or otherwise enclosed on all sides and shall not include driveways, parking areas, or land unsuited for children's play space.

SECTION 14-605 **PARKING, STORAGE, AND USE OF
MAJOR RECREATIONAL EQUIPMENT,
VEHICLES, AND TRUCKS**

14-605.1

In all residential districts, including the R-5, Residential-Commercial District, no vehicles or trailers of any kind or type without current license plates shall be parked or stored only in a completely enclosed building.

14-605.2

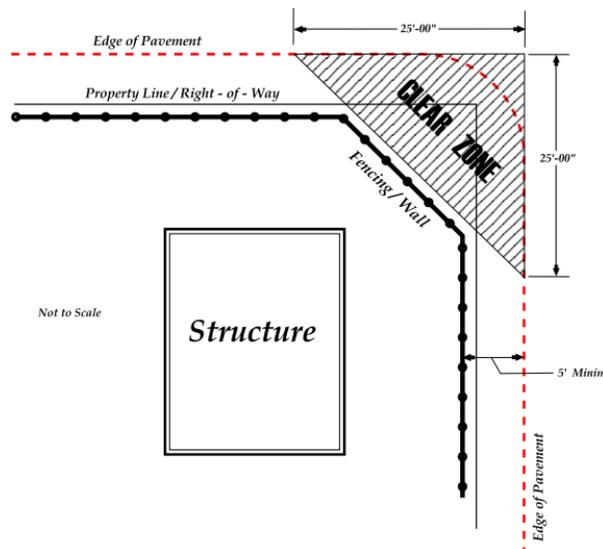
In all residential districts, including the R-5, Residential-Commercial District, no major recreational equipment (including boats and boat trailers, travel trailers, partial travel trailer units, and the like, and equipment used for transporting such) shall be parked or stored in any front yard or in any required side yard except for periods not to exceed twenty-four (24) hours during loading and unloading. No such recreational equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

14-605.3

In all residential districts, including the R-5, Residential-Commercial District, no truck of a rated capacity of greater than 3/4 ton nor any parcel or other truck painted with any sign nor any other vehicle or heavy equipment may be parked on any lot or in the public right-of-way adjacent to any lot overnight nor stored or parked while loading or unloading for periods in excess of twenty-four (24) hours except in an enclosed building.

SECTION 14-606 **FENCES, WALLS, AND HEDGES**

Notwithstanding other provisions of this Official Zoning Code, fences, walls, and hedges are permitted in any required yard, providing that such placement is a minimum of five feet from the edge of any right-of-way and placement along any other edge or property line does not cause any impairment to vision or create safety hazards at any street intersection, or driveway and right-of-way intersection. Placement on double frontage lots shall require installation at an angle to maintain a minimum visible clearance zone of twenty-five five feet.



SECTION 14-607**FRONT YARD SETBACK
LINE EXEMPTIONS**

The setback requirement of this Official Zoning Code for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one-hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one-hundred (100) feet. In residential districts, however, the setback shall in no case be less than thirty (30) feet from the center line of the streets.

SECTION 14-608

TEMPORARY STRUCTURES

Temporary structures and operations in connection with, and on the site of building and land developments, including grading, paving, installation of utilities, erection of field offices, erection of structures for storage of equipment and building materials and the like, are permitted in each zoning district provided that such uses are subject to the issuance of a permit by the Building Inspector. No such permit shall be for a period of more than six (6) months, but shall be renewable by the Building Inspector for periods of not more than six (6) months.

SECTION 14-609

LAND SUBJECT TO FLOODING

The following regulations shall apply to all land subject to flooding within the corporate limits of the City of McMinnville:

14-609.1 DELINEATION OF LAND SUBJECT TO FLOODING

For the purpose of this Official Zoning Code, land subject to flooding shall be delineated as these areas within the City of McMinnville shown as areas of special flood hazard on the Warren County, Tennessee, Federal Emergency Management Agency, Flood Insurance Rate Maps, Community Panel Numbers 47177C, 0025-0145, dated March 16, 1988 and any subsequent amendments or revisions.

For the purpose of general identification, the areas of special flood hazard are shown as special overlay zoning districts on the Official Zoning Map, however, for more exact location of the boundaries of these floodable areas, the above cited Flood Insurance Rate Maps should be utilized.

14-609.2 REGULATIONS FOR DEVELOPMENT

For the purpose of this Official Zoning Code, all development in those areas designated as land subject to flooding within the corporate limits of the City of McMinnville shall be subject to the provisions of Title 14, Chapter 8 of the McMinnville Municipal Code and any subsequent amendments or revisions to said Chapter. Title 14, Chapter 8 of the McMinnville Municipal Code is attached as Appendix A of this Official Zoning Code.

CHAPTER 7

ADMINISTRATION AND ENFORCEMENT

SECTION 14-701 BUILDING INSPECTOR

The provisions of this Official Zoning Code shall be administered and enforced by a Building Inspector as designated by the McMinnville Board of Mayor and Aldermen. The Building Inspector may be provided with the assistance of such other persons as the McMinnville Board of Mayor and Aldermen may direct.

14-701.1 DUTIES OF THE BUILDING INSPECTOR

The Building Inspector shall administer and enforce this Official Zoning Code and in addition he shall perform the following duties:

- 14-701.1A Issue all building permits and make and maintain records thereof;
- 14-701.1B Issue all certificates of occupancy and make and maintain records thereof;
- 14-701.1C Issue and renew, where applicable and appropriate, all temporary use permits and make and maintain records thereof;
- 14-701.1D Maintain and keep current zoning maps, and records of amendments thereto;
- 14-701.1E Conduct inspections as prescribed by this Official Zoning Code, and such other inspections as are necessary to ensure compliance with the various provisions of this Official Zoning Code;
- 14-701.1F Receive, file and forward to the planning commission and the staff planner all applications and site plans for applicable uses, and all applications for amendments to this Official Zoning Code;
- 14-701.1G Receive, file and forward to the Board of Zoning Appeals and the staff planner all applications for special exceptions, variances or other matters, on which the Board is required to review under the provisions of this Official Zoning Code.

14-701.2 POWERS OF THE BUILDING INSPECTOR

The Building Inspector shall have the following powers:

- 14-701.2A The power to grant building permits and certificate of occupancy permits;
- 14-701.2B The power to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Official Zoning Code;

14-701.2C It shall be unlawful for the Building Inspector to approve any plan or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Official Zoning Code;

14-701.2D Under no circumstances is the Building Inspector permitted to make changes in this Official Zoning Code nor to vary the terms or provisions in carrying out his duties.

14-701.3 **RIGHT OF ENTRY UPON LAND**

The Building Inspector or persons engaged by him to perform tests or other duties may enter upon any land within the jurisdiction of the city for the purpose of performing tests, making examinations, or surveys, and placing or removing public notices as may be required by this Official Zoning Code.

SECTION 14-702 APPLICATION OF
OFFICIAL ZONING CODE

Except as otherwise provided, no structure or land shall after the effective date of the Official Zoning Code be used and no structure or part thereof shall be erected, made addition to, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of the Official Zoning Code shall be considered minimum requirements adopted for the promotion of public health, safety, convenience, order, prosperity, and general welfare of the community. Where other ordinances or regulations impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory.

