

## **ORDINANCE \_\_\_\_\_**

### **AN ORDINANCE TO READOPT THE MUNFORD MUNICIPAL ZONING ORDINANCE IN ITS ENTIRETY**

WHEREAS, Sections 13-7-201 through 13-7-210 of the *Tennessee Code Annotated* empowered the City of Munford to enact the Munford Zoning Ordinance and Official Zoning Map, and provide for its administration and enforcement; and,

WHEREAS, the Board of Mayor and Aldermen deems it necessary, for the purpose of promoting the health, safety, prosperity, morals, and general welfare of the City to amend the Municipal Zoning Ordinance; and,

WHEREAS, the Munford Planning Commission has reviewed said proposed zoning amendment pursuant to Sections 13-7-203 and 13-7-204 of the *Tennessee Code Annotated* and recommends such amendment to the Munford Board of Mayor and Aldermen; and,

WHEREAS, the Munford Board of Mayor and Aldermen has given due public notice on said amendment and has held public hearing; and,

WHEREAS, all the requirements of Section 13-7-201 through 13-7-210 of the *Tennessee Code Annotated*, with regard to the amendment of the Munford Municipal Zoning Ordinance by the Planning Commission and subsequent action of the Munford Board of Mayor and Aldermen, have been met.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MUNFORD:**

**SECTION 1.** That the entire text of the Munford Municipal Zoning Ordinance be deleted in its entirety and replaced with the following:

# **MUNICIPAL ZONING ORDINANCE**

**MUNFORD, TENNESSEE**

Updated \_\_\_\_\_, 2024

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## **AUTHORITY**

An Ordinance, pursuant to the authority granted by Sections 13-7-201 through 13-7-210, Tennessee Code Annotated, authorizing the City of Munford, Tennessee to establish districts or zones within its corporate limits; to regulate, within such districts, the location, height, bulk, number of stories and size of buildings and structures, the percentage of lot occupancy, the required open spaces, the density of population and the uses of land, buildings and structures, to provide methods of administration of this Ordinance and to prescribe penalties for the violation thereof.

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Munford, Tennessee, as follows:

## **ARTICLE I**

### **TITLE**

This Ordinance shall be known as the "Zoning Ordinance of Munford, Tennessee". The map herein referred to, which is identified by the title "Zoning Map of Munford, Tennessee" and the signature of the Mayor attested by the City Recorder, and all explanatory matter thereon are hereby adopted and made a part of this Ordinance.

## **ARTICLE II**

### **PURPOSE**

The zoning regulations and districts as herein set forth have been made in accordance with the comprehensive plan for the purpose of promoting the health, safety, morals, and the general welfare of the community. They have been designed to lessen congestion in the street, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, of the character of each district and its peculiar suitability of particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.



## ARTICLE III

### **GENERAL PROVISIONS**

For the purpose of this Ordinance, there shall be certain general provisions which shall apply to the city as a whole.

#### **Section 31 Zoning Affects Every Building and Use**

No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided.

#### **Section 32 Continuance of Non-conforming Uses and Structures**

It is the intent of this Ordinance 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 Ordinance 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 Ordinance. It is also the intent of this Ordinance to administer the elimination of non-conforming uses, buildings and structures so as to avoid an unreasonable invasion of established private property rights. Lawful non-conforming uses, buildings and structures existing at the time of the passage of this Ordinance or any amendment thereto shall be allowed to remain subject to the following provisions:

- 32.1** An existing non-conforming use of a building may be changed to a conforming use or to another non-conforming use of the same classification; provided, however, that establishment of another non-conforming use of same classification shall be subject to the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect the area.
- 32.2** No existing non-conforming use or structure shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except as herein provided:

Non-conforming commercial, and industrial uses created after the passage of Tennessee Acts of 1973, Chapter 279.1 (TCA 13-7-208 (c & d)) shall be allowed to expand operations and reconstruct facilities which involve an actual continuance and expansion of activities of the uses which were permitted and being conducted prior to the change in zoning, provided that there is a reasonable amount of space for such expansion on the property owned by such business and that any construction, improvements or reconstruction shall be in conformance with the district requirements in which it is located.

**32.3** Except as provided in Tennessee Code Annotated, Section 13-7-208:

32.31 A non-conforming use of land shall be restricted to the area occupied by such use as of the effective date of this Ordinance. A non-conforming use of a building or buildings shall not be enlarged to either additional land or buildings after the effective date of this Ordinance.

32.32 When a non-conforming use of any building or land has ceased for a period of six months (6), it shall not be re-established or changed to any other non-conforming use.

32.33 Any non-conforming building or non-conforming use, which is damaged by fire, flood, wind or other acts of God or man, may be reconstructed and used as before, if it is done within twelve months (12) of such damage, unless damaged to the extent of more than sixty percent (60%) of its fair sales value immediately prior to the damage, in which case any repair or reconstruction shall be in conformity with the provisions of this Ordinance.

32.34 A non-conforming building or buildings housing a non-conforming use shall not be structurally altered except in conformance with the provisions of this Ordinance. This provision shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.

**Section 33** **Minimum Required Street Frontage**

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No dwelling shall be erected on a lot which does not abut at least one public street for at least thirty-five feet (35') and contain a minimum width of fifty feet (50') at the building setback line except for "special" developments identified in Article VI of this Ordinance where less than fifty feet (50') of width at the building line are allowed.

#### **Section 34 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 yard requirements, lot area per family, lot width, building area, or other requirements of this Ordinance are not maintained. This section shall not apply when a portion of a lot is required for a public purpose.

#### **Section 35 Rear Yard Abuts a Public Street**

When a rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line, centerline of the street or property line as required for adjacent properties which front on that street. In addition, any structure located within twenty-five feet (25') of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street.

#### **Section 36 Lot of Record**

Where the owner of a lot of official record at the time of the adoption of this Ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this Ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this Ordinance, in accordance with Article XIII. Permission to use such lot as a building site may be granted, however, providing that the yards and other requirements of the district are complied with as closely as is possible in the opinion of the Board of Zoning Appeals. Where two (2) or more substandard 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 (1) or more building sites meeting the minimum requirements of the district in which they are located.

#### **Section 37 Obstruction of Vision of Street Intersections**

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In all districts, within the area formed by the centerlines of streets or street and railroad at a distance of one hundred feet (100') from their intersections, there shall be no obstruction of vision between a height of two and one-half feet (2 ½') and a height of ten feet (10') above the average grade of each street or railroad at the centerline thereof. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

**37.1** The Board of Zoning Appeals may reduce this requirement where safety conditions will not be impaired.

### **Section 38 Access Control**

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

**38.1** No point of access shall be allowed within twenty feet (20') of the right-of-way of any public street intersection.

**38.2** Cases requiring variances relative to the provisions in Section 38 shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street. This requirement shall not apply to existing structures or to residential dwellings.

### **38.3 Curb Cut Limits**

<b>Length of Street Frontage</b>	<b>Max. No. of Cuts</b>	<b>Max. Width of Cuts</b>
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**Multi-family & Commercial Uses**

35 to 49 feet	one (1)	24 feet
50 to 79 feet	one (1)	30 feet or 36 feet- with deceleration lane for any curb cut exceeding 30 ft. in width
80 to 149 feet	two (2) if one (1)	24 feet 30 feet or 36 feet – with deceleration lane for any curb cut exceeding 30 feet in width
150 feet or more	two (2)	One at maximum of 36 feet and the other at maximum of 30 feet with deceleration lane for any curb cut exceeding 30 feet in width

**Industrial Uses**

Up to 79 feet	one (1)	36 feet with deceleration lane for any curb cut exceeding 30 feet in
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		width
80 to 149 feet	two (2)	One at max. of 36 feet and other curb cut at max. of 30 ft.- with deceleration lane for any curb cut exceeding 30 ft. in width
	if one (1)	50 feet – with deceleration lane for any curb cut exceeding 30 feet in width
150 to 299 feet	two (2)	one at a max. of 40 feet and other at max 30 feet with deceleration lane for any curb cut exceeding 30 feet in width
	if one (1)	50 feet-with deceleration lane for any curb cut exceeding 30 feet in width
300 feet or more	three (3)	36 feet – with deceleration lane for any curb cut exceeding 30 feet in width

If two (2)	one at max. of 50 ft. and other at max. of 40 feet – with deceleration lane for any curb cut exceeding 30 feet in width
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if one (1)	50 feet – with deceleration lane for any curb cut exceeding 30 feet in width
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Deceleration lanes may be required on any development with street frontage exceeding seventy nine feet (79'). Any points of access onto state routes or federal highways must be approved by TDOT, which includes engineering and design of curb cuts and deceleration lanes. However, final approval of any access to public rights-of-way within the corporate limits of Munford shall be approved by the Munford Municipal Planning Commission. Such approval shall be granted as part of the site plan review process.

## **Section 39 Sign Regulations**

### **39.1 Purposes**

The purposes of these sign regulations are: (1) to encourage the effective use of signs as a means of communication in the city; (2) to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth; (3) to improve pedestrian and traffic safety; (4) to minimize the possible adverse effect of signs on nearby public and private property; and (5) to enable the fair and consistent enforcement of these sign restrictions. These conditions are established as a reasonable and impartial method of regulating advertising structures in order to insure light, air, and open

space, to reduce hazards at intersections, and to protect property values of the entire community. The regulations for signs and other advertising structures are enumerated below:

(a) In Any Zoning District, the Following General Regulations Shall Apply:

1. No sign static or digital shall be erected or maintained where by 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 (static or digital) shall be permitted within one hundred feet (100') of property in any residential district. Illuminated digital signs must contain daylight sensor technology that automatically dims light levels to prescribed limits (see #6) during nighttime hours in order to decrease light pollution.
3. No ground sign shall be erected to exceed the maximum height limitation for the district in which it is located. No billboard shall exceed fifty feet (50') in height.
4. Signs may be erected or placed up to the property line but no part of the sign structure may project or overhang past said property line.
5. On premise outdoor signs, including flashing, animated, or intermittent luminance, shall not interfere with the public right-of-way or otherwise be objectionable, distracting to surrounding areas, or create a traffic hazard to operators of motor vehicles on public thoroughfares.
6. Digital sign luminosity brightness is limited to a maximum of 5,000 nits during daytime hours and 150 nits during nighttime hours.



