***This resolution is for information purposes only. Please contact Marshall County Zoning Office to confirm information before making any decisions. ***

ZONING RESOLUTION

OF

MARSHALL COUNTY, TENNESSEE

THIS RESOLUTION WAS LAST AMENDED ON

8.25.2025

PREPARED BY THE

MARSHALL COUNTY REGIONAL PLANNING COMMISSION

FOR

MARSHALL COUNTY, TENNESSEE

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ARTICLE I - ENACTMENT

SECTION

1.010 Authority
1.020 Title
1.030 Enactment
1.040 Purpose

1.010. Authority. A resolution, in pursuance of the authority granted by Sections 13-7-101 through 13-7-115 and 13-7-401, Tennessee Code Annotated to regulate, in the portions of Marshall County, Tennessee, which lie outside of the municipal corporation:

A. the location, height, bulk, number of stories, and size of buildings and other structures;

B. the percentage of the lot which may be occupied;

C. the sizes of yards, courts and other open spaces;

D. the density and distribution of population;

E. the uses of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, soil, and water conservation, public activities, and other purposes including areas subject to flooding;

F. to provide for the orderly and reasonable uses of solar energy in the interest of public health, safety, and general welfare;

G. to provide methods of administration of this resolution; and

H. to prescribe penalties for the violation thereof.

1.020. Title. This resolution shall be known as The Zoning Resolution of Marshall County, Tennessee, dated September 18, 1989. The zoning map shall be referred to as the Official Zoning Atlas of Marshall County, Tennessee, and all explanatory matter thereon is hereby adopted and made a part of this resolution.

1.030. Enactment. WHEREAS, Section 13-7-101 through 13-7-115 and 13-7-401 of the Tennessee Code Annotated empowers the County to enact a zoning resolution and to provide for its administration, enforcement, and amendment, and

WHEREAS, the County Commission deems it necessary, for the purpose of promoting the 6 public health, safety, morals, convenience, order, prosperity and general welfare of the County to enact such a resolution, and

WHEREAS, all the requirements of Section 13-7-101 through 13-7-115 of the Tennessee Code Annotated with regard to the preparation of the zoning plan by the planning commission and subsequent action of the County Commission have been met;

NOW THEREFORE BE IT ORDAINED BY THE COUNTY COMMISSION OF MARSHALL COUNTY, TENNESSEE, THAT "THE ZONING RESOLUTION OF MARSHALL COUNTY, TENNESSEE", BE ENACTED INTO LAW.

1.040. Purpose. The purpose of this resolution is to promote public health, safety, morals, convenience, order, prosperity, and general welfare by:

A. enhancing the character and stability of residential, business, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;

B. preventing overcrowding of land;

C. conserving the value of land and buildings;

D. minimizing traffic hazards and congestion;

E. preventing undue concentration of population;

F. providing for adequate light, air, privacy, and sanitation;

G. reducing hazards from fire, flood, and other dangers;

H. assisting in the economic provision, utilization, and expansion of all services provided by the public, including but not limited to roads, water and sewer service, recreation, schools, and emergency services;

I. encouraging the most appropriate uses of land;

J. enhancing the natural, man-made and historical amenities of Marshall County, Tennessee.

ARTICLE II - DEFINITIONS

SECTION

2.010 Scope
2.020 Definitions

2.010. Scope. For the purpose of this resolution and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as follows:

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

B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

C. The word "shall" is mandatory.

D. The word "may" is permissive.

E. The words "used" or "occupied" includes the words "intended", "designed", or "arranged to be used" or "occupied".

F. The word "lot" includes the words "plot" or "parcel."

G. The particular shall control the general.

H. The word "structure" includes all other structures, or parts thereof, of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".

I. In the case of any difference of meaning or implication between the text of this resolution and any caption, illustration or table the text shall control.

J. The word "permitted" or words "permitted as of right", mean an activity, use or structure is permitted without meeting the requirements for a conditional use permit.

K. The words "permitted with supplemental provisions" mean an activity, use or structure is permitted subject to a finding by the zoning administrator that the specific standards indicated for the use in question have been met.

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

"And" indicates that all connected items, conditions, provisions or events shall apply.

"Or" indicates that the connected items, conditions, provisions, or events shall apply.

"Either or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

M. All public officials, bodies, and agencies to which reference is made are those of Marshall County, Tennessee.

2.020. Definitions. The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this resolution. Terms not herein defined shall have their standard dictionary definition or such as the context may imply.

ABUTTING: Having a common border with, or being separated from, such a common border by a right-of-way or easement.

ACCESS: The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

ACCESSORY BUILDING OR STRUCTURE: A subordinate building (not the main building), the use of which is incidental to that of a principal building and located on the same lot therewith. A single-wide mobile home shall not be allowed as an accessory structure under any circumstances.

ACCESSORY USE: A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

ACCESSORY DWELLING UNIT – ADU: A subordinate dwelling half the total covered square footage or less of the primary dwelling, the use of which is incidental to that of a principal building and located on the same lot therewith subject to the same setbacks as the principal dwelling. A single-wide mobile home shall not be allowed as an accessory structure under any circumstances.

ACTIVE FARMING OPERATIONS: A "farm" as defined in this resolution consists of land that is actively being utilized for commercial production of farm crops, such as vegetables, fruit, fiber or grain, pasturage, dairy products, stock and poultry.

ACTUAL CONSTRUCTION: Excavation of a site and/or the placement of building materials in conjunction with construction of a building or other structure.

ADULT-ORIENTED ESTABLISHMENT: Any adult bookstore, motion picture theater, or commercial establishment which for a fee or incidentally to another service, such as the serving of beer or other alcoholic beverages, sells or presents material or exhibition distinguished or characterized by a predominant emphasis on matter depicting explicit sexual activities or partially or completely uncovered human genitals or mammary glands. Adult oriented establishments include, but are not limited to:

Adult Book Stores: which means any corporation, partnership or business of any kind which has as its principal or predominant stock in trade books, magazines or other periodicals and which offers, sells or rents for a fee:

(1) Any sexually oriented material which is available for viewing by patrons on the premises by means of the operation of movie machines or slide projectors; or

(2) Any sexually oriented material which has a substantial portion of its contents devoted to the pictorial depiction of sadism, masochism or bestiality; or

(3) Any sexually oriented material which has as its principal theme the depiction of sexual activity by, or lascivious exhibition of, the uncovered genitals, pubic region or buttocks of children who are or appear to be under eighteen (18) years of age;

Adult Motion Picture Theaters: which means an enclosed building used for presenting films which are distinguished by an emphasis on matter depicting, describing or relating to specified sexual activities for observation by patrons therein; and

Adult Shows or Adult Peep Shows: which includes all adult shows, exhibitions, performances or presentations which contain acts or depictions of specified sexual activities.

This term also includes adult arcades, adult cabarets and massage parlors.

AGRICULTURE USE: The use of a tract of land of five acres or more in size including all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests, and woods, provided that all appropriate laws and regulations are complied with. The feeding or disposal of community or collected garbage to animals shall not be deemed as an agricultural use.

AGRICULTURE USE (INTENSIVE): These agricultural uses include operations where animals are tightly confined in buildings or outdoor pens including operation of one or more of the following:

A. Dairy Farm: This term means any place or premises where cows are kept and from which a part or all of the milk or milk products is provided, sold or offered for sale to milk plant, transfer station or receiving station.

B. Egg Production House: Means any place or premises where chickens are kept for production of eggs for resale to processors, wholesalers or retailers.

C. Feedlot: Means a lot, yard, corral or other area in which livestock are confined primarily for the purposes of feeding, growing, raising, or birthing prior to slaughter. Feedlot does not include areas that are used for the raising of crops or other vegetation upon which livestock are allowed to graze or feed.

D. Agricultural Services: This term is intended to encompass a wide variety of service activities that directly support production of crops and animals but are not in and of themselves agricultural activities.

E. Plant and Forest Nursery: This category includes nurseries with or without retail sales or accessory greenhouses. A minimum of fifty-one (51) percent of all materials sold by a nursery must be grown on-site.

AGRICULTURAL ACCESSORY USE: Those structures or equipment which are normally required in the operation of agricultural uses.

AIRPORT: Any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

ALLEY: A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility and public service purposes.

ALTERATION: As applied to a building or structure, means a change or an enlargement, whether by extending a side or by increasing its height or structural changes, other than repairs, that would affect safety. The term "alter" in its various modes and tenses and its 77 practical forms, refers to the making of an alteration.

ALTERNATIVE WASTEWATER TREATMENT SYSTEM: Individual subsurface disposal systems, package treatment plants, or individual aeration systems employed for the collection and treatment and/or disposal of wastewater. These systems must be approved by the Marshall County Board of Public Utilities, or authorized representative, and the Tennessee Department of Environment and Conservation before they are allowable in any development within Marshall County. All systems shall be deeded to the Marshall County Board of Public Utilities upon completion. (Added by Resolution 05-11-06, November 28, 2005) (Affirms by Resolution 08-03-05, March 24, 2008).

AREA, BUILDING: The total areas taken on a horizontal plane at the main grade level of the principal building and all necessary buildings exclusive of uncovered porches, terraces, and steps.

ATTACHED: An enclosure having continuing walls, roof and floor.

AUTOMOBILE WRECKING: The dismantling, storage, sale or dumping of used motor vehicles, trailers, or parts thereof.

AUTOMOBILE WRECKING, JUNK, AND SALVAGE YARDS: Any lot or place which is exposed to weather and upon which more than three (3) motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative are placed, located, or found.

AVERAGE GROUND ELEVATION: The elevation of the mean finished grade at the front of a structure.

AWNING or CANOPY SIGN: A sign that is either attached to, affixed to, or painted on an awning or canopy and not exceeding fifty (50) square feet in sign area.

BASEMENT: A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average ground elevation or when subdivided and used for commercial activities.

BED AND BREAKFAST HOME RESIDENCE: A residence within which not more than three (3) sleeping rooms (limited to three (3) persons or one family unit per room) are provided for occasional paying guests on an overnight basis for periods not to exceed fourteen (14) consecutive days in any thirty (30) day period of time, with breakfast being available on the premises. A bed and breakfast home is allowed only in a building originally constructed as a one-family dwelling subject to the provisions prescribed in the zone district where in the use is located.

BILLBOARD SIGN: An advertising sign containing more than 100 square feet, supported by uprights and/or braces, upon which a message may be manually changed and directs attention to a business, service, or product conducted, sold, or offered at a location other than the premises on which the sign is located.

BOARD: The Marshall County, Tennessee Board of Zoning Appeals.

BORROW PIT: Any place or premises where dirt, soil, sand, gravel or other material is removed below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or building construction.

BUFFER STRIP: A greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than forty (40) feet apart and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet.

BUILDING: Any structure having a roof supported by columns or by walls, including tents, lunch wagons, dining cars, mobile homes or trailers, and similar structures whether stationary or movable.

BUILDING AREA OF A LOT: That portion of a lot bounded by the required rear yard, side yards, and the building setback line.

BUILDING ENVELOPE: (See BUILDING AREA OF A LOT.)

BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

BUILDING SETBACK LINE: A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

BUILDING SETBACK LINE, FRONT: A line delineating the minimum allowable distance between an existing or official future street right-of-way and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to the street right-of-way.

BUILDING SETBACK LINE, REAR: A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

BUILDING SETBACK LINE, SIDE: A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

BULK: Describes the size of buildings or other structures, and their relationship to each other and to open areas and lot lines.

BUSINESS IDENTIFICATION SIGN: A sign which directs attention to the business or profession conducted on the premises.

CABINET SIGN: A sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.

CAMPING GROUND: A parcel of land used or intended to be used, let, or rented for occupancy by campers or for occupancy by camping trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

CAR WASH: An area of land and/or structure with machine-or-hand-operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles.

CEMETERY: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbarium's, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

CHILD CARE: The provision of supplemental parental care and supervision:

A. For a non-related child or children;

B. On a regular basis;

C. For less than twenty-four (24) hours a day; and

D. Under license issued by the Tennessee Department of Human Services.

As used in this resolution, the term is not intended to include baby-sitting services of a casual, non-recurring nature or in a child's own home. Likewise, the term is not intended to include cooperative reciprocative childcare by a group of parents in their domiciles or the keeping of four (4) or less pre-teenage children which is an activity regulated as a minor home occupation by this resolution and requires no licensing by the State of Tennessee.

CHILDCARE FACILITY: A licensed establishment wherein an agency, person or persons regularly provides non-medical care for a group of five (5) or more children for periods of VII-6 less than twenty-four (24) hours a day. Childcare facilities as herein defined do not include pre-schools, nursery schools, kindergartens, or other facilities the primary purpose of which is educational, recreational or medical. Childcare facilities include the following:

A. Family Childcare Home - A licensed family dwelling of a person or persons who regularly provides direct care during part of a twenty-four (24) hour day to five (5) to seven (7) children.

B. Group Childcare Home - A licensed, childcare home or an agency that regularly provides care for eight (8) to twelve (12) children in either a family dwelling of the licensee/care provider or in a premises other than the family dwelling. The number of children being provided care may be increased to fifteen (15), if four or more of the children are of school age and if adequate space is

available to accommodate the additional children as provided in Tennessee State law and this resolution.

C. Childcare Center - A licensed agency that provides for the care of thirteen (13) or more children.

CLINIC: (See Section 2.020, MEDICAL FACILITIES.)

COMMERCIAL COMPLEX: A commercial complex shall mean two (2) or more buildings constructed or to be constructed upon a zone lot and used or designed to be used for two or more occupancies.

COMMERCIAL SOLAR ENERGY FACILITY: means a commercial solar energy farm or development with a complete design or assembly for commercial purposes consisting of energy collection, an energy storage facility, where used, and components for a distribution of transformed energy. A Commercial Solar Energy System consists of one or more free-standing ground mounted, or building mounted, solar arrays or modules, or solar related equipment.

COMMON OPEN SPACE: A parcel or parcels of land and/or an area of water within the site designated, designed and intended for use or enjoyment of the occupants of said development. "Common Open Space" may contain such complementary structures and improvements as necessary and appropriate for the benefit and enjoyment of the occupants of such development.

COMMUNITY ASSEMBLY: An establishment providing meeting, recreational, or other social facilities for a private or non-profit association, primarily for use by members and guests. This term also includes community centers.

COMPLETELY ENCLOSED: Refers to a building or other structure having a roof and separated on all sides from the adjacent open area or from other buildings or other structures, by exterior walls or party walls, pierced only by windows or entrance and exit doors normally provided for persons, goods or vehicles.

CONDITIONAL USE (SPECIAL EXCEPTION): A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as conditional uses, only when specific provisions for such use are made in this Resolution. For the purposes of administration of this

resolution, conditional uses shall be construed as synonymous with special exceptions, as controlled by Section 13-7-107, Tennessee Code Annotated.

CONDOMINIUM: The ownership of individual dwelling units located on a lot or lots which are owned in common by individual unit owners and which has the effect of permitting more than one (1) dwelling unit on a lot without the division of the fee simple interest in said lot. (Amended by Resolution 08-08-09, August 07, 2008)

CONVENIENCE SALES: The retail sale of small CONVENIENCE items such as toiletries, tobacco, and magazines having a gross floor area of less than four thousand (4,000) square feet. The dispensing of petroleum products may be included as accessory to CONVENIENCE food products retailing.

CONVENIENCE SERVICES: Services which are typically needed frequently or recurrently, such as barber and beauty care, and includes the operation of self-service laundromats but excludes other apparel, cleaning and repair services.

COVERAGE: The percentage of a lot which is covered by all buildings located therein, including the area covered by all overhanging roofs.

COUNTRY CLUB: A chartered, nonprofit membership club, with facilities catering primarily to its membership.

CURB LEVEL: The mean of the elevations of the side lot lines extended to the street line.

CURB LINE: The line formed by a curb extending along its roadbed or street bed.

DAY CARE HOME OR CENTER: (See CHILDCARE FACILITY.)

DENSITY: The ratio of the number of dwelling units located on a lot to the horizontal area of the lot, expressed in dwelling units per acre.

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

DEVELOPMENT AREA (MINIMUM): The minimum amount of land area required for each dwelling unit located upon a zone lot. The minimum lot size provision shall apply to all lots within the district. However, the minimum

development area provision may require a lot larger than the minimum lot size where the intended intensity of use would so require.

DIRECTIONAL SIGN: Signs limited to providing directions necessary or convenient for visitors or clients coming onto a premises including signs marking entrances and exits, parking areas, loading zones, or circulation direction.

DIRECTORY SIGN: A sign or group of signs attached to a building or freestanding which identifies the business, owner, address, or occupation of a group of businesses but does not contain any advertising.

DISTRICT: Any section or sections of the area lying within Marshall County, Tennessee, for which the resolution governing the use, density, bulk, height, and coverage of buildings and other structures are in force.

DORMITORY: A facility providing group living quarters for a student body, or other group as an associated use to a college, university, boarding school, orphanage, religious institution or other similar use. This term is intended to include university dormitories as well as fraternity or sorority houses.

DWELLING: A building or part thereof used as a habitation under one of the following 82 categories:

A. Single detached dwelling means a building and accessories thereto principally used, designed, or adapted for use by a single household.

B. Duplex dwelling means a building and accessories thereto principally used, designed, or adapted for use by two (2) households, the living quarters of each of which are completely separate.

C. Multi-family dwelling means a building and accessories thereto principally used, designed, or adapted for use as occupancy by three (3) or more households each of which has separate living quarters.

D. Rooming house or boarding house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants.

E. Prefabricated dwelling means a detached dwelling constructed primarily off-site, designed to be transported on a flat-bed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to municipal and/or sanitary or

onsite systems, and such structures are distinguished from mobile homes as described elsewhere in this resolution when they have no horizontal exterior dimensions of less than fifteen (15) feet not including porches or carports. When such a structure meets the above-stated requirements, it shall qualify as a single detached dwelling.

F. Mobile home or trailer means a transportable structure built on a permanent chassis, designed for year-round occupancy, and designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, and electrical systems contained therein. Recreational vehicles and travel trailers are not included in this definition of mobile homes.

ENTERTAINMENT AND AMUSEMENT SERVICES (LIMITED): A recreational activity operated as a profit-making enterprise, conducted entirely within an enclosed building and serving groups of less than one hundred (100) assembled spectators and/or participants.

ESSENTIAL PUBLIC TRANSPORT, COMMUNICATION AND UTILITY SERVICES: Public or quasi-public facilities necessary and incidental to the operation of transport, communication and utility services. These facilities operate primarily as distribution VII-9 networks and do not include production, storage or processing facilities for the product or service being distributed.

EXCAVATION: The process of altering the natural elevation by cutting or filling the earth, or any activity by which soil, or rock is cut, dug, quarried, uncovered, removed, displaced, or relocated. (Amended by Resolution 08-08-09, August 07, 2008)

EXTENSIVE IMPACT FACILITIES - This is a diverse grouping of facilities that share the characteristic of potentially exerting high level impact upon surrounding properties. While the nature of the impact varies with the particular use, all the activities included within this grouping must be carefully managed if surrounding activities are to be adequately protected from adverse characteristics associated with the activities included within this grouping.

FAMILY: One or more persons occupying the premises and living as a single nonprofit housekeeping unit as distinguished from a group occupying a boarding or similar dwelling for group use.

FARM: A parcel of land equal to or exceeding fifteen (15) acres in size and used for residential and "agricultural" purposes (as defined by this resolution) and meeting the following conditions:

A. The parcel must be used for residential and agricultural purposes including farming, dairying, pasturing, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry.

B. Necessary accessory uses for packing, treating, or storing products produced upon a farm may be permitted; provided however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

FLASHING SIGN: Any illuminated sign, whether stationary, revolving, or rotating, which exhibits changing light or color effects, provided that revolving or rotating signs which exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed flashing signs only if they exhibit sudden or marked changes in such light or color effects.

FLEA MARKET: An occasional or periodic sales activity held within a building, structure or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage and yard sales.

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

FRONTAGE: All property on one side of a street between two intersecting streets measured along the line of the street. For dead-end streets, all property abutting on one side between an intersecting street and the dead end of the street.

FUNERAL HOME: A building or part thereof used for human funeral services and includes all related services, such as embalming, autopsies and the storage of all funeral related supplies and equipment.

GASOLINE SERVICE STATION: Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil, or automobile accessories, and incidental services including facilities for lubricating, hand car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

GENERAL BUSINESS AND COMMUNICATIONS SERVICES: A commercial activity engaged in providing services to other commercial enterprises.

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

GRADING: The act of excavation of filling or combination thereof or any leveling to a smooth horizontal or sloping surface on a property, but not including normal cultivation associated with an agricultural operation. (Amended by Resolution 08-08-09, August 07, 2008)

GREEN SPACE: An area or areas within a residential development, separate and distinct from rights-of-way, yards, or other elements of the development intended as segments of the residential lots, that shall be used only for buffering, active or passive recreational, or other non-developmental purposes. In developments utilizing alternative wastewater treatment systems, the area or areas containing the treatment facilities and their associated drip fields, or green areas may be counted as green space. (Added by Resolution 05-11-06, November 28, 2005) (Affirms by Resolution 08-03-05, March 24, 2008).

GROUND SIGN: A sign supported by a pole, uprights, or braces on the ground.

HAZARDOUS OCCUPANCY: The principal use of a building or structure, or any portion thereof, that involves the manufacture, use or storage of highly combustible, flammable or explosive materials or materials that constitute a high fire hazard and as further defined as a Type "H" Occupancy, in Section 407, Standard Building Code.

HEALTH DEPARTMENT: The Marshall County Health Department.

HEIGHT OF BUILDING OR STRUCTURES: The Vertical distance from the Average ground Elevation or finished grade at the building line, whichever is the highest, to the highest point of the building or structure.

HOME OCCUPATION: (See Article IV, Section 4.020.)

HOSPITAL: See Medical Facilities.

HOTEL: A facility offering transient lodging accommodations on a daily rate to the general public and may provide additional services, such as restaurants, meeting rooms and recreational facilities. This term also includes motel, resort and travel lodge.

IDENTIFICATION SIGN: A sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of

a building, business, development, or establishment on the premises where it is located.

ILLUMINATED SIGN: A sign designed to give forth any artificial light or reflect such light from an artificial source.

INCIDENTAL SIGN: A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

INOPERABLE VEHICLE: A motor vehicle that cannot be started and driven upon public roads for reasons including, but not limited to the following: not having been licensed, not having wheel tax sticker, or being in a state of disrepair. (Added by Resolution 05-04-12. April 25, 2005)

INTERMEDIATE IMPACT FACILITIES: This classification includes a diverse listing of activities that share the characteristic of exerting a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements or potential nuisances associated with such uses.

JUNK YARD OR SALVAGE YARD: A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal, or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running conditions for the sale of parts thereof.

LIGHT INDUSTRY: Is defined, for the purpose of this resolution, on the basis of performance in terms of absence of objectionable noise, smoke, odor, dust, dirt, noxious gases, glare and heat; and of the creation of hazards to health and life by reason of fire, effects of industrial wastes, psychological effects and generation of motor vehicle traffic.

LIVESTOCK: A term meant to include cattle, sheep, swine, poultry and other animals or fowl, that are being produced primarily for use as food or food products for human consumption.

LIVESTOCK, DAIRY, POULTRY STRUCTURE: Any building, structure, installation, storage container, or storage site used in the operations of a livestock, dairy, or poultry facility, including, but not limited to, feed storage bins, litter storage

sites, incinerators, manure storage sites, poultry houses, poultry disposal pits, and dead poultry cold storage chests.

LODGING HOUSE: This is a general term and includes all places of semi-transient residential occupancy (as herein defined). The term lodging house is intended to include dormitories, rooming houses, boarding houses, apartment hotels, residential hotels and all similar facilities coming within the general definition of semi-transient residential activities.

LOT: A piece, plot, or parcel of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one or more principal buildings, or not more than three (3) principal dwellings in the A-1 Zone, as provided in Article III, Section 3.020, of this resolution, and their accessory buildings, including the open spaces required under this resolution.

LOT, AREA: The total surface land area included within lot lines.

LOT, CORNER: A lot of which at least two adjoining sides abut their full lengths on a street.

LOT, DEPTH: The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

LOT, FRONTAGE: That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The boundary dividing a given lot from the street, an alley or adjacent lots.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the effective date of this zoning resolution.

LOT WIDTH: The width of a lot at the building setback line measured at right angles to its depth.

MANUFACTURED HOME: (See Section 2.020, DWELLING, Mobile Home.)

MANUFACTURED HOME SPACE: A designated area within a mobile home park for the exclusive use of the occupants of a single home. (See Article V, Section 5.044, Mobile Home Park District.)

MANUFACTURING (BASIC INDUSTRY): An establishment engaged in basic processing, conversion and manufacturing of materials or products predominantly from extracted raw material or manufacturing processes utilizing flammable or potentially explosive materials. or storage or manufacturing processes that involve commonly recognized offensive conditions, other than those classified in the Hazardous Operations Activity Type.

MANUFACTURING (GENERAL): This grouping includes all manufacturing operations excepting those classified as Basic Industry or Hazardous Operations

MANUFACTURING (HAZARDOUS OPERATIONS): Any establishment engaged in storage, processing and/or transport of raw materials or finished goods classified as hazardous including materials, processes and/or activities that may present serious hazards to human life and health.

MANUFACTURING (LIMITED): An establishment primarily engaged in the on-site compounding, processing, fabrication, assembling and packaging of materials by the use of hand or small power tools, and may include the incidental direct sale of those goods to consumers.

MARINA: A facility for the docking and servicing of boats.

MEDICAL FACILITIES:

Center for Observation and Rehabilitation: A licensed medical facility wherein services more intensive than those required for room, board, personal services and general nursing care are provided to an in-patient population, but which involves no form of forced residency of the type required within drug and alcohol rehabilitation facilities.

Dental Clinic or Medical Clinic: A facility for the examination and treatment of ill and afflicted human out-patients, provided, however, that patients are not kept overnight except under emergency conditions.

Hospital: An institution providing health services primarily for human in-patient medical care for sick or injured and including related facilities such as laboratories, out-patient facilities, emergency medical services, and staff offices which are an integral part of the facility.

Public Health Center: A facility utilized by a health unit for the provision of public health services.

MINIMUM FIRE FLOW: For purposes of this Resolution the term "Minimum Fire Flow" shall mean a fire-hundred gallon per minute (500 gpm) water flow calculated at a twenty pound per square inch (20 PSI) residual pressure delivered from a water line that is six (6) inches or greater in diameter.

MINIMUM FLOOR ELEVATION: The lowest ELEVATION permissible for the construction, erection, or other placement of any floor, including a basement floor.

MINING AND QUARRYING OPERATIONS: An establishment engaged in excavation or extraction of any earth products or natural mineral deposit, except where such excavation is for purposes of grading for building lot or a roadway, where grass sod is removed to be used for landscaping, or where materials are extracted for use on that same lot by the owner of the property. Specifically excluded from this use is grading and removal of dirt associated with an approved site plan or subdivision, or excavations associated with; where topsoil or clay is removed as part of a legitimate business; and for the improvement of, a bona fide agricultural use.

MINIWAREHOUSES: (See SELF-SERVICE STORAGE FACILITIES.)

MIXED BUILDING: A building containing residential activities along with commercial and/or community facilities activities.