SECTION 14-703 BUILDING PERMITS REQUIRED

14-703.1

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving of or addition to any structure, including accessory structures or to commence the filing of land until the Building Inspector has issued for such work, a building permit containing a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of the Official Zoning Code.

14-703.2

Application for a building permit shall be made in writing to the Building Inspector on forms provided for that purpose. The Building Inspector may revoke a permit or approval, issued under the provisions of this Official Zoning Code, in case there has been any false statement or misrepresentation as to the material fact in the application.

14-703.3 **BUILDING PERMIT DOES NOT WAIVE PROVISIONS**

The issuance of a building permit shall, in no case, be construed as waiving any provisions of this Official Zoning Code. The Building Inspector may revoke a building permit upon determination that the construction or activity for which the permit was issued is in violation of or not in conformity with the provisions of this Official Zoning Code.

14-703.4 EXPIRATION OF BUILDING PERMIT

Building permits shall be void six (6) months from the date of issue unless substantial progress on the project has been made by that time.

SECTION 14-704 PLOT PLAN REQUIRED

The Building Inspector shall require that every application for a building permit for excavation, construction, moving, or addition for or of a single or two-family dwelling (including mobile homes located on individual lots) shall be accompanied by a plot plan.

14-704.1 REQUIRED CONTENTS OF PLOT PLAN

The plot plan shall show the following in sufficient detail to enable the Building Inspector to ascertain whether the proposed development is in conformance with this Official Zoning Code.

14-704.1A The actual shape, location, and dimensions of the lot.

14-704.1B The shape, size, and location of all buildings or other structures to be erected, altered or moved, and of any building or other structure already on the lot.

14-704.1C The existing and intended use of the lot and of all such buildings or other structures upon it, including the number of dwelling units the building is intended to accommodate.

14-704.1D Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Official Zoning Code are being observed.

14-704.2 REVIEW OF PLOT PLAN

All plot plans shall be reviewed by the Building Inspector and, if necessary, the staff planner. A period of up to ten (10) working days shall be allowed for the review of the plot plan.

14-704.3 APPROVAL OF PLOT PLAN

If the proposed development is found to be in conformity with the provisions of this Official Zoning Code, the Building Inspector shall issue a building permit.

14-704.4 DISAPPROVAL OF PLOT PLAN

If the proposed development is found not to be in conformity with the provisions of this Official Zoning Code, a building permit shall not be issued and the Building Inspector shall state in writing on the application the cause for such disapproval.

SECTION 14-705

SITE PLAN REQUIRED

The Building Inspector shall require that every application for a building permit for excavation, construction, moving or addition, except for single and two-family dwellings, shall be accompanied by a site plan or plat of the proposed development.

14-705.1 REQUIRED CONTENTS OF SITE PLAN

The site plan or plat shall be prepared to scale by an engineer, architect or other technical personnel approved by the Building Inspector and shall show the following in sufficient detail to enable the Building Inspector to ascertain whether the proposed development is in conformance with the Official Zoning Code:

- 14-705.1A Actual shape, location, and dimensions of the lot to be built upon.
- 14-705.1B Topography of existing and finished grades.
- 14-705.1C Shape, size, and location of all buildings or other structures to be erected, added to, or moved and of buildings or other structures already on the lot.
- 14-705.1D Existing and intended use of all such buildings or other structures.
- 14-705.1E Location and design of off-street parking, points of access, off-street loading areas and of pedestrian circulation.
- 14-705.1F Location and size of nearest water line, sewer line, fire hydrant, and any other public utilities.
- 14-705.1G Plans for the provisions of water service, fire hydrants, sewer service and any other public utilities.
- 14-705.1H Minimum required front, side and rear yard setback lines.
- 14-705.1I All easements with dimensions and designated as to type (examples: public utilities, drainage and public access).
- 14-705.1J Plans for storm water drainage.
- 14-705.1K All identified floodable areas; if applicable.
- 14-705.1L Location and dimensions of all signs.
- 14-705.1M Location and type of landscape screening, if applicable.
- 14-705.1N Any other information concerning the lot or adjoining lots as may be necessary for determining whether the provisions of the Official Zoning Code are observed.

14-705.2 REVIEW OF SITE PLANS

All site plans or plats shall be reviewed by the Building Inspector and the staff planner, and by the appropriate Municipal Department heads (including streets, water and wastewater, electric, fire and police) if deemed necessary due to the nature or extent of the proposed development. A period of up to ten (10) working days shall be allowed for the review of the site plan.

14-705.3 APPROVAL OF SITE PLANS

If the proposed development is found to be in conformity with the provisions of this Official Zoning Code, the Building Inspector shall issue a building permit.

14-705.4 DISAPPROVAL OF SITE PLANS

If the proposed development is found not to be in conformity with the provisions of this Official Zoning Code, a building permit shall not be issued and the Building Inspector shall state in writing on the application the cause for such disapproval.

SECTION 14-706 CERTIFICATE OF OCCUPANCY REQUIRED

14-706.1

No land or building or other structure or part thereof hereafter erected, moved, added to, or changed in its use shall be used until the Building Inspector shall have issued a certificate of occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of the Official Zoning Code.

14-706.2

Within seven (7) 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 Inspector to make a final inspection thereof, and to issue a certificate of occupancy, if the building or premises or part thereof is found to conform with the provisions of the Official Zoning Code, or; if such certificate is refused, to state the refusal in writing with the cause for such refusal.

SECTION 14-707 BOARD OF ZONING APPEALS- ESTABLISHMENT AND PROCEDURE

14-707.1 ESTABLISHMENT AND APPOINTMENT

A Board of Zoning Appeals is hereby established in accordance with Sections 13-7-205 through 13-7-207 of the *Tennessee Code Annotated*. The Board of Zoning Appeals shall consist of five (5) members, at least one of whom shall be a member of the McMinnville Regional Planning Commission. Members shall be appointed by the Mayor and confirmed by a majority vote of the Board of Mayor and Aldermen. The term of membership shall be five (5) years except that the initial individual appointments to the board shall be for terms of one, two, three, four and five years respectively. Vacancies shall be filled for any unexpired term by the Mayor in confirmation by the Board of Mayor and Aldermen.

14-707.2

CONFLICT OF INTEREST

Any member of the Board of Zoning Appeals who shall have direct or an indirect interest in any property which is the subject matter of or affected by a decision of the Board shall be disqualified from participating in the discussion, decision, and proceedings of the Board in connection therewith. The burden for revealing any such conflict rests with individual members of the Board. Failure to reveal any such conflict shall constitute grounds for immediate removal from the Board for cause.

14-707.3 PROCEEDINGS OF THE BOARD OF ZONING APPEALS

14-707.3A The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Official Zoning Code. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

14-707.3B The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed with official records of the Board.

14-707.4 HEARINGS AND APPEALS

14-707.4A An appeal to the Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by any decision of the Building Inspector, based in whole or in part upon the provision of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof.