7. Obscene or indecent signs prohibited. Tennessee Code Annotated #39-6-1101, as amended, pertains.
8. No sign shall be permitted on top of any building or rooftop.

### **39.2 Applicability – Effect**

A sign may be erected, placed, established, painted, created, or maintained in the city only in conformance with the standards, procedures, exemptions, and other requirements of this Ordinance. The effect of this Ordinance, as more specifically set forth herein, is:

- (a) To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this Ordinance;
- (b) To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Ordinance, but without a requirement for permits;
- (c) To prohibit all signs not expressly permitted by this Ordinance; and
- (d) To provide for the enforcement of the provisions of this Ordinance.

### **39.3 Computations.** The following principles shall control the computation of sign area and sign height.

**39.31 Computation of Area of Individual Signs.** The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to

differentiate the sign from the backdrop or structure against which is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets Zoning Ordinance regulations and is clearly incidental to the display itself.

**39.32 Computation of Area of Multi-faced Signs.** The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty two inches (42") apart, the sign area shall be computed by the measurement of one of the faces.

**39.33 Computation of Height.** The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

**39.34 Computation of Maximum Total Permitted Sign Area for a Lot.** The permitted sum of the area of all individual signs on a lot shall be computed by applying the formula contained in Table 39.5 B, maximum Total Sign Area, to the lot frontage, building frontage, or wall area, as appropriate, for the zoning district in which the lot is located. Lots fronting on two (2) or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street.

#### **39.4 Signs Allowed on Private Property With and Without Permits**

Signs shall be allowed on private property in the city in accordance with, and only in accordance with, Table 39.5 A. If the letters “OK” appear for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letters “NO” appear for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances. If the letter “P” appears, a permit is required. Institutional Signs shall be required to submit a master signage plan to the Planning Commission even if a permit is not required.

Although permitted under the previous paragraph, a sign designated by an “OK” or “P” in Table 39.5 A shall be allowed only if:

- (a) The sum of the area of all building and freestanding signs on the lot conforms with the maximum permitted sign area as determined by the formula for the zoning district in which the lot is located as specified in Table 39.5 B;
- (b) The size, location, and number of signs on the lot conform with the requirements of Tables 39.5 B, which establish permitted sign dimensions by sign type, and with any additional limitations listed in Table 39.5 A;
- (c) The characteristics of the sign conform with the limitations on characteristics listed in Table 39.5 A.

#### **39.5 Permits Required**

If a sign requiring a permit under the provision of this Ordinance is to be placed, constructed, erected, or modified on a lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of Section 39.13.

No signs shall be erected in the public rights-of-way except in accordance with Section 39.8.

No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this Ordinance (including those protecting existing signs) in every respect and with the Master Signage Plan or Common Signage Plan in effect for the property.

**Table 39.5A**

<b>Signs by Type and Zoning District</b>														
<b>District</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>PRD</b>	<b>PVD</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>PB</b>	<b>M</b>	<b>M-1</b>	<b>Inst.<sup>1</sup></b>

**FREESTANDING**

Other <sup>2</sup>	P	P	P	P	P	P	P	P	P	P	P	P	P	OK
Incidental	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK
Off-Premise	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	OK	OK	OK	NO
Portable <sup>6</sup>	NO	NO	NO	NO	NO	NO	NO	OK	OK	NO	NO	NO	NO	NO
Portable Trailer <sup>6</sup>	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Temporary <sup>5</sup>	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK

**BUILDING**

Wall	NO	NO	NO	NO	NO	NO	NO	P	P	P	P	P	P	OK
Banner	NO	NO	NO	NO	NO	NO	NO	P	P	P	P	P	P	OK
Building Marker	OK	OK	OK	OK	OK	NO	NO	OK	OK	OK	OK	OK	OK	OK
Canopy Sign	NO	NO	NO	NO	NO	NO	NO	OK	OK	OK	OK	OK	OK	OK
Incidental <sup>3</sup>	NO	NO	NO	OK	OK	NO	NO	OK	OK	OK	OK	OK	OK	OK
Marquee <sup>4</sup>	NO	NO	NO	NO	NO	NO	NO	P	P	P	OK	P	P	OK
Projecting <sup>4</sup>	NO	NO	NO	NO	NO	NO	NO	P	P	P	OK	P	P	OK
Residential	P	P	P	P	P	P	P	NO	NO	NO	NO	NO	NO	OK
Roof, Integral	NO	NO	NO	NO	NO	NO	NO	P	P	P	OK	NO	NO	OK
Suspended <sup>4</sup>	NO	NO	NO	NO	NO	NO	NO	P	P	P	OK	NO	NO	OK

## MISCELLANEOUS

	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>PRD</b>	<b>PVD</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>PB</b>	<b>M</b>	<b>M-1</b>	<b>Inst.<sup>1</sup></b>
Flag	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK

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OK = Allowed without sign permit

P = Allowed only with a sign permit from the Enforcement Officer

NO = Not allowed

Notes:

1. The "Inst." category represents institutional uses permitted under the Zoning Ordinance, such as churches and schools. Institutions are required to present a sign plan and intent to the commission for approval, whether a permit is required or not.
2. Certain freestanding residential signs are permitted with a sign permit as required by Tennessee State law if allowed by the Board of Zoning Appeals.
3. No commercial message is allowed on incidental signs that are legible from any location off the lot.
4. Marquees, projecting signs or suspended signs may not extend into or above public rights-of-way.
5. Temporary signs are permitted without a permit in all districts, under the conditions listed in Section 39.10.
6. For Portable Signs and Portable Trailer Signs see definitions in Article IV.

**Table 39.5B**

**Number, Dimension and Location of Individual Signs by Zoning District**

Sign Type	R-1	R-2	R-3	R-4	R-5	PRD/ PVD	B-1	B-2	B-3	PB	M	M-1	Inst.
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**FREESTANDING**

Area (sq. ft.)	4	4	4	12	12	4	40	81	40	81	81	40	12
Height	2	2	2	5	5	2	15	25	15	25	25	15	5
Setback	5	5	5	5	5	5	2	10	2	10	10	10	5
Number Permitted per Street Frontage	1	1	1	1	1	1	1	1	1	1	1	1	1
					per 200 linear feet		per 100 linear feet	per 200 linear feet	per 100 linear feet	per 200 linear feet	per 400 linear feet	per 400 linear feet	

**BUILDING**

Area (max. sq. ft.)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	10
Wall Area (percent)	N/A	N/A	N/A	N/A	N/A	N/A	10%	20%	20%	20%	5%	5%	NA

Notes: The “Inst” category represents institutional uses permitted under the Zoning Ordinance, such as churches and schools.

### **39.6 Design, Construction and Maintenance**

All signs shall be designed, constructed and maintained in accordance with the following standards:

- (a) All signs shall comply with applicable provisions of the currently adopted Building Code and the Electrical Code of the City at all times.
- (b) Except for banners, flags and temporary signs, conforming in all respects with the requirements of this Ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

### **39.7 Master or Common Signage Plan**

No permit shall be issued for an individual sign requiring a permit unless and until a Master Signage Plan or a Common Signage Plan for the lot on which the sign will be erected has been submitted and approved by the Planning Commission as conforming with this section.

**39.71 Master Signage Plan.** For any lot on which the owner proposes to erect one or more signs requiring a permit, unless such lot is included in a Common Signage Plan, the owner shall submit to the Planning Commission a Master Signage Plan containing the following:

- (a) An accurate plot plan of the lot, at such scale as the Planning Commission may reasonably require;
- (b) Location of buildings, parking lots, driveways, and landscaped areas on such lot;



- (c) Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lot(s) included in the plan under this Ordinance; and
- (d) An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.

**39.72 Common Signage Plan.** If the owners of two (2) and more contiguous (disregarding intervening streets and alleys) lots or the owner of a single lot with more than one building (not including any accessory building) file with the Planning Commission for such lots a Common Signage Plan conforming with the provisions of this section, a twenty five percent (25%) increase in the maximum total sign area shall be allowed for each included lot. This bonus shall be allocated within each lot as the owner(s) elects.

**39.73 Provisions of Common Signage Plan.** The Common Signage Plan shall contain all of the information required for a Master Signage Plan and shall also specify standards for consistency among all signs on the lots affected by the Plan with regard to:

Color scheme	Location of each sign on the buildings
Lettering or graphic style	Material and sign proportions
Lighting	

**39.74 Limit on Number of Freestanding Signs Under Common Signage Plan.** The Common Signage Plan, for all lots with multiple uses or multiple users, shall limit the number of freestanding signs to a total of one for each street on which the lots included in the plan have frontage and shall provide for shared or common usage of such signs.

**39.75 Other Provisions of Master or Common Signage Plans.** The Master or Common Signage Plan may contain such other restrictions as the owners of the lots may reasonably determine.

**39.76 Consent.** The Master or Common Signage Plan shall be signed by all owners or their authorized agents in such form as the Enforcement Officer shall require.

**39.77 Procedures.** A Master or Common Signage Plan shall be included in any development plan, site plan, planned unit development plan, or other official plan required by the City for the proposed development and shall be processed simultaneously with such other plan.

**39.78 Amendment.** A Master or Common Signage Plan may be amended by filing a new Master or Common Signage Plan that conforms with all requirements of the Ordinance then in effect.

**39.79 Existing Signs Not Conforming to Common Signage Plan.** If any new or amended Common Signage Plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within three years (3), all signs not conforming to the proposed amended plan or to the requirements of this Ordinance in effect on the date of submission. This schedule shall be enforced by the Enforcement Officer.

**39.710 Binding Effect.** After approval of a Master or Common Signage Plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this Ordinance. In case of any conflict between the provisions of such a plan and any other provision of this Ordinance, the Ordinance shall control.