MODULAR HOME:(See Section 2.020, DWELLING, Prefabricated.)

MONUMENT SIGN: A freestanding sign supported primarily by an internal structural framework or integrated into landscaping of other solid structural features other than support poles.

NEGATIVE ENVIRONMENTAL IMPACT: means the burning of hydrocarbons like coal and oil to provide us with useful energy that results in the emission of carbon dioxide and other pollutants. Other activities causing harm include, but are not limited to, improper waste disposal to bodies of water and soil, accidental spills of chemicals, and other environmental impacts as reasonably determined by a licensed environmental engineer.

NONCOMPLYING:

A. Any lot of record that does not contain sufficient lot area to conform to the area requirements for the zoning district wherein the lot is located.

B. Any lawful building or other structure that does not comply with any one (1) or more of the applicable bulk regulations, or

C. Any lawful use other than a nonconforming use, which does not comply with any part or any one (1) or more of the applicable regulations pertaining to:

1. Location along a district boundary; or

2. Accessory off-street parking and loading;

either on the effective date of this resolution or as a result of any subsequent amendment.

NONCONFORMING SIGN: Any sign that does not conform to the requirements of this ordinance.

NONCONFORMING USE: A building, structure, or use of land existing at the time of enactment of this resolution which does not conform to the regulations of the district in which it is located.

NOXIOUS MATTER: Material in gaseous, liquid or solid form which is capable of causing injury to LIVING organisms, chemical reactions, or detrimental effects upon the social, economic or psychological well-being of individuals.

OCCUPANCY: The principal use of land for the performance of a function or operation by a person, firm, corporation, or association as a single legal entity. For the purposes of this resolution there shall be only one principal use of land by any one person, firm, corporation, association or legal entity.

OFF-PREMISES SIGN: A sign relating to a product, service, or establishment that is not on the premises on which the sign is located.

ON-PREMISES SIGN: A sign relating to a product, service, or establishment that is on the premises on which the sign is located.

OPEN SPACE: An area on the same lot with a main building which is open, unoccupied and unobstructed by structures from the ground to the sky except as otherwise provided in this resolution.

OUTDOOR FIREARMS TRAINING FACILITIES AND SHOOTING RANGES: An area or structure specially designed for the safe discharge and use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any similar firearm for the purpose of sport shooting or military or law-enforcement training. (Added by Resolution 09-07-15, July 21, 2009)

OWNER: Includes his duly authorized agent or attorney, a purchaser, devisee, fiduciary, and a person having a vested or contingent interest in the property in question.

PARTY WALL: A wall on an interior lot line, used or adopted for joint service between two (2) buildings. Such walls shall extend from the foundation to the underside of roof sheathing without openings which would permit the spread of fire from one building to another and shall fully comply with fire and all other provisions and standards established for such walls in the Standard Building Code.

PERMANENT ACCESS EASEMENT: A perpetual easement guaranteeing right of ingress and egress to and from the premises of a lot owner to a street appurtenant to the land of the owner. Any permanent access easement utilized as the sole means of providing legal access to two (2) or more parcels of land shall: (1) be so designed as to assure continuing adequate ingress and egress for emergency vehicles; (2) be assured adequate continuing maintenance by an owner's association or similar organization and be constructed to the standards of a public street as specified in the Subdivision Regulations. In any instance where a permanent access easement is located within a PUD District, the design standard shall be as approved in the development plans required, therefor.

PERSON: An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

PLANNED DEVELOPMENT: A single planned area of land which (1) has both individual building sites and common property such as a park, and (2) is designed and organized to be capable of satisfactory use and operation as a separate entity without necessarily having the participation of other building sites or other common property; the ownership of the common property may be either public or private.

PLANNING COMMISSION: The Marshall County Regional Planning Commission.

PLAT: A map, plan, or layout indicating the location and boundaries of individual properties.

POLE SIGN OR BANJO SIGN: A type of ground sign at least ten (10) feet above the ground supported on a single post or pole most commonly associated with gasoline service stations.

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

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

PRIVATE PARK: A tract of land presently owned or controlled and used by private or semi-private persons, entities, groups, etc. for the low impact active and/or passive recreational purposes. This definition is inclusive of small scale, private racetracks; paint-ball facilities and fields; or other such group assembly land uses that are determined by the Building Inspector, to be of a low intensity impact and have a low impact on the surrounding land owners. This use, allowed only as a Special Exception in A-1, Agriculture-Forest District, is subject to the restrictions, enumerated in Article VIII, Section 8.060, herein.

PRIVATE WASTEWATER TREATMENT: Individual subsurface sewage disposal systems (i.e., septic tanks), package treatment plants or individual aeration systems employed for the collection and treatment and/or disposal of wastewater, as approved by the county health department and the State Department of Health and Environment.

PROFESSIONAL OFFICE: The office of a physician, dentist, attorney, architect, engineer, planner, accountant, or similar professions.

PROFESSIONAL SERVICES (MEDICAL): This activity classification is intended to include establishments primarily engaged in providing therapeutic, preventative or correctional personal treatment services on an out-patient basis by physicians, dentists, and other medical practitioners, as well as testing and analysis services. Offices of doctors, dentists and other health care providers are included

within this classification. This grouping is limited and does not include the broad ranging services provided at general health care facilities such as hospitals but does include the limited outpatient services provided at outpatient clinics, whether operated for profit or otherwise.

PROJECTION SIGN: A sign attached to and projecting out from a building face or wall, generally at right angles to the building, at least fifteen (15) inches.

PUBLIC PARK: A facility provided by a unit of government or public agency and designed to serve the passive or active recreational needs of the residents of the community. Such facilities may include natural or landscaped areas, wetlands, buildings or structures. (Added by Resolution 08 04-06, April 28th, 2008.) (Affirms by Resolution 08-05-09, May 27, 2008.)

PUBLIC USES: Public parks, schools, and administrative, cultural, and service buildings, not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

PUBLIC WASTEWATER SYSTEM: A municipal, community, or utility district sewerage treatment and disposal system of a type approved by the Tennessee Department of Health and Environment and the Tennessee Public Service Commission.

PUBLIC WATER: A municipal, community or utility district water treatment and distribution system of a type approved by the Tennessee Department of Health and Environment and the Tennessee Public Service Commission.

RECYCLING CENTER: An enclosed facility designed to be a collection point where only recyclable materials, such as newspapers, magazines, books, and other paper products, glass, metal cans, and other products, are sorted, crushed with on-site machinery, and/or temporarily (not to exceed 120 days) stored prior to delivery to a site where they shall be remanufactured into new products. (Added by Resolution 09-04-09, April 27, 2009.)

RECREATIONAL VEHICLE (RV): (See Section 2.020, TRAVEL TRAILER.)

RECREATIONAL VEHICLE (RV) PARK: (See Section 2.020, TRAVEL TRAILER PARK.)

RELIGIOUS FACILITIES: Any structure or site such as a church, synagogue, chapel, sanctuary or cathedral used for purposes of individual or collective

involvement with a religious activity, such as rites, rituals, ceremonies, prayers and discussions.

REMEDIATION COST: means reasonable expenses incurred to investigate, quantify, monitor, mitigate, abate, remove, dispose, treat, neutralize, or immobilize "pollution conditions" to the extent required by "environmental law" and return the property to its original state deemed appropriate by Marshall County Zoning Office.

RESIDENCE: A building or part of a building containing one (1) or more dwelling units or rooming units, including one-family or two-family houses, multiple dwellings, boarding or rooming houses, or apartment hotels, However, residences do not include:

A. Such transient accommodations as transient hotels, motels, tourist homes, or similar establishments, or

B. Dormitories, fraternity or sorority houses, monasteries, or convents, or similar establishments containing group living or sleeping accommodations, or

C. Nurses' residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility buildings or portions of buildings used for community facilities, or

D. In a mixed building, that part of the building used for any nonresidential uses, except uses accessory to residential uses.

RESIDENTIAL BUILDING: Any building utilized solely for residential activities and their accessory functions.

RESTAURANT (DRIVE-IN): An establishment where the principal business is the sale of food and beverages in a ready-to-consume state by customers in parked motor vehicles.

RESTAURANT (FAST-FOOD): An establishment where the principal business is the sale of food and beverages in a ready-to-consume state by customers in the restaurant or for carry-out. Orders are made from a limited menu and are not taken from the customer's table, and food is generally served in disposable wrapping or containers.

RESTAURANT (FULL SERVICE): An establishment where the principal business is the sale of food and beverages in a ready-to-consume state and where the design or principal method of operation consists of one or more of the following:

A. A sit-down restaurant where customers, normally provided with an individual menu, are generally served food and beverages in non-disposable containers by a restaurant employee at the same table or counter at which said items are consumed; or

B. A cafeteria or cafeteria-type operation where foods and beverages generally are served in non-disposable containers and consumed within the restaurant; or

C. Small specialty restaurants having floor area exclusively within a shopping center or office park, sharing common parking facilities with other businesses within such centers, and having access to a common interior pedestrian access way.

RIGHT-OF-WAY LINE: Right-of-way line is a line contiguous with a lot line dividing a lot from an abutting street.

ROADWAY: The actual road surface including necessary road shoulders and drainage facilities including ditches and curbs and gutters, which is used to transport motor Vehicles.

ROOFTOP SIGN: A sign mounted or similarly attached above a roof or projecting above the roof line of a structure.

ROOMING HOUSE: (See Section 2.020, DWELLING, Rooming House.)

SANITARY LANDFILL: An area or site utilized by a public or Private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State Department of Health and Environment.

SELF-SERVICE STORAGE FACILITIES: A structure or group of structures for the dead storage of customer's goods and wares where individual stalls or lockers are rented to different tenants for storage and removal of personal effects.

SEMI-TRANSIENT RESIDENTIAL ESTABLISHMENT: An establishment where lodging is provided for compensation partly on a weekly or longer basis and partly for a shorter time period, but with less than thirty (30) percent of the living units under the same ownership or management on the same zone lot being occupied on a less than monthly basis; but excluding institutional living arrangements involving the provision of specific kinds of forced residence, such as nursing homes, orphanages, asylums, and prisons.

SETBACK LINE: A line which establishes the minimum distance the principal building must be set back from the street line, property lines and easements.

SEXUALLY ORIENTED MATERIAL: Means any book, article, magazine, publication or written matter of any kind, drawing, etching, painting, photograph, motion picture film or sound recording that depicts sexual activity, actual or simulated, involving human beings or animals, or which exhibits uncovered human genitals or pubic region in a lewd or lascivious manner or which exhibits male genitals in a discernibly turgid state if completely uncovered.

SHOPPING CENTER: A group of compatible commercial establishment, planned, developed, and managed as a single unit, with an automobile storage area provided on the property; the center must also be related in location, size, and type of businesses to its trade area.

SIGN, GROUND MOUNTED: A sign wholly independent of a building façade that is attached to the ground along its length or by post at each end.

SIGN OR OTHER ADVERTISING STRUCTURE: Any structure or part thereof or device attached thereto, or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or any representation used as, or which is in the nature of, an announcement, direction or advertisement. The word "sign" does not include the flag, pennant, or insignia of any nation, state, city or other political unit.

SINGLE OWNERSHIP: Means a proprietary interest of a landholder as defined herein.

SOLID WASTE TRANSFER STATION: A solid waste facility or site at which temporary storage and transference of solid waste from one vehicle or container to another, generally of larger capacity, occurs prior to transportation to a point of processing or disposal. A transfer station is an intermediary point between the location(s) of waste generation (e.g., households, businesses, industries) and the site(s) of ultimate processing or disposal. Number of days that solid waste can be temporarily stored at facility to be determined by County Commission. (Added by Resolution 09-04-09, April 27, 2009.)

SPECIAL INSTITUTIONAL CARE FACILITIES: This is a general term that is intended to include all facilities that involve forced residency, full time supervision and care for: (1) individuals who are legally confined due to violations of law; (2) individuals who are addicted to drugs and/or alcohol; and (3) individuals who are

mentally ill, including the criminally dangerous or others who for their own protection or the protection of society must be confined.

SPECIAL PERSONAL AND GROUP CARE FACILITIES: This is a general term that is intended to include residential facilities for the care of elderly or infirm persons who may require special care and/or supervision. The term is intended to include facilities that are principally residential in nature but wherein long term medical or rehabilitative services are provided for the residents. This term is not intended to include facilities for the criminally dangerous or psychotic. Special personal and group care facilities include the following:

A. Assisted Living Facilities for Elderly or Handicapped Persons: A residential facility other than a dwelling unit (as defined above) intended for occupancy by unrelated individuals who are handicapped, aged, or disabled and wherein meals are prepared and served in a common dining facility and limited assistance is provided for daily activities.

B. Convalescent Homes: (See Nursing Homes.)

C. Family Care Facilities: A licensed facility wherein residential services are provided to eight (8) or fewer unrelated individuals who are handicapped, aged, disabled or otherwise in need of adult supervision in accordance with their individual needs.

This grouping does not include facilities providing residential services to delinquent minors, the criminally dangerous, the addicted, and/or mentally ill individuals.

D. Group Care Facilities: A licensed facility wherein residential services are provided to nine (9) or more unrelated individuals who are handicapped, aged, disabled or otherwise in need of adult supervision in accordance with their individual needs. This grouping does not include facilities providing residential services to delinquent minors, the criminally dangerous, the addicted, and/or mentally ill individuals.

E. Day-Care Facilities for Elderly Persons: A licensed establishment wherein an agency, person or persons regularly provides non-medical care for a group of unrelated individuals who are handicapped, aged, disabled or otherwise in need of adult supervision in accordance with their individual needs for periods of less than twenty-four (24) hours a day.

F. Nursing Homes: A general term used to describe a licensed establishment providing bed care and in patient services for individuals needing regular medical attention but excluding a facility providing surgical or emergency medical services or providing care for mental illness or communicable disease. Retirement or rest homes, and convalescent homes are included within this term.

SPECIFIED ANATOMICAL AREAS: Means any of the following:

A. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITY: Means any of the following:

A. Human genitals in a state of sexual stimulation or arousal;

B. Acts of human masturbation, sexual intercourse or sodomy;

C. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;

D. Flagellation or torture in the context of a sexual relationship;

E. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;

F. Erotic touching, fondling or other such contact with an animal by a human being;

G. Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in "A" through "F", above.

SPECIAL EXCEPTION: A use which is specifically permitted if the owner can demonstrate to the satisfaction of the Board that it will meet certain standards, enumerated safeguards, or qualifying conditions.

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 between the topmost floor and the roof which is used for human occupancy in which the floor area with eight (8) feet or more head clearance equals fifty (50) percent or more of the floor area of the next story below. Provided it is not used as a dwelling unit, a top

floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of the floor area of the story next below shall be a "half-story." A basement shall be considered as a story if more than half of its height is above the average ground level from which the "height of a building" is measured or if it is used for commercial purposes.

STREET: A public road, highway, or thoroughfare which constitutes, or is designed to constitute, the main access to more than one lot and which has been legally dedicated and accepted for public use.

STRUCTURE: Any object constructed or installed by man, including but not limited to buildings, towers, smokestacks, and overhead transmission lines.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a principal structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the improvement or repair or (ii) before the damage occurred. For the purposes of this resolution, substantial improvement is considered to occur when the alteration of any wall, ceiling, floor, or other structural part of the building commences, that alteration affects the external dimensions of the structure. The term does not, however, include either (i) any project for the improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions or (ii) any alteration or restoration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SPORTS FIELD: An outdoor area designed and intended for use in a specific sporting event and includes soccer fields, baseball diamonds, tennis courts, and similar areas but does not include golf courses.

TAVERN: Any premises or establishments serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and minors are excluded therefrom by law. This term also includes bars, cocktail lounges and nightclubs.

TEMPORARY SIGN: Temporary signs shall include any sign banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only.

TOWNHOUSE: A single dwelling unit, occupying space from the ground to the roof and with its own private entrance, which is attached horizontally to one (1) or more other townhouse dwelling units by at least one (1) common wall. (Amended by Resolution 08-08-09, August 07, 2008)

TOXIC MATERIALS: Materials (gaseous, liquid, solid, particulate) which are capable of causing injury to Living organisms even when present in relatively small amounts.

TRAVEL TRAILER: A vehicular, portable structure designed as a temporary dwelling for Travel, recreation, and vacation uses.

TRAVEL TRAILER PARK: A plot of land designed and equipped to accommodate travel trailers for short periods of time.

USE: The purpose for which land or a building or other structure is designed, arranged or intended, or for which it is or may be occupied or maintained.

USE AND OCCUPANCY PERMIT: A written permit issued by the Zoning Administrator required before occupying or commencing to use any building or other structure or any zone lot.

VEHICULAR USE AREA: Vehicular use area as used in this resolution shall mean any group surface area, except public right-of-way, used by any type vehicle whether moving or at rest for the purpose of driving, parking, loading, storage or display (automotive sale lots). Also included are activities of a drive-in nature in connection with banks, restaurants, service stations and grocery stores.

VINEYARD OR WINERY: A parcel on which wine products grown or processed on the owner's property may be sampled and sold, and encompassing the grape fields, the processing works, and the commercial structure or gift shop in which tasting events occur or where products are sold. (Added by Resolution 10-03-03, March 22, 2010)

WALL OR FLAT SIGN: Any sign erected parallel to the face or on the outside wall of any building which projects out at any angle there from and projects more than twelve (12) inches beyond the face of such wall.

WASTE TRANSFER STATIONS: This activity includes a convenience center for collection and mechanical compaction of domestic waste transported in from individual households.

WATERCOURSE: Any depression serving to give direction to a flow of water, having a bed and well-defined banks, where the drainage area above the same is twenty-five (25) acres or more in extent. The flow of water need not be on a continuous basis but may be intermittent resulting from the surface runoff of precipitation.

WINDOW SIGN: Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, which is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

YARD: An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings from the ground to the sky except as otherwise provided in this resolution, provided that accessory buildings may be located in a rear yard.

YARD FRONT: The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the front lot line.

YARD, REAR: The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the rear lot line.

YARD REQUIRED: That part of a zone lot extending open and unobstructed from the lowest level to the sky along the entire length of a lot line, and from a lot line equivalent for a depth of width set forth in the applicable regulations. Only such obstructions, projections and specific minor uses or structures allowed in such open space under the provisions of this resolution may be permitted in any required yard.

YARD, SIDE: The required space unoccupied except as herein provided, measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard.

ZERO-LOT-LINE DEVELOPMENT: The arrangement of housing on a lot in such a manner that one (1) or more of the building's sides rests directly on a lot line and in which the required side yard offset is reduced on one (1) side and increased on the other. (Amended by Resolution 08-08-09, August 07, 2008)

ZONE OR ZONING LOT: For the purpose of this resolution, a zone lot is a parcel of contiguous land that is or may be developed or utilized under one ownership as a unit site for a use or group of uses and which is of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards

and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

A. A single lot of record;

B. A portion of a lot of record;

C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of records;

D. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this resolution.

ZONING ADMINISTRATOR: The Building Inspector for Marshall County, Tennessee (See Article VIII, Section 8.030).

ZONING MAP: A map or series of maps and special overlays (the official copy being maintained by the county clerk) showing districts and special districts that are established under the provisions of and, hereby, being a part of this resolution.

ZONING PERMIT: A written permit issued by the Building Inspector, same being required before commencing any construction, reconstruction, alteration of any building or other structure or before establishing, extending or changing any activity or use on any zone lot. This term also includes building, use and occupancy permits (See Article VIII, Section 8.030).

ARTICLE III - GENERAL PROVISIONS

SECTION

3.010 Scope
3.020 Only one (1) principal building on any lot
3.030 Lot must abut a public street
3.040 Reduction in lot area prohibited
3.050 Obstruction to vision at street intersection prohibited
3.060 Access control
3.070 Accessory use regulations
3.080 Site plan requirements for commercial and industrial developments
3.090 Buffer strips

3.100 Corner lots
3.110 Alternative wastewater treatment systems
3.120 Water Supply
3.130 Septic Easements

3.010. Scope. For the purpose of the zoning resolution, there shall be certain general provisions which shall apply, except as specifically noted, to the County as a whole.

3.020. Only one (1) principal building on any lot. Only one (1) principal building and its customary accessory buildings (only one additional ADU may be erected on any lot.) Provided, however, that these provisions shall not apply to apartment dwellings and mobile home parks approved under the provisions of Article VIII, Section 8.060, of this resolution.

On lots which exceed one hundred (100) acres in the A-1 District, not more than three (3) residences (only one (1) which may be a single-wide mobile home) may be located for those persons owning or operating the premises; members of the immediate family of the owner or operator thereon; or persons employed full-time and their families thereon. The site of each dwelling unit shall meet all minimum lot and yard requirements of the A-1 District such that the site can be subdivided from the remaining acreage if necessary. A preliminary site survey showing the future subdivision shall be required before a building permit is issued.

3.030. Lot must abut a public street. No building shall be erected on a lot which does not abut at least one (1) public street for a distance of at least fifty (50) feet. This section shall not apply to properties abutting a cul-de-sac, which shall abut the street for at least thirty (30) feet; or to properties whose access is provided by a private easement; provided, however, that when a permanent easement to a public street is used as access to a lot or tract of land having been or being separated by deed from other property, such easement shall be at least fifty (50) feet in width and shall not be used to provide access to more than one (1) lot or tract of land. This section shall not be construed to prohibit the development of buildings on lots or tracts with permanent access provided by private streets, provided such development is in the form of condominium ownership of such private improvements which has been approved by the planning commission and will be in private ownership and control in perpetuity.

3.040. Reduction in lot area prohibited. No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that any requirements of the zoning resolution are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

3.050. Obstruction to vision at street intersection prohibited. On a corner lot in any district, within the area formed by the center line of intersecting streets and a line joining pints on such center lines at a distance of twenty-five (25) feet from their intersection nothing shall be erected, placed, planted, or allowed to be grown in such a manner as materially to impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the center line grades of said intersecting streets. This section shall not be deemed to prohibit any necessary retaining walls.

3.060. Access control. In order to promote the safety of motorists and pedestrians and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

A. No curbs, or shoulders on county streets or rights-of-way shall be cut or altered without approval of the Marshall County Road Superintendent, or if a state highway, a permit must be obtained from the Tennessee Department of Transportation.

3.070. Accessory use regulations. The use of land, buildings, and other structures permitted in each of the districts established by this resolution are designed by listing the principal uses. In addition to such principal uses, accessory uses, such as garages and small outbuildings in residential areas, etc., which are customarily incidental to the permitted principal uses are also permitted in each district (see definition of accessory use). Each accessory use shall:

A. Be customarily incidental to the principal use established on the same lot.

B. Be subordinate to and serve such principal use.

C. Be subordinate in area, intent, and purpose to such principal use.

D. Contribute to the comfort, convenience, or necessity of users of such principal use.

3.080. Site plan requirements for commercial and industrial developments.

A. Proposals (site plans) for the construction, location or change of use of one (1) or more principal structures on a lot (with the exception of single-family and two-family dwellings)

The Site Plan shall be drawn by an architect or Surveyor licensed in the State of Tennessee. In addition to the location, and ownership of the property, the site plan shall contain at a minimum;

- the names of all adjoining property owners of record, or the names of adjoining developments.

-the location and dimensions of all boundary lines of the property, figured to the nearest hundredth (100th) of a foot

- the location, dimension, and area of all proposed or existing lots; proposed and existing fire hydrant location(s), and cluster mailboxes if required.

-the location and dimensions of all property proposed to be set aside for park or playground use or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation;

-the limits of floodway and floodway fringe areas and the associated regulatory flood elevation and regulatory flood protection elevation, as determined according to flood maps or flood studies as required.

-areas to be used for sewage disposal and their percolation results, or if the planning commission desires, any other acceptable data to show that the site can be served effectively by septic tanks.

-water wells existing and proposed

-rock outcroppings, marshes, springs, sinkholes, natural storm drains, and other outstanding topographical features

-a narrative of the proposed use in detail, how the proposed use would fit the character of the area by referring to Section 1.040 Purpose of the Zoning Resolution of Marshall County.

-proposed density changes, reports from involved utilities and departments that would be required for any increased changed infrastructure demands, detailing how the proposed development would impact current infrastructure.

-additionally, the site plan will include color representations of the proposed structure, or structures, and demonstrate how the proposed structure will be aesthetically compatible with the surrounding area by use of brick, stone, wood or fibrous cement siding or other materials on the exterior of the proposed structure or structures, as approved by the Marshall County Planning Commission.

-shall show how utilities and dumpsters will be screened

-must exhibit required automobile parking areas, servicing utilities with reference to location, availability, and compatibility, loading and unloading spaces are to be located in the rear (whenever possible), maneuvering areas, openings for ingress and egress to public streets.

-a proposed drainage plan with contours at five (5) foot intervals, the density of development or the required open space, the number of stories (all residential and commercial structures three (3) or more stories in height must have their plans approved by the State Fire Marshall's Office.

-the number of dwelling units per acre if applicable, all required building setbacks, easements and other yard requirements, as well as a location map showing the relationship of the proposal to scale, to other development, land uses, and streets.

-shall include a lighting, and landscaping plan

-shall be submitted no later than fifteen (15) days prior to the next regularly scheduled planning commission meeting, at a scale no smaller than 1" =100'. (Amended by Resolution 18-03-05)

B. Proposals for mobile home parks shall follow separate provisions outlined in Article IV, Subsection 4.044. (Amended by Resolution 05-04-12, April 25, 2005)

C. The above applications must be supported by any other reasonable information or data as might be deemed necessary by the Marshall County Regional Planning Commission.

3.090. Buffer strips. Where a use is developed in areas zoned (C-1, C-2, M-1, or M-2) which abuts at any point upon property zoned (A-1, A-2, and R-1), the developer of said use shall provide a buffer strip as defined herein at the point of abutment.

3.100. Corner lots. For lots adjacent to the intersection of two (2) public streets, the front yard shall be determined by the public street that provides the address for the lot. The rear yard sha11 be opposite from the front yard and the remaining yards shall be considered side yards. (Amended by Resolution 05-04-12, April 25, 2005)

3.110. Alternative wastewater treatment systems. Alternative wastewater treatment systems shall be allowed in all Zoning Districts. Prior to approval of any development that utilizes an alternative wastewater treatment system, approval must be received, in writing, from the Marshall County Board of Public Utilities and the Tennessee Department of Environment and Conservation. (Added by Resolution 05-11-06, November 28, 2005) (Affirms by Resolution 08-03-05, March 24, 2008)

3.120. Water Supply. In Zoning Districts A-1, A-2, R-1, C-1, C-2 where Public Water is not available, water shall be required for the issuance of a Building Permit from one of the following sources and under the conditions of: (Added by Resolution 11-11-04, November 28, 2011)

A.) Well – a minimum of 500 gallons per a 24-hour period shall be certified by a licensed water well driller. The Permit holder shall be responsible for ensuring the water is potable.

B.) Spring – a minimum of 500 gallons per a 24-hour period shall be verified by the Marshall County Building Codes Department. The Permit holder shall be responsible for ensuring the water is potable.

C.) Alternative Water Supply - In cases where the owner of a property wishes to collect and/or store water for domestic use, this shall be allowed provided:

1.) The collection system has the ability to store at least 2500 gallons of water.