14-707.4B The Building Inspector shall transmit to the Board all papers constituting the record upon which the appeal was taken. The Board shall fix a reasonable time for the hearing of the appeal, give due notice to the parties of interest, and decide the same within a reasonable time. Upon the hearing, any person, or party may appear in person, by agent, or by attorney.

14-707.5 LIABILITY OF MEMBERS OF THE BOARD OF ZONING APPEALS AND THE BUILDING INSPECTOR

Any member of the Board of Zoning Appeals, the Building Inspector, or other employee charged with the enforcement of this Official Zoning Code acting for the City of McMinnville in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability and shall be held harmless by the City of McMinnville of any damage that may accrue to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any Board member, the Building Inspector, or employees charged with the enforcement of any provision of this Official Zoning Code shall be defended by legal representative furnished by the City of McMinnville until the final termination of such proceedings.

SECTION 14-708

BOARD OF ZONING APPEALS:
POWERS AND DUTIES

The McMinnville Board of Zoning Appeals shall have the following powers and duties:

14-708.1 **ADMINISTRATIVE REVIEW OR INTERPRETATION**

The Board of Zoning Appeals shall interpret the Official Zoning Code or Zoning Map and pass upon disputed questions of lot lines or district boundary lines or similar questions as they arise in the administration of this Official Zoning Code. The Board of Zoning Appeals shall also hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Building Inspector or any other administrative official in carrying out or enforcing any provision of this Official Zoning Code, or in his interpretation of the zoning map.

14-708.1A **Application Required**

An application shall be filed with the Board of Zoning Appeals. Said application shall specify the grounds for requesting the administrative review or interpretation.

14-708.1B **Application Fee Required**

A non-refundable fee of fifty dollars (\$50.00) shall be paid to the City of McMinnville with each application for a request for an administrative review or interpretation from the Board of Zoning Appeals to defray costs of notices, the hearing, and any miscellaneous expenses.

14-708.1C **Public Hearing and Notice Required**

A public hearing for the purpose of soliciting public comments concerning the application shall be held and public notice shall be given in advance of said hearing. Notice of the public hearing shall be published once in a newspaper of general circulation prior to the hearing and due public notice shall be given to the parties in interest.

14-708.2 **SPECIAL EXCEPTIONS**
(USES PERMITTED ON APPEAL)

The Board of Zoning Appeals may hear and decide only such special exceptions as it is specifically authorized to pass on by the terms of the "Uses Permitted on Appeals" Sections of this Official Zoning Code; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this Official Zoning Code; or to deny special exceptions when not in harmony with the purpose and intent of this Official Zoning Code.

14-708.2A

Application Required

An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended use of the site, the names of the property owners, existing land uses of all adjacent properties, and any other material pertinent to the request which the Board of Zoning Appeals may require.

14-708.2B

Application Fee Required

A nonrefundable fee of fifty dollars (\$50.00) shall be paid to the City of McMinnville with each application for a request for a special exception from the Board of Zoning Appeals to defray costs of notices, the hearing, and any miscellaneous expenses.

14-708.2C

Public Hearing and Notice Required

A public hearing for the purpose of soliciting public comments concerning the application shall be held and public notice shall be given in advance of said hearing. Notice of the public hearing shall be published once in a newspaper of general circulation prior to the hearing and due notice shall be given to the parties in interest.

14-708.2D

General Provisions Governing
Special Exceptions

Before any special exception shall be issued, the Board of Zoning Appeals shall certify compliance with the specific rules governing individual exceptions and that satisfactory provision and arrangement has been made concerning the following general requirements:

1. It is so designed, located and proposed to be operated so that the public health, safety, and welfare will be protected;
2. It will not adversely affect other property in the area in which it is located;
3. It is within the provision of "Uses Permitted on Appeal" as set forth in this Official Zoning Code; and
4. It conforms to all applicable provisions of this Official Zoning Code for the district in which it is to be located.

14-708.2E

Conditions and Safeguards

In granting any special exception, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Official Zoning Code. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Official Zoning Code.

14-708.2F

Validity of Plans

All approved plans, conditions, restrictions, and rules made a part of the approval of the Board of Zoning Appeals shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.

14-708.2G

Time Limit Prescribed

The Board of Zoning Appeals shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both, however, in no case shall more than one (1) year pass before the action is begun. Failure to begin or complete, or both, such action within the prescribed time limit shall void the special exception.

14-708.3

VARIANCES

The Board of Zoning Appeals has the authority to hear and decide applications for variances from the terms of this Official Zoning Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Official Zoning Code would result in unnecessary hardship. In exercising its powers, the Board of Zoning Appeals may, so long as such action is in conformity with the terms of this Official Zoning Code, reverse, affirm, or modify the order, requirement, decision, or determination as set forth in the regulations of this Official Zoning Code, and to that end shall have the powers of the administrative official from whom the appeal is taken.

14-708.3A

Application Required

An application shall be filed with the Board of Zoning Appeals for consideration. Said application shall show the location and intended variance of the site, the names of the property owners, existing land uses of all adjacent properties, and any other material pertinent to the request which the Board of Zoning Appeals may require.

14-708.3B

Application Fee Required

A nonrefundable fee of fifty dollars (\$50.00) shall be paid to the City of McMinnville with each application for a request for a variance by the Board of Zoning Appeals to defray costs of notices, the hearing and any miscellaneous expenses.

14-708.3C

Public Hearing and Notice Required

A public hearing for the purpose of soliciting public comments concerning the application shall be held and public notice shall be given in advance of said hearing. Notice of the public hearing shall be published once in a newspaper of general circulation prior to the hearing and due notice shall be given to the parties in interest.

14-708.3D

General Standards for Variances

In granting a variance, the Board of Zoning Appeals shall ascertain that the following criteria are met:

1. The particular physical surroundings, shape, or topographic conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Official Zoning Code were carried out;
2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;
3. The variance will not authorize in a zoning district activities other than those permitted by this Official Zoning Code;
4. Financial returns only shall not be considered as a basis for granting a variance;
5. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this Official Zoning Code;
6. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Official Zoning Code to other lands, structures, or buildings in the same district;
7. That variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
8. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which property is located; and
9. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

14-708.3E

Non-Conformity Does Not Constitute
Grounds for Granting a Variance

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

14-708.3F

Prohibition of Use Variances

Under no circumstances shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this Official Zoning Code in the district involved, or any use expressly or by implication prohibited by the terms of this Official Zoning Code in said district.

14-708.3G

Conditions and Restrictions

The Board may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in this Official Zoning Code to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this Official Zoning Code. Violations of such conditions and restrictions, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Official Zoning Code.

14-708.3H

Time Limit Prescribed

The Board of Zoning Appeals shall prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both, however, in no case shall more than one (1) year pass before the action is begun. Failure to begin or complete, or both, such action within the prescribed time limit shall void the variance.

14-708.3I

Variance Appeals

Any person or agency aggrieved by a decision of the Board of Zoning Appeals on a variance may appeal by certiorari to a court of competent jurisdiction. The judgement and findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this chapter shall be final and subject to review only for illegality or want of jurisdiction.