## **39.8 Signs in the Public Right-of-Way**

No sign shall be allowed in the public right-of-way, except for the following:

**39.81 Permanent Signs.** Permanent signs, including: Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or

vehicular traffic; Bus stop signs erected by a public transit company; Informational signs of a public utility regarding its poles, lines, pipes, or facilities; and Awning, projecting, and suspended signs projecting over a public right-of-way in conformity with the conditions of Table 39.5 A of this Ordinance.

**39.82 Emergency Signs.** Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

**39.83 Other Signs Forfeited.** Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

### **39.9 Signs Exempt from Regulation Under This Ordinance**

The following signs shall be exempt from regulation under this Ordinance:

- Any public notice or warning required by a valid and applicable federal, state, or local law, regulations, or Ordinance;
- Any sign inside a building attached to a window or door;
- Works of art that do not include a commercial message;
- Holiday lights and decorations with no commercial message;
- Traffic control signs on private property, such as Stop, Yield and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message of any sort.
- Temporary signs without a commercial message;

- Signs indicating anti-theft systems and alarm systems.
- Political Signs (governed by freestanding Ordinance #2014-04-02).

### **39.10 Signs Regulated as Temporary Signs**

Temporary signs are permitted in all districts. There will not be a fee for temporary signs. The following types of signs shall be regulated as temporary signs within the City of Munford and shall be removed within a maximum period of thirty (30) days. Extensions to the thirty (30) day maximum are granted by the Enforcement Officer.

Beacons; and

Pennants; and

Strings of lights not permanently mounted to a rigid background, except those exempt under the previous section; and

Inflatable signs and tethered balloons; and

Temporary sales signs, to include but not limited to garage or yard sale signs (in accordance with current Munford City Code), personal business signs and signs intended to sell or distribute goods, and real estate signs.

### **39.11 General Permit Procedures**

The following procedures shall govern the application for, and issuance of, all sign permits under this Ordinance, and the submission and review of Common Signage Plan and Master Signage Plans.

**39.111      Applications.** All applications for sign permits of any kind and for approval of a Master or Common Signage Plan shall be submitted to the Enforcement Officer on an application form or in accordance with

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application specifications published by the Enforcement Officer.

### **39.12 Fees.**

Each application for a sign permit or for approval of a Master or Common Signage Plan shall be accompanied by the applicable fees, which shall be established by the governing body of the city from time to time by resolution.

**39.121 Completeness.** Within thirty days (30) of receiving an application for a sign permit or for a Common or Master Signage Plan, the Enforcement Officer shall review it for completeness. If the Enforcement Officer finds that it is complete, the application shall then be submitted to the Planning Commission for review.

If the Enforcement Officer finds that it is incomplete, the Enforcement Officer shall, within such thirty (30) day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this Ordinance.

**39.122 Action.** Within thirty days (30) of the submission of a complete application for a sign permit, the Code Enforcement Officer shall either:

- (a) Authorize the issuance of a sign permit, if the sign(s) that is the subject of the application conforms in every respect with the requirements of this Ordinance and of the applicable Master or Common Signage Plan.

**OR**

- (b) Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform with the requirements of this Ordinance and of the applicable Master or Common Signage Plan. If the sign permit is rejected by the Planning Commission, the

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Owner/Developer has a right to appeal to the Board of Zoning Appeals.

### **39.13 Permits to Construct or Modify Signs**

Signs identified as “P” on Table 39.5 A shall be erected, installed, or created only in accordance with a duly issued and valid sign construction permit from the Enforcement Officer. Such permits shall be issued only in accordance with the following requirements and procedures.

**39.131 Permit for New Sign or for Sign Modification.** An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign, to the extent that such details are not contained on a Master Signage Plan or Common Signage Plan then in effect for the lot. One application and permit may include multiple signs on the same lot.

**39.132 Inspection.** The Enforcement Officer shall inspect the lot for which each permit for a new sign or for modification of an existing sign is issued during the sixth (6<sup>th</sup>) month after the issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is completed, it must be in full compliance with this Ordinance and with the currently adopted Building and Electrical Codes. If the construction is substantially complete but not in full compliance with this Ordinance and applicable codes, the Enforcement Officer shall give the owner or applicant notice of the deficiencies and shall allow an additional thirty (30) days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse.

### **39.14 Violations.**

Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Ordinance and/or by state law:

- 39.141** To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the lot on which the sign is located;
- 39.142** To install, create, erect, or maintain any sign requiring a permit without such a permit; to remove any sign that is installed, created, erected, or maintained in violation of this Ordinance, or;
- 39.143** Each sign installed, created, erected, or maintained in violation of this Ordinance shall be considered a separate violation when applying the penalty portions of this Ordinance.

#### **39.15 Fee Schedule**

Sign permits fees will be assessed and collected for each Master or Common Signage Plan. Holiday oriented signs, public purpose signs without a commercial message and all signs excluded from this Ordinance shall not be required to pay sign permit fees.

#### **39.16 Definitions**

**Sign** - Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

**A - Frame Sign** - A sign composed of two panels hinged at the top. From a side elevation resembles an "A".

**Abandoned Sign** - A sign which no longer identifies or advertises a bona fide business, service, owner, product, or activity and / or is no longer maintained.

**Animated Sign** - An animated sign is one which displays one (1) or more pictures or icons that moves or changes shape, or a sign of which any portion thereof physically moves. For the purposes of this section, the term "animated sign" does not refer to flashing or changeable copy signs, either manual or automatic, which are defined separately. Animated signs include the following:

1. **Naturally Energized**: Signs whose motion is activated by air, wind or other atmospheric impingement. Air or wind driven signs may include: flags, banners, pennants, streamers, spinners, metallic disks, or other similar devices designed to move in the wind.
2. **Mechanically Energized**: Signs manifesting a repetitious pre-programmed physical movement or rotation in either one or a series of planes activated by means of mechanically based drives.
3. **Electrically Energized**: Illuminated signs, or moving image message boards, whose motion or visual impression of motion is activated primarily by electrical means, typically via light emitting diode (LED) or neon. Electrically energized animated signs are of two (2) types:
  - a) **Flashing Signs**: Illuminated signs exhibiting an intermittent light source by pre-programmed repetitious cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase), is either the same as or less than the duration of the period of darkness (off phase), and in which the intensity of illumination varies from zero (off) to 100 percent (100%) (on) during the programmed cycle.



b) **Illusionary Movement Signs**: Illuminated signs exhibiting the illusion of rapid movement by means of a programmed repetitious sequential switching action in which illuminated elements of the sign are turned on or off to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns.

**Awning Sign** - A sign painted on, printed on, or attached flat against the surface of an awning.

**Back - Lit Awning** - An internally illuminated fixed space-frame structure with translucent, flexible reinforced covering designed in awning form and with graphics or copy applied to the visible surface of the awning.

**Banner Sign** - Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the Official flag of any institution or business shall not be considered banners. Depending upon its method of attachment, a banner sign may be a flat-mounted sign, a projected sign, or a free-standing sign.

**Beacon Sign** - Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source, or any light with one (1) or more beams that rotate or move.

**Bench Sign** - A sign located on any part of the surface of a bench or seat place on or adjacent to a public right-of-way.

**Billboard Sign** - A type of on or off-premise advertising sign, whether printed or digital, having more than one hundred square feet (100 sq.ft.), but not exceeding six hundred twenty five square feet (625 sq. ft.), which is either erected on the ground or attached to or supported by a building or structure.

**Building Sign** - Any sign attached to any exterior part of a building, as contrasted to a freestanding sign.

**Building Marker Sign** - Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made bronze or other permanent material.

**Business Sign** - A sign that directs attention to a business, profession, commodity, service or entertainment conducted, sold or offered upon the same lot where the sign is located. Also see "On Premise Sign".

**Canopy Sign** - Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door entrance, window or outdoor service area. A marquee is not a canopy.

**Cable Hung Banner Sign** - A single banner, or several individual banners, or individual cut out letters, suspended by cable over a public right-of-way from poles for such civic use.

**Changeable Copy Sign** - A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face of the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign not a changeable copy sign for purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable sign for the purposes of this Ordinance. Changeable copy signs include the following types:

1. **Manual Changeable Copy Sign**: Signs which alphabetic, pictographic, or symbolic informational content can be changed or altered manually on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments, including electronic message boards.

2. Electronic Changeable Copy Sign: Automatic message center or reader board signs on which alphanumeric text or symbolic informational content is changed or altered electronically on a fixed display surface composed of electronically illuminated changeable segments, including Electronic Message Boards, with the same single, constant light color. May include logos, graphics and images that are not animated. The copy (text) for this type of sign shall change not less than every 8 seconds.

**Changeable Message Sign** - An on or off-premise advertising sign, or digital billboard, which displays a series of messages at intervals by means of digital display or mechanically rotating panels. These signs may be double faced, back to back or "V"-type signs. Changeable message signs with a digital display which meet all other requirements of this Ordinance are permissible subject to the following restrictions:

1. The message display time shall remain static for a minimum of eight seconds (8) with a maximum change time of two seconds (2) ;
2. Video, continuous scrolling messages, animation, display areas with varying light illumination and/or intensity, blinking, bursting, dissolving, distorting, fading, flashing, oscillating, rotating, scrolling, sequencing, shimmering, sparkling, streaming, traveling, tracing, twinkling, simulated movement, or convey the illusion of movement are prohibited.
3. The minimum spacing of such changeable message signs which exceeds thirty square feet (30 sq.ft.) with a digital display on major arterial roads (i.e. highways and interstate system) is one thousand feet (1000 ').
4. Refer to Tennessee Code Annotated §54-21-122 for other restrictions.

**Clearance (of a sign)** - The smallest vertical distance between the grade of the

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adjacent street, highway, or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

**Commercial Message Sign** - Any sign, wording logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

**Construction Sign** - A temporary sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

**Directional / Informational Sign** - An on-premise sign giving directions instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy e.g., parking or exit and entrance signs. Directional/ Informational signs may contain logo provided that the logo shall not comprise more than twenty percent (20%) of the total sign area.

**Directory Sign** - A sign on which the names and locations of occupants or the use of a building is given. This shall include office buildings and church directories.