2.) The Building Permit applicant shall be responsible for ensuring that the water is potable.

3.) The system shall meet the basic requirements for water storage systems as specified in the current adopted edition International Plumbing Code.

3.130. Septic Easements. In all Zoning Districts, Septic Easements shall be allowed only as a Special Exception, each granted by the Marshall County Board of Zoning Appeals, each decided on the merits of the application.

Excluded from this requirement is any subdivision of property with lot sizes greater than five acres and is subdivided in such a way that review by the Marshall County Planning Commission would not be required by State or local laws. (Amended by Resolution 16-06-12 June 27, 2016)

ARTICLE IV - SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

SECTION

4.010 Temporary use regulations
4.020 Customary incidental home occupations
4.030 Gasoline service station restrictions
4.040 Cluster residential development (Subdivided)
4.050 Development standards for automobile wrecking, junk and salvage yards
4.060 Development standards for the installation of communication towers and stations
4.070 Abandoned Vehicles
4.080 Quarries
4.090 Solid Waste Landfill Restrictions
4.100 Criteria for Donated Lots to be Used as Parks
4.110 Solid Waste Transfer Station
4.120 Recycling Centers
4.130 Outdoor Firearms Training Facilities
4.140 Standards for signs
4.150 Front setbacks for Commercial and Industrial Districts

4.010. Temporary use regulations. The following regulations are necessary to govern the operation of certain necessary or seasonal uses nonpermanent in nature. Application for a Temporary Use Permit shall be made to the Building Inspector. Said application shall contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located.

A. Carnival or Circus: May obtain a Temporary Use Permit in the A-1, A-2, C-1, C-2 Districts; however, such permit shall be issued for a period of not longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided.

B. Christmas Tree Sale: May obtain a 30-day Temporary Use Permit for the display and sale of Christmas trees on open lots in any district.

C. Temporary Buildings: In any district, a Temporary Use Permit may be issued for contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six-month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs sooner.

D. Religious Tent Meetings: In any district, except the M-1, General Industrial District, A Temporary Use Permit may be issued for a tent or other temporary structures to house a religious meeting. Such permit shall be issued for not more than 30-day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.

E. Temporary Dwelling Unit in Cases of Special Hardship: In any residential district, a Temporary Use Permit may be issued to place a mobile home (double-wides excluded) temporarily on a lot in which the principal structure as destroyed by fire, explosion or natural phenomenal. The purpose of such placement temporarily shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent an exceptional hardship on the same. Placement of such temporary structure must not represent a hazard to the safety, health, or welfare of the community. An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from the Marshall County Health Department and/or the Utilities System approving the water supply and sewage disposal systems of the temporary structure. Such a permit may be initially issued for nine (9) months. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of eighteen (18) months.

F. Temporary Dwelling Unit in Cases of Medical Hardship: In any residential district, a Temporary Use Permit may be issued to place a mobile home (double-wides excluded) on a lot which already contains a residential structure, provided

that the purpose of such temporary placement shall be to make it possible for a resident of either structure to provide assistance to a person who requires daily assistance due to physical or mental disability, and provided further that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community. An applicant for a Temporary Use Permit as provided under this Subsection must produce a written statement from a physician certifying that the specific disability requires assistance from someone in close proximity as evidence of such disability, and a written statement from the Marshall County Health Department approving the sewage disposal system of the proposed temporary structure.

Such permit may be initially issued for twelve (12) months. A permit may be renewed for twelve (12) months at a time, subject to producing a new statement from a physician certifying that the assistance is still required due to the disabling condition. The temporary permit shall be revoked, and the structure removed immediately upon expiration of the permit or upon a change in the conditions under which such permit was issued.

The person requiring assistance due to the disabling condition may be a resident of either the temporary or permanent structure. The temporary residence shall be treated as an accessory building.

G. Limited Duration Goods and Merchandise (including temporary flea markets and yard sales): May obtain a thirty (30) day Temporary Use Permit for the display and sale of limited duration goods and merchandise on open lots in any district.

4.020. Customary incidental home occupations. A customary incidental home occupation is a gainful occupation or profession (including the professional office of an architect, artist, dentist, engineer, lawyer, physician and the like, barber, beauty, and tailor shops) conducted by members of a family residing on the premises or only one person in addition to those persons residing therein and conducted entirely within the principal dwelling unit or in a permitted accessory structure. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings. An announcement sign of not more than four (4) square feet in area is permitted.

Once a specific home occupation permit is granted, it cannot be changed to another use. If there is a change in ownership of a parcel conducting an incidental home

occupation, then the home occupation permit, allowing that specific home occupation, for the parcel shall cease.

When questions arise regarding the legality of specific home occupations, the Board of Zoning Appeals shall determine whether said home occupation is in compliance with the district in which said home occupation is located. However, activities such as dancing instruction, band instrument instruction (except piano instruction) tea rooms, bed and breakfast establishments, real estate offices, convalescent homes, mortuaries, animal clinics, retail sales business, or any other activity deemed by the Board to be incompatible with the district or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation.

Any home occupation shall meet the following requirements:

1. No person other than members of the family residing on the premises and one employee not residing on the premises shall be engaged in such occupation;

2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by the occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;

3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not to exceed two (2) square feet in area, non-illuminated, and mounted flat against the wall of the principal building;

4. Home occupations may be conducted in accessory buildings limited to a maximum of 600sqft. ?

5. There shall be no business solely for retail sales or exchange of goods for compensation conducted on the premises in connection with such home occupation.

6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;

7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot;

8. The home occupation shall not involve the storage of commercial vehicles nor the use of such vehicles for delivery of goods or materials to and from the premises; ?

9. No home occupation shall require internal or external alterations, construction features, or the use of any equipment that would change the fire rating of the structure;

10. No outdoor display of goods or outside storage of equipment, parts, or materials of any kind used in the home occupation shall be permitted; and

11. The following are specifically prohibited as home occupations: The repair of motor vehicles, Boarding for hire, and Domestic animal breeding operations.

4.030. Gasoline service station restrictions. The following regulations shall apply to all gasoline service stations:

A. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands.

B. Gasoline pumps shall not be located closer than fifteen (15) feet to any right-of-way line.

4.040. Cluster residential development (Subdivided): Intent: To permit greater flexibility for creative design to achieve superior scenic quality and recreational opportunity close to home by providing for residential subdivisions which incorporate permanent local open space accessible to all residential lots.

How it works: Instead of the conventional subdivision procedure which results in homes more or less evenly spaced throughout the site, these provisions allow individual lot and yard requirements to be reduced to permit closer grouping or "clustering" of homes on a portion of the site. Developers, however, cannot construct more dwelling units on the site than the zoning minimum lot size requirements call for, but can reduce lot sizes if the land thus saved is put into permanent open space.

A. Procedure for Approval.

1. Initial Sketch and Consultation.

Before preparing a formal proposal for cluster residential development, the applicant shall submit five (5) copies of a sketch of the proposed development to

the planning commission as a basis for reaching a general agreement on major aspects of the project. The sketch shall indicate, at a scale no smaller than 1"=200'.

-boundaries and acreage of the site

-number and building types of dwelling units

-arrangement of streets, structures, ad lots

-access to existing streets -local open space tracts and prospective uses

-any convenience service area

-location and size of water, sewer lines.

2. Plat Approval Procedures. Proposals for cluster residential developments shall be subject to the Marshall County Subdivision Regulations, shall be prepared and reviewed under the plat approval procedure of that resolution, and shall be in accordance with the provisions of this section.

A. Development Requirements.

1. This section shall apply only to residential structures located within the A-1, A-2, and R-1 Districts, excluding mobile homes. (Amended by Resolution 05-11-06, November 28, 2005) (Affirms by Resolution 08-03-05, March 24, 2008)

2. Minimum number of dwellings units per subdivision .....40.

3. Maximum Density.

The average number of dwelling units per acre of buildable land (not including land for street right of-way) shall not exceed the minimum land area requirements as cited in the R-1 District. Maximum buildable acreage shall consist of seventy-five (75) percent of the total residentially zoned acreage available, with twenty-five (25) percent of said total to be allocated for street right-of-way regardless of the acreage actually required.

4. Minimum lot size, width or yard requirements ..... None.

5. Structure location requirements.

-Minimum distance between structure and street right-of-way line ……..... 30 feet.

-Minimum spacing between structures ...……30 feet.

6. Convenience Commercial Services.

Food and drug stores, beauty and barber shops, coin laundries, or similar commercial facilities only, may be permitted within developments of one hundred (100) units or more for the purpose of serving local residents. Such facilities must be designed as an integral part of the development, and external advertising or other characteristics which alter the residential scenic quality, noise level, or traffic load shall not be permissible. Commercial facilities shall not be established before residential construction commences.

7. Utilities. The development shall be serviced with public or package sanitary sewerage and public water on trunk lines not less than eight (8) inches and six (6) inches respectively. Larger size utility lines may be required on review of the proposal.

8. Local Open Space.

(a) Minimum local open space requirement.

Plats proposed for approval under the provisions of this section shall include local open space tracts of size, location, shape and topography which will meet the intent of this section. (Marshall County Subdivision Regulations). The minimum amount of local open space to be allocated shall not be less than the aggregate amount by which building lots are reduced from regular minimum lot size requirements.

(b) Permitted local open space uses.

Only the following land uses may be set aside as common land for local open space on recreational uses:

-Private recreational facilities, such as golf courses or swimming pools, which are limited to the use of the owners or occupants of the lots located within the subdivision.

-Historic building sites or historical sites, parks and parkway areas, extensive areas with tree cover, low land along streams or areas of rough terrain when such areas are extensive and have natural features worth of scenic preservation.

(c) Legal requirements for operation and maintenance.

Local open space, at the option of the developer, may be retained by him or deeded by him to a homeowner's association or other organization approved by the planning commission.

When such tracts are retained by the developer, plans for improvement and maintenance of these tracts must be approved by the planning commission, and deed covenants, be made to assure continuing use of the tracts for local open space purposes.

When such tracts are to be deeded to a homeowner's association, the developer shall provide:

(1) The legal framework for a homeowner's association, consisting of articles of incorporation and by-laws which guarantee as a minimum:

-that the homeowners association will be responsible for liability insurance, local taxes, maintenance of recreational or other facilities pertaining to the local open space.

-that when more than fifty (50) percent of the lots within the subdivision are sold, there shall be a special meeting of the homeowner's association within sixty (60) days.

(2) Deeds to individual lots within the subdivision, which shall convey mandatory membership in the homeowner's association, and include as a minimum the following provisions:

-responsibility for paying a pro-rata share of the cost of the homeowner's association operation.

-agreement that the assessment levied by the association can become a lien on the property if not paid.

-agreement that the association shall be able to adjust the assessment to meet changed needs.

-guarantee of permanent unrestricted right of utilize lands and facilities owned by the association.

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

A. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

B. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than five hundred (500) feet from any established residential zone.

C. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height. Storage between the road or street and such fence, screen, or wall is expressly prohibited. Any fence, screen, or wall for concealment shall be maintained in good condition.

D. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.

E. Ingress and Egress: The number of vehicular access driveways permitted on any single street frontage shall be limited to:

1. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.

2. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to thirty (30) feet in width maximum, exclusive of curb returns.

F. Application for Automobile Wrecking, Junk or Salvage Yard Permit: No person shall own or maintain an automobile wrecking, junk, or salvage yard within Marshall County until he has secured a permit from the Marshall County Board of Zoning Appeals. An application for said permit shall be filed in accordance with Article VIII, Section 8.060, of this resolution and shall be accompanied by a detailed site plan, a schedule for construction, and any other information herein required. Said application shall be submitted along with any plans and schedules. The Board shall vote to approve or disapprove the application in accordance with the time schedule in Section 8.060. (Amended by Resolution 05-04-12, April 25, 2005)

4.060. Development standards for the installation of communication towers and stations. The purpose of this section is to establish general guidelines for the siting and installation of communication equipment such as towers and antennas. The goals of these standards are to:

1. Minimize the total number of towers throughout the county.

2. Encourage strongly the joint use of new and existing tower sites.

3. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse visual impact on the community is minimal.

4. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas.

5. Enhance the ability of providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.

A. Required Development Standards

Because communication towers and antennas can have a decidedly detrimental effect upon surrounding properties and may adversely affect property value by their general appearance, property owners located within five hundred (500) feet of any property upon which request to locate a communications tower is made shall be notified, by letter, of such request. The Marshall County Zoning Compliance Office shall mail said notification seven (7) days prior to the scheduled Planning Commission meeting. The seven (7) days' notice shall not include the day on which the letter is mailed or the day of the meeting.

The following standards shall be used as a guide in evaluating whether the proposed installation of communications towers and antennas have properly minimized their objectionable characteristics.

The location of any type of communication tower and/or antenna shall be approved by the Marshall County Planning Commission in those districts where permissible. Applicants shall provide the following information in multiple copies adequate for distribution to the Marshall County Planning Commission:

1. Site and landscaping plans drawn to legible scale and details. The site shall be located and highlighted on the tax map with the map and parcel numbers identified.

2. A written report including a description of the tower with technical reasons for its design.

3. An inventory and map identifying the location of existing and proposed tower sites owned and operated by the applicant. The inventory shall also include information on the height and design of each existing tower as well as those proposed.

4. Documentation establishing the structural integrity of the tower's proposed uses certified by a professional engineer licensed in the State of Tennessee competent in such design (structural engineer), the general capacity of the tower and information necessary to ensure that American National Standard Institute (ANSI) standards are met.

5. A written statement of intent whether excess space on the tower will be leased (i.e., total amount of co-locators permitted on tower).

6. Written proof of ownership of the site or a copy of the owner's authorization to use the site.

7. Copies of any easements necessary to gain access or limited development areas.

8. Owner of the proposed site and tower representative to appear before the Planning Commission.

9. An analysis of the site containing existing topographical contours based upon field obtained data tied to USG elevation datum.

10. A written report from a professional engineer licensed in the State of Tennessee (geotechnical engineer) that the soils and underlying materials will support the intended structure.

11. Written evidence that the tower facility meets technical emissions standards set by the Federal Communications Commission (FCC).

12. Written evidence as to why this site was selected and why co-location is not a possible venue.

13. All communications towers and stations shall be located a minimum of 1000 feet from any building considered to be habitable.

14. Written evidence that the site complies with requirements of the National Environmental Policy Act (NEPA) in regard to impact on wildlife, endangered species, historical sites, Indian religious sites, floodplains, wetlands, high intensity white lights in residential neighborhoods and frequency emissions in excess of FCC guidelines. The Planning Commission may exempt communication towers that are under 150 feet in height from providing written compliance with NEPA, if the applicant can provide evidence to the Planning Commission that the impact of the tower will not be significant to the surrounding area. The evidence may include, but is not limited to, the following: land-use of the surrounding properties, topography of the area, proof that the area is free from flooding or other natural hazard, etc. More information may be requested by the Planning Commission. If the information provided by the applicant is not sufficient in the Planning Commission's estimation, the applicant shall provide the NEPA compliance material. (Amended by Resolution 06-08-11, August 28, 2006)

B. Other Requirements

1. Towers shall be located on a lot so that a fall radius from the base of the tower to any adjoining property line or supporting structure of another tower is a minimum of one hundred (100) percent of the proposed tower height to ensure its collapse will be contained within an unoccupied area. This requirement may be wavered by the Planning Commission if certain standards are met by the applicant. Certification from a licensed design and/or construction engineer that the tower designed and/or constructed in such a way to collapse onto itself or crumple in the event of a structural failure. Additionally, a statement must be provided as to the size of the fall radius required should the entire tower be involved in the structural failure. (Amended by Resolution 05-04-12, April 25, 2005)

2. Except as specifically required by the FAA or the FCC, communication tower structures shall be colors of gray or silver only to reduce their visual impacts, shall not be illuminated and shall not use strobe lights.

3. Any proposed tower shall be structurally designed so as to encourage co-location by future additional users.

4. No advertising or display is permitted on any communication tower.

5. Any on-site accessory structure shall only be used for the storage of necessary on-site equipment and/or electronics.

6. Landscaping and vegetative buffers should be installed to reduce visibility from the road and surrounding property.

7. The tower base, all guy wires, and equipment areas shall be enclosed with a fence no less than six (6) feet in height so as to prevent uncontrolled access by children, pets, and others from the street or adjacent properties. Said fencing shall be locked and maintained in good condition.

8. Approval by the Planning Commission shall be valid for a period not to exceed twelve (12) months. If the start of construction of the actual tower has not begun within twelve (12) months, approval shall expire, and the applicant will be required to resubmit plans for approval based upon standards outlined in the Zoning Resolution at the time of re-submittal.

4.070. Abandoned Vehicles

A. Violation of Zoning Ordinance (Amended by Resolution 05-04-12, April 25, 2005)

The open storage of more than three (3) abandoned or inoperative motor vehicles on any lot or parcel for a period exceeding thirty (30) days shall be unlawful and considered to be a violation of this zoning resolution unless the storage takes place upon the site of one of the following:

1. The site of a properly zoned automobile "Dismantler/Recycler" that is listed by the Tennessee Motor Vehicle Commission.

2. The site of a properly zoned junkyard, salvage yard or automobile wrecking yard that is licensed as a business establishment.

3. The site of a properly zoned car repair or towing establishment.

B. Evidence of Violation The presence of any such vehicle or parts thereof is hereby declared to be evidence of a violation of this zoning resolution. Such violation is punishable as provided in Article VIII, Section 8.100, Penalties.

C. Exemptions

1. Vehicles meeting the following conditions are exempt from this provision:

2. Any motor vehicle over twenty-five (25) years in age that is retained by its owner for collection purposes rather than for salvage or for transportation; said vehicle shall be maintained in operable condition and may be required to be kept within a building where it is not visible from any adjacent property or public right-of-way.

3. Any motor vehicle in operable condition specifically adapted or constructed for racing.

4. Any abandoned, wrecked, junked, partially dismantled, or inoperative motor vehicle kept within a building.

5. Any farm machinery, specifically tractors but not trucks.

4.080. Quarries.

The following regulations shall apply to all quarries: (Amended by Resolution 07-10-02, October 22, 2007)

A. No portion of any quarry may be located within a two-mile radius of any of the following:

1. any public or duly licensed private facility;

2. any existing duly licensed day care center;

3. any public park,; or

4. any hospital, assisted living facility or nursing home.

4.090. Solid Waste Landfills Restrictions. The following regulations shall apply to all solid waste landfills, excluding the expansion of existing landfill

sites:(Amended by Resolution 07-08-09, August 27, 2007) (Amended by Resolution 12-08-01, August 14, 2012)

A. Application Requirements: All Applicants for a solid waste permit must meet the following requirements before becoming eligible to apply for or receive any required approval from Marshall County Board of Zoning Appeals or the Marshall County Planning Commission under this Resolution, including but not limited to, approval as a special exception. (Amended by Resolution 09-04-10, April 27, 2009)

1.) Receive approval by the Marshall County Board of Commissioners under the applicable Jackson Law

2.) Submit an Environmental Water Impact Statement for any and all lands impacted equivalent to the scope THAT TDOT REQUIRES of any project that has federal funds provided. This study shall be complete and conform to all current federal guidelines for an Environmental Water Impact Study or the Statement will not satisfy this requirement. (Amended by Resolution 09-04-10, April 27, 2009)

3.) Submit an Environmental Assessment, equivalent in scope to a NEPA analysis for all federally funded projects, for any and all lands subject to potential impact. This study shall be completed by a certified NEPA Compliance Officer and conform to all federal guidelines, or the Assessment will not satisfy this requirement. (Amended by Resolution 09-06-15, June 16, 2009)

4.) Plans Required

A. Plan of general area (within a one (1) mile radius of site) shall be prepared at a scale of one thousand (1,000) feet to the inch or less with a ten (10) foot contour interval or less to show: (Amended by Resolution 09-06-06, June 16, 2009)

(1) Existing Data

A. Location of the proposed site.

B. Surrounding land use pattern including building locations and historical sites and buildings within a one (1) mile radius of proposed site.

C. Roads: indicating major roads and showing width, weight loads, types of surfaces, and traffic data.

(2) Site and Geological Data

A. Soil and geology, with soil borings on a one hundred (100) foot grid for disposal or storage facilities and a five hundred (500) foot grid for extractive operations.

B. Surface drainage patterns.

C. Groundwater movements and aquifer information.

D. Aquifer recharge data.

E. Vegetation cover on the site and dominant species.

F. Climate, precipitation, and wind direction.

(3) Proposed Operation of the Site

(A) Extraction Operations

i. Type of material to be removed.

ii. Annual removal rate.

iii. Methods of extraction, including types of equipment, use of conveyors, use of blasting materials.

iv. Supplementary processes, drying, grading, mixing or manufacturing.

v. Estimated life of the operation and maximum extent of area disturbed, final depths, and side wall slopes.

vi. Approved sediment erosion control plan.

(B). Disposal Facilities

i. Approximate number of cubic yards or thousands of gallons of waste to be accepted per day.

ii. Detailed description of the operation.

iii. Method of protecting waste from exposure to wind, rain, or biological influences.

iv. Types of liners or other barriers to prevent movement through the soil.

v. Types of leachates generated and method of managing these materials.

vi. Type and origination of the waste materials.

vii. Average number of vehicles entering the site and the routes taken to get there.

viii. Ability of roads and bridges to support such loadings.

ix. On-site management techniques used to protect against odor, dust, litter, animal or insect vectors.

x. Data on developments that have been submitted to the County for either building permits, zoning reviews, subdivisions or land developments.

(4) Conformance to State and Federal Regulations

A. All aspects of the extraction or disposal use must conform to applicable State and Federal regulations.

B. Plan of proposed site at a scale of one hundred (100) feet to the inch or less with a two (2) foot contour interval or less to show:

(1) Basis Data

A. Soils and geology.

B. Groundwater data and water courses

C. Vegetation: with dominant species.

D. Wind data: directions and percentage of time.

(2) Proposed Use

A. Final grading by contours.

B. Interior road pattern: its relation to operation yard and points of ingress and egress to State and County roads.

C. Estimated amount and description of aggregate and overburden to be removed.

D. Ultimate use and ownership of site after completion of operation.

E. Source of water if final plan shows use of water.

(3). Plan of Operation Showing:

A Proposed tree and berm screen locations.

B Soil embankments for noise, dust, and visual barriers, and height of soil mounds.

C Method of disposition of excess water during operation.

D Location of typical schedule of blasting

E Machinery: type and noise levels

F Safety measures: monitoring of complaints

(5). End Use Plan An end use plan for the rehabilitation of the site after the extraction or disposal operation is completed shall be submitted and must be approved. Such plan shall show and provided for either a final end use or an open space use. If it is to be open space use, documentation as to who shall own and maintain such site or restrictive easements must be presented as well as a final contour and site plan submittal. If there is an end use other than open space, the engineering data on the length of time needed for the restoration work to settle sufficiently to provide a stable base for the proposed end use shall be submitted. For all such uses, proper legal documents must be presented that outline:

(1) post operation maintenance procedures; and

(2) legal responsibility for any environmental pollution that could occur after the facility is closed; and

(3) Financial ability to clean up any possible pollution that could occur after the facility is closed.

(5). Performance

A. Operations. Extractive operations shall meet all development and performance standards of this Ordinance and all applicable local, state and federal regulations.

B. Setbacks. No excavation, quarry wall, or storage area shall be located within fifty (50) feet of any lot line, one hundred twenty-five (125) feet from any street right-of-way, nor within two hundred (200) feet of any residential property line.

C. Grading. All excavations shall be graded in such a way as to provide an area which is harmonious with the surrounding terrain and not dangerous to human or animal life. (See Section 4520 N, & PP).

(1) Excavations shall be graded and backfilled to the grades indicated by the site plan. Grading and backfilling shall be accomplished continually and as soon as practicable after excavation.

(2) Grading and backfilling may be accomplished by use of construction rubble such as concrete, asphalt, or other materials, providing such materials are composed of non-noxious, noncombustible solids.

(3) Grading and backfilling shall be accomplished in such a manner that the slope of the fill or its cover shall not exceed the normal angle of slippage of such material, or thirty-three (33) degrees in angle, whichever is less. During grading and backfill, the setback requirements in paragraph b., above may be reduced up to one-half, so that the top of the grading slope shall not be closer than twenty-five (25) feet to any lot line, seventy-five (75) feet to any street line, nor within one hundred (100) feet of any nature reserve or zoning district boundary line. (Amended by Resolution 10-03-05, March 22, 2010)

(4) When excavations which provide for a body of water are part of the final use of the tract, the banks of the excavation shall be sloped to a minimum ratio of seven (7) feet horizontal to one (1) foot vertical, beginning at least fifty (50) feet from the edge of the water and maintained into the water to a depth of five (5) feet.

(5) Drainage shall be provided, either naturally or artificially, so that disturbed areas shall neither collect nor permit stagnant water to remain.

Backfilling and grading shall be done so as to restore surface and subsurface drainage to their original patterns.

D. Access. Truck access to any excavation shall be so arranged as to minimize danger to traffic and nuisance to surround properties.

E. Mitigation of Road Damage. A bond must be determined by, posted with, and accepted by the County to cover the potential damage to public roads, caused by the development, operations, and rehabilitation of the subject property prior to the commencement of site work and/or operations.

F. Planting. When planting is the final use to which the tract is put, all that is not covered by water shall be covered with a sufficient amount of arable soil to support vegetation. A planting plan shall be prepared for the entire finished tract using various types of plant material that prevent soil erosion and provide vegetation cover. When buildings are proposed as part of the final use to which the tract is put, areas adjacent to proposed buildings shall be planted with a vegetation cover in keeping with the requirements of the ultimate building purposes.

G. Subsequent Development of Extraction of Disposal Sites. All building sites shall be required to be tested for the presence of radon. Tests results shall be submitted to the County Planning Department. Structures erected on such sites shall be required to include provisions such as vented basements and air exchanges to ensure proper ventilation.

B. Locational Criteria: No portion of any solid waste landfill may be located within a two (2) mile radius of any of the following: (Amended by Resolution 10-03-05, March 22, 2010)

1. any public or duly licensed private school facility;

2. any existing duly licensed day care with twenty (20) children or more capacity;

3. any public park; or

4. any hospital, assisted living facility or nursing home.

C. Daily Operational Criteria:

A. A peripheral buffer zone shall be established and maintained throughout the life of the facility along all property boundaries. The buffer zone shall comprise

no less than 30% of the total property involved (i.e. a 100 acre property would require that 30 acres be designated peripheral buffer zone to be equally distributed along the property boundaries. Further, the peripheral buffer zone shall be designed in such a manner that it shall not be less than two hundred fifty (250) feet at any point along the property boundary. This buffer will consist of three (3) rows of trees and shrubs placed no more than twenty (20) feet apart, staggered with each row being twenty (20) feet apart. A minimum of sixty (60) percent of all trees and shrubs placed in the buffer shall be evergreens and conifers. All trees planted on the site shall be a minimum of ten (10) feet in height that will mature at a height of forty (40) feet. In addition to the row of trees, a row of shrubs in front of the trees is required along road frontage. In addition to the required planting, it is suggested that manmade and natural berms be used to further the effectiveness of the natural planted buffer. The peripheral buffer zone should only be broken by driveways, and walkways that provide access to the site. Any required fencing shall not be located within the buffer zone and property boundaries.