SECTION 14-709 AMENDMENTS TO ZONING ORDINANCE

14-709.1 PROCEDURE

The regulations, the number, or boundaries of districts established by the Official Zoning Code may be amended, supplemented, changed, modified, or repealed by the Board of Mayor and Aldermen after holding a public hearing, fifteen (15) days notice of which has been given in the local newspaper; but in accordance with Section 13-7-204 of the *Tennessee Code Annotated*, no amendment shall become effective unless it is first submitted to and approved by the McMinnville Regional Planning Commission, or if disapproved, shall receive a majority vote of the entire Board of Mayor and Aldermen.

14-709.2 APPLICATION AND FEE

14-709.2A Any person desiring to bring a request for an amendment to the Official Zoning Code shall first submit an application for such a request. Said application shall state the purpose of the amendment and any other information or material pertinent to the request which the planning commission or Board of Mayor and Aldermen may require.

14-709.2B A nonrefundable fee of fifty dollars (\$100.00) shall be paid to the City of McMinnville with each application requesting an amendment to the Official Zoning Code to defray costs of notices, public hearings, and any miscellaneous expenses.

SECTION 14-710 PENALTIES

Any person violating any provisions of this Official Zoning Code shall be guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

SECTION 14-711 REMEDIES

In case any building or other structure is erected, constructed, added to, moved or converted, or any building, structure, or land is used in violation of the Official Zoning Code, the Building Inspector or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or appropriate action or proceeding to prevent such unlawful erected, construction, addition, conversion, moving, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure or land.

SECTION 14-712 VALIDITY

Should any section, clause, or provision of this Official Zoning Code be declared by a court of competent jurisdiction to be unconstitutional or invalid, this judgement shall not affect the validity of the Official Zoning Code as a whole or any other part other than the part judged invalid.

APPENDIX A
TITLE 14
CHAPTER 8
FLOODPLAIN ZONING REGULATIONS
OF
THE CITY OF MCMINNVILLE, TENNESSEE

As adopted by Ordinance No. 1068 on March 15, 1993 and as recodified by Ordinance No. 1171 on September 18, 1995. And as recodified by Ordinance No 1572 on July 18, 2008.

CHAPTER 8

FLOODPLAIN ZONING REGULATIONS

These regulations are established as a means to protect life and property from periodic flooding.

SECTION 14-801 FINDINGS OF FACT, PURPOSE AND OBJECTIVES

14-801.1 Findings of Fact

- A. The Board of Mayor and Aldermen of the City of McMinnville wishes to maintain 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 McMinnville 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, flood-proofed, or otherwise unprotected from flood damages.

14-801.2 Statement of Purpose

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

- A. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
- B. Require that uses vulnerable to floods, including community facilities which serve such uses, 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 are involved in the accommodation of 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.

The objectives of this Chapter are:

- A. To protect human life and health;
- 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;
- 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;
- G. To ensure that potential buyers are notified that property is in a floodable area; and,
- H. To maintain eligibility for participation in the National Flood Insurance Program.

SECTION 14-802

DEFINITIONS

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

"Accessory Structure" shall represent a subordinate structure to the principal structure and, for the purpose of this Chapter, shall conform to the following:

1. Accessory structures shall not be used for human habitation.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

"Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

"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.

"Appeal" means a request for a review of the Building Inspector's interpretation of any provision of this Chapter or a request for a variance.

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

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

"Area of Special Flood Hazard" 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.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

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

"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.

"Building", for purposes of this Chapter, means any structure built for support, shelter, or enclosure for any occupancy or storage. (See "structure")

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

"Elevated Building" means a non-basement building (i) built to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), (ii) and 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. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

"Emergency Flood Insurance Program" or "Emergency Program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as

a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

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

"Exception" means a waiver from the provisions of the National Flood Insurance Program directed to a community which relieves it from the requirements of a rule, regulation, order or other determination made or issued pursuant to the Act.

"Existing Construction" any structure for which the "start of construction" commenced before the effective date of this Ordinance.

"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 Ordinance.

"Existing Structures" see "Existing Construction"

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

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters;
2. the unusual and rapid accumulation or runoff of surface waters from any source.

"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.

"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.

"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.

"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.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Map and the water surface elevation of the base flood.

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

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

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

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

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

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

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

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

"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.

"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.

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

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

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior, or
 - (b) Directly by the Secretary of the Interior in states without approved programs.

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

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

"Lowest Floor" means the lowest floor of the lowest enclosed area (including 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.

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

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

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

"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 Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

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

"New Construction" any structure for which the "start of construction" commenced on or after the effective date of this Ordinance. The term also includes any subsequent improvements to such structure.

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

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

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

"Recreational Vehicle" means a vehicle which is:

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

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

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

"Sinkhole Drainage Basin" means the areas of severe localized drainage problems caused by natural topographic and geological conditions but not generally associated with riverine flood conditions.

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

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

"State Coordinating Agency" (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.

"Structure", for purposes of this Chapter, 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.

"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 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any combination of repairs, reconstruction, rehabilitation, addition, alteration or other improvement of a structure, taking place during the life of a structure (a thirty (30) year period), in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. The

market value of the structure shall be considered as (1) the appraised value of the structure prior to the start of the initial repair or improvements, or (2) in the case of damage, the appraised value of the structure prior to the damage occurring. For the purposes 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 structure. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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

"Variance" is a grant of relief from the requirements of this Chapter which permits construction in a manner otherwise prohibited by this Chapter where specific enforcement would result in unnecessary hardship.

"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 Chapter is presumed to be in violation until such time as that documentation is provided.

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

SECTION 14-803 GENERAL PROVISIONS

14-803.1 Application

This Chapter shall apply to all areas within the incorporated area of the City of McMinnville, Tennessee.

14-803.2 Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard in the City of McMinnville, Tennessee identified on the Warren County, Tennessee, Federal Emergency Management Agency, Flood Insurance Rate Maps, Community - Panel Numbers 47177C, 0025-0145; Effective Date: March 16, 1988 and any subsequent amendments or revisions, are adopted by reference and declared to be a part of this Chapter. These areas shall be incorporated into the City of McMinnville, Tennessee Zoning Map.

14-803.3 Requirement for Development Permit

A development permit or building permit shall be required in conformity with this Chapter prior to the commencement of any development activity.

14-803.4 Compliance

No structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Chapter and other applicable regulations.

14-803.5 Abrogation and Greater Restrictions

This Chapter is not intended to repeal, abrogate, or impair any existing easement, covenant, or deed restriction. However, where this Chapter conflicts or overlaps with another, whichever imposes the more stringent restrictions shall prevail.

14-803.6 Interpretation

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

14-803.7 Warning and Disclaimer of Liability

The degree of flood protection required by this Chapter 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 Chapter 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 Chapter shall not create liability on the part of the City of McMinnville, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.

14-803.8 Penalties for Violation

Violation of the provisions of this Chapter 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 constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of McMinnville, Tennessee from taking such other lawful actions to prevent or remedy any violation.