**Disrepair (of a sign)** - Signs which have been broken, cracked, vandalized, torn, rotten, faded, faulty, defective, rusty, or otherwise unsightly.

**Double - Faced Sign** - A sign with two (2) faces, essentially back-to-back.

**Electric Sign** - A sign or sign structure in which electrical wiring, connections, or fixtures are used.

**Electronic Message Board** - A sign that uses changing light (including LEDs and neon) to form messages, pictures, or logos in a display controlled by electronic means. Electronic Message Boards are permissible subject to the following restrictions:

1. The message display time shall remain static for a minimum of eight (8) seconds with a maximum change time of two (2) seconds;
2. Video, continuous scrolling messages, animation, display areas with varying light illumination and/or intensity, blinking, bursting, dissolving, distorting, fading, flashing, oscillating, rotating, scrolling, sequencing, shimmering, sparkling, streaming, traveling, tracing, twinkling, simulated movement, or convey the illusion of movement are prohibited.
3. May not be located less than one hundred (100) feet from any agriculturally or residentially-zoned property.

**Face of Sign** - The area of a sign on which the copy is placed. This does not include the mounting structure. Face of sign does not include an electronic message board or panel.

**Flashing Sign** - See "Animated: Electrically Energized"

**Freestanding Sign** - Any sign supported by structures of supports that are placed on or anchored in the ground and that are independent from any building or other structure.

**Government Sign** - Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

**Historic Sign** - Any sign erected for the purpose of promoting the historical significance of a building or place.

**Identification Sign** - A sign whose copy is limited to the name and address of a building, institution, or person and / or activity or occupation being identified.

**Inflatable Sign** - A balloon-type of sign, typically made of canvass or similar material, which is inflated by use of a small fan at the base.

**Illegal Sign** - Any sign which was erected without a sign permit in violation of any of the Ordinances of the city governing the same at the time of its erection and which sign has not been in conformance with such Ordinances and which shall include signs which are posted, nailed, or otherwise fastened or attached to or painted upon structures, utility poles, trees, fences or other signs.

**Illuminated Sign** - A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

**Incidental Sign** - A sign generally informational, that has a purpose secondary to the use of the lot 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 lot on which the sign is located shall be considered incidental.

**LED Sign** - A sign composed of alphanumeric characters composed of light emitting diodes. Also see “Animated; Electrically Energized”, “Changeable Copy Sign”, and “Changeable Message Sign”.

**Low - Profile Sign** - Also “Monument Signs” - A sign mounted directly to the ground. The maximum height is the measured from the ground to the top of the sign including any base construction.

**Maintenance (of a sign)** - Cleaning, painting, or minor repair of defective parts of a sign in a manner that does not alter the design, or structure of the sign. No structural parts of a non-conforming sign may be replaced without the loss of the sign’s legal non-conformity.

**Marquee Sign** - Any sign attached to, in any manner, or made a part of a marquee.

**Message Board Sign** - The portion of a sign whose informational content can be changed or altered by manual, electric, electromechanical, or electric means. Also see “Animated”, “Changeable Signs”, and “Changeable Message Signs”.

**Monument Sign** - A sign mounted directly to the ground. No poles shall be visible. The maximum height is measured from the ground to the top of the sign including any base construction. Maximum area is to be determined as defined in “Area, of Sign Projecting and Monument”. This does not include light fixtures intended to illuminate the sign.

**Multiple-Face Sign** - A sign containing three (3) or more faces, not necessarily in back-to-back configuration.

**Nameplate Sign** - A non-electronic on-premise identification sign giving only the name, address, and/or occupation of an occupant or group.

**Noncommercial Sign** - A temporary sign which carries no message, statement, or expression related to the commercial interests of the sign owner, lessee, author or other person responsible for the sign message. The message does not direct attention to a business operated for profit, or to a commodity or service for sale.

**Nonconforming Sign**

1. A sign which was initially erected legally, but no longer complies with subsequently enacted sign restrictions and regulations.
2. A sign which does not conform to the sign code requirements, but for which a special permit has been issued.
3. A sign which was erected illegally and does not conform to the sign code requirements.

**Off-Premise Sign** - A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g. “Off-Premise Billboards”, “Digital Billboards”, “Multi-Vision Signs” or “Outdoor Advertising.”

1. **Digital Billboard Sign** - Shall mean an off-premises sign without

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moving parts whose content may be changed by electronic process through the use of intermittent light or lights, including light emitting diodes (LED), liquid crystal display (LCD), and plasma screen image display.

2. **Multi-Vision Sign** - Shall mean an off-premise sign composed of mechanically operated louvers or slats containing multiple separate messages, each of which becomes visible when the louvers are synchronically rotated to one of a multiple positions.
3. Any sign allowed as an off-premise sign must have the written permission of the property owner upon which the sign is to be located prior to consideration, approval, permitting and placement.

**On-Premise Sign** - A sign that identifies or communicates a message related to an activity conducted, service rendered or commodity provided on the premises and/or property where the sign is located. Signs having electronic elements shall not have more than 200 square feet featuring the digital component.

**Owner (of a sign)** - A person recorded as such on official records. For the purposes of this Ordinance, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Administrator, e.g. a sign leased from a sign company.

**Painted Wall Sign** - Any sign which is applied with paint or similar substance on the surface of a wall.

**Pole Cover Sign** - Cover enclosing or decorating poles or other structural supports of a sign.

**Pole Sign** - A sign constructed with one (1) vertical support pole.

**Political Sign** - Signs with the intended use of denoting a political campaign



headquarters, party affiliation, or advertising of a political figure or cause.

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

**Portable Trailer Sign** - Any sign that is permanently or not permanently attached to wheels or has the semblance of a portable trailer sign. Portable trailer signs shall not be permitted in any district.

**Post and Arm Sign** - A sign of two square feet (2 sq.ft.) or less in area supported by an upright post with a horizontal arm, from which a sign is suspended. No part of the structural support may be greater than six inches (6") in any dimension. These signs shall not exceed a maximum height of four feet (4').

**Projecting Sign** - Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches (6") beyond the surface of such building or wall.

**Real Estate Sign** - A temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.

**Residential Sign** - Any sign located in a district zoned for residential uses that contains no commercial message except advertising with goods or services legally offered on the premises where the sign is located, if offering such service at such a location conforms with all requirements of the Zoning Ordinance.

**Relocation (of a sign)** - The movement of a sign to a new or changed location and includes without limitation any movement of the sign to a new location on the same structure, on the same parcel, or elsewhere. Any movement of a sign,

no matter how slight, is considered to be relocation.

**Roof Sign** - Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches (6") or twenty five feet (25') from the base of the sign.

**Rotating Sign** - see "Animated Sign, Mechanically Energized."

**Snipe Sign** - Any on-premise sign for which a permit has not been issued, which is attached in any way to a utility pole, tree, rock, fence or fence post.

**Street Banner Sign** - A temporary sign composed of a lightweight material, either enclosed or not enclosed in a rigid frame, affixed to a streetlight, utility pole, and/or utilized by the municipality to promote a specific event, district or holiday.

**Subdivision Identification Sign** - A freestanding monument or wall sign identifying a recognized subdivision, condominium complex, or residential development.

**Suspended Sign** - A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

**Temporary Sign** - A sign not constructed or intended for long-term use such as real-estate signs, yard-sale signs, and etc.

**Two-pole Sign** - A sign constructed with two (2) vertical support poles. The poles shall be mounted on the outside of the sign face or within the outside one-fourth (1/4) of the sign face. A sign face may be mounted on top or between the two (2) vertical poles.

**Under-Canopy Sign** - A sign suspended beneath a canopy, ceiling, roof, or marquee.

**Unused Sign** - Any sign that:

1. Has not displayed a message or messages for more than ninety (90) days or,
2. Is not kept in good structural repair, such that the sign could pose a risk to public health or safety.

**Vertical Banner Sign** - A banner hung or projecting from a banner pole in the public right-of-way designated for civic use.

**Wall Sign** - A sign attached essentially parallel to and extending not more than six inches (6") from the wall of a building with no copy on the sides or edges. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard. Wall signs shall be placed only on the sides of buildings with street frontage. Wall sign area shall be measured by the smallest polygon that can be drawn to outline and contain all letters, artwork, and logos, using no angle other than ninety degrees (90°).

**Window Sign** - Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

## **Section 40    Location of Accessory or Structure**

Accessory Buildings shall be located in rear yards only and no separate accessory use or building shall cover more than thirty percent (30%) of any required rear yard, and shall not be erected within five feet (5') from all lot lines or recorded easements and from any other building.

Pergolas, Arbors, and other large decorative structures that require a building permit shall be located in rear yards only but shall be exempt from complying with the setback or coverage requirements in the rear yard as required in the above paragraph. Smaller incidental decorative structures, not requiring a building permit, shall be exempt from the regulations of this section.

## **Section 41    Procedures and Requirements for Site Plan Review**

The following procedures and standards are established for those sections of this Ordinance which require the submission and approval of a site plan prior the issuance of a building permit or certificate of occupancy for any affected lands, structures, or buildings. Site Plans shall be reviewed and approved or disapproved under the following procedures and standards as specified by this Ordinance.

**41.1    Site Plan Submission and Review** - Site plan review is required under three (3) separate instances by the Munford Municipal Zoning Ordinance. These instances include:

**41.11** The review and approval of a site plan by the Munford Building Inspector for any addition under one-thousand square feet (1000 sq.ft.) or any single one (1) family residential structure. The building inspector reserves the right to refer any site plan to the appropriate body for additional review. This power of review may include, but not be limited to setbacks, screening, drainage, lighting, parking locations layouts, access and general landscaping requirements. This power shall not include the authority to specify or alter the architectural style of proposed or existing buildings, but may require the installation and construction of curbs, gutters, and sidewalks.

**41.12** The review and approval of a site plan for any Permitted Use by the Munford

Municipal Regional Planning Commission as required by this Ordinance. The Planning Commission may require such changes in the presented site plan as may be necessary to minimize the impact of the requested use upon the city. This power of review may include, but not be limited to setbacks, screening, drainage, lighting, parking location, layouts, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing buildings, but may require the installation and construction of curbs, gutters, and sidewalks.