B. No fires shall be permitted. Any smoldering flame or spontaneous combustion in the fill shall be immediately extinguished.

C. All separation or picking of waste materials shall be conducted in an enclosed building only

D. The premises shall be kept neat and clean at all times, no loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by use of calcium chloride or some other approved method.

E. Entrance to the site shall be controlled at all times to prevent improper dumping on the site. (b, c, d, e Amended by Resolution 08-03-05, March 24, 2008)

D. Closure and Post-Closure Plans: As previously mentioned in 3.090.A.4.d., End Use Plan, a detailed description of post-operation maintenance procedures must be delineated. The PCC shall cover a maintenance period of no less than 30 years to ensure that the solid waste facility is carefully managed after its closure and that there are no potential threats to human health or the environment. Owner/operators are also required to continue monitoring and maintaining the landfill once it is closed to protect against the release of hazardous constituents to the environment.

1. Closure Plans and Standard:

Once a MSWLF has received its final shipment of waste, it must begin closure operations within 30 days. A MSWLF, however, may delay closure for up to one year if additional capacity remains. Any further delays after one year require approval from the state director. After beginning, all closure activities must be completed within 180 days (with the exception of an extension from the state director). The Owner/operator of a closed MSWLF must prepare a written closure plan than provides:

A description of the final cover design and its installation methods and procedures, in accordance with all state and federal regulations, including the Tennessee Department of Environment and Conservation's Rule Chapter 1200-1-7 .02, Solid Waste Storage, Processing and Disposal Facilities, and Rule Chapter 1200 1-7-.03, -.04, Financial Assurance and Specific Requirements.

An estimate of the largest area of the landfill requiring a final cover.

An estimate of the maximum inventory of waste on site during the landfill's active life.

A schedule for completing all required closure activities.

2. Post-Closure Care Plan: Post-closure care activities consist of monitoring and maintaining the waste containment systems and monitoring groundwater to ensure that waste is not escaping and polluting the surrounding environment. The PCC shall delineate specific methods, techniques, and frequency for the proper maintenance and treatment of the collect leachate runoff, capture or release of the landfill gas (methane), and the final cap and cover system, including groundwater quality testing and soil sampling and analysis to ensure the integrity and effectiveness of the various systems. After closure is complete, the owner/operator then must certify that the closure has been completed in accordance with the official closure plan. This certification must be signed by an independent, registered professional engineer or the state director. At this time, the MSWLF owner/operator also must make a notation on the property deed indicating that the land was used as a landfill and that its future use for other activities is restricted. The name, address, and telephone number of the person to contact during the post-closure care period must be on this certification.

At the end of the post-closure care period, the owner/operator must certify that the post-closure care has been completed in accordance with the official post-closure care plan. This certification must be signed by an independent, registered engineer or the state director. Once signed, the certification is placed in the facility's operating record.

E. Performance Bond Required: Any application for final site plan approval shall be accompanied by a performance bond in the amount of the estimated cost of site improvements including, but not limited to water and sewer installation, parking lot and driveway paving, construction of fencing, screening, peripheral buffer zone, and landscaping. The amount shall be set by the planning commission and may be in the form of cash, certified check, irrevocable letter of credit, or surety bond.

In the event that the applicant fails to comply with the approved site plan, the Building Inspector shall cause the bond to be forfeited and have the necessary improvements constructed or completed. The time for completion may be extended with the permission of the planning commission, upon the owner-builder furnishing a bond or letter of credit for any approved extended period. Posting of the required performance bond by the developer shall constitute prior permission for the proper designated parties to enter upon said property to complete these improvements. (C, D, E, Amended by Resolution 10-03-05, March 22, 2010)

4.100. Criteria for Donated Lots to be Used as Parks: (Amended by Resolution 08-08-08, August 07, 2008)

A. Platted lands donated to the county to be used as public parks shall:

Not require a minimum lot size

Not require any physical public improvements

Not require any water, sewer, or electrical utilities

Not require the identification of a build-able site

Be allowed in all zones

B. In addition, all platted lands donated to the County to be used as a public park must:

Be free of any hazardous waste or materials, such as leaking oil tanks, underground storage tanks, chemical drums, pesticides, PCBs, etc.

Be free of liens or payments outstanding and have a clear title 31

Be free of previously placed deed restrictions that the County will not legally be Able to uphold

Be free of physical safety and health hazards, such as land in an avalanche zone, A building with asbestos, unsafe slopes, etc.

Be free of conditions that would require County investment to make the land viable as a public park.

In addition, all platted lands donated to the County to be used as public parks must meet three (3) of the following:

Be located within or adjacent to public land, for the purposes of expansion or allowing a more comprehensive conservation management strategy

Be located in a private area that is easily accessible by the public

Be located in an area that serves a population with high need for recreation facilities • Possess high recreational, scenic, or intrinsic natural value

Possess high wildlife habitat value, such as wetlands, migration corridors, breeding grounds, calving areas, grazing lands, waterfowl sanctuaries, or valuable fisheries properties

Extend public access to linear park lands like greenways, or allow public access to rivers, lakes, or streams

Offer special natural protection for native endangered species

Possess historic or cultural value, through the physical land or structures

Possess characteristics ideal for an outdoor nature classroom for educational purposes or demonstration purposes (streambank restoration, student water quality testing, ecosystem inventory, etc.)

Enhance the Marshall County parks and recreation system through variety and choice for the overall quality of life of Marshall Countians

4.110. Solid Waste Transfer Station Restrictions: (Amended by Resolution 09-04-09, April 27, 2009)

A. All areas used for filling operations shall maintain the minimum setbacks as required by this section.

B. No fires shall be permitted. Any smoldering flame or spontaneous combustion in the fill shall be immediately extinguished.

C. All separation or picking of waste materials shall be conducted in an enclosed building only.

D. The premises shall be kept neat and clean at all times, no loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by use of calcium chloride or some other approved method.

E. Entrance to the site shall be controlled at all times to prevent improper dumping on the site.

4.120. Recycling Center Restrictions: (Amended by Resolution 09-04-09, April 27, 2009)

A. No fires shall be permitted. Any smoldering flame or spontaneous combustion in the fill shall be immediately extinguished.

B. All separation or picking of waste materials shall be conducted in an enclosed building only.

C. The premises shall be kept neat and clean at all times, no loose paper or debris shall be allowed on the sire, except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by use of calcium chloride or some other approved method.

D. Entrance to the site shall be controlled at all times to prevent improper dumping on the site.

4.130. Outdoor Firearms Training Facilities and Shooting Ranges on County-Owned Property: (Amended by Resolution 09-07-15, July 21, 2009)

The purpose of these facilities are to safely train individuals, including law enforcement employees and the general citizenry, in the proper handling and use of firearms in a County-owned setting with minimal impact to adjacent properties. The following regulations shall apply to all outdoor firearms training facilities, ranges, and related activities located on County-owned property.

A. The location of such an activity shall be subject to the following conditions:

1. The parcel must be owned by the County, and, as thus, this specific land-use activity will be exempt from any particular zoning classification. Therefore, outdoor firearms training facilities and ranges on County-owned lands will not be found in the Permitted Use Table. This use is only allowed as a special exception.

2. Because this use is deemed a special exception, due to the potential for this land-use activity to be a nuisance to adjacent property owners, a duly advertised public hearing through the Board of Zoning Appeals is required before the land use will be authorized.

3. The parcel must be ten (10) acres or greater area in size.

4. A berm shall be present at least twenty (20) feet high in height at the rear of the berm, at least eight (8) feet in height at the sides of the berm, four (4) feet wide at the top of the berm. Any man-made berm must be designed and certified by an engineer licensed by the State of Tennessee, as adequate.

5. The rear of the firing range must be set back at least two hundred fifty feet (250) from any occupied structures or roads.

6. The sides of the firing range must be set back at least one hundred (100) feet from the property line to the exterior base of the berm.

7. There shall be an evergreen buffer of a minimum of twenty-five (25) feet wide on three (3) sides of the firing range provided by the owner/developer if a natural buffer does not exist.

8. The development, operation, and maintenance of firearms training facilities shall be in conformance with "The Range Manual" as published by the National Rifle Association (NRA).

B. The operation of the firearms training facility and related activity shall be subject to the following conditions:

1. The hours of operation shall be limited to daylight hours only.

2. Decibel levels measured at the property lines shall not exceed seventy (70) dB.

3. The owner/developer shall provide two (2) parking spaces per firing point or firing lane, plus one (1) additional space for each employee.

4. The owner of the facility shall provide on-premises documentation that all Federal and State regulations have been met.

5. A site plan shall be required pursuant to the plot plan requirements listed in Article III, Section 3.080. In addition to the site plan, the owner/ developer shall submit a sound abatement plan and a safety plan. The Board of Zoning Appeals may require additional fencing, buffering, baffles, or may deny the request if the site plan does not or cannot meet the above-mentioned purposes, standards, and requirements, or if other significant health and safety issues are present.

6. A notice shall be published of such request together with a notice of the time set for a public hearing by the Board of Zoning Appeals. Said notice shall be published one (1) time in a newspaper of general circulation in the County of Marshall, Tennessee. In addition, a sign shall be placed in a conspicuous, centrally located point on the property no farther than five (5) feet from the right-of-way. Said hearing by the Board of Zoning Appeals shall take place no sooner than fifteen (15) days after the publication of such notice and placement of a sign.

7. Before initial business startup, the soil shall be tested for lead content. Further tests shall be done every two (2) years to keep lead concentration in the soil below 250 ppm, as recommended by the State Division of Solid Waste Management. All testing shall be performed by the developer and at his own expense. This information shall be kept on file with the Marshall County Building Inspector.

4.140 Standards for Signs (Resolution 16-08-03)

These conditions are established as a reasonable and impartial method of regulating advertising structures in order to ensure light, air, and open space, to reduce hazards at intersections, and to protect property values of the entire community. The regulations for signs, billboards, and other advertising structures are enumerated below.

A. In Any Zoning District, the Following General Regulations Shall Apply:

1. No sign shall be erected or maintained whereby reason of its position, wording, illumination, size, shape, or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal, device, or emergency vehicle.

2. No illuminated sign shall be permitted within fifty (50) feet of property in any residential district unless the illumination of such sign is so designed that it does not shine or reflect light onto such property.

3. Billboards are prohibited, except on properties zoned C-2 that border Interstate 65, billboards located on such properties shall face Interstate 65 and be placed adjacent to the state right of way and begin within 50 feet of said right of way, Billboards must be located at least 1,000 feet apart.

4. Signs may be erected or placed up to ten (10) feet of the property line, but no part of the sign structure may project or overhang past said property line. However, no billboard shall be erected or placed closer than within one hundred (100) feet of any A-1, A-2, R-1 or R-2 district. All signs shall be monument or of the ground mounted type and shall be limited to ten (10) feet in height and a maximum area of sixty (60) square feet.

5. On the premises, outdoor advertising signs, including flashing or intermittent illumination, shall not intrude upon the public right-of-way.

6. Professional signs and signs for home occupations shall not exceed four (4) square feet in area and 10 feet in height, in the A-1, A-2, R-1, and R-2 districts.

7. Temporary signs and posters are subject to the following regulations:

A. Each sign shall not exceed ten (10) square feet in area, excluding banners.

B. The signs shall not be located closer together than one hundred (100) feet except "For Sale," "For Rent," “Yard Sale,” and political signs.

C. Such signs shall not be nailed to public utility poles and shall not be located in the public right-of-way.

D. All such signs advertising events shall be removed within ten (10) days after the event date.

E. Temporary signs and posters may be erected for a period of no longer than thirty (30) days, with the exception of political signs, which may be erected for a period of no longer than sixty (60) days preceding an election.

8. Directional signs at entrances and exits of parking lots or parking areas not exceeding four (4) square feet in area, in addition to one (1) sign not exceeding sixteen (16) square feet in area identifying or designating the conditions of the use of such parking area.

9. During construction of a building or project, one (1) sign not more than twelve (32) square feet in area giving the names of contractors, engineers, or architects, associated with the project.

10. Signs established by, or by order of, any governmental agency are exempt from this ordinance.

11. For special events of public interest, one (1) sign not over thirty-two (32) square feet in area shall be allowed.

12. Small non illuminated signs, not exceeding two (2) square feet in area, displayed strictly for the direction, safety, and convenience of the public, including signs which identify rest rooms, telephones, and the like are exempt from this ordinance.

13. A Sign Permit shall be acquired from the Marshall County Building Codes Department before the installation of any regulated sign.

14. A sign erected on a property shall be directly related to the activity conducted on the property.

Nonconforming Signs: an existing sign may remain exempt from full compliance with the provisions of this ordinance provided the sign is maintained in good condition at all times and is not abandoned.

An existing sign shall be brought into compliance with the provisions of this resolution if at any time the sign is altered, repaired, restored or rebuilt to the extent that the cost exceeds fifty percent of the estimated replacement cost of the sign (in current dollar value). If the alteration or repair is caused by involuntary damage or casualty, this standard will not apply, and the sign may be altered or repaired to any extent.

The following temporary signs are permitted:

1.) Signs for political purpose, which shall be removed within 14 days after an election.

2.) Special event signs erected no sooner than 14 days before the event and removed within 7 days after the event.

3.) Signs to indicate the opening of a new business, change of use, or going out of business displayed within the first 60 days of occupancy is open, the last 90 days before closing

4.) Signs announcing construction not exceeding 32 square feet, or 10 feet in height.

5.) Signs announcing real estate availability.

The following signs are exempt: Signs required for legal notices and other official instruments; Flags and insignias of governmental, religious, charitable or fraternal organizations with an area of less than 50 sf and mounted on a single pole;

Decorative flags and bunting as authorized by the Council for town-wide celebrations, commemorations or conventions;

Memorial signs, tablets or cornerstones, names of buildings and dates of erection when included as an integral part of the building and constructed of durable non-combustible material or cut into masonry surfaces;

Directional signs and symbols not exceeding 3 sf in area, used solely for the purpose of traffic or pedestrian direction and placed on the property to which the public is directed;

Holiday lights and decorations during customary holiday periods.

B. In the A-1, Agriculture and Forestry District, and the A-2, Rural Residential District, the Following Regulations Shall Apply:

1. Name plates indicating name, address, house number, announcement of boarders or roomers, or customary home occupations are permitted.

2. Not more than two (2) non-illuminated signs, not to exceed a total of thirty-two (32) square feet in area, advertising the sale of agricultural products produced on the premises shall be permitted.

3. Church, school, or public building bulletin boards or identification signs, not exceeding sixty (60) square feet in area permitted.

4. Flashing or intermittent illumination is prohibited.

5. Billboards and other advertising structures are prohibited, except certain directional signs intended to guide the general public to areas designated as possessing scenic, historical, or recreational value. However, such directional sign shall not exceed sixty-four (64) square feet in area.

6. Home occupation or similar business identification signs, not to exceed four (4) square feet.

C. In the R-1, Suburban Residential District, and R-2, Mobile Home Park District, the Following Regulations Shall Apply:

1. Nameplates indicating name, address, house number, announcement of boarders or roomers, or customary home occupations are permitted.

2. For multi-family dwellings, identification signs not exceeding nine (9) square feet in area are permitted.

3. Church, school or public building bulletin boards or identification signs, not exceeding sixty (60) square feet in area are permitted.

4. For residential subdivisions, apartment buildings, and group housing developments, identification signs not exceeding sixty (60) square feet in area are permitted.

5. Flashing or intermittent illumination is prohibited. 6. Billboards and other advertising structures are prohibited.

D. In the C-1, Rural Center District, the Following Regulations Shall Apply:

1. Nameplates indicating name, address, house number, announcement of boarders or rooms for rent, or customary home occupations are permitted.

2. Church, school, or public building identification signs or bulletin boards, not exceeding sixty (60) square feet in area are permitted.

3. Business identification signs within shall be coordinated with the architecture and surroundings in such a manner that the overall appearance is harmonious in color, form and proportion. The display of signs will be appropriate to the land,

building or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification.

4. One identification sign directly relating to the activity conducted on the premises, not exceeding sixty (60) square feet and ten (10) feet in height, shall be permitted. However, in cases of freestanding signs with two (2) faces, each face may be not more than sixty (60) square feet.

5. For each separate lot, one (1) freestanding sign may be erected for every 500 feet of public road or highway frontage. For corner lots, one (1) freestanding sign may be erected on the frontage of each public road or highway. For lots with more than one business or commercial entity, one (1) freestanding directory sign shall be erected. No freestanding sign shall have an area of more than sixty (60) square feet; provided, however, that in case of freestanding signs with two (2) faces, each face may not be more than sixty (60) square feet.

6. There is no limit to the number of wall signs that may be affixed to a commercial façade, as long as the sum of the signage areas does not total more than thirty (30) square feet on any one building wall.

7. Billboards are prohibited.

8. All ground sign supports shall be located no closer than ten (10) feet from any public right-of-way or property line; no part of the sign face may be closer than five (5) feet from any public right-of-way or property line.

E. In the C-2, General Commercial District, and the C-3, Neighborhood Commercial District, the Following Regulations Shall Apply:

1. Bulletin boards or identification signs, not exceeding sixty (60) square feet in area, shall be permitted for public recreation uses, community facilities, hospitals, and clinics.

2. Business signs shall be permitted subject to the restrictions in Section 4.140, A, of this resolution. All ground signs shall be located not closer to any property line than one half (1/2) the required setbacks.

3. Business identification signs within shall be coordinated with the architecture and surroundings in such a manner that the overall appearance is harmonious in color, form and proportion. The display of signs will be appropriate to the land, building or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification.

4. One identification sign directly relating to the activity conducted on the premises, not exceeding sixty (60) square feet and ten (10) feet in height, shall be permitted. However, in cases of freestanding signs with two (2) faces, each face may be not more than sixty (60) square feet.

5. For each separate lot, one (1) freestanding sign may be erected for every 500 feet of public road or highway frontage. For corner lots, one (1) freestanding sign may be erected on the frontage of each public road or highway. For lots with more than one business or commercial entity, one (1) freestanding directory sign shall be erected. No freestanding sign shall have an area of more than sixty (60) square feet; provided, however, that in case of freestanding signs with two (2) faces, each face may not be more than sixty (60) square feet.

6. There is no limit to the number of wall signs that may be affixed to a commercial façade, as long as the sum of the signage areas does not total more than thirty (30) square feet on any one building wall.

7. Billboards are prohibited, except in the C-2 District located along Interstate I-65 and follow the criteria specified in A. 3. Of this resolution.

8. All ground sign supports shall be located no closer than ten (10) feet from any public right-of-way or property line; no part of the sign face may be closer than five (5) feet from any public right-of-way or property line.

F. In the M-1, Restrictive Industrial, M-2, General Industrial District, and M-3, Special Impact Industrial District, the Following Regulations Shall Apply:

1. Business signs shall be permitted which relate to the business on the premises. Such signs shall be located not closer than one-half (1/2) the required setback from all property lines.

2. Flashing or intermittent illumination is prohibited.

3. Billboards are prohibited.

4. Business identification signs within shall be coordinated with the architecture and surroundings in such a manner that the overall appearance is harmonious in color, form and proportion. The display of signs will be appropriate to the land, building or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification.

5. One identification sign directly relating to the activity conducted on the premises, not exceeding sixty (60) square feet and ten (10) feet in height, shall be permitted. However, in cases of freestanding signs with two (2) faces, each face may be not more than sixty (60) square feet.

4.150 In commercial and industrial districts the front setback for commercial structures shall be one hundred (100) feet, and for sales inventory, and for parking the front setback shall be fifty (50) feet. (Amended by Resolution 18-03-05)

ARTICLE V- ZONING DISTRICTS

SECTION

5.010 Classification of districts
5.020 Zoning map
5.030 Zoning district boundaries
5.040 Specific district regulations
5.050 M-3, special impact industrial district
5.060 Permitted use table

5.010. Classification of districts. For the purpose of this resolution, the following zoning districts are hereby established in Marshall County, Tennessee:

Zoning District	District Abbreviation
Agriculture-Forestry District	A-1
Rural Residential District	A-2
Suburban Residential District	R-1
Mobile Home Parks District	R-2
Rural Center District	C-1
General Commercial District	C-2
Neighborhood Commercial District	C-3
Restrictive Industrial District	M-1
General Industrial District	M-2
Special Impact Industrial District	M-3

5.020. Zoning map. The location and boundaries of the zoning districts established by this resolution are bounded and defined as shown on the map entitled Zoning Map of Marshall County, Tennessee. The zoning map and any amendment thereto shall be dated with the effective date of the resolution that adopts the same. Certified prints of the adopted zoning map and zoning map amendments shall be maintained in the office of the Marshall County Building Inspector and shall be available for inspection by the public at all reasonable times, as long as this resolution remains in effect.

5.030. Zoning district boundaries. Unless otherwise indicated on the zoning map amendment, the district boundaries are lot lines, center lines of streets or alleys, or the Marshall County boundary lines as they exist at the time of the enactment of the zoning resolution. Questions concerning the exact locations of district boundaries shall be determined by the Marshall County Board of Zoning Appeals.

Where the property on one side of a street between two intersecting streets is in a business or industrial district and the property on the intersecting street, except the corner or corners, is in a residential district the business or industrial use shall be limited to the property facing or fronting the street zoned for business or industry throughout the block, and any property in the rear thereof facing or fronting the intersecting street, even though it appears to be in a business or industrial district, shall be governed by the use prevailing on the intersecting street. It is the purpose of this resolution to limit business and industrial uses to the property facing or fronting the street zoned for business or industry and to prohibit business or industrial uses facing or fronting the street zoned for residential uses. In all cases of ambiguity due to the actual layout of the property or other circumstances, the Board of Zoning Appeals shall have the authority to determine on which street the business or industrial use shall face or front so that the intent of the resolution shall be observed. (Amended by Resolution 10-03-04, March 22, 2010).

5.040. Specific district regulations. The following regulations shall apply in the seven zoning districts established in Section 5.010, of this resolution:

5.041. A-1, Agriculture-Forestry District.

A. District Description:

This district is intended to preserve space for agricultural and forestry uses which together comprise an important segment of the economy of Marshall County. The primary intent of the A-1 District is to minimize conflicts between

agricultural and forestry activities and various non-farm activities; to permit lands best suited for intense agricultural uses to be preserved for these suited purposes; and to prevent lands unsuitable for development of an urban or non-rural nature, due to topographic problems, location, or the inability to provide necessary urban services, from being encroached upon by these incompatible land uses. Areas assigned to the A-1 District are primarily areas where growth of an urban or non-rural nature is deemed undesirable for one or more of the reasons outlined above. The following regulations shall apply in the A-1, Agriculture-Forestry District, as defined on the Zoning Map of Marshall County, Tennessee:

B. Uses Permitted: (Amended by Resolution 04-01-07, March 22, 2004)

The uses permitted in this district and the special exceptions that may be allowed in this district are listed in Article V, Section 5.060, Permitted Use Table.

Single-wide mobile homes are a Permitted use in A-1 District with the following restrictions:

1.) They are a model within 5 (five) years of the current date. 2.) Have front and back porches a minimum of 80 (eighty) square feet. 3.) Be owner-occupied. 4.) The tongue of the single-wide mobile home is to be removed. 5.) Block, brick, or stone veneer is to be placed around the perimeter of the single-wide mobile home. (Amended by Resolution 07-07-07, July 23, 2007).

Commercial Energy Facilities are a Permitted use in the A-1 under a Special Exception through the Board of Zoning and Appeals with the below development standards.

COMMERCIAL ENERGY FACILITY. It is the intention of this section to regulate the development of commercial energy facilities designed to generate income from electricity-generating facilities and related components intended to generate an electrical product for sale, the delivery of electricity in connection with the provision of energy services for a fee, or the lease of such electricity generating facility and related components for a fee.

All commercial energy facilities are required to obtain a special exception per the Marshall County Zoning Resolution permitted use 4.060 and 8.060

UTILITY SOLAR POWER GENERATING on the grounds or roof of existing or proposed industrial, institutional, educational, and residential buildings for the sole purpose of producing power for the facility it serves is permitted in any zoning district and does not need to comply with any other requirements of these standards.

C. Uses Prohibited: (Amended by Resolution 04-01-07, March 22, 2004)

In the A-1, Agriculture-Forestry District, all uses except those uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board of Zoning Appeals are prohibited.

D. Dimensional Regulations: (Amended by Resolution 04-01-07, March 22, 2004)

All uses permitted in the A-1, Agriculture-Forestry District shall comply with the following requirements, except as provided in Article VI. On lots with access to **both** public water and approved public sewer/alternative wastewater treatment system, the dimensional regulations of Section 5.043, R-1, Suburban Residential District, Subsection D, Dimensional Regulations, shall apply. In addition to the dimensional requirements, each development that meets these standards shall designate ten (10) percent of the development as green space, as defined in Article VII. The designated green space may include the area necessary for the alternative wastewater treatment system. (Amended by Resolution 05-11-06, November 28, 2005) (Affirms by Resolution 08 03-05, March 24, 2008) (Amended by Resolution 11-11-04, November 28, 2011)

Setbacks for 2-acre lot size:

1. Front Yard: The minimum depth of the front yard shall be fifty (50) feet.

2. Rear Yard: The minimum depth of the rear yard shall be forty (40) feet.

3. Side Yard: The side yard shall be a minimum of twenty-five (25) feet for a single-story structure, plus an additional five (5) feet for each additional story.

Setbacks for ¾ acre lot:

1. Front Yard: The minimum depth of the front yard shall be forty (40) feet.

2. Rear Yard: The minimum depth of the rear yard shall be thirty (30) feet.

3. Side Yard: The side yard shall be a minimum of twenty (20) feet for a single-story structure, plus an additional five (5) feet for each additional story.

4. Land Area: All uses in the A-1, Agricultural-Forestry District, shall comply with the following requirements:

Minimum Lot Size:	
Without a public water supply	2 acres
With a public water supply	¾ acres
Lot Width at Front Setback Line:	
For 2 acres	150 feet
For 3/4 acre	100 feet

5. Location of Accessory Structures: Unheated non-ADU Accessory structures shall be located at least ten (10) feet from rear lot lines and side lot lines. Accessory Structures shall be set back a minimum of fifty (50) feet from the front property line. (Amended by Resolution 05-04-12, April 25, 2005)

5.042. A-2, Rural Residential District

A. District Description:

This district is intended to be utilized in areas where, due to remoteness, impermeability of shallowness of soils, the absence of the necessary urban services, or the continuation of farming or agricultural activities, development of suburban density is undesirable or unfeasible. Although the A 2 District is primarily a rural district, it also provides for low-density residential development with lot sizes for single-family dwellings being less restrictive than those of the A-1, Agriculture-Forestry District. In addition, a primary objective of the A-2 District is to prevent undesirable urban sprawl and to exclude land uses which demand a level of urban services which are impossible or uneconomical to provide. The following regulations shall apply in the A-2, Rural Residential District, as defined on the Zoning Map of Marshall County, Tennessee.

B. Use Permitted: (Amended by Resolution 04-01-07, March 22, 2004)

The uses permitted in this district and the special exceptions that may be allowed in this district are listed in Article V, Section 5.060, Permitted Use Table.