14-803.9 Validity

Should any section, clause, or provision of this Chapter be declared by a court of competent jurisdiction to be unconstitutional or invalid, this judgement shall not affect the validity of the Chapter as a whole or any other part other than the part judged invalid.

SECTION 14-804 ADMINISTRATION

14-804.1 Designation of Building Inspector

The McMinnville Building Inspector is hereby appointed to administer and implement the provisions of this Chapter.

14-804.2 Permit Procedures

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

A. Application Stage

1. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings.
2. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed, where base flood elevation data is available.
3. Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Section 14-804.2B construction stage below, where base flood elevation data is available.
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. Construction Stage

Within unnumbered A zones, where flood elevation data are not available, the Building Inspector 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 and the highest adjacent grade. USGS Quadrangle maps may be utilized when no more detailed reference exists to establish reference elevations.

Within all flood zones where base flood elevation data are utilized, the Building Inspector shall require that upon placement of the lowest floor, or flood-proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Building Inspector a certification of the elevation of the lowest floor, or flood-proofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by, or under the direct supervision of, a registered land surveyor, professional engineer, or architect and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by, or under the direct supervision of, a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Building Inspector shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

14-804.3 Duties and Responsibilities of the Building Inspector

Duties of the Building Inspector shall include, but not be limited to:

- A. Review of all development permits to assure that the requirements of this Chapter have been satisfied, and that proposed building sites will be reasonably safe from flooding.
- B. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.
- C. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
- D. Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with Section 14-804.2B of this Chapter.
- E. 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 flood-proofed, in accordance with Section 14-804.2B of this Chapter.

- F. When flood-proofing is utilized, the Building Inspector shall obtain certification from a registered professional engineer or architect, in accordance with Section 14-804.2B of this Chapter.
- G. 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 Inspector 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 Section 14-806 of this Chapter.
- H. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Building Inspector 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 Chapter.
- I. Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Building Inspector shall require the lowest floor of a building to be elevated or floodproofed to a level of at least (2) two feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Section 14- 802 of this Chapter). All applicable data including the highest adjacent grade elevation and the elevations of the lowest floor of flood-proofing shall be recorded as set forth in Section 14-804.2.
- J. All records pertaining to the provisions of this Chapter shall be maintained in the office of the Building Inspector and shall be open for public inspection. Permits issued under the provisions of this Chapter shall be maintained in a separate file or marked for expedited retrieval within combined files.
- K. Assure that the flood carrying capacity within an altered or relocated portion of any water course is maintained.

SECTION 14-805 PROVISIONS FOR FLOOD HAZARD REDUCTION

14-805.1 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 and manufactured home parks are prohibited in all identified flood prone areas.
- 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 Chapter, shall meet the requirements of "new construction" as contained in this Chapter; and,
- J. Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provision of this Chapter, shall meet the requirements of "new construction" as contained in this Chapter and provided said non-conformity is not extended.

14-805.2 Specific Standards

These provisions shall apply to all areas of special flood hazard as provided herein:

In all areas of special flood hazard where base flood elevation data have been provided, including A zones, A1-30 zones, AE zones, AO zones, AH zones and A99 zones, and has

provided a regulatory floodway, as set forth in Section 14-803.2 of this Chapter, the following provisions are required:

- A. Residential Construction. New construction or substantial improvement of any residential building shall have the lowest floor, including basement 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 Section 14-804.2C of this Chapter.
- B. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level of the base flood elevation. Buildings located in all A-zones may be flood-proofed 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 Inspector as set forth in Section 14-804.2B of this Chapter.
- C. Elevated Building. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, 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.
 1. 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 openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (b) The bottom of all openings shall be no higher than one 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.
 2. 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
 3. 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 Section 14-805.2 of this Chapter.

D. Standards for Manufactured Homes and Recreational Vehicles

1. Manufactured home and manufactured home parks are prohibited in all areas of special flood hazard.
2. All recreational vehicles placed on sites shall:
 - (a) Be on the site for fewer than 30 consecutive days.
 - (b) Be fully licensed and ready for highway use.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

In all areas of special flood hazard where base flood elevation data or floodway data have not been provided, the provisions of Section 14-804.3H of this Chapter shall be utilized for all requirements relative to the base flood elevation or floodways.

14-805.3 Standards for Areas of Special Flood Hazard Zones A1-30 and AE With Established Base Flood Elevation but Without Floodways Designated

Located within the areas of special flood hazard established in Section 14-803.2 of this Chapter, where streams exist with base flood data provided but where no floodways have been provided, (zones A1-30 and 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 flood-proofed to elevations established in accordance with Section 14-805.2 of this Chapter.

14-805.4 Standards for Areas of Shallow Flooding (AO and AH Zones)

Located within the areas of special flood hazard established in Section 14-803.2 of this Chapter, 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. All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.
- B. All new construction and substantial improvements of nonresidential buildings shall:
 - 1. have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least two (2) feet above the highest adjacent grade; or,
 - 2. together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- C. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

14-805.5 Standards for Areas Protected by Flood Protection System (A-99 Zones)

Located within the areas of special flood hazard established in Section 14-803.2 of this Chapter are areas of the 100-year flood protected by a flood protection system which is under construction but where base flood elevations and flood hazard factors have not been determined. With these areas (A-99 Zones) the following provisions apply:

- A. All provisions of Section 14-804 and Section 14-805.1 and 14-805.8 of this Chapter shall apply.

14-805.6 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 Section 14-803.2 of this Chapter, where streams exist with base flood data and floodways provided, the following provisions apply:

- A. No encroachments, including fill material, new construction, substantial improvements or other developments shall be located within designated floodways, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood during the occurrence of the base flood discharge at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

- B. If Section 14-805.6A above is satisfied, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Section 14-805.2 of this Chapter.
- C. Manufactured homes, manufactured home parks and recreational vehicles are prohibited in all identified floodways.

14-805.7 Standards for Unmapped Streams

Located within the City of McMinnville, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor base flood data or floodways have been provided. 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 of at least equal to twice the width of the stream along each side of the stream, 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 flood elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Section 14-804.2B of this Chapter.

14-805.8 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 which is greater than fifty lots and/or five acres.
- E. All lots platted shall have a flood-free building site.

Located within the City of McMinnville and shown on the Flood Insurance Rate Maps for Warren County, Tennessee are sinkhole drainage basin areas. Within these sinkhole drainage basin areas the following provisions shall apply:

- A. Residential Construction. New construction or substantial improvement of any residential building shall have the lowest floor, including basement 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 Section 14-805.2C of this Chapter.
- B. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level of the base flood elevation. Buildings located in all A-zones may be flood-proofed 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 Inspector as set forth in Section 14-804.2B of this Chapter.
- C. Manufactured homes and manufactured home parks are prohibited in sinkhole drainage basin areas.
- D. Fill is prohibited in sinkhole drainage basin areas.

SECTION 14-806 VARIANCE PROCEDURES

The provisions of this Chapter shall apply exclusively to areas of special flood hazard.