**41.13** The review and approval of a site plan for any Use Permitted on Appeal by the Board of Zoning Appeals as required by this Ordinance. The Board of Zoning Appeals may required such changes in the presented site plan as may be necessary to minimize the impact of the requested use upon the City. This power of review may include but not be limited to setbacks, screening, lighting, drainage, parking locations, layouts, access and general landscaping requirements. This power shall not include the authority to specify or alter the architectural style of proposed or existing buildings, but may require the installation and construction of curbs, gutters, and sidewalks.

**41.2 Review Procedure** - In instances of review of a site plan by either the Munford Building Inspector, the Munford Municipal Regional Planning Commission or the Munford Municipal Board of Zoning Appeals the following procedures shall apply.

**41.21 Building Inspector Review** - In instances of review by the Munford Building Inspector, the site plan shall be reviewed in light of the provisions of this Ordinance and approved or disapproved. The plans shall then be returned to the owner or agent with the date of such approval or disapproval noted thereon. In instances of disapproval, the applicant shall be notified in writing as to the reason(s) the site plan was disapproved.

**41.22 Planning Commission Review**

(a) The owner or developer shall submit ten (10) copies of the proposed

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site plan fifteen days (15) prior to the regular meeting date of the Planning Commission. The site plan shall be reviewed in light of the provisions of this Ordinance and approved or disapproved. The plans shall then be returned to the owner or agent with the date of such approval or disapproval noted thereon. When approval has been granted, the site plan shall be signed and dated by the Secretary of the Planning Commission. In instances of disapproval, the applicant shall be notified in writing as to the reasons the site plan was disapproved.

- (b) Prior to the regular Planning Commission meeting, copies of the proposed site plan shall be distributed to affected city departments for review of areas under their concern. Once city staff has reviewed the proposed development and has submitted a written review, a copy of these reviews shall be distributed to members of the Planning Commission and to the applicant prior to the scheduled meeting. To assist in resolving any potential problems, the owner, developer, or agent shall be required to attend the meeting at which the item is to be heard.

#### **41.23 Board of Zoning Appeals Review**

- (a) The owner or developer shall submit ten copies (10) of the proposed site plan fifteen days (15) prior to the scheduled meeting date of the Board of Zoning Appeals. The site plan shall be reviewed in light of the provisions of this Ordinance and approved or disapproved. The plans shall then be returned to the owner or agent with the date of such approval or disapproval noted thereon. When approval has been granted, the site plan shall be signed and dated by the Chairman of the Board of Zoning Appeals. In instances of disapproval, the applicant shall be notified in writing as to the reason(s) the site plan was disapproved.
- (b) Prior to the scheduled meeting, copies of the proposed site plan shall be distributed to affected city departments to review areas under their

responsibility. Once city staff has reviewed the proposed development and has submitted a written review, a copy of these reviews shall be distributed to members of the Board of Zoning Appeals and to the applicant at least twenty four hours (24) prior to the meeting date. To assist in resolving any potential problems, the owner, developer, or agent shall be required to attend the meeting at which the item is to be heard.

### **41.3 Contents of the Site Plan**

**41.31 Building Inspector:** In instances where site plan review is required by the Building Inspector, the site plan shall be drawn to a scale of not more than one inch equals one hundred feet (1" = 100') and shall include, at a minimum, the following:

- (1) All property lines and their surveyed distances and courses;
- (2) All building restricting lines, setback lines, easements, covenants, reservations and rights-of-way;
- (3) Total land area;
- (4) Present zoning of site and abutting properties;
- (5) Name, address of owner of record and applicant;
- (6) Provisions for utilities (water, sewer, etc.);
- (7) Location and dimensions of the proposed structures;
- (8) Drainage/culverts/curbs/gutters, as required

**41.32 Planning Commission and Board of Zoning Appeals:** In instances where site plan review is required by either the Planning Commission or the Board of Zoning Appeals, the site plan shall be drawn to a scale of not more

than one inch equals one hundred feet (1" = 100') and shall include, at a minimum, the following:

- (1) Name and address of development;
- (2) Name and address of the applicant and owner of record;
- (3) Present zoning of the site and abutting properties;
- (4) Date, graphic scale, and north point with reference to source of meridian;
- (5) Courses and distances of center of all streets and all property lines, highway setback lines, property restricting lines, easements, covenant reservations and rights-of-way;
- (6) The total land area;
- (7) Topography of the existing ground and paved areas and elevations in relation to mean sea level of streets, alleys, utilities, sanitary and storm sewers, and buildings and structures. Topography to be shown by dashed line illustrating contours at intervals not to exceed five feet (5') and by spot elevation where necessary to indicate flat areas;
- (8) Certification as to the accuracy of the plan by a licensed architect, engineer, or surveyor;
- (9) A certificate, with a space for a signature and date, which states that the site plan has been approved by either the Munford Municipal Regional Planning Commission or the Munford Municipal Board of Zoning Appeals, whichever is applicable to the type of use that is requested;



(10) The location, dimensions, site and height of the following when existing:

- (a) Sidewalks, curbs, gutters, drainage, streets, alleys, easements and utilities;
- (b) Buildings and structures;
- (c) Public waste water systems;
- (d) Slopes, terraces and retaining walls;
- (e) Driveways, entrances, exits, parking areas curbs and sidewalks;
- (f) Water mains and fire hydrants;
- (g) Trees and shrubs;
- (h) Recreational areas and swimming pools;
- (i) Natural and artificial water courses;
- (j) Limits of flood plans;

(11) The location, dimensions, site and height of the following when proposed:

- (a) Sidewalks, curbs, gutters, drainage streets, alleys, easements and utilities;
- (b) Buildings and structures including the front (street) elevation of proposed buildings;

- (c) Public waste water systems;
- (d) Slopes and terraces, and retaining walls;
- (e) Driveways, entrances, exits, parking areas **curbs** and sidewalks;
- (f) Water mains and fire hydrants;
- (g) Trees and shrubs;
- (h) Recreational areas;
- (i) Distances between buildings;
- (j) Estimates of the following when applicable:
  - (1) Number of dwelling units;
  - (2) Number of parking spaces;
  - (3) Number of loading spaces;
  - (4) Number of commercial or industrial tenants and employees;
  - (5) Plans for collecting storm water and methods of treatment of natural and artificial water courses including a delineation of limits or flood plains, if any;
  - (6) Proposed grading, surface drainage terraces, retaining wall heights, grades on paving area, and ground floor elevations of proposed building and structures. Proposed topography of the site shall be shown at intervals not to exceed five feet (5').

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**41.4 Expiration of Approval and Renewal** - A site plan approved by the Planning Commission or the Board of Zoning Appeals shall lapse unless a building permit, based thereon, is issued within three (3) years from the date of such approval unless an extension of time is applied for and granted by the appropriate approving body. If the applicant obtains any necessary permits, and commences site preparation within the three (3) year period, then the vesting period shall be extended an additional two (2) years to commence construction from the date of the expiration of the three (3) year period. During the two (2) year period, the applicant shall commence construction and maintain any necessary permits to remain vested.

## **Section 42 Manufactured Residential Dwellings**

Manufactured residential dwellings, as defined in Article IV of this Ordinance, and as further defined in Tennessee Code Annotated, Section 13-24-201, where allowed as a permitted use by this Ordinance shall meet the following conditions:

- 42.1** The manufactured residential dwelling shall have the same general appearance as required for site-built homes.
- 42.2** The unit must be installed on a permanent foundation system in compliance with all applicable requirements of the currently adopted Building Code.
- 42.3** The home must be covered with an exterior material customarily used on conventional dwellings. The exterior covering material shall extend to the ground except that, when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not exceed below the top of the foundation. Suitable exterior materials include, but shall not be limited to clapboards, simulated clapboards, such as conventional or metal materials, but excluding smooth, ribbed or corrugated metal or plastic panels.
- 42.4** The hitches or towing apparatus, axles and wheels must be removed.
- 42.5** The roof must be pitched so there is at least a two inch (2") vertical rise for

each twelve inches (12") of horizontal run. The roof must consist of material that is customarily used for conventional dwellings including but not limited to approved wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum and corrugated fiberglass.

**42.6** All such units shall be required to connect to a public utility system which includes gas, electric, water and wastewater in compliance with the currently adopted building code and National Electrical Code.

**42.7** These provisions shall not apply to manufactured homes in an approved mobile home park.

### **Section 43 Off-Street Parking and Paving Requirements**

There shall be provided, at the time of erection of any building, or at the time any principal building is enlarged or increased in capacity by or before conversion from one zone, use, or occupancy to another, permanent off-street parking as specified in this Ordinance. Parking space maintained in connection with an existing and continuing principal building on the effective date of this Ordinance shall not be counted as serving a new building or addition; nor shall any parking space be substituted for loading space, nor any loading space substituted for a parking space.

**43.1 Location** - Off-street parking shall be located on the same lot in which it serves. If the parking cannot be reasonably provided on the same lot, the Board of Zoning Appeals may permit parking space to be provided on other off-street property provided such space lies within three hundred feet (300') of the main entrance to such principal use.

**43.2 Size and Maneuvering Room** - Each parking space shall be equal to an area of two hundred square feet (200'). The width shall not be less than ten feet (10') and the length shall not be less than twenty feet (20'). A minimum of four hundred (400 sq.ft.) square feet per parking space shall be used when computing parking area to include maneuvering space. Except for dwellings with one (1) or two (2) dwelling units, all off-street parking facilities shall be so arranged that no automobile shall have to back into any street.

**43.3 Curbing and Surfacing** - A required parking area, which includes parking spaces, drives and maneuvering lanes, shall be provided with a six inch (6") concrete curb or six inch (6") concrete rolled curb and shall be of an asphalt or concrete paved surface. The surface shall be curbed and paved prior to issuance of a certificate of occupancy. This requirement does not apply to a single family or two (2) family structure on a single lot.