C. Uses Prohibited: (Amended by Resolution 04-01-07, March 22, 2004)

In the A-2, Rural Residential District, all uses except those uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board are prohibited.

D. Dimensional Regulations: (Amended by Resolution 04-01-07, March 22, 2004)

All uses permitted in the A-2, Rural Residential District shall comply with the following requirements except as provided in Article V. On lots with access to both public water and approved public sewer/alternative wastewater treatment system, the dimensional regulations of Section 5.043, R-1, Suburban Residential District, Subsection D, Dimensional Regulations, shall apply. In addition to the dimensional requirements, each development that meets these standards shall designate ten (10) percent of the development as green space, as defined in Article VII. The designated green space may include the area necessary for the alternative wastewater treatment system. (Added by Resolution 05-11-06, November 28, 2005) (Affirms by Resolution 08-03-05, March 24, 2008)

1. Front Yard: The minimum depth of the front yard shall be forty (40) feet.

2. Rear Yard: The minimum depth of the rear yard shall be thirty (30) feet for the principal structure. (Amended by Resolution 05-04-12, April 25, 2005)

3. Side Yard: The side yards shall be a minimum of twenty (20) feet for a single-story structure, plus an additional five (5) feet for each additional story.

4. Land Area: All uses in the A-2, Rural Residential District, shall comply with the following requirements:

Minimum Lot Size: No lot or other parcel of land shall be reduced in area to provide separate lots or building sites of less than thirty thousand (30,000) square feet and shall have a public water supply.

Lot Width at Front Setback Line: 100 feet

5. Location of Accessory Structures: Accessory structures shall be located at least ten (10) feet from rear lot lines and side lot lines and behind the principal structure. (Amended by Resolution 05 04-12, April 25, 2005)

5.043. R-1, Suburban Residential District.

A. District Description:

The R-1, Suburban Residential District is intended to provide areas which are suitable for low-density single and multiple-family residential development. This district is particularly suitable for areas adjacent or near urban areas, where an adequate public water supply or public wastewater service is available. The principal uses of land range from single-family to multi-family apartment uses. The following regulations shall apply in the R-1, Suburban Residential District, as defined on the Zoning Map of Marshall County, Tennessee:

B. Use Permitted: (Amended by Resolution 04-01-07, March 22, 2004)

The uses permitted in this district and the special exceptions that may be allowed in this district are listed in Article V, Section 5.060, Permitted Use Table.

C. Uses Prohibited: (Amended by Resolution 04-01-07, March 22, 2004)

In the R-1, Suburban-Residential District, all uses except those uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board are prohibited.

D. Dimensional Regulations: (Amended by Resolution 04-01-07, March 22, 2004)

All uses permitted in the R-1, Suburban-Residential District shall comply with the following requirements except as provided in Article V.

1. Front Yard: The minimum depth of the front yard shall be thirty (30) feet.

2. Rear Yard: The minimum depth of the rear yard shall be twenty-five (25) feet for the principal structure and fifteen (15) feet for any permitted accessory structure.

3. Side Yard: The side yard shall be a minimum of fifteen (15) feet for one and two-story structures, plus five (5) additional feet of side yard for each additional story over two.

4. Land Area: Notwithstanding cluster developments, individual lot(s) or parcel(s) of land shall not be reduced in size to provide separate lots or building sites of less than thirty thousand (30,000) square feet in area, except where public wastewater service is available, in which case the minimum lot area shall be fifteen thousand (15,000) square feet. However, where there is an existing lot of record of less than fifteen thousand (15,000) square feet, at the time of adoption of this resolution, this lot may be utilized for the construction of one single-family dwelling, providing the lot in question has a public water supply and providing that said lot of record is not less than seventy-five hundred (7,500) square feet in area, and meets all the requirements of the Marshall County Environmentalist.

On lots or parcels or land where multiple-family dwellings are constructed, the following area requirements shall apply:

	With Public Water	With Public Water but
Number of Dwelling Units	And Sanitary Sewers	Without Public Wastewater*
1	15,000 sq. ft.	30,000 sq. ft.
2	17,000 sq. ft.	40,000 sq. ft.
3	25,000 sq. ft.	60,000 sq. ft.
4	30,000 sq. ft.	80,000 sq. ft.
More than 4 units each unit over 4 plus 5,000 sq. ft. for each unit over 4	5,000 sq. ft. plus treatment units (i.e., package plants) are used, 80,000 sq. ft.	Not permitted unless on-site

***The above lot size requirements shall be increased to accommodate the minimum lot size requirements mandated by the Marshall County Environmentalist whenever local or state health department requirements as determined through the use of percolation tests, soils tests, etc., are shown to be more restrictive.**

5. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed forty (40) percent of the total area of such lot or parcel or the buildable area of said lot as defined by the front, side, and rear yard setbacks, whichever is less.

6. Lot Width: No lot shall be less than one hundred (100) feet wide at the building setback line.

7. Height Requirement: No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Article VII, Section 7.030. (Amended by Resolution 05-04-12, April 25, 2005)

8. Location of Accessory Structures: Accessory structures shall be located at least ten (10) feet from rear lot lines and side lot lines.

5.044 R-2, Mobile Home Parks District

A. Definitions.

Mobile Home - a vehicular, portable structure built on a transportable chassis which remains intact, designed for year-round occupancy and designed to have no permanent foundation other than wheels, jacks, or skirtings, and which is capable of being moved, towed, or transported by another vehicle.

Mobile Home Park - any area, tract, site, or plot of land whereupon mobile homes are placed, located, or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

B. Procedure for Submission and Review.

A site development plan shall be submitted for review on all proposals subject to this provision. The approval of said plan along with any accompanying conditions associated with a particular development is precedent to any approval under this section. The Marshall County Planning Commission is the agency responsible for this review. Only after the site plan has been approved shall a development permit be issued to the applicant or developer, allowing for the initiation of a mobile home

park development within the County. If at any time during the development process, unapproved deviations from the officially approved site plan occur, the development permit granted to the applicant or developer shall be subject to immediate revocation, until such time as such discrepancies are removed, corrected, or officially approved by the Marshall County Regional Planning Commission.

C. Site Plan Requirements.

The following information, which shall be submitted at least fifteen (15) days prior to the official planning commission meeting wherein such information is to be considered, shall be shown on the required site plan:

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

2. The location and size of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.

3. The proposed use of buildings shown on the site plan.

4. The location and size of all mobile home spaces.

5. The location of all points of entry and exit for motor vehicles and the internal street circulation pattern.

6. The location of all off-street parking facilities.

7. The location of park and recreation areas.

8. The location of buffer strip(s).

9. The name and address of the applicant.

10. A comprehensive drainage plan.

11. Such other architectural, engineering, and topographic data as may be required to permit the local health officer and the Marshall County Regional Planning Commission, to determine if the provisions of these regulations are being complied with shall be submitted with the site plan.

12. The location and size of all servicing utilities, i.e., water lines, fire hydrants, sewer lines, drain field areas, gas lines, electric lines, etc. Official approvals of all servicing utilities shall be documents and submitted with the site plan.

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

D. Required Development Standards.

1. No parcel of land containing less than five (5) acres and less than ten (10) mobile home spaces, available at the time of first occupancy, shall be utilized for a mobile home park.

2. The mobile home park shall be located on a well-drained site, properly graded to ensure rapid drainage and to avoid the possibility of stagnant pools of water.

E. Dimensional Requirements for Parks:

1. Each mobile home park shall have a front yard of fifty (50) feet exclusive of any required yards for each mobile home space, extending for the full width of the parcel devoted to said use.

2. Each mobile home park shall provide rear and side yards of not less than thirty (30) feet, exclusive of any required yards for each mobile home space, from the parcel boundary.

3. In instances where a side or rear yard abuts a public street, said yard shall not be less than fifty (50) feet.

4. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or twenty-five (25) feet.

5. Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only the name and address of the park and may be lit by indirect lighting only.

F. Dimensional Requirements for Mobile Home Spaces:

Each mobile home space shall be of sufficient size that, in addition to the mobile home, the following space shall be provided:

1. Each mobile home space shall be at least thirty-six (36) feet wide and such space shall be clearly defined by permanent markers.

2. There shall be a front yard setback of twenty (20) feet from all access roads within the mobile home parks.

3. Mobile homes shall be harbored on each space so that there shall be at least a twenty (20) foot clearance between mobile homes; provided, however, with respect to mobile homes parked end-to end, the end-to-end clearance shall not be less than fifteen (15) feet. No mobile homes shall be located closer than twenty (20) feet from any building within the mobile home park.

4. There shall be at least two (2) off-street parking spaces for each mobile home space, which shall be on the same site as the mobile home served and may be located in the rear or side of said trailer space.

5. Each mobile home space shall be provided with a paved patio of at least two hundred (200) square feet.

6. Each mobile home space shall be provided with a pad which shall be a minimum of twelve (12) feet by fifty (50) feet, which shall be constructed of four (4) inches of compacted gravel.

7. The minimum lot area per mobile home space shall be three thousand-six hundred (3,600) square feet. For double-wide mobile homes, the minimum lot size shall be six thousand (6,000) square feet.

G. Required Improvements:

1. Roads within the mobile home park shall have a roadway width of not less than twenty (20) feet in accordance with the procedures and standards for minor residential streets as IV-9 52 specified in Marshall County Subdivision Regulations. However, the right-of-way shall only be of sufficient width to include the road surface itself and necessary drainage facilities. All roads within the mobile home park shall be private roads and shall not be accepted as public roads.

2. All mobile home spaces within the park shall abut an access road as described in Subsection G, 1, of this section.

3. No mobile home park shall be permitted unless such park is served by a public water supply which is adequate to provide fire protection.

4. All mobile home parks shall be serviced with public or package sanitary sewerage and public water on available trunk lines, and the proposed water system shall be approved by the Tennessee Department of Health and Environment as

well as by the Superintendent of the Marshall County Water System. Septic sewerage disposal shall be permitted only on mobile home lots having sufficient area to meet the requirements of the Marshall County Health Department.

5. Mobile homes, with or without toilet facilities, that cannot be connected to an approved sewer system shall not be permitted in a mobile home park.

6. Cabanas, travel trailers, and other similar enclosed structures are prohibited.

7. Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within the mobile home park, except that one (1) mobile home in the park may be used to house a rental office.

8. Ground anchors shall be installed at each mobile home space to permit tie-downs of mobile homes.

9. Specifications for drives in mobile home park developments shall be the same as the roadway specifications contained in the Marshall County Regional Planning Commission Subdivision Regulations to which reference is hereby made and incorporated herein.

10. Any central refuse disposal area shall be maintained in such manner as to meet county health requirements and shall be screened from view.

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

12. A planted buffer strip (greenbelt planted strip) not less than ten (10) feet in width shall be established along the outer boundaries or periphery of the mobile home park. Said planted strip shall be composed of one (1) row of evergreen trees, spaced not more than forty (40) feet apart, and not less than two (2) rows of shrubs or hedges spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet in height.

13. Outside antennas (T.V., Radio, Communications, etc.) shall not be installed in close proximity to overhead power lines; a safety clearance zone shall be maintained equivalent to overall installed height of the antenna/mast plus ten (10) feet, as measured from antenna mast base horizontally or diagonally from said overhead power lines.

5.045 C-1, Rural Center District.

A. District Description:

The C-1, Rural Center District recognizes the need to provide for areas within Marshall County where residents of the more isolated agricultural and rural residential districts and residents located beyond the limits of service can receive certain merchandising and technical services. In Marshall County, several small rural centers exist, primarily to provide such convenience goods and services to residents of the surrounding areas. These centers serve a necessary economic function and the mixed land uses that characterize these centers are not particularly detrimental. This district is intended to be a flexible zone which is necessary in a rural center. It is designed to allow for change and growth within these areas, but also to prevent this mixture of land uses from unnecessarily spreading into the adjacent countryside. The following regulations shall apply in the C-1, Rural Center District, as defined on the Zoning Map of Marshall County, Tennessee:

B. Uses Permitted: (Amended by Resolution 04-01-07, March 22, 2004)

The uses permitted in this district and the special exceptions that may be allowed in this district are listed in Article V, Section 5.050.

C. Uses Prohibited: (Amended by Resolution 04-01-07, March 22, 2004)

In the C-1, Rural Center District, all uses, except those uses of their accessory uses specifically permitted or permitted upon approval as a special exception by the Board are prohibited.

D. Dimensional Regulations: (Amended by Resolution 04-01-07, March 22, 2004)

All uses permitted in the C-1; Rural Center District shall comply with the following requirements except as provided in Article III.

1. Front Yard: The minimum depth of the front yard shall be one hundred (100) feet. Amended by Resolution 18-03-05)

2. Rear Yard: The minimum depth of the rear yard for (a) residential uses – twenty-five (25) feet; (b) nonresidential uses – twenty (20) feet.

3. Side Yard: The minimum width of the side yard for (a) residential uses – twenty (20) feet for single-story structures, plus five (5) additional feet for each

additional story; (b) nonresidential uses – twenty (20) feet for single-story structures, plus ten (10) additional 54 feet for each additional story.

4. Land Area: The following land area will be required in the C-1, Rural Center District:

(A) Residential: No lot or parcel of land shall be reduced in size to provide separate lots, for single-family dwellings, of less than thirty thousand (30,000) square feet where only public water is available. Where public water and sewerage services are available fifteen (15,000) square feet shall be the minimum residential lot size. Where no public water is available, residential lots shall be a minimum of one (1) acre in area. All lots proposed must be served by disposal systems approved by the Marshall County Environmentalist. The minimum land area for two-family and multi-family dwellings shall be the minimum area for a single-family dwelling, plus ten thousand (10,000) square feet for each unit over one, notwithstanding the requirements of the Marshall County Environmentalist.

(B) Commercial: No lot or parcel of land shall be reduced in size to produce separate lots, for commercial uses, of less than thirty thousand (30,000) square feet. Where no public water is available, commercial lots shall be a minimum of one (1) acre in area. All proposed lots must be served by sewage disposal systems approved by the Marshall County Environmentalist.

(C) Manufacturing: No lot or parcel of land shall be reduced in size to provide separate lots for manufacturing uses of less than five (5) acres in area where public water is available and where the method of sewage disposal has been approved by the Marshall County Environmentalist. Where no public water is available, manufacturing uses shall not be permitted in the C-1, Rural Center District. Where there is an existing lot of record of less than the minimum land areas outlined above, at the time of adoption of this resolution, this lot may be utilized for the construction of one single-family dwelling, providing said lot is not less than ten thousand (10,000) square feet where a public water supply is available and twenty-two thousand (22,000) square feet where a public water supply is not available, and provided it meets all the requirements of the Marshall County Environmentalist.

5. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed forty (40) percent of the total area of such lot or parcel.

6. Lot Width: No lot shall be less than one hundred (100) feet wide at the building setback line.

7. Height Requirement: No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Article VII, Section 7.030. (Amended by Resolution 05-04-12, April 25, 2005)

8. Location of Accessory Structures: Accessory Structures shall be located behind the front setback line and at least ten (10) feet from the side and rear lot lines. (Amended by Resolution 18-03 05)

5.046. C-2, General Commercial District.

A. District Description:

The C-2, General Commercial District is established to provide areas in which the principal use of land is devoted to general and highway commercial activities along the principal thoroughfares in Marshall County. Regulations are designed to preserve the traffic-carrying capacity of the streets and roads in Marshall County. Furthermore, this district is only allowed along roadways designated as either a collector or an arterial as shown on the official Major Thoroughfare Plan of Marshall County. An existing roadway, not classified as a collector or arterial, which is brought up to standards of the Marshall County Highway Department, by a developer, for such designation would qualify and allow for a possible rezoning. The following regulations shall apply in the C-2, General Commercial District, as defined on the Zoning Map of Marshall County, Tennessee. The requirements that these districts be located in an UGB or PGA were eliminated. (Amended by Resolution 06-11-09, November 27, 2006).

B. Uses Permitted: (Amended by Resolution 04-01-07, March 22, 2004)

The uses permitted in this district and the special exceptions that may be allowed in this district are listed in Article V, Section 5.060, Permitted Use Table.

C. Uses Prohibited: (Amended by Resolution 04-01-07, March 22, 2004)

In the C-2, General Commercial District, all uses, except uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board are prohibited.

D. Dimensional Regulations:

All uses in the C-2, General Commercial District shall comply with the following requirements except as provided in Article V.

1. Front Yard: The minimum depth of the front yard shall be one hundred (100) feet. (Amended by Resolution 18-03-05)

2. Rear Yard: The minimum depth of the rear yard shall be fifteen (15) feet, except where vehicular access will be provided to the rear of the lot, in which case a minimum rear of the lot, in which case a minimum rear setback of thirty (30) feet shall be required.

3. Side Yard: The minimum side yard requirement shall be twenty (20) feet where vehicular access is available to the rear of the lot. Where no such access is available or desired, a side yard of fifteen (15) feet shall be permitted. On lots adjacent to an agriculture, rural residential, suburban residential or rural center district, all structures shall be so located as to comply with the side yard requirement of the adjacent district on the side adjoining said district.

Commercial buildings may be built on a common lot line provided that there is mutual written consent of the owners of the buildings and land directly involved and the adjacent walls of the buildings have a fire-resistant rating of two (2) hours.

4.Land Area: No minimum land area shall be required in the C-2, General Commercial District where public water and sanitary sewer service is available. Where only public water is available, there shall be a minimum land area of thirty thousand (30,000) square feet, except that lots of record smaller than the required minimum, at the time of the adoption of this resolution, may be utilized, provided that said lot of record is not smaller than fifteen thousand (15,000) square feet, and also provided that the required subsurface disposal system serving such lot is approved by the Marshall County Environmentalist. Where no public water or sewer service is available, there shall be a minimum land area of three (3) acres. More than one building shall be permitted on a single lot in the case of a shopping center, provided that all applicable area and space

requirements have been complied with and further provided that such buildings share a common fire-resistant wall of at least a two (2) hour fire rating.

5. Maximum Lot Coverage: No maximum lot coverage shall be imposed in the C-2, General Commercial District.

6. Lot Width: No lot shall be less than one hundred (100) feet wide at the building setback line.

7. Height Requirement: No building shall exceed four (4) stories or fifty (50) feet in height, except as provided in Article VII, Section 7.030. (Amended by Resolution 05-04-12, April 25, 2005)

5.047. C-3, Neighborhood Commercial District. (Amended by Resolution 04-01 07, March 22, 2004)

A. District Description:

The C-3, Neighborhood Commercial District is designed to provide adequate space in appropriate locations for a limited range of commercial activities that are generally compatible with proximate residential activities. These districts will generally occur along and at the intersection of arterial or collector roads as designated on the official Major Thoroughfare Plan of Marshall County, Tennessee. These districts characteristically are small and widely distributed throughout the County for convenient accessibility. The bulk requirements are designed, in part, to achieve compatibility with surrounding residential activities and to encourage the continued use and preservation of existing buildings. Community facilities and utilities necessary to serve these districts, or necessary for the general community welfare, are also permitted. The bulk regulations are established to provide for maximum compatibility between the commercial activity, in these districts, and nearby residential development.

The following regulations shall apply in the C-3, Neighborhood Commercial District, as defined on the Zoning Map of Marshall County, Tennessee:

B. Uses Permitted:

The uses permitted in this district and the special exceptions that may be allowed in this district are listed in Article V, Section 5.060, Permitted Use Table.

C. Uses Prohibited: In the C-3, Neighborhood Commercial District, all uses, except those uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board are prohibited.

D. Dimensional Regulations:

All uses permitted in the C-3, Neighborhood Commercial Districts shall comply with the following requirements except as provided in Article III.

1. Front Yard: The minimum depth of the front yard shall be one hundred (100) feet. (Amended by Resolution 18-03-05)

2. Rear Yard: The minimum depth of the rear yard shall be twenty-five (25) feet.

3. Side Yard: The minimum width of the side yard shall be twenty (20) feet.

4. Land Area: No lot or parcel of land shall be less than thirty thousand (30,000) square feet. Where no public water is available, commercial lots shall be a minimum of one (1) acre in area. All proposed lots must be served by sewage disposal systems approved by the Marshall County Environmentalist.

5. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings shall not exceed forty (40) percent of the total area of such lot or parcel.

6. Lot Width: No lot shall be less than one hundred (100) feet wide at the building setback line.

7. Height Requirements: No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Article VII, Section 7.050. (Amended by Resolution 05-04-12, April 25, 2005)

5.048. M-1, Restrictive Industrial District. (Amended by Resolution 04-01-07, March 22, 2004) (Amended by Resolution 10-03-05, March 22, 2010)

A. District Description and Purpose

The M-1, Restrictive Industrial District, is only allowed along roadways designated as either a collector or an arterial as shown on the official Major Thoroughfare Plan of Marshall County. An existing roadway, not classified as a collector or arterial, which is brought up to the standards of the Marshall County

Highway Department, by a developer, for such designation would qualify and allow for a possible rezoning. The M-1, Restrictive Industrial District is intended to provide areas in which the principal use of land is for manufacturing, processing, assembling, fabrication of materials, and warehousing or storage. These land uses generally do not depend primarily on frequent personal visits by clients or customers, but generally require good accessibility to major rail, water, or highway transportation routes.

The following regulations shall apply in the M-1, Restrictive Industrial District, as defined on the Zoning Map of Marshall County, Tennessee.

B. Uses Permitted:

The uses permitted in this district and the special exceptions that may be allowed in this district are listed in Article V, Section 5.060, Permitted Use Table.

C. Uses Prohibited:

In the M-1, General Industrial District, all uses, except those uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board are prohibited.

D. Dimensional Regulations:

All uses permitted in the M-1, General Industrial Districts shall comply with the following requirements except as provided in Article V.

1.Front Yard: The minimum depth of the front yard shall be one hundred (100) feet. (Amended by Resolution 18-03-05)

2. Rear Yard: The minimum depth of the rear yard shall be thirty (30) feet. No yard shall be required for that portion of a lot which fronts on a railroad or rail spur line.

3. Side Yard: The minimum depth of the side yard shall be thirty (30) feet, except the side yards for industrial lots adjacent to suburban residential, rural residential, or rural center districts shall be a minimum of fifty (50) feet. No yard shall be required for that portion of a lot which fronts on a railroad or rail spur line.

4. Land Area: Where public water and sewer service is available, there shall be required a minimum land area of two (2) acres. In areas where only public

water is available, there shall be a minimum of five (5) acres. No industrial land uses shall be permitted in areas where a public water supply of potable water in its manufacturing operation. In such instances, the Board may grant written approval of the use and shall not be less than five (5) acres.

5. Maximum Lot Coverage: No maximum lot coverage shall be imposed in the M-1 District.

6. Lot Width: No lot shall be less than one hundred-fifty (150) feet wide at the building setback line.

7. Height Requirements: No height limitations shall be imposed in the M-1, General Industrial District, except as provided in Article VII, Section 7.030. (Amended by Resolution 05-04-12, April 25, 2005)

5.049. M-2, General Industrial District (Amended by Resolution 04-01-07, March 22, 2004)

A. District Description:

The M-2, General Industrial District, is only allowed along roadways designated as either a collector or an arterial as shown on the official Major Thoroughfare Plan of Marshall County. An existing roadway, not classified as a collector or arterial, which is brought up to the standards of the Marshall County Highway Department, by a developer, for such designation would qualify and allow for a possible rezoning. The M-2, General Industrial District is intended to provide space for a wide range of industrial and related uses, which conform to a high level of performance criteria and have the least objectionable characteristics. These land uses generally do not depend primarily on frequent personal visits by clients or customers, but generally require good accessibility to major rail, water, or highway transportation routes. The following regulations shall apply in the M-2, General Industrial District, as defined on the Zoning Map of Marshall County, Tennessee:

The requirement that these districts be located in UGB or PGA was eliminated. (Amended by Resolution 06-11-09, November 27, 2006)

B. Uses Permitted:

The uses permitted in this district and the special exceptions that may be allowed in this district are listed in Article V, Section 5.060, Permitted Use Table.

C. Uses Prohibited:

In the M-2, General Industrial District, all uses, except those uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board are prohibited.

D. Dimensional Regulations:

All uses permitted in the M-2, General Industrial Districts shall comply with the following requirements except as provided in Article V.

1. Front Yard: The minimum depth of the front yard shall be one hundred (100) feet. (Amended by Resolution 18-03-05)

2. Rear Yard: The minimum depth of the rear yard shall be fifty (50) feet.

3. Side Yard: The minimum depth of the side yard shall be fifty (50) feet.

4. Land Area: Where public water and sewer service is available, there shall be required a minimum land area of five (5) acres.

5. Maximum Lot Coverage: No maximum lot coverage shall be imposed in the M-2 District.

6. Lot Width: No lot shall be less than one hundred fifty (150) feet wide at the building setback line.

7. Height Requirements: No height limitations shall be imposed in the M-2, General Industrial District, except as provided in Article VII, Section 7.030. (Amended by Resolution 05-04 12, April 25, 2005)

E. Requirements for Solid Waste Landfills (Amended by Resolution 12-08-01, August 14, 2012)

A. All areas used for filling operations shall maintain the minimum setback as required by this section

B. No fires shall be permitted. Any smoldering flame or spontaneous combustion in the fill shall be immediately extinguished.

C. All separation or picking of waste materials shall be conducted in an enclosed building only.

D. The premises shall be kept neat and clean at all times, no loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by use of calcium chloride or some other approved method.

E. Entrance to the site shall be controlled at all times to prevent improper dumping on the site.

5.050. M-3, Special Impact Industrial District. (Amended by Resolution 04-01-07, March 22, 2004)

A. District Description and Purpose

The M-3, Special Impact Industrial District, is only allowed in areas designated as an urban growth boundary (UGB) of the incorporated municipalities of Marshall County where an adequate public water supply and public wastewater service is available. Furthermore, this district is only allowed along roadways designated as either a collector or an arterial as shown on the official Major Thoroughfare Plan of Marshall County. An existing roadway, not classified as a collector or arterial, which is brought up to the standards of the Marshall County Highway Department, by a developer, for such designation would qualify and allow for a possible rezoning. This district is designed to provide suitable areas for those uses, which have some special impact or uniqueness such that their effect on the surrounding area and environment cannot be determined in advance of the use being proposed for a particular location. At the time the application is filed, a review of the location, design configuration and its impact will be conducted by comparing the proposed use, the preliminary development plan, the operational data, and the environmental assessments to the site location criteria. This review will evaluate whether the proposed use should be permitted through a rezoning to the M-3, Special Impact Industrial District, by weighing public need for and benefit to be derived from against the local impacts which it may cause. The review considers the proposal in terms of existing zoning and land use in the vicinity of the site, planned and proposed public and private developments which may be adversely affected by the proposed use, whether the proposed location is the most desirable site for this type of use, and to what extent the public health, safety, and general welfare of the citizens of Marshall County will be affected. In addition, any proposed project, within any municipality's urban growth boundary (UGB), must have the permission of the governing body of that municipality.

B. Site Location Criteria

1. The proposed site will be located in areas apart from concentrations of residential developments and community facilities where concentrations of people will be present.

2. The proposed use will not pollute or deteriorate air quality, surface or subterranean water, or any other natural features.

3. The proposed site will not be located in an area that could contaminate the source of an existing public water supply.