14-806.1 Board of Zoning Appeals

- A. The City of McMinnville Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Chapter.
- 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 Chapter, 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 community;
 - 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 Chapter, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Chapter.
- E. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

14-806.2 Conditions for Variances

- 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 Ordinances.
- 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 Inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

APPENDIX B
TITLE 14
CHAPTER 14
OFFICIAL SIGN CODE
OF
THE CITY OF MCMINNVILLE, TENNESSEE

As adopted by Ordinance No. 1108 on March 7, 1994 and as amended by Ordinance No. 1136 on March 6, 1995 and as amended by Ordinance No. 1276 on December 1, 1997, and as amended by Ordinance No. 1808 on March 9, 2021.

14-1401.9

Sign, Off-Premise--A sign which advertises goods, services, facilities, events or attractions available at a location other than the premises where the sign is located.

14-1401.10

Sign, On-Premise--A sign which advertises goods, services, facilities, events or attractions available on the premises where the sign is located.

14-1401.11

Sign, Projecting--A sign that is wholly or partly dependent upon a building for support and which projects more than one (1) foot from such building.

14-1401.12

Sign, Roof--Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof. Such signs are not allowed under the provisions of this Official Sign Code.

14-1401.13

Sign, Roof, Integral--Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches. Also known as "Mansard Roof Sign".

14-1401.14

Sign, Temporary--Any sign which by reason of construction or purpose intended to be displayed for a short period of time.

14-1401.15

Sign, Wall--A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than one (1) foot from such building or structure.

14-1401.16

Sign, Window--A sign that is applied or attached to the exterior or interior of a window in such a manner that it can be seen from the exterior of the structure through a window.

14-1401.17

An individual sign may fall under more than one of the above definitions, e.g., temporary banner sign, illuminated freestanding on-premise sign, flashing wall sign, etc.

SECTION 14-1402

COMPLIANCE WITH OFFICIAL ZONING CODE

This Official Sign Code shall be used in conjunction with the Official Zoning Code of McMinnville, Tennessee and all signs or similar advertising structures shall be in compliance with said Official Zoning Code.

SECTION 14-1403

SIGN PERMITS REQUIRED

For all signs allowed in any residential, commercial, or industrial zoning district as shown on the Official Zoning Map of McMinnville, Tennessee or with any residential, commercial, or industrial use, the following regulations unless otherwise noted herein shall apply:

14-1403.1 **Submittal of Application Required**

14-1403.1A. An application for a sign permit shall be submitted to the McMinnville Office of Codes Enforcement on forms furnished by said office prior to the erection, relocation, major alteration or modification of any sign allowed in any residential, commercial or industrial zoning district.

14-1403.1B. The application for a sign permit shall contain the following information:

- (1) Name, address and telephone number of applicant.
- (2) Location of building, structure or lot to which or upon which the sign is to be located.
- (3) Name of person, firm, corporation or association that will be erecting the sign.
- (4) Evidence of insurance policy or bond responsibility as required by Section 14-1404 below for said sign erection.
- (5) A brief description, sketch or drawing of the proposed sign to include dimensions and estimated cost.
- (6) Evidence of receipt of Electrical Inspection Permit for any sign requiring electrical power (issued by the McMinnville Electric System).

14-1403.2 **Submittal of Permit Fee Required**

14-1403.2A. A sign permit fee shall be submitted to the McMinnville Office of Codes Enforcement with the application for the sign permit.

14-1403.2B. The permit fee shall be based on the sign value as follows:

- | | | |
|-----|---|-------------|
| (1) | \$200.00 value or less | \$5.00 fee |
| (2) | \$200.00 to \$1,000.00 value | \$10.00 fee |
| (3) | \$1,001.00 to \$3,000.00 value | \$15.00 fee |
| (4) | \$3,001.00 value or more | \$20.00 fee |
| (5) | Mobile or portable signs
(Special permit only) | \$20.00 fee |
| (6) | Existing sign alteration or modification | \$2.50 fee |
| (7) | No fee is required for general maintenance or minor repairs of sign copy. | |

14-1403.3

Procedure for Approval
of Sign Permit

The appropriate officials of the McMinnville Office of Codes Enforcement shall examine the application for a sign permit, make on-site inspections as necessary, and if it appears the proposed sign is in compliance with all the requirements of this Official Sign Code, said sign permit shall be issued. Permits for mobile or portable signs shall be issued only for special events or emergencies and only one special permit for a mobile or portable sign shall be issued per calendar year for any one establishment or event.

14-1403.4

Expiration of Sign Permit

Sign permits shall become null and void six (6) months from the date of issuance if the work authorized under the sign permit has not been commenced by that time. Permits for mobile or portable signs shall become null and void at the conclusion of an assigned thirty (30) day consecutive period.

SECTION 14-1404 (Reserved) as amended by Ordinance No. 1136 on 3/6/95

SECTION 14-1405

GENERAL REGULATIONS

For all zoning districts as shown on the Official Zoning Map of McMinnville, Tennessee, the following regulations for signs and similar advertising structures shall apply:

14-1405.1

No sign shall be located in such a manner so as to obstruct free or clear vision, or cause hazards for vehicular or pedestrian traffic by reason of location, shape, illumination or color.

14-1405.2

No sign shall be located on, or attached to, any public property except public signs authorized by the City of McMinnville, Warren County, or the State of Tennessee.

14-1405.3

No sign shall be located on or overhanging any public rights-of-way except as provided in Section 14-1406.3, Section 14-1408.9 and Section 14-1408.11 of this Official Sign Code. (As amended by Ordinance No. 1276 on 12/1/97)

14-1405.4

No signs shall be painted or attached to any fence, trees, rocks, canopy posts, utility poles, and the like.

14-1405.5

No sign shall be erected, replaced, or relocated so as to prevent free ingress or egress from a required door, window or fire escape.

14-1405.6

No source of incandescent lighting used for illuminating signs shall be directly visible from any street or highway or from any residential district.

14-1405.7

No mobile or portable sign shall be allowed unless a special permit for special events or emergencies has been obtained, and then only for a thirty (30) day consecutive period. Any one establishment or event may have only one special permit per calendar year. Mobile or portable signs requiring electrical power cannot be more than five (5) feet from permanent conduit type electrical outlet providing its power. No mobile or portable sign shall exceed thirty-two (32) square feet in sign area nor shall have red or blue lights. All mobile or portable signs shall be securely anchored at all times.

14-1405.8

No flashing light sign shall have less than ten (10) feet of clearance between the bottom of the sign and the terrain. Exposed bulbs shall not exceed sixty (60) watts per bulb.

14-1405.9

No sign permit shall be issued for any illuminated sign, flashing light sign, or any sign requiring electrical power unless an Electrical Inspection Permit from the McMinnville Electric System has first been obtained.

14-1405.10

No sign advertising a garage, yard or similar sale shall be allowed unless a permit for such sale has been issued by the Office of Codes Enforcement as required by Ordinance No. 464, as amended. All such signs shall be displayed in conformance with the provisions of this Official Sign Code. No sign advertising a garage, yard or similar sale shall be displayed for a period exceeding four (4) consecutive days and no such sign shall exceed two (2) square feet in sign area.