**43.4 Access** - Each parking space shall be directly accessible from a street or alley or from an adequate access aisle or driveway leading to or from a street or alley.

**43.5 May Serve as Yard Space** - Parking space may be included as part of the required yard space associated with the permitted use.

**43.6 Minimum Required Number of Spaces for Specific Uses**

a. **Residential**

Dwellings, one and two family, Townhouses, Multi-family and Mobile homes.	2 spaces per dwelling unit
Dwellings, Single Family Traditional Neighborhood	2 spaces for each dwelling unit plus an additional ten percent (10%) for overflow parking
Fraternities and Sororities	2 spaces per bedroom plus1 space for each 300 sq. ft. of common space
Retirement home or Assisted Living home	1 space per dwelling unit

Hotels, Motels, Tourist Courts and similar Transient lodging	1 space per unit plus 1 space for each 400 sq. ft. of public meeting area or restaurant space
All other residential uses not listed	As determined by the Planning Commission or the Board of Zoning Appeals

b. **Retail**

Lumber and Building Materials	1 space per 500 sq. ft. of total floor area
Plumbing and Heating Supply	1 space per 1,000 sq. ft. of total floor area
Hardware and Paint	1 space per 500 sq. ft. of total floor area
Greenhouse, Nursery products, Agricultural equipment and Lawnmower sales and service	1 space per 1,000 sq. ft. of total floor area plus 1 space for each 5,000 sq. ft. of covered or uncovered display area.
Shopping Centers and Malls	1 space per 200 sq. ft. of total floor area
General Merchandise, Clothing, Variety and Department Stores	1 space per 200 sq.ft. of total floor area.
Furniture, Home Furnishings, Art, Antiques and Books and Stationary Stores	1 space per 400 sq. ft. of total floor area

Grocery Stores and Supermarkets	1 space per 150 sq. ft. of total floor area
Delicatessens and Bakeries	1 space per 150 sq. ft. of total floor area
Package Liquor Stores and Beverage Stores	1 space per 200 sq. ft. of total floor area
Auto Sales and Service, Auto Parts, Boat Sales and Service, Boat Parts, Motorcycle Sales and Service and Motorcycle Parts	1 space per 400 sq. ft. of total floor area
Mobile Home, Semi-Truck and Heavy Equipment Sales	1 space per 500 sq. ft. of total floor area
Restaurants, Cafes and Cafeterias	1 space per 100 sq. ft. of total floor area.
Taverns, Bars and Drive-in Restaurants	1 space per 250 sq. ft. of total floor area.
Fuel or Gas Stations	1 space per 250 sq. ft. of total floor area with a minimum of 5 parking spaces
Convenience Stores	1 space per 200 sq. ft. of total floor area
Pawn Shops	1 space per 300 sq. ft. of total floor area
All other retail trade not listed	As determined by the Planning

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Zoning Appeals

c. **Finance Insurance and  
Real Estate**

Banks, Savings and Loans,  
Real Estate, and  
Insurance Offices

1 space per 250 sq. ft. of  
total floor area.

All other Finance, Insurance and  
Real Estate uses not listed

As determined by the Planning  
Commission or the Board of  
Zoning Appeals.

d. **Personal Services**

Laundering, dry cleaning, apparel  
repair and cleaning services

1 space per 350 sq. ft. of  
total floor area

Beauty, Barber and Photographic  
Services

1 space per 300 sq. ft. of total  
floor area and 1 space per  
employee.

Kennels

1 space per 1,000 sq. ft. of total  
floor area

All other personal services not  
listed

As determined by the Planning  
Commission or the Board of  
Zoning Appeals

e. **Business Services**

Advertising, Consumer Credit  
Reporting and Collections

1 space per 400 sq. ft. of  
total floor area

Printing and Publishing

1 space per 400 sq. ft. of total floor  
area



Photocopying, Mailing, Exterminating and Employment	1 space per 400 sq. ft. of total floor area
Freight Forwarding and Trucking Terminals	1 space per 5,000 sq.ft. of total floor area
Self Storage / Mini Storage	3 spaces plus 1 space for each 100 units
Warehousing and Storage	3 spaces plus 1 space per 1000 sq. ft. of floor area
Clerical Services, Monument Sales	1 space per 500 sq. ft. of total floor space
Car Wash, Full Service	1 space per 1,000 sq. ft. of total floor space
All other business services not listed	As determined by the Planning Commission or the Board of Zoning Appeals

f. **Repair Services**

Automobile Repair, Oil and Fluid Changing Services, Electrical, Radio and Television Repair	1 space per 500 sq. ft. of total floor area with a minimum of 2 spaces
Watch and Reupholster Repair	1 space per 300 sq. ft. of total floor area with a minimum of 2 spaces
All other repair services not listed	As determined by the Planning Commission or the Board of Zoning Appeals

g. **Professional Services**

Physicians and Dentist Offices and Clinics	1 space per 300 sq. ft. of total floor area
Veterinarians and Animal Hospitals	1 space per 300 sq. ft. of total floor area
Hospitals and Sanitariums,	1 space for each employee, two 2 spaces for each bed plus 1 space for each emergency vehicle
Convalescent Homes and Rest Homes	1 space for each employee plus 1 space for each 4 beds with a minimum of 4 spaces
Child and Adult Day Care	1.5 spaces per care room with a minimum of 5 spaces plus a paved unobstructed pick-up area with adequate stacking area
Attorneys, Accountants, and Engineers	1 space per 300 sq. ft. of total floor area
All other professional services not listed	As determined by the Planning Commission or the Board of Zoning Appeals

h. **Contract Construction Services**

All Contract Construction Services	1 space per 1,000 sq. ft. of total floor space
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i. **Government Services**

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All Governmental Services

As determined by the Planning Commission or the Board of Zoning Appeals

j. **Educational Services**

Elementary and Middle Schools

1 space for each classroom, plus 1 space for each staff member and employee other than teachers, plus 10 additional spaces. When an auditorium is provided 1 space per 3 seats is required.

Senior High Schools

1 space for each classroom plus 1 space for each staff member and employee other than teachers, plus 1 space for each 7 students based on the capacity for which the building was designed. When an auditorium is provided 1 space per 3 seats is required.

College and Vocational Schools

0.63 of a space per student plus 1 space for each faculty member and employees

k. **Miscellaneous Services**

Labor Unions, Clubs, Lodges and Civic, Social or Fraternal Associations

1 space per 100 sq. ft. of total floor area

Funeral Home or Mortuary

1 space per 100 sq. ft. of floor area

All other miscellaneous services listed	As determined by the Planning Commission or the Board of Zoning Appeals
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I. **Cultural Activities**

Libraries, Museums and Art Galleries	1 space per 1,000 sq. ft. of total floor area
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All other cultural activities not listed	As determined by the Planning Commission or the Board of Zoning Appeals
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m. **Public Assembly**

Motion Picture Theaters and Amphitheaters	1 space per 3 seats or 6 feet of bench space
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All other public assembly uses not listed	As determined by the Planning Commission or the Board of Zoning Appeals
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n. **Amusements**

Fairgrounds and Amusement Parks	1 sq. ft. of parking area for each sq. ft. of activity area
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Golf Driving Ranges and Miniature Golf	2 spaces per hole or tee
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Arcades and Pool Halls	1 space per 200 sq. ft. of total floor area
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All other amusement uses  
not listed

As determined by the Planning  
Commission or the Board of  
Zoning Appeals

o. **Recreational Activities**

Roller Skating Rinks,  
Gymnasiums and Athletic  
Clubs

1 space per 250 sq. ft. of  
total floor area

All other recreational  
activities not listed

As determined by the  
Planning Commission or the  
Board of Zoning Appeals.

p. **Communications and  
Utilities**

All Communications and  
Utilities services

As determined by the Planning  
Commission or Board of Zoning  
Appeals

q. **Institutional**

Churches, Synagogues and  
and other Places of Worship

1 space per 3 seats in the  
sanctuary

Nursing Homes

1 space per 4 beds with a  
minimum of 4 spaces

All other institutional uses  
listed

As determined by the Planning not  
Commission or Board of Zoning  
Appeals

r. **Wholesale Trade**

Drugs, Chemicals and Allied Products	1 space per 1,000 sq. ft. of total floor area.
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Groceries, Electrical Goods, and Hardware	1 space per 1,000 sq. ft. of total floor area.
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All other wholesale uses not listed	As determined by the Planning Commission or Board of Zoning Appeals
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s. **Industrial**

All Industrial Uses	1 space pr 1,000 sq. ft. of floor area or 1.5 spaces for each 2 persons employed on the largest shift, whichever is greater.
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101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of Total

**Section 44 Parking Standards for Disabled Persons**

These regulations were derived from the 1999 North Carolina Accessibility Code and are provided in order to accommodate disabled citizens within the City of Munford.

**44.1 Disabled Parking Space Dimensions**

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In all developments, handicapped parking spaces shall be provided which have a minimum width of sixteen feet (16') for one van accessible space as required below with a ninety six inch (96") space and adjacent ninety six inch (96") access aisle, unless a sixty inch (60") five feet (5') middle aisle is used with two (2) adjacent eleven feet (11') wide parking spaces designed as a van and non-van accessible space (referred to as the universal design standard).

#### **44.2 Minimum Number of Spaces**

Accessible parking spaces shall be provided in compliance with the following table and shall be identified with above-ground handicapped signs:

<b><u>TOTAL NUMBER OF SPACES IN LOT</u></b>	<b><u>MINIMUM NUMBER OF ACCESSIBLE SPACES</u></b>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	two percent (2%) of total
1,001 and over	20 plus 1 for each 100 over 1,000

**44.3** One in every eight (1 in 8) accessible parking spaces, or a minimum of one (whichever is the greater number), shall be van accessible and shall be identified with the words "Van Accessible" on an above ground sign. Van accessible parking spaces shall be open to all vehicles properly identified.

**44.4** Slopes required for handicapped ramp access shall have a running slope not steeper than one (1) unit vertical in eight (8) units horizontal (12.5 percent slope).

A running slope of one (1) unit vertical in twelve (12) units horizontal eight percent (8%) slope is desirable.