4. The proposed site will be free of sinkholes, caves, caverns, or other karst features that would present significant potential for surface collapse or significant degradation to local ground water resources.

5. The proposed site will be adequately served by public utilities and services to ensure a safe operation.

6. The proposed use will not result in the transportation of dangerous products or wastes through areas of population concentrations which would endanger community safety.

7. Access to the site will be from a road classified as an arterial or collector on the Major Road Plan for Marshall County.

8. The proposed lot size is sufficient so that no danger occurs to the adjoining uses.

9. The proposed site will not be located within a one hundred (100) year floodplain or wetland.

C. Administrative Procedure

The provisions of this section shall govern all applications for rezoning to the M-3, Special Impact Industrial District.

1. Preliminary Review

All applications for rezoning to the M-3, Special Impact Industrial District shall be made by the landowner or his/her authorized agent to the Building Inspector in accordance with the provisions of this section. All applications for re-zonings shall be accompanied by:

A. Preliminary Development Plan to Include the Following Information:

(1) Letter from the owner detailing the proposed zoning change.

(2) Location map of the proposed site, including size of the property.

(3) Site plan and topographic map prepared by a Tennessee licensed engineer at a scale of one-inch equals two hundred feet (1"=200').

(4) Land use evaluation, including all building locations and historical sites within a one (1) mile radius of the proposed site, including property owners. 63

(5) Highway assessment indicating all roads with access to the property, showing the existing width, condition, type of surface, weight loads and existing traffic data, and classification of all access roads according to the Marshall County Major Road Plan.

(6) Location and approximate dimensions of all structures, including appropriate height and bulk and the utilization of all structures and land areas within the site.

(7) A tabulation of the land areas to be devoted to all uses and activities.

(8) Ability of the site to be able to meet the Site Location Criteria in Subsection B, above, along with the General Requirements, in Subsection H, and the Requirements for Specific Uses, in Subsection I, below, for the proposed use of the property.

B. Operational Data to Include the Following Information

(1) Type of operation and detailed description of the operation.

(2) Average number of vehicles entering and leaving site on a daily basis and the routes taken.

(3) Types of Federal and State permits required for operation of the proposed facility.

(4) Safety measures to be used on site as well as the system for dealing with complaints.

(5) Ultimate use and ownership of the site after completion of operation (landfills only).

C. Environmental Assessments to Include the Following Information

(1) Geological data on the site as prepared by a Tennessee licensed geologist.

(2) Effects of the proposed use on ground water quality in the area.

(3) Effects of the proposed use on air quality in the area.

(4) Potential danger to any surface water or water supply.

2. Zoning Amendment

After review of the preliminary development plan, operational data, and environmental assessments, the planning commission shall recommend to the County Commission whether the proposed use should be rezoned to the M-3, Special Impact Industrial District. If the County Commission approves the zoning amendment, the landowner may proceed with his development by submitting a final development plan to the planning commission for their approval.

3. Final Development Plan Review

After approval of the rezoning by the County Commission, the landowner may make an application to the planning commission, for approval of the final development plan, provided that the plan is in compliance with the preliminary development plan. All final development plans shall include the following information:

A. Final Development Plan shall Include the Following

(1) Final site plan prepared by a Tennessee licensed engineer for the development to include, location of all buildings, interior roads and parking areas, detailed landscaping plan of the buffer zone prepared by a landscape architect, location and type of all fences, utilities, and all other features and facilities to be installed or used in connection with the proposed operation.

(2) Site plan to be at a scale of one-inch equals two hundred feet (1"=200').

(3) Contours at vertical intervals of not more than two (2) feet where the proposed development has an average slope of five (5) percent or less, or at vertical intervals of not more than five (5) feet where the average slope exceeds five (5) percent (contours to be field surveyed or taken from aerial photographs acceptable to the planning commission).

(4) Stages of development of the site and the expected time of completion.

(5) Copies of all required Federal and State permits the applicant has obtained.

(6) Final site plan shall be in compliance with Subsection G, H, and I, below, for the proposed use of the property.

B. Site and Geological Data

(1) Soil and geology, with soil borings to a point of refusal, with a minimum of two (2) borings per acre.

(2) Final grading and drainage plan for the entire site, including surface drainage patterns, and all areas for surface water detention or retention.

(3) Ground water movements and aquifer information.

(4) Existing vegetation cover on the site.

(5) Annual climate of the area, including annual precipitation and wind direction.

D. Uses Permitted

The uses permitted in this district and the special exceptions that may be allowed in this district are listed in Article V, Section 5.060. Permitted Use Table.

E. Accessory Uses and Structures

Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory uses are carried out on the same lot and are not otherwise prohibited.

F. Uses Prohibited

In the M-3, Special Impact Industrial District, any use not permitted by right or by accessory use as defined above is strictly prohibited.

G. General Requirements Applicable to All Uses

1. No excavation or filling shall be made within one hundred (100) feet of any boundary of the site.

2. Side slopes of excavation and fills in earth, sand or gravel shall not exceed one (1) foot vertical to three (3) feet horizontal and shall be blended into undisturbed existing surfaces.

3. A chain link wire fence six (6) feet high and three (3) strands of barbed wire over the top shall be installed along the boundaries of the area developed or the area of active operation and provided with gates of the same construction as the fence. The gates shall remain locked at all times when active operations are not taking place. All fences and gates shall be properly maintained until all operations are completed.

4. Provisions shall be made for the disposal of surface water falling on or crossing the site at all times, during and after completion of the operations. The operations shall not obstruct the normal flow of any public drain or abrogate the riparian rights of any other party to a stream or drain.

5. The depth of excavation and the materials to be used for fill shall not have any adverse effect on the supply, quality or purity of groundwater or wells.

6. A layer of clean earth at least two (2) feet thick shall be deposited and thoroughly compacted over all fill to bring the surface to the finished surface grade as shown on the topographic plan filed with the application.

7. The finished surface of the site shall bear the proper relationship to that of adjoining properties.

8. The installation of roads, parking areas, buildings, structures and operational facilities and equipment shall be located on the site so that adjoining properties will not be adversely affected.

9. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or candescence to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No loose paper or debris shall be allowed on the site, except on areas where active filling

operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by the use of calcium chloride or some other approved method.

10. The proposed site must have a public supply of water available, capable of providing the required fire flow to a fire hydrant on site.

11. Sanitary toilet facilities shall be provided on-site in accordance with the requirements of the Department of Health and Environment.

H. Requirements for Specific Uses

1. Requirements for Incinerators and Atomic Reactors

A. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.

B. All organic or combustible materials delivered to the site shall be burned in the incinerator.

C. All residue resulting from the operations of the facility shall be disposed of in compliance with all state and federal regulations.

D. All materials which are to be burned shall be placed on or in a concrete slab or hopper enclosed by a building, masonry walls or chain link type fencing at least six (6) feet high provided with doors or gates which shall be securely locked when the incinerator is not in operation. The materials shall be transferred from the slab or hopper or hopper into the incinerator as soon as they are received, but in any case, all combustible materials shall be burned during the same day that they were delivered. The slab or hopper shall be kept clear of all materials when not in active use.

E. All separation or picking of waste materials shall be conducted in an enclosed building only.

F. A watchman shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.

2. Requirements for the Manufacture or Storage of Explosives, Munitions or Fireworks

A. Any such facility shall not be located on a site having an area of less than fifty (50) acres.

B. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.

C. A security guard shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.

3. Requirements for Hazardous and Radioactive Wastes

A. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.

B. All residue resulting from the operations of the facility shall be disposed of in compliance with all State and Federal regulations.

C. All areas used for filling operations shall maintain the minimum setback as required by this section.

D. A security guard shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.

I. Dimensional Requirements

All uses permitted in the M-3, Special Impact Industrial District, shall comply with the following requirements:

1. Minimum Lot Size

Minimum Lot Area	25 Acres
Lot Width at Building Setback	500 Feet

2. Minimum Yard Requirements

Front Yard Setback	150 Feet
Side Yard Setback	100 Feet

except where the side yard abuts or is adjacent to a residential zoned property, in which case the minimum setback for that side yard shall be one hundred-fifty (150) feet.

Rear Yard Setback 100 Feet

except where the rear yard abuts or is adjacent to a residential zoned property, in which case the minimum setback for that side yard shall be one hundred-fifty (150) feet.

3. Maximum Lot Coverage

On any lot or tract containing one or more structures, the area occupied by all structures, including accessory structures, shall not exceed forty (40) percent of the total area.

4. Height Requirements

No principal structure shall exceed forty (40) feet in height except as provided in Section 5.030.

5. Accessory Structures

A. With the exception of signs, fences, and security buildings, no accessory structures shall be erected in a required front yard.

B. Accessory structures shall be located at least one hundred (100) feet from any side or rear lot line, twenty-five (25) feet from any building on the same lot.

6. Peripheral Buffer Zone Requirements

A peripheral buffer zone of one hundred (100) feet shall be established and maintained throughout the life of the facility along all property boundaries. This buffer will consist of three (3) rows of trees and shrubs spaced no more than twenty (20) feet apart, staggered with each row being twenty (20) feet apart. A minimum of sixty (60) percent of all trees and shrubs placed in the buffer shall be evergreens or conifers. All trees planted on the site shall be a minimum of ten (10) feet in height that will mature at a height of at least forty (40) feet. In addition to the rows of trees, a row of shrubs in front of the trees is required along road frontage. In addition to the required plantings, it is recommended that manmade and natural berms be used to further the effectiveness of the natural

planted buffer. The peripheral buffer should only be broken by driveways and walkways that provide access to the site. Any required fencing shall not be located within the buffer zone or between the buffer zone and the property boundaries.

J. Performance Bond Required

Any application for final site plan approval shall be accompanied by a performance bond in the amount of the estimated cost of site improvements including, but not limited to water and sewer installation, parking lot and driveway paving, construction of fencing, screening, and landscaping. Such bond may be in form of cash, certified check, irrevocable letter of credit, or surety bond.

In the event that the applicant fails to comply with the approved site plan, the Building Inspector shall cause the bond to be forfeited and have the necessary improvements constructed or completed. The time for completion may be extended with the permission of the planning commission, upon the owner-builder furnishing a bond or letter of credit for any approved extended period. Posting of the required performance bond by the developer shall constitute prior permission for the proper designated parties to enter upon said property to complete these improvements.

SECTION VI – FLOODPLAINS

RESOLUTION NO. 23-02-07

RESOLUTION PROPSOING AMENDING THE MARSHALL COUNTY, TENNESSEE REGIONAL ZONING RESOLUTION REGULATING DEVELOPMENT WITHIN THE JURISDICTION OF MARSHALL COUNTY, TENNESSEE, TO MINIMIZE DANGER TO LIFE AND PROPERTY DUE TO FLOODING, AND TO MAINTAIN ELIGIBILITY FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM.

WHERAS, a public hearing has been held before the Marshall County Commission on February 27,2023, at 5:30pm located at the Marshall County courthouse annex, Commission Room, room 2202/2204 Lewisburg, TN to consider the following request.

WHEREAS, there is a need to amend the flood regulations to the Marshall County Zoning Resolution for the benefit of minimizing damage to life and property.

WHEREAS, there is a need to amend the flood regulations to the Marshall County Zoning Resolution to maintain eligibility for Marshall County to participate in the National Flood Insurance Program.

WHEREAS, the following change has been reviewed and recommended by the Marshall County Planning Commission.

NOW THEREFORE, LET IT BE RESOLVED, The Marshall County Flood Regulation be amended and adopted for the purpose of eligibility and minimizing damage to life and property.

The effect of this resolution is to become affected immediately upon passing.

Adopted this 27th day of February 2023

This resolution did receive a favorable from the Marshall County Planning Commission November 15, 2022

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

Section A. Statutory Authorization

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

Section B. Findings of Fact

1. The Marshall County, Tennessee, Mayor and its Legislative Body wish to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.

2. Areas of Marshall County, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

3. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

Section C. Statement of Purpose

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

1. Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

4. Control filling, grading, dredging, and other development which may increase flood damage or erosion;

5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section D. Objectives

The objectives of this Resolution are:

1. To protect human life, health, safety and property;

2. To minimize the expenditure of public funds for costly flood control projects;

3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. To minimize prolonged business interruptions;

5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in flood prone areas;

6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas to minimize blight in flood areas;

7. To ensure that potential homebuyers are notified that the property is in a flood-prone area;

8. To maintain eligibility for participation in the NFIP.

ARTCLE II. DEFIINITIONS

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

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

1. Accessory structures shall only be used for parking of vehicles and storage.

2. Accessory structures shall be designed to have low flood damage potential.

3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

4. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

5. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

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

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

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

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

"Area of Special Flood Hazard" see "Special Flood Hazard Area"

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

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

"Building" see "Structure"

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

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

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

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

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

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

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

"Existing Structures" see "Existing Construction".

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

"Flood" or "Flooding"

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

1. The overflow of inland or tidal waters.

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

3. Mudslides (i.e. mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water

exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding defined in paragraph (a)(1) of this definition.

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

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

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

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

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

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

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

"Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams,

reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

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

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

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

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

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

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

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

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

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on the Marshall County, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

a. By the approved Tennessee program as determined by the Secretary of the Interior or

b. Directly by the Secretary of the Interior

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Recreational Vehicle" means a vehicle which is:

1. Built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light duty truck;

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

"Regulatory Flood Protection Elevation" means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus 1 foot. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least three (3) feet above the highest adjacent grade.

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

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

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

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within

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

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

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

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

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

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely

triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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

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

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

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

ARTICLE III. GENERAL PROVISIONS

Section A. Application

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

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

The Areas of Special Flood Hazard identified on the Marshall County, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47117C0025D, 47117C0040D, 47117C0045D, 47117C0050D, 47117C0100D, 47117C0105D, 47117C0110D, 47117C0125D, 47117C0135D, 47117C0145D, 47117C0154D, 47117C0155D, 47117C0156D, 47117C0157D, 47117C0158D, 47117C0159D, 47117C0165D, 47117C0166D, 47117C0167D, 47117C0170D, 47117C0178D, 47117C0179D, 47117C0180D, 47117C0185D, 47117C0186D, 47117C0235D, 47117C0255D, 47117C0260D, 47117C0265D and 47117C0285D, dated September 28, 2007, along

with all supporting technical data, are adopted by reference and declared to be a part of this Resolution.

Section C. Requirement for Development Permit

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

Section D. Compliance

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Resolution and other applicable regulations.

Section E. Abrogation and Greater Restrictions

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

Section F. Interpretation

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

Section G. Warning and Disclaimer of Liability

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

Section H. Penalties for Violation

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

ARTICLE IV. ADMINISTRATION

Section A. Designation of Resolution Administrator

The Building Official is hereby appointed as the Administrator to implement the provisions of this Resolution.

Section B. Permit Procedures

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

1. Application stage

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

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

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

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

e. In order to determine if improvements or damage meet the Substantial Improvement or Substantial Damage criteria, the applicant shall provide to the Floodplain Administrator a detailed cost to repair all damages and / or cost of improvements which includes the complete costs associated with all types of work necessary to completely repair or improve a building. These include the costs of all materials, labor, and other items necessary to perform the proposed work. These must be in the form of:

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

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

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

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

2. Construction Stage

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

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest

floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

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

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

3. Finished Construction Stage

A final Finished Construction Elevation Certificate is required after construction is completed and prior to Certificate of Compliance / Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Administrator will keep the certificate on file in perpetuity.

Section C. Duties and Responsibilities of the Administrator

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

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

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

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

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

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

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

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

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

9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Resolution.

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

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

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

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards

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

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

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

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

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

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

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

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

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

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

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

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

12. All subdivision proposals and other proposed new development proposals shall meet the standards of Article V, Section B.

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

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

Section B. Specific Standards

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

1. Residential Structures

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

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

2. Non-Residential Structures

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

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to now lower than three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Article IV, Section B.

3. Enclosure

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

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

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

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

3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

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

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

4. Standards for Manufactured Homes and Recreational Vehicles

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

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

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

2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis Is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article II).

c. Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of Article V, Sections A and B.

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

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

1) Be on the site for fewer than 180 consecutive days;

2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;

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

5. Standards for Subdivisions and Other Proposed New Development Proposals

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

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

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

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

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

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

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

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

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

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

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

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

1. Require until a regulatory floodway is designated, that no new construction, substantial, or other development, including fill shall be permitted within Zone AE on the community's FIRM, unless it is demonstrated through hydrologic and hydraulic analyses performed that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

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

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

Section E. Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)

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

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for

requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Article V, Sections A and B.

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

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

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

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

Section F. Standards For Areas of Shallow Flooding (Zone AO)

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards

associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article V, Sections A and B, all new construction and substantial improvements shall meet the following requirement:

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

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

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

Section G. Standards For Areas of Shallow Flooding (Zone AH) Proposed Change

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

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

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

Located within the Areas of Special Flood Hazard established in Article III, Section B, are areas of the 100-year floodplain protected by a flood protection system but where

Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Article IV and Article V shall apply.

Section I. Standards for Unmapped Streams

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

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

2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Articles IV and V.

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

ARTICLE VI. VARIANCE PROCEDURES

Section A. Regional Board of Zoning Appeals

1. Authority

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

2. Procedure

Meetings of the Regional Board of Zoning Appeals shall be held at such times as the Board shall determine. All meetings of the Regional Board of Zoning Appeals shall be open to the public. The Regional Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Regional Board of Zoning Appeals shall be set by the Legislative Body.

3. Appeals: How Taken

An appeal to the Regional Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Resolution. Such appeal shall be taken by filing with the Regional Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of (300) dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Regional Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Regional Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as, due notice to parties in interest and decide the same within a reasonable time which shall not be more than (30) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

The Regional Board of Zoning Appels shall have the following powers:

a. Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Resolution.

b. Variance Procedures

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section B. Conditions for Variances

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

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

3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as $25 for $100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.

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

ARTICLE VII. LEGAL STATUS PROVISIONS

Section A. Conflict with Other Resolutions

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

Section B. Severability

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

Section C. Effective Date

This Resolution shall become effective on (February 27, 2023), the public welfare demanding it.

Approved and adopted by the Marshall County, Tennessee, Mayor and Legislative Body.

2/22/2023
Date

Mayor of Marshall County, Tennessee

Attest: County Clerk

2-27-2023
Date of Public Hearing

Date of Publication of
Caption and Summary

FILED
TIME: 1:59 PM
FEB 01 2023
County Clerk

ARTICLE VII - EXCEPTIONS AND MODIFICATIONS

SECTION

7.010 Scope
7.020 Nonconforming uses
7.030 Exceptions to height limitations
7.040 Lots of record
7.050 Exception to front setback requirements
7.060 Absolute minimum lot size

7.010. Scope. Article VI, of this resolution, is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided in Article III and Article IV.

7.020. Nonconforming uses. It is the intent of this resolution to recognize that the elimination, as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of this resolution is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions of this resolution. It is also the intent of this resolution to so administer the elimination of nonconforming uses, buildings, and structures as to avoid an unreasonable invasion of established private property rights. Lawful nonconforming uses, buildings, and structures existing at the time of the passage of this resolution, or any amendment thereto shall be allowed to remain subject to the following provisions:

A. An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same or higher classification provided, however, that establishment of 71 another nonconforming use of the same or higher 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.

B. A nonconforming use of land shall be restricted to the area occupied by such use as of the effective date of this resolution. A nonconforming use of a building or buildings shall not be enlarged to additional land after the effective date of this resolution.

C. When a nonconforming use of any structure or land has been discontinued for a period of one (1) year, it shall not be reestablished or changed to any use not in conformity with the provision of this resolution.

D. Any nonconforming building or nonconforming use which is damaged by fire, flood, wind, or other act of God, may be reconstructed and used as before, if it be done within one (1) year of such damage in which case any repair or reconstructions shall be in conformity with the provisions of this resolution.

E. A nonconforming building or building housing a nonconforming use shall not be structurally altered except in conformance with the provisions of this resolution. These provisions shall not be construed to prevent normal maintenance and repairs, or alterations required for structural safety.

F. When any industrial, commercial, or other business establishment ceases a nonconforming, grandfathered use, there shall be thirty (30) months of retention of such nonconforming, grand-fathered use. After thirty (30) continual months of ceased operation, as tolled in Tennessee Code Annotated, Section 13-7-208 (g), the site must conform to this resolution and subsequent revisions. (Added by Resolution 05-04-12, April 25, 2005)

G. A legally existing single-wide mobile home may be replaced with another single-wide mobile home subject to the following conditions: a.) a maximum time of ninety (90) days is allowed from the time the existing single-wide mobile home is removed from the property and the replacement comes in. The old single-wide mobile home leaves the property forever. b.) The tongue of the replacement single-wide mobile home is removed. c.) Block, brick, or stone veneer shall be placed around the perimeter of the replacement single-wide mobile home. d.) The replacement single-wide mobile home shall be a model within five (5) years of the current date. (Amended by Resolution 06-11-08, November 27, 2006).

7.030. Exceptions to height limitations. The height limitations of this resolution shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, transmission towers, windmills, chimneys, smokestacks, conveyors, flag poles, radio towers, masts, silos and aerials.

7.040. Lots of record. The following provisions shall apply to all existing lots of record:

A. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this resolution does not own sufficient land to enable him to conform to the yard or other requirements of this resolution, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this resolution. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as in the opinion of the Board of Zoning Appeals as possible.

B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this resolution, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.

C. Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located. All existing preliminary or final plats, with prior approval of the planning commission, shall be exempt from the requirements of Section 7.040, of this resolution.

7.050. Exceptions to setback requirements. The front setback requirement of this resolution 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 on each side of the lot. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line.

7.060. Absolute minimum lot size. In no case shall the Building Inspector or the Board of Zoning Appeals permit a residence to be erected on a lot whose width at the building line is less than seventy-five (75) feet and/or whose total lot area is less than seven thousand-five hundred (7,500) square feet.

ARTICLE VIII - ADMINISTRATION AND ENFORCEMENT

SECTION

8.010 Administration of the resolution
8.020 The building inspector
8.030 Building permits
8.040 Temporary use permits
8.050 Inspections of compliance
8.060 Procedure for authorizing special exceptions
8.070 County Board of Zoning Appeals
8.080 Variances
8.090 Amendments to the resolution
8.100 Penalties
8.110 Remedies

8.120 Separability
8.130 Interpretation
8.140 Effective date

8.010. Administration of the resolution. Except as otherwise provided, no structure or land shall after the Effective date of this resolution be used and no structure or part thereof shall be erected, altered, 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 this resolution shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory. (Amended by Resolution 05-04-12, April 25, 2005)

8.020. The building inspector. The provisions of the resolution shall be administered and enforced by the County Building Official appointed by the County Board of commissioners, and he/she shall have the power to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this resolution and to oversee designees to carry out the enforcement of this resolution. The County Building Official is accountable to the County Board of Commissioners through the County Executive Officer who shall administratively supervise his/her activities. In performance of administering and enforcing this resolution, he/she shall:

A. Issue all building permits and make and maintain records thereof.

B. Conduct all Inspections of Compliance and make and maintain records thereof.

C. Issue and renew, where applicable, all Temporary Use Permits and make and maintain records thereof.

D. Maintain and keep current zoning maps and records of amendments thereto.

E. Receive, file and forward to the Board of Zoning Appeals all applications for variances or other matters on which the Board is required to act under the provisions of this resolution.

F. Conduct inspections as required in this resolution and such other inspections as are necessary to ensure compliance with the various other general provisions of this resolution. The Building Inspector shall possess the right to enter upon any premises for the purpose of making inspections of premises necessary to carry out his authorized duties.

8.030. Building permit. 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, alteration, or expansion of any structure including accessory structures, to use a building or structure or to change the use of a building or structure, or to commence the filling of land within any flood prone area without a permit thereof, issued by the Building Inspector.

No building permit shall be issued by the Building Inspector except in conformity with the provisions of this resolution, unless there is received a written order from the Board of Zoning Appeals in the form of an administrative review, special exception, or variance as provided by this resolution.

A. Application

Application for a building permit shall be made in writing to the Building Inspector on forms or digital systems provided for that purpose. All applications for building permits shall be accompanied by a plan or a plat in duplicate, drawn to approximate scale, and showing the following:

1. The approximate shape, location, and dimensions of the lot to be built upon.

2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot and the elevation of the building site when the site falls within a designated flood hazard area.

3. The existing and intended use of all such buildings or other structures.

4. Construction documents included but not limited to lumber take off and engineer lumber sheets.

A plan review shall take place before a permit is issued. If plans are requested and the applicant is refusing to submit. A waiver approved by the County Attorney shall be submitted by the applicant and the following stated "No detailed plans submitted, applicant is responsible for any additional fees,

and all construction material and/or layout issues" If approved plans are submitted, reviewed and approved. Building permit shall read "project approved as submitted"

Submittal documents consisting of construction drawings, and other data shall be submitted in a digital format. The construction should be of professional and legible design. The building official is authorized to require additional construction documents to be prepared by a registered design professional. The construction documents shall be prepared by a registered design professional where required by state law.

Approved construction documents shall show the following:

- Front, side, and rear elevations

-Footer and foundation detail with layout and size

-floor layout with dimensions and labeling.

- roof and wall detail

- window sizing with egress and tempered glass locations.

- plumbing fixture locations

- gas appliance locations with submitted manuals and BTUs.

-Energy compliance description

4. The Building Inspector require the following specific information to be included as part of an application for building permit for new construction, substantial improvements to existing structure, or other development proposed to be located within an area subject to flood as defined in Article V.

A. Copies of all federal and state permits required for the construction of the development as shown on the plans.

B. The name and address of the engineer, architect, surveyor, or other qualified person responsible for providing the information required under this section.

C. Site plans for developments other than subdivisions or mobile home parks showing the location of the proposed building or structure and existing buildings or structures on site or lot, watercourses, easements, or other information as the Building Inspector may deem necessary.

D. Where the development lies partially or completely within an area subject to flooding, the site plan shall include detailed information giving the location and elevation of sites. The plans shall be prepared by a Tennessee license architect, engineer, or surveyor showing existing and proposed land contours at intervals not to exceed two (2) feet. The limits of the area subject to flooding and floodway boundaries shall be accurately shown on the plans and marked on site. Each lot shall show and contain a building site safe from the threat of flood. Supporting documents may be required if placement comes into question.

E. Any person, firm, or corporation hereafter constructing a building or structure within an area subject to flood shall submit to the Building Inspector a surveyor or engineer's certification stating the actual of the lowest floor (including basement) of the building or structure upon application for a building permit. If the structure (nonresidential only) was floodproofed, the certification which shall come from a registered engineer or architect shall also state the height to which the structure was floodproofed.

F. The minimum height of the lowest floor shall be one (1) foot above the level of the 100-year flood, site plans shall show information pertaining to the methods of lifting the proposed structure, including details of proposed fills, pile structures, retaining walls, foundations, and erosion protection measures. When required by the Building Inspector, these plans shall be prepared by a registered professional engineer or architect.

G. For structures to be floodproofed (nonresidential only) at or above the level of the 100-year flood, plans shall show details of flood-proofed measures. The plans shall be prepared by a registered professional engineer or architect which shall certify that the proposed structure, together with utilities and sanitary sewer facilities, is designed so that the structure is watertight with walls substantially impervious to the passage of water, and is designed to withstand the hydrostatic, hydrodynamics, buoyant, impact, or other forces resulting from the flood depths, velocities, pressures, debris, and other factors associated with the flooding conditions at the site.