14-1405.11

All nonconforming signs, which existed lawfully at the time of the enactment of this Official Sign Code, shall be allowed to remain and shall be considered as "grandfathered" in place. Mobile or portable signs shall not be "grandfathered".

14-1405.12.

Murals are defined as painting or graphics applied directly to a wall or permanent surface other than a window which contains no advertising material. Murals applied to side and rear walls are required to obtain a mural permit prior to the installation of the mural. Murals are prohibited from the front of buildings.

SECTION 14-1406

SIGNS ALLOWED IN ALL DISTRICTS

The following signs do not require sign permits and are allowed in all zoning districts:

14-1406.1

Signs established by, or by order of, any governmental agency.

14-1406.2

For parking areas, entrance and exit signs not exceeding two (2) square feet in area and one (1) sign not more than nine (9) square feet in area identifying or designating the conditions of the use of such parking area, however, no such signs shall have the effect of obstructing ingress or egress visibility.

14-1406.3

On-premise and off-premise real estate signs not exceeding thirty-two (32) square feet in sign face area which advertise for the sale, rental or auction of land(s) or building(s). Such signs shall not be illuminated, shall not be more than six (6) feet in height, and off-premise real estate signs shall not be located for a period exceeding thirty (30) consecutive days. Such signs may be located on public rights-of-way at street intersections provided that no more than two (2) such signs are located at any street intersection, and provided that no such sign shall be so located for a period exceeding thirty (30) consecutive days. (As amended by Ordinance No. 1276 on 12/1/97)

14-1406.4

For events of public interest, one (1) temporary sign, not over thirty-two (32) square feet in area located upon the site of the event, provided that such signs shall not be erected more than fourteen (14) consecutive days prior to the scheduled event and provided that such signs shall be removed within three (3) consecutive days following the event after which time each sign shall constitute a separate violation of this Official Sign Code for each day that the sign remains.

14-1406.5

Signs denoting the architect, engineer or contractor when placed at the construction site. Such signs shall not be illuminated, and no such signs shall exceed an area of thirty-two (32) square feet, nor shall they remain standing after construction has been completed.

14-1406.6

Memorial plaques, cornerstones, historical tablets, and the like.

14-1406.7

Political signs displayed on private property with the consent of the owner.

SECTION 14-1407

**SIGNS ALLOWED IN
RESIDENTIAL DISTRICTS**

In the R-1, R-2, R-3, R-4, R-5 Residential Commercial and PRD Residential Districts, as shown on the Official Zoning Map of McMinnville, Tennessee, the following regulations for signs and similar advertising structures shall apply:

14-1407.1

All signs allowed in residential districts are subject to the issuance of a sign permit as required in Section 14-1403 of this Official Sign Code, unless otherwise noted herein.

14-1407.2

Name plates indicating name, address, house number, announcement of boarders or roomers are allowed but shall not exceed two (2) square feet in sign area.

14-1407.3

For multi-family complexes, apartment buildings, and mobile home parks, identification signs not exceeding nine (9) square feet in area are allowed.

14-1407.4

Signs announcing legal customary home occupations are allowed, but shall not exceed two (2) square feet in area.

14-1407.5

Church, school, or public building bulletin boards or identification signs, not exceeding forty (40) square feet in area are allowed.

14-1407.6

No sign shall be placed closer than ten (10) feet to any property or right-of-way line.

14-1407.7

For a subdivision consisting of forty (40) or more lots or a multi-family development consisting of twelve (12) or more dwelling units, one (1) permanent sign identifying the development at each major vehicular entrance is allowed, provided that all yard setbacks are complied with, and provided that the sign does not exceed eight (8) feet in height and forty (40) square feet in area.

14-1407.8

For existing nonconforming commercial or industrial uses located in residential districts, on-premise business signs are allowed provided the provisions of Section 14-1408 of this Official Sign Code are complied with.

14-1407.9

Flashing or intermittent illumination is prohibited.

14-1407.10

Billboards and similar off-premise signs are prohibited.

14-1407.11

Signs in the R-5 Residential Commercial District shall not exceed twelve (12) square feet in area and shall not exceed six (6) feet in height.

SECTION 14-1408 SIGNS ALLOWED IN COMMERCIAL AND INDUSTRIAL DISTRICTS

In the Commercial, C-1, C-2, C-3 and PCD Commercial, and I-1 and I-2 Industrial Districts, as shown on the Official Zoning Map of McMinnville, Tennessee, the following regulations for signs and similar advertising structures shall apply:

14-1408.1

All signs allowed in commercial and industrial districts are subject to the issuance of a sign permit as required in Section 14-1403 of this Official Sign Code, unless otherwise noted herein.

14-1408.2

All signs allowed in the R-1, R-2, R-3, R-4, R-5 and PRD Residential Districts, subject to the same regulations, are allowed.

14-1408.3

Each commercial or industrial lot or parcel, regardless of the number of commercial or industrial establishments on such lot or parcel, shall be allowed one (1) on-premise

freestanding business sign per fifty (50) feet of major public street frontage or part thereof not to exceed fifty (50) square feet in sign face area.

- A. For each one-hundred (100) feet of major public street frontage, the total allowed sign face area may be combined provided, however, that no sign face area shall exceed one-hundred (100) square feet.
- B. For commercial or industrial lots or parcels with a minimum of two-hundred fifty (250) feet of public street frontage and that utilize only one (1) on-premise freestanding business sign, the total allowed sign face area may be combined provided, however, that the sign face area shall not exceed two-hundred (200) square feet.
- C. For purpose of calculation, only one (1) street frontage per commercial or industrial lot or parcel shall be designated as major public street frontage.
- D. No part of any on-premise freestanding business sign located in the C-1 Districts shall be higher than thirty-five (35) feet from grade and no part of any on-premise freestanding business sign located in the C-2, C-3, I-1 and I-2 Districts shall be higher than fifty (50) feet from grade. (As amended by Ordinance No. 1215 on 9/16/96).
- E. No part of any on-premise freestanding sign shall be closer than five (5) feet from any street right-of-way line or property line.

14-1408.4

Each commercial or industrial establishment shall be allowed one (1) wall sign for on-premise advertising per outside wall provided that such sign shall not exceed fifty (50) percent of the area of the face of the wall upon which the sign is erected, or portion of the wall occupied by the commercial or industrial establishment, whichever is less, and further provided that if more than one (1) outside wall is utilized for a sign that no integral roof sign shall be allowed.

14-1408.5

Each commercial or industrial establishment which utilizes only one (1) wall sign shall be allowed one (1) integral or mansard roof sign for on-premise advertising provided that such integral or mansard roof sign shall not exceed twenty-five (25) percent of the area of the face of the building upon which it is erected, or portion of the face of the building occupied by the commercial or industrial establishment. (As amended by Ordinance No. 1136 on 3/6/95.)

14-1408.6

No sign shall be allowed to extend above the highest portion of the roof.

14-1408.7

Each commercial or industrial establishment shall be allowed one (1) projection sign provided that such projection sign shall not exceed twenty (20) square feet in sign face area and shall not extend above the roof line of the building occupied.