- 44.5** The travel distance along accessible routes from accessible parking spaces to accessible entrances shall not exceed two hundred feet (200').

#### **Section 45 Off-Street Loading and Unloading Requirements**

On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided, and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way.

- 45.1** All spaces shall be laid out in the dimension of at least 500 square feet (10' X 50') in area, with a clearance of at least fourteen feet (14') in height.
- 45.2** Where trailer trucks are involved, such loading and unloading space shall be an area twelve feet (12') by fifty feet (50') with a fourteen foot (14') height clearance (12' x 50' x 14') and shall be designed with appropriate means of truck access to a street or alley as well as adequate maneuvering area.
- 45.3** The following ratio of spaces to floor area applies to all districts.

<b><u>Gross Floor Area</u></b>	<b><u>Space Required</u></b>
1-20,000 sq.ft.	1 space
20,000 sq. ft. and over	1 space plus 1 additional space for each 20,000 sq. ft. In excess of 20,000 sq. ft.

#### **Section 46 Pedestrian Traffic**

In all residential, commercial and industrial developments due considerations shall be given to pedestrian traffic circulation. Sidewalks shall be provided on both sides of



proposed streets within all major subdivisions.

## **Section 47 Waste Disposal Sites**

Off street refuse collection sites shall be required in all multifamily residential developments, office developments, commercial developments and industrial developments. A refuse collection site shall not be located within any required yard and shall be screened and maintained using a similar material from which the principal use was constructed. Each refuse collection receptacle shall be placed upon a cement pad of sufficient size to accommodate the desired number of receptacles.

## **Section 48 Telecommunications Support Tower Requirements**

**48.1 Purpose** - The purpose of this section is to protect the health and enhance the safety of the residents of the City of Munford by providing provisions relative to controlling the height, number and light emission of telecommunication towers in the City.

**48.2 Applicability** - All new telecommunication towers which are defined as any system of wires, poles, rods, reflecting discs, or similar devices that exceed a height of twenty feet (20'), are not constructed upon a residential structure and are used for the transmission or reception of electromagnetic waves shall be required to submit a site plan for approval.

**48.3 Plan Requirement** - Prior to the issuance of a building permit for the construction of a tower or the utilization of an existing utility structure for telecommunications purposes, a site plan shall be submitted and reviewed in accordance with the provisions of the Site Plan Review requirements in Article III, Section 41 of this Ordinance and the following provisions;

**48.31.** All new telecommunications towers not on an existing utility structure shall show the location of the tower and accessory structure and the location of four (4) future antenna arrays and accessory structures.

**48.32.** A letter of intent from the owner allowing for the shared use of the tower.

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**48.33.** A letter from a professional engineer certifying that the tower's height and design complies with these regulations and all applicable structural standards and, also, describes the tower's capacity which includes the number and type of antennas that can be accommodated.

**48.34** A letter indicating why any existing towers within a one mile radius of the proposed tower cannot be utilized.

**48.4** **Permitted Uses on Appeal**- All telecommunications towers are only allowed in commercial and industrial districts as uses permitted on appeal.

**48.5** **Prohibited Uses** - All telecommunication towers that exceed a height of three hundred feet (300') constructed in a lattice type manner and any tower that is not specifically permitted as a use permitted or permitted on appeal within the City of Munford shall be specifically prohibited.

**48.6** **Type** - All new telecommunications towers that exceed a height of twenty five feet (25') shall be of a monopole or lattice type structure.

**48.7** **Accessory Uses and Structures**

**48.71.** A telecommunications tower, as defined in this section, shall not be considered as an accessory use to any permitted use or use permitted on appeal in any district in the City of Munford. For the purpose of this section, transmission, switching and receiving buildings that provide for the operation of the tower, shall be considered as accessory uses. Any building that allows for the conduct of business or requires partial occupation by a person or persons for any part of a day shall not be considered as an accessory structure to a tower.

**48.72.** A utility structure shall be limited to no more than two (2) accessory buildings or structures at the base of the power line structure or water tower.

**48.8** **Structural Requirements**

**48.81.** All new telecommunications towers not on an existing utility structure within the City of Munford shall be designed to accommodate a minimum of four (4) antennae arrays.

**48.82.** All telecommunications towers on an existing utility structure shall be designed to accommodate a minimum of two (2) antenna arrays.

**48.83** All new telecommunications towers, whether freestanding or on an existing utility structure shall be designed to withstand winds of a minimum of seventy miles per hour (70 mph) with half an inch (1/2") radial ice.

#### **48.9 Setback**

**48.91.** All telecommunications towers and accessory structures that are not constructed on an existing utility structure shall be setback from the property lines a distance equal to seventy percent (70%) of the tower height or the district yard requirements, whichever is greater. The setback shall be measured from the security fence to any surrounding property lines.

**48.92.** In instances when a telecommunications tower and accessory structures are constructed adjacent to a residential district, either immediately adjacent to such property or across a public way, the minimum setback from a residential lot line or a residential district, measured from the security fence, shall be one hundred percent (100%) of the tower height.

#### **48.10 Co-Use of Utility Structures**

The co-use of existing utility structures on the City of Munford shall be encouraged on existing power line structures exceeding thirty feet (30') in height and water towers.

#### **48.11. Height**

No tower shall exceed a height of three hundred feet (300'). In instances when a

tower is to be located upon or within an existing utility structure, which is defined as an existing power line structure that exceeds twenty feet (20') or an existing water tower, the maximum height shall not exceed the height of the structure plus fifteen feet (15').

#### **48.12 Shared Use**

The shared use of existing towers within the City of Munford shall be encouraged through the requirement of having all new towers designed for additional users. All proposals for a new telecommunications tower shall demonstrate, through documentation, that no existing towers within a one mile radius of the proposed tower will accommodate a new antenna array for one or more of the following reasons.

- 48.12.1** The planned antenna array equipment would exceed the structural capacity of all existing or approved towers and existing utility structures and said towers and structures cannot be upgraded at a reasonable cost.
- 48.12.2** The planned equipment would cause radio frequency (RF) interference with other existing or planned equipment.
- 48.12.3** The planned equipment would not function effectively and reasonably on an existing tower or utility structure.
- 48.12.4** Geographic service requirements would prevent the co-use of an existing tower or utility structure.

**48.13 Security** - All telecommunications towers, whether freestanding or on an existing utility structure, shall be fully secured through the installation of a security fence/wall system of a minimum height of eight feet (8').

**48.14 Landscaping** - All freestanding towers and utility structures shall have a four foot (4') wide landscaping strip around the perimeter of the security fence. The landscaping strip shall be installed for the permanent year round protection of

adjacent property owners by visually shielding the contents at the base of the tower from adjoining property owners. The landscaping strip shall consist of a combination of trees, shrubs, vines and other ground covers that are expected to grow to a height of eight feet (8'). The landscaping provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or there are existing physical features that meet the intent and purpose of this section.

#### **48.15 Vehicle Access/Parking**

**48.15.1** The location and design of driveways and/or access easements to the facility from a public street shall be depicted on the site plan and shall be approved by the Planning Commission in accordance with access control regulations within this Ordinance.

**48.15.2** No parking spaces shall be required for the site since the site shall not have workers that remain at the site on a full or part-time basis.

#### **48.16 Lighting**

**48.16.1 Towers:** No artificially lighted tower shall be permitted in the City of Munford. If a proposed tower is required to be lighted by the FAA (Federal Aviation Administration), then the applicant shall be required to reduce the height of the tower or move the tower to eliminate the requirement for lighting.

**48.16.2 Structures:** Outside lighting of structures, if required for safety and security purposes, shall be of a sensory fashion in which illumination occurs only when the site is approached. The lighting shall be arranged to minimize glare and reflection on adjacent properties and public streets.

**48.17 Removal of Obsolete Towers** - Any telecommunications tower that is no longer in use for its original purpose shall be removed at the owner's expense. The

owner shall provide the City with a copy of the notice of intent to cease operations that must be submitted to the FCC and shall be given ninety days (90) from the date of ceasing operations to remove the obsolete tower and any accessory structure(s). In the case of multiple operators sharing a single tower, this provision shall not become effective until all users cease operations.

## **Section 49 Adult-Oriented Businesses**

**49.1 Adult Oriented Businesses.** For the purposes of this Ordinance, Adult Oriented Businesses as defined in Article IV of this Ordinance shall be permitted only in the districts and under such conditions where specifically permitted by the district provisions contained herein.

### **49.2 Locations and Standards**

**49.21** The Munford Municipal Regional Planning Commission is hereby mandated to impose the following restrictions on the location of adult entertainment establishments:

- (a) No adult entertainment establishment shall be permitted to locate within one thousand feet (1,000') of any pre-established residential use of any zoning district which is zoned for residential use. For the purpose of this section districts zoned for residential use include (R-1, R-2, R-3, R-4, R-5, PRD, and PVD).
- (b) No adult entertainment establishment shall be permitted to locate within one thousand feet (1,000') from pre-existing public or private school, child-care facility or established place of worship.
- (c) No adult entertainment establishment shall be permitted to locate within one thousand feet (1,000') from a public park, public space or other similar open space, which caters to family groups and children.
- (d) No adult entertainment establishment shall be permitted to locate within one thousand feet (1,000') from any other adult entertainment

business.

- (e) No adult entertainment shall be permitted to locate within one thousand feet (1,000') from any liquor store.

**49.22** For the purpose of this section, measurements shall be made in a straight line, without regard to intervening structures or objects from the nearest portion of the proposed building housing the adult entertainment business to the nearest portion of the exterior wall of the existing specified business or land use, or to the nearest residential zoning district line, as appropriate.

### **49.3 Exterior Display**

No establishment engaging in adult entertainment activities shall display its stock in trade of activities in such a manner as to be in public view from outside the establishment, including but not limited to view from public sidewalks, streets, arcades, exterior hall ways, breezeways or passageways.

### **49.4 Signs**

As regulated in Article III Section 39 of this Ordinance.

### **49.5 Procedure and Requirements for a Site Plan**

As regulated in Article III Section 41.3 of this Ordinance.