B. Fee:

The Marshall County Commission shall establish a schedule of fees and a collection procedure for building permits. The schedule of fees shall be posted in the Office of the Building Inspector. Only the County Commission may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application.

Fees shall be based on dimensions of the submitted plans. If plans are not submitted and fees are based off the applicant application submittal and question arise in the legality of the charges, it will be the responsibility of the applicant, if found at fault, to pay all owed fees to Marshall County.

C. Issuance of Permit:

If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this resolution, the Building Inspector shall issue a building permit for such excavation or construction. If an application for a building permit is not approved, the Building Inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as a waiving of any provisions of this resolution.

D. Construction Progress:

Any building permit issued becomes invalid if work authorized is not commenced within six (6) months of the date of issuance or if the work authorized by the permit is suspended or discontinued for a period of one (1) year.

Erosion control measures shall take place on any active construction site where erosion from permitted construction is affecting a neighboring property and/or any public infrastructure.

E. A Certificate of Occupancy shall not be issued until the Marshall County Road Department has approved the connection between the lot and the roadway. (Added by Resolution 05-04-12, April 25, 2005)

8.040. Temporary use permits. It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the County Building Inspector, as provided for in Article IV, Section 4.010, of this resolution. Application for a Temporary Use Permit shall be made in writing to

the Building Inspector on the form provided for that purpose. A schedule of fees shall be established by the Marshall County Commission. Such schedule shall be posted in the office of the Building Inspector. Until the appropriate fee has been paid in full, no action shall be taken on any application.

8.050. Inspections of compliance. After a building or premise or any part thereof is ready for occupancy and within one (1) year following occupancy, the Building Inspector shall conduct a second inspection to ensure compliance with this resolution. It is the owner's responsibility to correct deficiencies or be held in violation of this resolution.

8.060. Procedure for authorizing special exceptions. The following procedure is established to provide procedures for review of a proposed use as a conditional use or special exception by the Board of Zoning Appeals. The procedure shall be the same whether review is required under Sections 13-7-107 and 13-7-108 of the Tennessee Code Annotated, by this resolution, or whether a review is requested by the Building Inspector to determine whether a proposed use is potentially noxious, dangerous, or offensive.

A. Application:

An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, and any other material pertinent to the request which the Board may require.

B. General Requirements. A conditional use permit (a special exception) shall be granted provided the Board finds that it:

A. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.

B. Will not adversely affect other property in the area in which it is located.

C. Is within the provision of "Special Exceptions" as set forth in this ordinance.

D. Conforms to all applicable provisions of this ordinance for the district in which it is to be located as well as the provisions cited in Section 8.060 and is necessary for public convenience in the location planned.

C. Criteria for Review:

Prior to the issuance of a special exception, the Board shall make written findings certifying that satisfactory Provisions and arrangements Have been made concerning all the following where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

2. Economic, noise, vibrations, glare, or odor effects of the special exception on or by adjoining properties and properties generally in or near the district.

3. Refuse and service areas, with particular reference to Items 1, and 2, above.

4. Utilities, with reference to locations, availability, and compatibility.

5. Screening and buffering with reference to type, dimensions, and character.

6. Required yard and other open space.

7. General compatibility with adjacent properties and other properties in the district.

D. Restrictions:

In the exercise of its approval, the Board may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this ordinance.

E. Validity of Plans:

All Approved plans, conditions, restrictions, and rules made a part of the approval of the Board shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times. Once a conditional use permit (a special exception) is granted to a piece of property, the permitted (approved) special exception shall remain in perpetuity with that property.

F. Time Limit:

All applications reviewed by the Board shall be decided within sixty (60) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

G. Special Conditions for Review Pertaining to Bed and Breakfast Home:

In addition to the requirements of the applicable district and the general requirements set forth in Section 8.060, C, the following special conditions shall be met prior to issuing a building permit:

1. Bed and breakfast residences shall be established only within preexisting single-family residences.

2. Bed and breakfast residences shall continuously maintain current licenses and permits as required by local and state agencies.

3. Bed and breakfast residences shall be solely operated by members of the family residing in the residence.

4. The only meal to be provided to guests shall be breakfast, and it shall only be served to guests taking lodging in the facility.

5. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.

6. Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed or remodeled for rental purposes.

7. Bed and breakfast residences shall be limited to a single on-premises sign which shall be no greater than eight (8) square feet in size and shall be located no closer to the street right-of-way line than fifteen (15) feet.

8. One (1) off-street parking space shall be provided for each room rented in addition to the required two (2) spaces required for the single-family residence. All such spaces shall be screened from view from adjoining property and shall not be located within any required front yard.

9. If food is prepared or cooked, a menu made available, and a price is charged therefore, a food server's license must be obtained from the Tennessee Department of Health.

10. A smoke detector shall be installed in each sleeping room, and a fire extinguisher ten pounds in size or larger shall be installed and made easily accessible on each floor or story.

11. An evacuation plan must be approved prior to the issuance of a building permit for a bed and breakfast residence.

12. Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood, and the intent of the zoning district in which it is located.

13. Certification shall be provided by the county health department approving the subsurface disposal system as being adequate to serve the total number of bedrooms occupied.

H. Special Conditions for Multi-Family Dwelling and Mobile Home Park Activities In addition to the standards contained elsewhere in this resolution for these type developments, the Board of Appeals shall specifically find that there will be no adverse impact upon adjoining properties or the neighborhood in which such use is proposed. In making this finding, the Board shall consider the effect upon traffic congestion, overcrowding of schools availability of necessary public utilities, and character of adjoining structures, and suitability of the site for the use and such other factors as the Board may deem necessary.

I. Special Conditions Administrative Services

1. There must be a demonstrated need for such activities to serve the neighborhood or the total community.

2. All lot, yard, and bulk regulations of the zone district shall apply.

3. Appropriate off-street parking requirements shall apply.

4. Fencing, screening, and landscaping shall be provided as appropriate to protect surrounding properties and reduce any potential adverse impact.

5. The site and architectural plans shall be approved by the planning commission.

6. The location of such facility shall not materially increase traffic on surrounding streets.

J. Special Conditions for Day Care Homes - A Daycare in an occupied residence of not more than seven (7) children including children living in the home.

1. The required lot size, yard, and bulk regulations of the district shall apply. No variances shall be permitted for lots on which such use is to be located.

2. All public utilities and sanitary sewers shall be available and connected to the site unless the site is over one (1) acre in size. The Fire Inspector shall approve the facility for safety.

3. All requirements of the State of Tennessee that pertain to the use shall be met.

4. An outdoor play area of at least two hundred (200) square feet per child in size shall be available per State of Tennessee size requirements and shall be fenced.

5. The facility shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.

6. Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.

7. No such facility shall be permitted on a lot unless such lot contains at least one (1) acre. ¾ acre

K. Special Conditions for All Other Personal and Group Care Activities

1. No such facility shall be permitted on a zone lot unless it contains a minimum of one (1) acre. ¾ acre

2. All bulk regulations of the district shall be met.

3. The requirements of the accessory off-street parking regulations of this resolution shall apply.

4. All regulations of the State of Tennessee shall be met.

5. All public utilities and sewage disposal shall be available and connected to the site, and the site and architectural plans for such a facility be approved by the planning commission taking into account the above conditions as well as any other pertinent factors.

6. Special passenger loading and unloading facilities shall be provided on the same zone lot for vehicles to pick up or deliver passengers. Such facilities shall provide for driveways that do not require any back-up movements by vehicle to enter or exit the zone lot.

7. The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facilities.

L. Special Conditions for Community Assembly

1. No such facilities shall be permitted on a lot unless it contains one (1) acre provided, however, if such community assembly includes outdoor activities, the minimum lot area shall be four (4) acres.

2. All bulk regulations of the zoning district shall apply.

3. Off-Street Parking

A. For nonprofit clubs, lodges, meeting halls and recreation centers, one (1) space for each four (4) seats in an assembly area within the facility, or one (1) space for each seventy-five (75) square feet of gross floor area, whichever is greater, shall be provided.

B. For temporary nonprofit festivals, the required number of off-street parking spaces shall be determined by the Board, taking into account the traffic generation of such facility, the hours of other such factors as affect the need for off-street parking.

4. Except for temporary nonprofit festivals fencing, screening and landscaping shall be provided as appropriate for such facility, except that no landscaped screen shall be located closer than fifteen (15) feet of any vehicular entrance or exit to the property.

5. The location and operation of such community assembly facility shall be in keeping with the character of the surrounding area and shall not adversely affect the properties within the surrounding area.

6. All public utilities and sewage disposal shall be available and connected to the site.

7. Except for temporary nonprofit festivals, the site and/or architectural plans shall first be approved by the planning commission taking into account the above conditions.

M. Special Conditions for Cultural and Recreational Services

1. No such activity shall be permitted on a zone lot unless it contains twice the lot area requirements of the district.

2. All bulk regulations of the district shall apply.

3. The off-street parking requirements of this resolution shall apply.

4. Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area and shall not have an adverse effect on properties within the surrounding area.

5. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect on properties within the surrounding area.

N. Special Conditions for Community Education

1. No such facilities shall be permitted on a zone lot unless such lot contains the acreage recommended for such facilities by the appropriate state agency.

2. The traffic generated by such a facility shall be safely accommodated along the streets, which will provide access to the site.

3. The location and design of such facilities shall not have an adverse effect upon surrounding properties.

4. The off-street parking requirements of this resolution shall apply.

O. Special Conditions for Health Care

1. Minimum Lot Area

A. No health clinic shall be permitted on a zone lot unless it contains twice the lot area requirements of the district.

B. No hospitals, or centers for observation or rehabilitation shall be permitted on a zone lot unless it contains a minimum of five (5) acres.

2. The minimum side and rear yards for hospitals and centers for observation or rehabilitation shall be fifty (50) feet for a one (1) or two (2) story building, increased by five (5) feet for each story above two (2).

3. All other regulations of the district shall apply.

4. There shall be provided along the entire site boundaries fencing, screening, and landscaping as appropriate to protect the surrounding residential area.

5. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect on the properties in the surrounding area.

6. All public utilities and sewage disposal shall be available and connected to the site.

7. The site and/or architectural plans shall first be approved by the planning commission taking into account the above conditions.

P. Special Conditions for Intermediate and Extensive Impact

1. The location, size, and design of such facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.

2. The traffic generated by such facility shall be safely accommodated along major arterials or collectors without traversing local minor streets.

3. The proposed facility shall provide a basic community function or essential service necessary for a convenient and functional living environment in order to be located on the proposed site.

4. The off-street parking requirements shall be determined by the Board taking into account the characteristics of the use.

5. The site plan for such facilities shall be approved by the planning commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facility.

Q. Special Conditions for Religious Facilities DOESN'T MATCH P.U.T.

1. No such facilities shall be permitted on a zone lot unless it contains one (1) acre.

2. The location, size, and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area thus reducing the impact upon such area.

3. All bulk regulations of the district shall be met.

4. The off-street parking requirements of this resolution shall apply.

R. Special Conditions for Group Assembly Activities

1. The location, size, and design of such facilities shall be situated so that the proposed development shall be compatible with the development within the surrounding area thus reducing the impact upon the surrounding area.

2. The traffic generated by such a facility shall be safely accommodated along major streets without traversing local minor streets.

3. The off-street parking requirements shall be based on the type of use and the needs of the use to adequately accommodate the expected groups of people.

4. The site plan for such facilities shall be approved by the planning commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facilities.

5. When an application for a group assembly permit includes amusement parks, sports arenas, fairgrounds, racetracks, and similar recreational pursuits, the following requirements shall be observed.

A. The minimum size site shall be twenty-five (25) acres.

B. The minimum setbacks of all structures from all public roads shall be one hundred (100) feet.

C. Such facility shall be situated so that no residential use is located closer than five hundred (500) feet from building entrance of the principal use at the time of approval.

D. Access to such facility shall be by a paved road and such road shall be either a major arterial or major collector. Traffic shall not be directed through residential subdivisions or on minor residential streets.

E. Off-street parking shall be provided at a minimum of one (1) space for each four (4) patrons or seats. For those facilities which are not utilized on a regular and frequent basis, parking may be provided on adjacent parcels of land provided further that any parcel so used is located no more than five hundred (500) feet from the lot boundary.

F. Any lighting provided at such facilities shall be designed so that no direct light falls on adjacent residential property.

G. Accessory uses may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities.

H. Accessory structures may be permitted which are incidental and subordinate to the principal structure. Such structure may not be located within any required setback or buffer area.

6. When an application for a Group Assembly Permit includes a private campground, the following standards shall be met: Group Campground requirements shall be met.

A. Such campground shall have on site management.

B. The campground may include convenience commercial establishments such as camp stores, laundry facilities, and personal services; provided that such convenience establishments are subordinate to the recreational character of the campground; are located, designed and intended to serve exclusively the patrons staying in the campground; and such establishment and their parking areas shall not occupy more than ten (10) percent of the area of the parking or one (1) acre whichever is smaller.

C. Such campground shall meet the following standards:

i. Minimum size - Ten (10) acres.

ii. Maximum density - Ten (10) campsites per gross acre.

iii. Sanitary facilities, including flush toilets and showers – Within three hundred (300) feet walking distance of each campsite.

iv. Dump station for travel trailers.

v. Potable water supply - One (1) spigot for each four (4) campsites.

vi. Trash receptacle - One (1) for each of two (2) campsites.

vii. Parking - One (1) space per campsite.

viii. Picnic table - One (1) per campsite. ix. Fireplace or grill - One (1) per campsite.

x Administration or safety building - Open at all times wherein a portable fire extinguisher in operable condition, a first aid kit is available, a list of all emergency telephone numbers, and a telephone is available for public use.

D. Such campground shall meet the following design requirements:

i. Vegetation screen or ornamental fence which will substantially screen the campsites from view of public right-of- way and neighboring properties shall be provided around or near the perimeter or that part of the campground containing campsites. Such vegetation or fence shall be maintained in good condition at all times.

ii. Each campground shall reserve at least twenty-five (25) percent of its total area as natural open space excluding perimeter screening. Such open space may include recreation and water areas, but may not include utility areas, administration building, commercial areas, or similar activities.

iii. Each campsite shall have a minimum setback of twenty-five (25) feet from any public road of fifty (50) feet.

iv. Each separate campsite shall contain a minimum of thirty-two hundred (3,200) square feet. (A campsite shall be considered to consist of trailer or tent space, parking space, picnic table, fireplace, and one-half (1/2) the roadway providing access.)

v. Each campsite shall be directly accessible by an interior road.

vi. All interior roads shall be a minimum of ten (10) feet wide for one (1) way traffic and eighteen (18) feet wide for two-way traffic.

vii. All interior roads shall meet the following curve requirements:

• Minimum radius for a 90-degree turn - 40 feet

• Minimum radius for a 60-degree turn - 50 feet

• Minimum radius for a 45-degree turn - 68 feet

viii. No camping vehicle or camping equipment shall be used for human habitation for a period exceeding thirty (30) consecutive days.

S. Special Conditions for Entertainment and Group Assembly

Small meeting and reception facilities are allowed in residential areas; the following requirements shall apply:

1. No such facility shall be permitted on a zone lot, unless it contains sixty thousand (60,000) square feet.

2. The location, size and design of such facility shall be situated so that it will be compatible with the development within the surrounding area, thus reducing the impact upon such area.

3. No facility shall have a capacity for over one hundred (100) persons.

4. Each facility shall maintain a twenty (20) foot buffer strip between any residential area.

5. Any site lighting shall be indirect that will not illuminate the surrounding property.

6. Any proposed sign shall be limited to a monument sign no more than five (5) feet in height and twenty-five (25) square feet in surface area.

7. All off-street parking requirements of this resolution shall apply.

8. Any such facility may be considered an appropriate accessory use and structure to an existing residence so long as the existing residence serves as living quarters for persons regularly employed to provide catering and management services to the facility. The facility may be located in a separate building.

T. Special Conditions for Adult Entertainment Business

1. No establishment shall be located within two thousand (2,000) feet (measured property line to property line) of any residence, church, school ground, college campus or park.

2. All establishments shall be located at least two thousand (2,000) feet measured property line to property line) of any other adult entertainment business.

3. No establishment shall be located within two thousand (2,000) feet (measured property line to property line) from any residential zoned property.

4. Be in compliance with all provisions of the Tennessee Code, Sections 7-51-1101 through 7-51-1121 and any applicable regulations of Marshall County.

5. All bulk regulations of the zoning district shall apply.

6. The off-street parking requirements of this resolution shall apply.

7. Sign messages shall be limited to verbal description of material or services on the premises and may not include any graphic or pictorial depiction of material or services available on the premises.

8. Messages or signs which are visible or intended to be visible from outside the property (such as on or within doors or windows) shall not display materials, items, publications, pictures, films or live presentation of persons performing or services offered on the premises.

U. Special Conditions for Mining and Quarrying Activities

1. The location of such an activity shall be in an area sparsely developed during the length of time the mining or quarrying activity is anticipated.

2. Any permit issued hereunder shall be based on a site plan or other documents submitted with an application, which shall provide for the following:

A. Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contour intervals shall be at two (2) foot intervals.

B. Location of the area in which the proposed quarrying activity is to be conducted.

C. Location of all proposed buildings, crusher and screening equipment, roadways and other facilities proposed on the site.

D. Proposed method of drainage of the quarry area.

E. Proposed fencing of the quarry area. Fencing shall be provided around all open excavations.

F. Methods proposed for blasting. Open blasting commonly referred to as "pop shots" shall be prohibited.

G. Methods proposed to control noise, vibration, and other particulate matter.

H. Finished contours of the site after the quarrying operation has been terminated. The site shall be graded and/or filled so as to be in substantial conformity with the topography of the surrounding lands. All fill material shall be nontoxic, nonflammable, and noncombustible solids. All areas that are backed-filled shall be left so that adequate drainage is provided.

3. Approval for mining and quarrying activity may also include accessory concrete batching plants, asphaltic cement mixing plants and/or rock crushing activities on the same zone lot or adjoining zone lots which may have directly opposing frontages on the same public street. If such accessory activities are included on the quarry site, the total site must meet all the special condition requirements for mining and quarrying activities; however, in conditions of multiple zone lots, the outer perimeter of the site shall be considered the lot line.

4. Before issuing a permit the Board shall require the owner of the quarry facility to execute a bond in an amount to be determined by the planning commission per acre of active quarry throughout the period of use to restore the lands in the manner prescribed herein, including the removal of all structures and machinery.

5. The site plan is first approved by the planning commission taking into account the above conditions as well as any other factors related to the use and operation of such facilities.

V. Specific Standards for Intermediate Manufacturing Activities

A special exception permit shall not be granted unless the standards below are met:

1. The activity takes place in completely enclosed buildings with no outdoor storage of materials or finished products.

2. Access for heavy trucks and employees is from a major thoroughfare or industrial access road from a major thoroughfare with residential streets unaffected.

W. Specific Standards for Extensive Manufacturing Activities

A special exception shall not be granted unless the standards below are met:

1. No such facility shall be located on a lot unless such lot contains at least one (1) acre.

2. Access for heavy trucks and employees is from a major thoroughfare or industrial access road from a major thoroughfare with residential streets unaffected.

3. State permits for air pollution standards, groundwater, and emissions must be obtained and kept up to date.

4. The site plan is first approved by the planning commission taking into account factors related to the use and operation of the facility.

X. Specific Conditions for Mini-Warehouses This is a Permitted Use Dev Standards?

1. Commercial or industrial storage shall be limited to less than fifty (50) percent of the total square footage of the facility.

2. No hazardous materials shall be allowed in any storage units.

3. Recreational vehicles, boats, and all operational vehicles may be stored outside in designated areas only. All other storage must be within enclosed structures.

4. All lights shall be shielded to direct the light onto the established uses and away from all adjacent properties.

5. No sales, garage sales miscellaneous services, or business activities shall be conducted on the premises. The servicing or repair of motor vehicles, boats, lawnmowers, and other similar equipment shall not be conducted on the premises.

6. The off-street parking requirements of this resolution shall apply.

Y. Specific Conditions for Feedlots and Stockyards

1. The location of such an activity shall be in an area sparsely developed during the length of time the use as a stockyard or feedlot is anticipated.

2. No such facility shall be permitted on a zone lot unless it contains twice the lot area requirements of the district; provided, however, that if such activity includes outdoor animal pens, the minimum lot area shall be four (4) acres.

3. Any permit issued hereunder shall be based on a site plan or other documents submitted with an application, which shall provide the following:

A. Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contour intervals shall be at two (2) foot intervals.

B. Location of the area in which the proposed keeping of animals is to be conducted.

C. Location of all proposed buildings, animal pens, roadways, and other facilities proposed on the site.

D. Proposed method of drainage of the animal pens.

E. Proposed fencing of the site.

F. Insect, rodent, and odor control measures shall be provided to the satisfaction of the Board of Zoning Appeals.

Z. Special Conditions for Commercial Energy Facilities

1. A letter of credit provided by the owner set aside for the total estimated remediation costs, plus ten (10%) percent, of eliminating all developed assets capable of collecting, conducting, storing, transmitting, or discharging any electrical charge as well as assets which may create a negative environmental impact. If left unmanaged, should the site and its use be abandoned or its owner ceases to operate or maintain the developed assets for a period exceeding thirty-six (36) months.

2. Perimeter fencing with a minimum height of six (6) feet around the entire developed site, properly gated and locked to prevent trespass.

3. Transitional landscape buffer as described: A planted buffer strip (greenbelt planted strip) not less than ten (10) feet in width shall be established along the outer boundaries or periphery of solar panels. Said planted strip shall be composed of one (1) row of evergreen trees, spaced not more than forty (40) feet apart, and not less than two (2) rows of shrubs

or hedges spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet in height. A landscape buffer is to be maintained to this standard and installed on the outside of the perimeter fencing.

4. If batteries are required, the construction and use of a liquid-tight spill-control barrier system as required by the International Fire and Building Code.

5. Full set of engineered plot plans, including drainage, landscaping, fencing, and safety plans as well as for any proposed road connections and improvements.

6. Environmental impact study or environmental assessment prepared in accordance with the NEPA National Environmental Policy Act Sec. 101 [42 USC § 4331] or otherwise prepared by a registered engineer.

7. An approved training program for fire control mitigation and suppression, designed specifically for the proposed type of power generating and technology type, and provided annually to the Marshall County Emergency Management Agency and all Marshall County Volunteer Fire Departments, at no cost.

8. All building or improvement setbacks shall be in accordance with the appropriate district.

9. The County may, at its sole discretion, hire an outside registered engineering firm to advise the County on compliance with the requirements of the zoning resolution and applicable building and electrical codes. The developer shall be required to reimburse the County for its costs of hiring an engineering firm in the same amount as incurred by the County, which fees shall be paid by the developer within 30 days of its receipt of an invoice from the County.

10. Developments must be able to interconnect to the public utility grid without any extension of the public utility grid through the exercise of eminent domain.

11. All commercial solar power developments must obtain a building permit from the Marshall County Building Codes and Zoning Office using the

currently adopted fee schedule for commercial construction at the time the said building permit is thus obtained.

AA. Special Conditions For Private Sport Recreational Fields

1. The site plan for such fields shall be approved by the planning commission taking into account the below standards as well as any other pertinent factors related to the use and operation of such fields

2. Such fields shall be situated so that no residential use is located closer than five hundred (500) feet from the building entrance of the principal use at the time of approval.

3. The location, size and design of such facility shall be situated so that it will be compatible with the development within the surrounding area, thus reducing the impact upon such area.

4. The minimum size site shall be twenty-five (25) acres

5. The traffic generated by such facility shall be safely accommodated along major arterials or collectors without traversing local minor streets.

6. Off-street parking shall be provided at a minimum of one (1) space for each four (4) patrons. All parking shall be two hundred and fifty (250) feet off the boundary line. Extra parking may be provided on adjacent parcels of land provided any parcel so used is located no more than two hundred and fifty feet (250) from the lot boundary.

7. A voice amplification system shall be prohibited

8. Any site lighting shall be indirect that will not illuminate any of the surrounding property

9. No private recreation field shall have a capacity for over two hundred twenty-five (225) persons.

10. Each field shall maintain a twenty (20) foot buffer strip between any residential area

11. Spectator seating such as bleachers or benches must be placed within 15 feet of the playing field and be within the 500 feet requirement of standard number 2.

12. Advertising signs are prohibited

8.070. County Board of Zoning Appeals. A Marshall County Board of Zoning Appeals is hereby established in accordance with 13-7-106 through 13-7-109 of the Tennessee Code Annotated. The Board of Zoning Appeals shall consist of five (5) members appointed by the Marshall County Commission. The Board members shall be appointed to five-year terms; however, the initial appointments shall be arranged so that the term of one (1) member will expire each year. One member of this board shall be a County Commissioner and another a member of the Planning Commission.

A. Procedure:

Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records of applications and action taken thereon which shall be public records.

B. Appeals to the Board:

An appeal to the Marshall County Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any governmental office, department, board, or bureau affected by any decision of the Building Inspector based in whole or in part upon the provisions of this resolution. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appeal was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in 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. Any Appeal of a decision of The Zoning Administrator must be made in writing within thirty (30) days of his decision. (Amended by Resolution 07-11-09, November 26, 2007).

C. Stay of Proceedings:

Any appeal to the Board of Zoning Appeals from a decision of the Building Inspector stays all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board of Zoning Appeals, after such notice of appeal shall have been filed, that by reason of facts stated in the certification

such stay would cause imminent peril to life or property. In such instance, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of by a court of competent jurisdiction on application, on notice to the Building Inspector, and on due cause shown. (Amended by Resolution 05-04-12, April 25, 2005)

D. Appeal to the Court:

Any person or persons or any board, taxpayer, department, or bureau of the county aggrieved by any decision of the Board may seek review by a court of competent jurisdiction of such decision in a manner provided by the laws of the State of Tennessee.

E. Powers of the Board:

The Board of Zoning Appeals shall have the following powers:

1. Administrative Review:

To 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 other administrative official in the carrying out of enforcement of any provision of this resolution.

2. Special Exceptions:

To hear and decide applications for special exceptions as specified in this resolution, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass.

3. Variances:

To hear and decide applications for variances from the terms of this resolution.

8.080. Variances. The purpose of this variance is to modify the strict application of the specific requirements of this resolution in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. variances shall be granted from zoning restrictions such as heights, setback and lot density where such variances are reasonable and necessary to assure unobstructed access to direct sunlight.

Variances shall not be granted which would cause an unreasonable obstruction of direct sunlight to adjacent property if there is a reasonable probability of utilization of passive or active solar radiation on said adjacent property. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this resolution.

A. Application:

After written denial of a permit, a property owner may make application for a variance, using any form which might be made available by the Board of Zoning Appeals.

B. Fee:

The Marshall County Commission shall establish a schedule of fees for zoning requests and procedures, which shall be posted in the Zoning Office. (Amended by Resolution 05-04-12, April 25, 2005).

C. Hearings:

Upon a receipt of an application and fee, the Board shall hold a hearing to decide whether a variance to the resolution provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. The Board shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below.