14-1408.8

Awning signs are allowed for commercial and industrial establishments.

14-1408.9

For structures in the C-1 Commercial District directly abutting the public right-of-way, awning, canopy, or marquee signs overhanging the public right-of-way are allowed provided that no such sign shall be closer than two (2) feet to any pavement line and shall be placed at least seven (7) feet above the sidewalk or ground level as to not obstruct free or clear vision or cause hazards for vehicles or pedestrian traffic.

14-1408.10

Window signs are allowed for commercial and industrial establishments. No sign permit is required for window signs.

14-1408.11

For events of public interest, temporary banner signs overhanging the public right-of-way are allowed in the C-1 Commercial District provided that only two (2) such signs may be displayed at any one time, provided that such signs shall not be displayed more than fourteen (14) consecutive days prior to the scheduled event and provided that such signs shall be removed within three (3) consecutive days following the event.

14-1408.12

Billboards and similar off-premise signs are not allowed in the C-1 and PCD Commercial Districts.

14-1408.13

Billboards and similar off-premise signs with a sign face area of up to seventy five (75) square feet are allowed in the C-2 and C-3 Commercial Districts and I-1 and I-2 Industrial Districts subject to the following conditions:

- A. The billboard face shall consist of a single panel and only one side or face shall be used in determining display surface area.
- B. Back-to-back panels of the same shape and dimensions are allowed when the signs are mounted parallel to one another or are placed at an angle between signs not exceeding forty five (45) degrees. No sign face area shall be allowed between the back-to-back panels. Multiple panels, such as stacked or side-by-side, are prohibited.
- C. No part of any billboard or similar off-premise sign shall be closer than ten (10) feet from any street right-of-way line or property line.
- D. No billboard or similar off-premise sign shall exceed twenty (20) feet in height as measured from the uppermost portion of the sign face area to the finished grade at the base of sign or curb level, whichever provides the greatest height.
- E. A minimum of four (4) feet between the bottom of the display and the ground shall be provided. (As amended by Ordinance No. 1136 on 3/6/95.)
- F. No billboard or similar off-premise sign shall be erected or placed closer than within one thousand (1000) feet of any other billboard or similar off-premise sign located on the same side of the road as measured along a line parallel to such road or placed closer than within a five hundred (500) feet radius of any other billboard or similar off-premise sign.
- G. No billboard or similar off-premise sign shall be erected or placed closer than two hundred fifty (250) feet from the nearest property line of any property that is

zoned residential and has frontage on the same side of the street as said billboard or similar off-premise sign.

- H. All billboards and similar off-premise signs shall conform with all applicable state regulations including those in the Tennessee Code Annotated and those of the Tennessee Department of Transportation.

14-1408.14 (As amended by Ordinance No. 1136 on 3/6/95)

Billboards and similar off-premise signs with a display surface area of between seventy-five (75) square feet up to three hundred (300) square feet are allowed in the C-3, Commercial District, and the I-1 and I-2, Industrial Districts, subject to the following conditions:

- A. The billboard face shall consist of a single panel and only one side or face shall be used in determining display surface area.
- B. Back-to-back panels of the same shape and dimensions are allowed when the signs are mounted parallel to one another or are placed at an angle between signs not exceeding forty-five (45) degrees. No display surface area shall be allowed between the back-to-back panels. Multiple panels, such as stacked or side-by-side, are prohibited.
- C. No part of any billboard or similar off-premise sign shall be closer than ten (10) feet from any street right-of-way line or property line.
- D. No billboard or similar off-premise sign shall exceed fifty (50) feet in height as measured from the uppermost portion of the display surface area to the finished grade at the base of sign or curb level, whichever provides the greatest height.
- E. A minimum of four (4) feet between the bottom of the display and the ground shall be provided.
- F. No billboard or similar off-premise sign shall be erected or placed closer than within fifteen hundred (1,500) feet of any other billboard or similar off-premise sign located on the same side of the road as measured along a line parallel to such road.
- G. No billboard or similar off-premise sign shall be erected or placed closer than three hundred (300) feet from the nearest property line of any property that is zoned residential and has frontage on the same side of the street as said billboard or similar off-premise sign.
- H. All billboards and similar off-premise signs shall conform with all applicable state regulations including those contained in the Tennessee Code Annotated and those promulgated by the Tennessee Department of Transportation.

SECTION 14-1409

SIGN MAINTENANCE

For all signs and similar advertising structures, the following regulations shall apply:

14-1409.1

Every sign hereafter registered shall show in a conspicuous place thereon the permit number.

14-1409.2

Any sign or similar advertising structure not meeting the following provisions shall be repaired or removed within thirty (30) days after receipt of notification from the Office of Codes Enforcement:

- A. All signs, supports, braces, guys, anchors, and electrical equipment shall be kept in safe repair.
- B. All support structures shall be kept in safe repair and shall be well maintained.
- C. The area around the sign shall be properly maintained clear of brush, trees and other obstacles so as to make signs readily visible.
- D. All burned out bulbs or damaged panels must be replaced.
- E. All sign copy shall be maintained securely to the face and all missing copy must be replaced.

SECTION 14-1410

REMOVAL OF SIGNS

All signs, including existing nonconforming signs found to be abandoned, one that neither the advertised business nor sign company nor landowner will maintain, or considered to be in such disrepair or so poorly maintained as to produce a visual blight, shall be subject to removal without liability after providing notice to the sign owner, if known, and to the land owner to so remove the sign within thirty (30) days. Any sign which is declared to be an illegal sign, one that is erected or placed on location in violation of this Official Sign Code after said Code is effective, shall be removed immediately without liability for said removal. If the Office of Codes Enforcement finds that any sign or sign support is in violation of this Official Sign Code and that by reason of its condition it presents an immediate danger to the public, he shall order either immediate repair or immediate removal. The Office of Codes Enforcement shall remove such sign if the person(s) responsible cannot be found or refuse(s) to repair or remove the sign within ten (10) days. The Office of Codes Enforcement shall determine which signs are abandoned or illegal as defined in this Code and shall remove them. Any person who owns or leases a sign shall remove the sign within sixty (60) days after it becomes an abandoned sign as defined by this Official Sign Code. If the owner or lessee cannot be located, the Office of Codes Enforcement shall remove such sign.

SECTION 14-1411

APPEALS AND VARIANCES

Appeals of the decisions of the Office of Codes Enforcement and requests for variances from the provisions of this Chapter shall be submitted in writing to and determined by the McMinnville Board of Zoning Appeals as specified in Sections 14-707 and 14-708 of the Official Zoning Code of McMinnville, Tennessee as found in Title 14, Chapter 7 of the McMinnville Municipal Code, for consideration and final determination.

SECTION 14-1412

VIOLATIONS

Any person failing to comply with the requirements of this Official Sign Code shall be guilty of a misdemeanor and each day and each occurrence shall constitute a separate violation.

SECTION 14-1413**VALIDITY**

Should any section, clause, or provision of this Official Sign Code be declared by a court of competent jurisdiction to be unconstitutional or invalid, the judgement shall not affect the validity of the Official Sign Code as a whole or any other part judged invalid.