D. Standards for Variances:

In granting a variance, the Board shall ascertain that the following criteria are met:

1. Variances shall be granted only where special circumstances or conditions, fully described in the finding of the Board, do not apply generally in the district.

2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.

3. For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the Provisions of this resolution would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.

4. The granting of any variance shall be in harmony with the general purposes and intent of this resolution and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.

5. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the persons applying therefore.

6. Variances shall not be granted within any flood prone area if an increase in the Level of the 100-year flood would result from the proposed Development. (Amended by Resolution 05-04-12, April 25, 2005).

8.090. Amendments to the resolution. The regulations, restrictions, and boundaries set forth in this resolution may from time to time be amended, supplemented, changed, or repealed by the Marshall County Commission; but, in accordance with Tennessee enabling legislation. Any re-zoning of a property by the Marshall County Commission shall be reviewed by the Marshall County Planning Commission after a period of one (1) year, if the Marshall County Planning Commission determines insufficient progress has occurred in the development of the property, the property shall revert back to its original zoning status and all submitted documents and fees will be null and void.

Any rezoning request shall be accompanied by a detailed concept plan drawn by an architect or surveyor licensed in the State of Tennessee. In addition to the location, and ownership of the property, concept plan shall contain at a minimum; ingress/egress access ,a narrative of the proposed use in detail with preliminary drainage comments, how the proposed use would fit the character of the area by referring to Section 1.040 Purpose of the Zoning Resolution of Marshall County, proposed density changes, reports from involved utilities and departments that would be required for any increased changed infrastructure demands, detailing how the zoning change would impact current infrastructure. The-concept plan shall show ingress/egress access, and contours at a five foot minimum.

Anyone seeking any change in the zoning plan adopted for Marshall County must submit such request to the Planning Commission. No change or departure from the text or maps as certified by the Planning Commission shall be made, unless such change or departure be first submitted to the Planning Commission and approved by it, or, if disapproved, receive the favorable vote of a majority of the entire membership of the County Commission.

No amendment to this resolution shall become effective unless it shall have been proposed by or shall have first been submitted to the Marshall County Regional Planning Commission for review and recommendation. The Planning Commission shall have thirty (30) days within which to submit its report. If the Planning Commission disapproves the amendment within thirty (30) days, it shall require the favorable vote of a majority of the County Commission to become effective. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

Before finally adopting any such amendment, the County Commission shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the county. Whenever an application for a change in the zoning classification of any property (rezoning request) is denied, the application for such a change shall not be eligible for reconsideration for one (1) year following the denial. All approved rezoning requests by the County Commission shall be contingent on an approved site plan in accordance with section 3.080 of this resolution.

A. Fee:

The Marshall County Commission shall establish a schedule of fees for zoning requests and procedures which shall be posted in the Zoning Office. (Amended by Resolution 05-04-12, April 25, 2005).

8.100. Penalties. Any persons violating any provisions of this resolution shall be guilty of a misdemeanor, and upon conviction shall be fined appropriately for each offense. Each day such violations continue shall constitute a separate offense.

8.110. Remedies. In case any building or other structure is erected, constructed, altered, or converted, or any building, structure, or land is used, in violation of this resolution, 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 other appropriate action or proceeding to prevent such unlawful erection, construction,

reconstruction, alteration, conversion, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

8.120. Separability. Should any section, clause, or provision of this resolution be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the resolution as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

8.130. Interpretation. Whenever the conditions of this resolution require more restrictive standards than are required in or under any other statute, the requirements of this resolution shall govern. Whenever the conditions of any other statute require more restrictive standards than are required by this resolution, the conditions of such statute shall govern.

8.140. Effective date. This resolution shall take effect from and after the effective date of its passage and publication as required by law, the public welfare requiring it.

Certified by the Marshall County Regional Planning Commission

May 16, 1989 — Gilbert L. Hunter

Date — Secretary

Date of Passage of Resolution by the Marshall County Commission

September 18, 1989 — Carlton Norris

Date — County Executive

ATTESTED BY:

Tommy Higdon

Marshall County Clerk

November 21, 1989

Date of publication of caption and summary

Appendix A - 5.060 Permitted Use Table

P – PERMITTED USE S – SPECIAL EXCEPTION

LAND USE	A-1	A-2	R-1	R-2	C-1	C-2	C-3	M-1	M-2	M-3
RESIDENTIAL ACTIVITIES										
Dwelling, Single-Family Detached **(Amended by Resolution 07-11-09, Dec. 26, 2007)**	P	P	P		P	P				
Dwelling, Duplex **(Amended by Resolution 05-04-12, April 25, 2005) (Amended by Resolution 05-08-07, Aug. 22, 2005) (Amended by Resolution 07- 11-09, Dec. 26, 2007)**	P	P	P		P	P				
Dwelling, Mobile Home (Single-Wide) **(Amended by Resolution 07-07-07, July 23, 2007)**	P			P						
Dwelling, Multi-Family (Apartment, Townhouse)		S	P		P					
GOVERNMENT SERVICES	**A-1**	**A-2**	**R-1**	**R-2**	**C-1**	**C-2**	**C-3**	**M-1**	**M-2**	**M-3**
Airport, Air Cargo Terminals, Heliports, or Other Aeronautical Devices						S				P
City Shop Garage					S					P
City, County, State and Federal Offices		S	S		P	P	P			
Civil Defense Facilities		S	S		P	P	P			
County Road Department Garage		S	S		P	P	P			
Court Buildings					P	P	P			
Electrical Substations **(Amended by Resolution 10 03-04, March 23, 2010)**	S	S	S	S	S	S	S	S	S	S
Electrical Producing Facilities										P
Fire Department **(Amended by Resolution 05-08-07, Aug. 22, 2005)**	P	P	P		P	P				
Gas Producing Facility										P
Jails, Detention or Correction Institutions						P				
Police Department Facilities						P				

Post Offices		P			P	P				
Sewage Pump Station	P	P	P		P	P	P	P	P	P
State Highway Garage		P	P							
Telephone Switching Facilities	P	P	P	P	P	P		P	P	P
Water/Sewer Plants	P							P		
Water Storage Facilities	P	P	P					P		
COMMUNITY ASSEMBLY	**A-1**	**A-2**	**R-1**	**R-2**	**C-1**	**C-2**	**C-3**	**M-1**	**M-2**	**M-3**
Art Galleries					P	P				
Civic, Social, Fraternal, Philanthropic Clubs					P					
Football, Baseball, Softball, etc., Fields		P	P							
Libraries			S		P					
Meeting Halls					P					
Museums			P		P	P				
Passive Parks **(Amended by Resolution 05-08-07, Aug. 22, 2005) Deleted 7-27-2021**	S			P	P	P				
Private Parks **(Amended by Resolution 21-07-06, July 26, 2021)**					S					
Public Parks **(Amended by Resolution 08-05-09, May 27, 2008)**	P	P	P	P	P	P	P	P	P	P
Recreation Centers/Parks					P					
Swimming Pools					P					
Temporary (Circus, Religious Tent Meeting) Events		P	P							
HEALTH CARE FACILITIES	**A-1**	**A-2**	**R-1**	**R-2**	**C-1**	**C-2**	**C-3**	**M-1**	**M-2**	**M-3**
Associations for Physically or Mentally Handicapped			P		P					
Cemeteries (Private)	P	P								
Cemeteries (Public)					P	P				
Columbariums and Mausoleums					P	P				
Convalescent Homes					P					
Day Care Centers (Children)					P	P				
Day Care Home (Children)	S	S	S							
Hospitals					P	P				
Medical Clinics					P	P	S			
Nursing Home					P	P				
Rehabilitation Centers					P	P				
Retirement Homes			P		P	P				
RELIGIOUS FACILITIES	**A-1**	**A-2**	**R-1**	**R-2**	**C-1**	**C-2**	**C-3**	**M-1**	**M-2**	**M-3**
Chapels	P	P	P			P				
Churches	P	P	P			P				
Convents or Monasteries	P	P	P			P				
Sanctuaries	P	P	P			P				
Synagogues	P	P	P			P				
Temples	P	P	P			P				

ANIMAL CARE	A-1	A-2	R-1	R-2	C-1	C-2	C-3	M-1	M-2	M-3
Kennels	S				S	P				
Veterinary Clinics	S				S	P				
AUTOMOTIVE PARKING	**A-1**	**A-2**	**R-1**	**R-2**	**C-1**	**C-2**	**C-3**	**M-1**	**M-2**	**M-3**
Auto Parking Garages						P	S			
Auto Parking Lots						P				
AUTOMOTIVE SERVICE AND REPAIRS	**A-1**	**A-2**	**R-1**	**R-2**	**C-1**	**C-2**	**C-3**	**M-1**	**M-2**	**M-3**
Auto Body Shop						P				
Auto Cleaning Services					P	P	S			
Auto Dealers (New & Used)						P				
Auto Glass and Replacement Shops						P				
Auto Paint Shops						P				
Auto Radiator and Muffler Shop						P				
Auto Repair Services					P	P	S			
Auto Service Stations					P	P	S			
Auto Tire Retread Services						P				
Auto Tire Stores						P				
Auto Towing Services						P				
Auto Transmission Services						P				
Auto Wheel Alignment Services						P				
Bus Maintenance and Large Trucks Repair Shops						P				
Car Washes					P	P				
CONSUMER REPAIR SERVICES	**A-1**	**A-2**	**R-1**	**R-2**	**C-1**	**C-2**	**C-3**	**M-1**	**M-2**	**M-3**
Appliance Repair					P	P				
Blacksmith Shops	P	P			P	P				
Electrical Electronic Repair Shops					P	P				
Gunsmith Shops					S	P				
Instrument Repair Shops					S	P				
Lawn Mower Repair Shop					S	P				
Office Equipment Cleaning and Repair Shops					S	P				
Saddle Repair Shops	P	P			S	P				
TV Repair Shops					S	P				
Upholstery and Furniture Repair Shops					S	P				
Watch, Clock, and Jewelry Repair Shops					S	P				
Welding Shops					S	P				
ENTERTAINMENT & AMUSEMENT SERVICES	**A-1**	**A-2**	**R-1**	**R-2**	**C-1**	**C-2**	**C-3**	**M-1**	**M-2**	**M-3**
Adult Oriented Establishments						P				S
Art Galleries (Commercial)						P				
Billiard/Pool Room					S	P				
Bowling Alleys						P				
Coin Operated Amusement/Arcades (Game Rooms)					P	P				
Driving Ranges					P	P				

Miniature Golf Courses					P	P				
Motion Picture Theaters (Drive-In)						P				
Motion Pictures Theaters (Walk-In)						P				
Riding Stables/Commercial **(Amended by Resolution 05-08-07, Aug. 22, 2005)** **(Amended by Resolution 06-08-11, Nov. 28, 2006)**	S					P				
Skating Rinks/Commercial						P				
Tennis Courts/Commercial					S	P				
Theaters						P				
FARM, GARDEN, LAWN SERVICES	**A-1**	**A-2**	**R-1**	**R-2**	**C-1**	**C-2**	**C-3**	**M-1**	**M-2**	**M-3**
Farm Equipment and Supplies **(Amended by Resolution 06-08-11, Aug. 28, 2006)**	S					P				
Feed Milling and Sales		S				P				
Lawn and Garden Supply Stores		S				P				
Retail Nurseries		S				P				
FINANCIAL, INSURANCE, REAL ESTATE AND CONSULTING SERVICES	**A-1**	**A-2**	**R-1**	**R-2**	**C-1**	**C-2**	**C-3**	**M-1**	**M-2**	**M-3**
Agricultural Credit Insurance						P				
Banks, Banking – Related Functions					S	P	S			
Credits Unions						P				
Installment Sales and Finance Companies					P	P				
Insurance Sales and Service					P	P				
Money Management and Investment Offices					P	P				
Real Estate Broker, Managers and Appraisers					P	P				
Rediscount and Financing Institutions (other than banks)					S	P				
Savings and Loan Associations					P	P				
Securities Commodities, Brokers, Dealers and Exchanges					P	P				
Titles Offices					P	P				
FOOD AND BEVERAGES SERVICES	**A-1**	**A-2**	**R-1**	**R-2**	**C-1**	**C-2**	**C-3**	**M-1**	**M-2**	**M-3**
Cafes					P	P				
Cafeterias					P	P				
Deli					P	P				
Drive-In Restaurants					P	P				
Fast Food Restaurants					P	P				
Restaurants					P	P				
Taverns					S	S				
CONVENIENCE COMMERCIAL	**A-1**	**A-2**	**R-1**	**R-2**	**C-1**	**C-2**	**C-3**	**M-1**	**M-2**	**M-3**
Bakeries					P	P	S			
Barber Shops					P	P	S			
Beauty Shops					P	P				
Convenience Markets with Gas					P	P				

Dairy Products					P	P				
Drug Stores					P	P				
Fruit Stores					P	P				
Health Spas					P	P				
Laundry and Dry Cleaners					P	P				
Liquor Stores						S				
Meat and Fish Markets					P	P				
Shoe Repair Shops					P	P				
Vegetable Markets					P	P				
GENERAL BUSINESS SERVICES	**A-1**	**A-2**	**R-1**	**R-2**	**C-1**	**C-2**	**C-3**	**M-1**	**M-2**	**M-3**
Adjustment and Collection Agencies						P				
Advertising Agencies and Services						P				
Automobile Clubs						P				
Better Business Bureaus						P				
Bus and Passenger Transit Terminals						P				
Chamber of Commerce						P				
Commercial Cleaning Services						P				
Commercial Testing Laboratories						P				
Computer and Data Processing Services						P				
Credit Reporting Agencies						P				
Detective Agencies						P				
Drafting Services						P				
Employment, Personnel, and Temporary Help Services						P				
Exterminating Services **(Amended by Resolution 06 08-11, Aug. 28, 2006)**					P					
Interior Decorator and Consulting Services						P				
Labor Unions						P				
Mailing, Reproduction, and Commercial Art Services						P				
Management, Consulting, and Public Relations Services						P				
Message Centers						P				
News Syndicates						P				
Photos-Finishing Services						P				
Political Organization						P				
Professional Associations						P				
Protective Services						P				
Radio and Television Broadcasting Studios						P				
Recycling Centers **(Amended by Resolution 09-04 09, April 27, 2009)**					S	S				
Research and Development Laboratories						P				
Taxicab Services						P				
Telegraph Offices						P				

Telephone Companies						P				
Telephone Exchange and Relay Towers	P	P	S		P	P				
Television and Recording Production Studios						P				
Trading Stamp Services						P				
Travel Agencies						P				
Vehicular and Equipment Rental and Leasing Services						P				
CONTRACT CONSTRUCTION SERVICES	**A-1**	**A-2**	**R-1**	**R-2**	**C-1**	**C-2**	**C-3**	**M-1**	**M-2**	**M-3**
Builder's Hardware						P				
Carpenter Contractor **(Amended by Resolution 06-08 11, Aug. 28, 2006)**					P	P				
Concrete Contractor **(Amended by Resolution 06-08 11, Aug. 28, 2006)**					P	P				
Excavating Contractor **(Amended by Resolution 06 08-11, Aug. 28, 2006)**					P	P				
General Building Contractors **(Amended by Resolution 06-08-11, Aug. 28, 2006)**					P	P				
Glazing Contractors **(Amended by Resolution 06-08 11, Aug. 28, 2006)**					P	P				
Highway and Street Construction Contractors **(Amended by Resolution 06-08-11, Aug. 28, 2006)**					P	P				
Painting Contractors **(Amended by Resolution 06-08 11, Aug. 28, 2006)**					P	P				
Plumbing, Heating and Electrical Contractors **(Amended by Resolution 06-08-11, Aug. 28, 2006)**					P	P				
Roofing and Sheet Metal Contractors **(Amended by Resolution 06-08-11, Aug. 28, 2006)**					P	P				
GENERAL PERSONAL SERVICES	**A-1**	**A-2**	**R-1**	**R-2**	**C-1**	**C-2**	**C-3**	**M-1**	**M-2**	**M-3**
Art and Music Schools					P	P				
Athletic Clubs					P	P				
Barber and Beauty Schools					P	P				
Catering Services					P	P				
Clothing Rental and Repair					P	P				
Crematory Services					P	P				
Dancing Schools					P	P				
Driving Schools					P	P				
Funeral Services					P	P				
Hat Cleaning Shops					P	P				
Photographic Studios					P	P				
Hunter Safety / Gun Safety Schools **(Amended by Resolution 06-08-11, Aug. 28, 2006)**					S					
GENERAL RETAIL TRADE	**A-1**	**A-2**	**R-1**	**R-2**	**C-1**	**C-2**	**C-3**	**M-1**	**M-2**	**M-3**
Antique and Secondhand Merchandise Stores					P	P				

Appliance/Furniture/Electronic Rental Stores					P	P				
Automotive Parts (no outside storage)					P	P				
Bathing Suit Stores					P	P				
Book and Stationery Stores					P	P				
Camera Stores					P	P				
Candy, Nut, and Confectionery Stores					P	P				
Children's and Infant's Stores					P	P				
Cookware Stores					P	P				
Custom Tailors					P	P				
Dairy Products Stores					P	P				
Department Stores					P	P				
Direct Selling Organizations					P	P				
Drapery, Curtain, and Upholstery Stores					P	P				
Drug Stores and Pharmacy					P	P				
Family Clothing Stores					P	P				
Floor Covering Stores					P	P				
Florists					P	P				
Furniture Stores					P	P				
Furriers and Fur Shops					P	P				
Gift Shops					P	P				
Glassware and China Shops					P	P				
Grocery Stores					P	P				
Hardware Stores					P	P				
Hobby, Toy, and Game Stores					P	P				
Household Appliances Stores					P	P				
Jewelry Stores					P	P				
Lamp and Shade Shops					P	P				
Luggage Shops					P	P				
Mail Order Stores					P	P				
Manufactured Home Sales					P	P				
Meat and Seafood Markets					P	P				
Men's and Boy's Clothing and Furnishing Stores					P	P				
Miscellaneous Apparel and Accessory Stores					P	P				
Miscellaneous General Merchandise Stores					P	P				
Miscellaneous Home Furnishing Stores					P	P				
Mobile Home Sales					P	P				
Music Stores					P	P				
News Stands					P	P	P			
Paint and Wallpaper Stores					P	P				
Radio and Television Stores					P	P				
Retail Bakeries					P	P				
Secondhand Merchandise Stores					P	P				
Sewing and Piece Goods Stores					P	P				

Shirt Stores					P	P				
Shoe Stores					P	P				
Sporting Goods Stores					P	P				
Sporting Apparels Stores					P	P				
Tobacco Shops					P	P				
Uniform Stores					P	P				
Variety Stores					P	P				
Video Rental Stores					P	P				
Women's Accessory and Specialty Stores					P	P				
Women's Dress Shops					P	P				
Women's Ready-to-Wear Stores					P	P				
GROUP ASSEMBLY	**A-1**	**A-2**	**R-1**	**R-2**	**C-1**	**C-2**	**C-3**	**M-1**	**M-2**	**M-3**
Amusement Parks						P				
Colleges and Universities						P				
Commercial Camp Grounds **(Amended by Resolution 05-08-07, Aug. 25, 2005)**	S					P				
Commercial Resorts **(Amended by Resolution 05-08 07, Aug. 25, 2005)**	S					P				
Commercial Sports Arenas and Playing Fields						P				
Private Sport Recreational Fields					S	S				
Primary and Secondary Schools (Public)	S	S	S		P	P				
Racetracks (Auto, Motorcycle, Dog, and Horse)						S				
Schools for Profit					P	P				
Technical and Trade Schools					P	P				
PROFESSIONAL SERVICES - MEDICAL	**A-1**	**A-2**	**R-1**	**R-2**	**C-1**	**C-2**	**C-3**	**M-1**	**M-2**	**M-3**
Chiropractor Offices					P	P				
Dental Offices and Laboratories					P	P				
Medical Laboratories					P	P				
Optometrists					P	P				
Physician's Offices and Clinics (Out-Patient Services)					P	P				
Physiologists and Psychotherapists					P	P				
PROFESSIONAL SERVICES- NON-MEDICAL	**A-1**	**A-2**	**R-1**	**R-2**	**C-1**	**C-2**	**C-3**	**M-1**	**M-2**	**M-3**
Accounting, Auditing, and Bookkeeping Services					P	P				
Attorneys and Law Offices					P	P				
Consulting Scientist					P	P				
Educational and Scientific Research Services					P	P				
Engineering and Architectural Services					P	P				
Urban Planning Services					P	P				
Writers and Lecturers					P	P				
TRANSIENT HABITATION	**A-1**	**A-2**	**R-1**	**R-2**	**C-1**	**C-2**	**C-3**	**M-1**	**M-2**	**M-3**
Bed-and-Breakfast	S	S					S			
Hotels and Motels					P	P				

Sporting and Recreational Vehicular Camps						P				
Tourist Homes or Courts						P				
VEHICULAR, MARINE CRAFT, AIRCRAFT AND RELATED EQUIPMENT SALES, RENTALS AND DELIVERY	**A-1**	**A-2**	**R-1**	**R-2**	**C-1**	**C-2**	**C-3**	**M-1**	**M-2**	**M-3**
Aircraft Dealers						P				
Auto and Home Supply Stores						P				
Boat Dealers						P				
Gasoline Service Stations **(Amended by Resolution 06-08-11, Aug. 28, 2006)**					P	P				
Motor Vehicle Dealers (New and Used)						P				
Motorcycle Dealers						P				
Recreational Vehicle and Utility Trailer Dealers **(Amended by Resolution 06-08-11, Aug. 28, 2006)**					P	P				
WAREHOUSING, GOODS TRANSPORT AND STORAGE	**A-1**	**A-2**	**R-1**	**R-2**	**C-1**	**C-2**	**C-3**	**M-1**	**M-2**	**M-3**
Freight Forwarders						P				
General Warehousing						P				
Household Goods Storage						P				
Local and Long-Distance Trucking Terminals						P				
Mini-Warehouse						P				
Packing and Crating Services						P				
Refrigerated Warehouse						P				
WHOLESALE SALES	**A-1**	**A-2**	**R-1**	**R-2**	**C-1**	**C-2**	**C-3**	**M-1**	**M-2**	**M-3**
Apparel, Piece Goods, and Notions						P				
Beer, Wine and Distilled Alcoholic Beverages						P				
Chemicals and Allied Products						P				
Drugs, Drug Proprietors, and Sundries						P				
Electrical Goods and Appliances						P				
Farm Products and Raw Materials						P				
Farm Supplies						P				
Furniture and Home Furnishings						P				
Groceries and Related Products						P				
Hardware, Plumbing, and Heating Equipment Supplies						P				
Lumber and Other Construction Materials						P				
Machinery, Equipment, and Supplies						P				
Motor Vehicles and Automotive Parts and Supplies						P				
Paints, Varnishes, and Supplies						P				
Paper and Paper Products						P				
Photographic and Hobby Goods						P				
Sporting and Recreation Goods						P				
Tobacco and Tobacco Products						P				
Toys and Supplies						P				
INDUSTRIAL ACTIVITIES	**A-1**	**A-2**	**R-1**	**R-2**	**C-1**	**C-2**	**C-3**	**M-1**	**M-2**	**M-3**

Abrasive, Asbestos, and Nonmetallic Mineral Processing										**S**
Apparel and Accessories								**P**	**P**	
Asphalt Cement Plants **(Amended by Resolution 08 03-05, Mar. 24, 2008)**								**S**		
Atomic Reactors										**S**
Automobile Wrecking Yards, Scrap and Waste Materials										**S**
Chemicals and Allied Products									**S**	**P**
Electrical Machinery Equipment and Supplies								**P**	**P**	
Explosives Manufacturing and Storage										**S**
Fabricated Metal Products (excluding ordinance accessories)								**P**	**P**	
Fireworks Manufacturing										**S**
Food and Kindred Products								**S**	**P**	
Foundries										**S**
Furniture and Fixtures								**P**	**P**	
Hazardous Wastes Storage and/or Transfer										**S**
Jewelry								**P**	**P**	
Junkyards									**S**	**P**
Lumber and Wood Products (excluding furniture)									**P**	
Machinery (excluding electrical)									**P**	
Musical Instruments and Parts								**P**	**P**	
Offal Processing										**S**
Ore Reduction										**S**
Organic Fertilizers										**S**
Paper and Allied Products									**S**	**P**
Paperboard									**S**	**P**
Paper Mills									**S**	**P**
Pens, Pencils, Office and Artist's Materials									**P**	
Petroleum Refining and Related Industries										**S**
Photocopying								**P**	**P**	
Precision Machining of Dies, Jigs, and Fixtures								**P**	**P**	
Primary Metal Industries								**P**	**P**	
Printing, Publishing, and Allied Industries								**P**	**P**	
Professional, Scientific, and Controlling Instruments								**S**	**P**	
Pulp Manufacturing									**S**	**P**
Rubber and Miscellaneous Plastic Products								**S**	**P**	
Radioactive Waste Handling										**S**
Signs								**P**	**P**	
Slaughtering of Animals								**S**	**P**	
Smelting and Refining of Metals and Alloys										**S**

Solid Waste Landfills **(Amended by Resolution 12- 08-12, August 14, 2012**								**S**	**P**	
Solid Waste Processing and Recycling **(Amended by Resolution 12-08-12, August 14, 2012)**								**S**	**P**	
Solid Waste Transfer Station **(Amended by Resolution 09-04-09, April 27, 2009)**								**S**		
Steel Works										**S**
Stone, Clay, and Glass Products								**P**	**P**	
Tanning								**S**	**P**	
Textile Mill Products								**P**	**P**	
Tobacco Products								**P**	**P**	
Toys, Amusement, Sporting and Athletic Goods								**P**	**P**	
Transportation Equipment								**P**	**P**	
Waste Incinerators, Including Hospital and Medical Waste										**S**
AGRICULTURAL SERVICES	**A-1**	**A-2**	**R-1**	**R-2**	**C-1**	**C-2**	**C-3**	**M-1**	**M-2**	**M-3**
Crop Drying, Storage, and Processing	**P**									
Crop Planting, Cultivating, and Protection Services	**P**									
Horticultural Services	**P**									
Soil Preparation Services	**P**									
Riding Stables			**S**							
Feed Lots	**S**									
Crop and Animal Raising	**P**									
Veterinary Services for Livestock	**P**				**P**	**P**				
Stockyards	**S**				**P**					
Vineyard / Winery **(Amended by Resolution 10-03 03, March 22, 2010)**	**P**	**P**								
MINING AND QUARRYING	**A-1**	**A-2**	**R-1**	**R-2**	**C-1**	**C-2**	**C-3**	**M-1**	**M-2**	**M-3**
Chemical Fertilizer and Nonmetallic Mineral Mining								**S**		
Clay, Ceramic, and Refractory Minerals								**S**		
Coal Mining								**S**		
Crude Petroleum and Natural Gas Production								**S**		
Metal Ore and Mineral Mining								**S**		
Sand and Gravel Quarrying								**S**		
Stone Quarrying								**S**		
PLANT AND FOREST NURSERIES	**A-1**	**A-2**	**R-1**	**R-2**	**C-1**	**C-2**	**C-3**	**M-1**	**M-2**	**M-3**
Forest Nursery	**P**				**P**	**P**				
Plant Nursery	**P**				**P**	**P**				

Marshall County is an equal opportunity employer and provider