## **Section 50. Requirement of a sign on property under consideration for rezoning.**

The property owner shall post a white sign on any site under consideration for rezoning classification. The sign must be erected a minimum of fifteen days (15) prior to the date of the public hearing at which the petition for reclassification will be heard by the Board of Mayor and Aldermen. The sign shall be visible to pedestrians and motorists traveling in both directions, no smaller than four feet by four feet (4' X 4') and contain the following information displayed in black letters which are at least two inches (2") in

height:

1. Name of person or company requesting the zoning reclassification
2. Current zoning classification
3. Requested zoning classification
4. Amount of acreage subject to rezoning.
5. Date of public hearing

Sign orientation shall either be facing the street if only printed on one side, or 90 degrees perpendicular to the street if printed on both sides. Placement shall be along the property frontage closest to the street/road, but no more than thirty (30) feet from the edge of the pavement or back of curb.

## **Section 51. Temporary Storage Units**

Temporary Storage Units, as defined by this Ordinance, shall be allowed in commercial and industrial districts. Temporary Storage Units may be allowed in residential districts by permit on a limited basis, not to exceed sixty (60) consecutive days unless an extension of the permit is requested and granted by the Building Official. Under no circumstances shall a Temporary Storage Unit be placed on a residential lot for a period of more than six (6) months. Temporary Storage Units shall be considered Accessory Uses as defined by this Ordinance and shall comply with all Accessory Use regulations of the zoning district.

## **Section 52. Indoor Sport Shooting Range Regulations**

The purpose of these facilities is to safely train individuals in the handling of firearms in an urban setting with minimal impact to adjacent properties.

**52.1** An indoor sport shooting range must be located in a building with a minimum of 5,000 square feet.



- 52.2** The structure housing an indoor sport shooting range shall be a minimum of 200 feet from the boundary of any residentially zoned district, and located only within the zoning districts specified in the Article IX Zoning Table.
- 52.3** Such facilities shall comply with setback regulations of the zoning district in which it is located.
- 52.4** All firing lanes must be designed with firing lines that restrict down range access from shooters and targets that can be moved toward the shooter mechanically. Safety Rules must be posted at all times. Ranges must have clear and adequate accident protocol plans in place.
- 52.5** No noise from firearms shall be audible at the property lines during business hours.
- 52.6** An indoor sport shooting range shall comply with all federal and state regulations pertaining to firearms and shooting ranges.
- 52.7** The developer/owner shall provide 1 and ½ (1.5) parking spaces per firing lane, required handicap accessible spaces, plus one (1) additional space for each employee.
- 52.8** A site plan shall be required and include, but not limited to:

Survey of the entire property, drawn to scale by a licensed surveyor

Adjacent property owners

Topographic contours not to exceed 5-ft intervals

All drainage structures, areas, water retention areas

Existing and proposed utilities

All structures and their use

Parking areas

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## Proposed landscaping

**52.9** In addition to the site plan, the developer/owner shall submit a safety plan and a sound abatement plan. The developer/owner shall submit plans detail lead exposure, control, and disposal. 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.

## **Section 53. Solar Farm Regulations**

**53.1** Solar farms shall be enclosed by perimeter fencing to restrict unauthorized access at a height of eight and a half (8.5) feet.

**53.2** Adequate screening shall be provided. This can be accomplished by either the required perimeter fencing being constructed as a board-to-board privacy fence or by vegetative screening being placed beyond the perimeter fence to a density and height that adequately buffers the solar farm from any nearby uses.

**53.3** Solar farms shall adhere to the setback, height, and coverage requirements of the district.

**53.4** Solar farm structures must be set back a minimum of 500 feet from residential structures.

**53.5** Solar farms must be located on lots of no less than 40 acres in size.

**53.6** Solar farms must not create increased noise levels that are discernible to nearby residential uses.

**53.7** Solar farms must not produce glare that would constitute a nuisance to occupants of neighboring properties or persons traveling neighboring roads.

**53.8** All electrical interconnection and distribution lines within the project boundary shall be underground.

**53.9** Solar farms which become inactive for a period exceeding one (1) year shall be removed at the owners or operators expense and the site shall be returned to its natural state. This includes the obligation to dismantle and remove from the site all electrical generating equipment, cables, panels, foundations, buildings and ancillary equipment. To the extent possible, the operator shall restore and reclaim the site to its pre-project topography and topsoil quality. Any agreement between the operator and landowner for removal to a lesser extent than set forth in this paragraph shall be required prior approval by the Planning Commission. The restoration activities must be complete within 18 months from the date the solar farm becomes inactive.

**53.10** The applicant shall submit to the Planning Commission a decommissioning plan describing the manner in which the applicant anticipates decommissioning the project. The plan shall include a description of the manner in which the applicant will ensure that it has the financial capability to carry out the restoration requirements. The Planning Commission shall require the operator to submit an annual report describing how it is fulfilling this obligation. The Planning Commission shall decide if it is prudent to include provisions that ensure financial resources will be available for decommissioning. This shall include other methods of guaranteeing performance, such as establishing an escrow account into which the developer/operator will deposit funds in an amount to be determined on a regular basis over the life of the project and would allow The City of Munford to have access to the escrow account for the explicit purpose of decommission in the event of default. Financial provisions shall not be so onerous as to make the solar farm unfeasible.

## **Section 54. Private Swimming Pools in Residential Areas**

- A. A Pool is not to be operated as a business or private club in residential districts.

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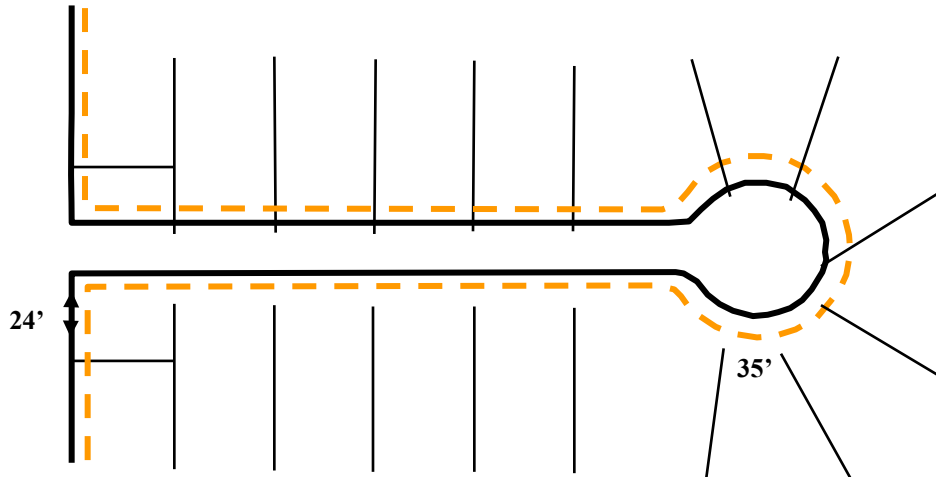
- B. A Pool shall be located in the rear yard only and in side street yards when on corner lots and shall not be located closer than five (5) feet to any property line of the property in which it is located.
- (1) All outdoor swimming pools, including in-ground pools, above-ground pools or on-ground pools shall be surrounded by a barrier which will comply with the pool barrier requirements found in the currently adopted building code by the City of Munford.
  - (2) Gates installed for access to the property or pool area shall be equipped with an automatic closing and latching device to protect against uncontrolled access to the property.
  - (3) If access to the pool is via a deck or a porch, then no access from the ground is permitted to the deck area unless the property or the ground access to the deck is fenced in.
  - (4) It shall be the responsibility of the property owner where said pool is located to maintain all pool covers, fences, gates and closure devices in good operating condition.
  - (5) Failure to maintain pool covers, fences, failure to have gates closed or failure to remove or retract the ladder access to the pool shall constitute a violation of the Zoning Ordinance and is subject to the penalties provided therefore.
- C. Enclosed pools that are separate buildings shall be regulated as accessory structures pursuant to Section 40 of this Ordinance. Enclosed Pools attached to the principal structure shall be considered part of the principal building.

# Diagrams and Illustrations

**ACCESS**

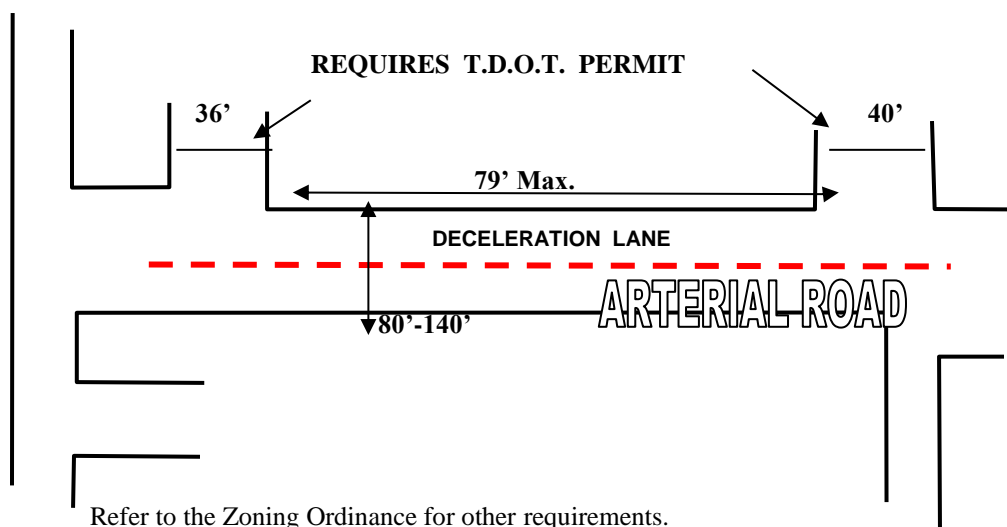
## **CONTROL**

**Single-family Use**



**50' MIN. FRONTAGE FOR ALL LOTS (LOTS FRONTING AT THE END OF CUL-DE-SACS SHALL HAVE A MINIMUM OF 35' OF FRONTAGE)**

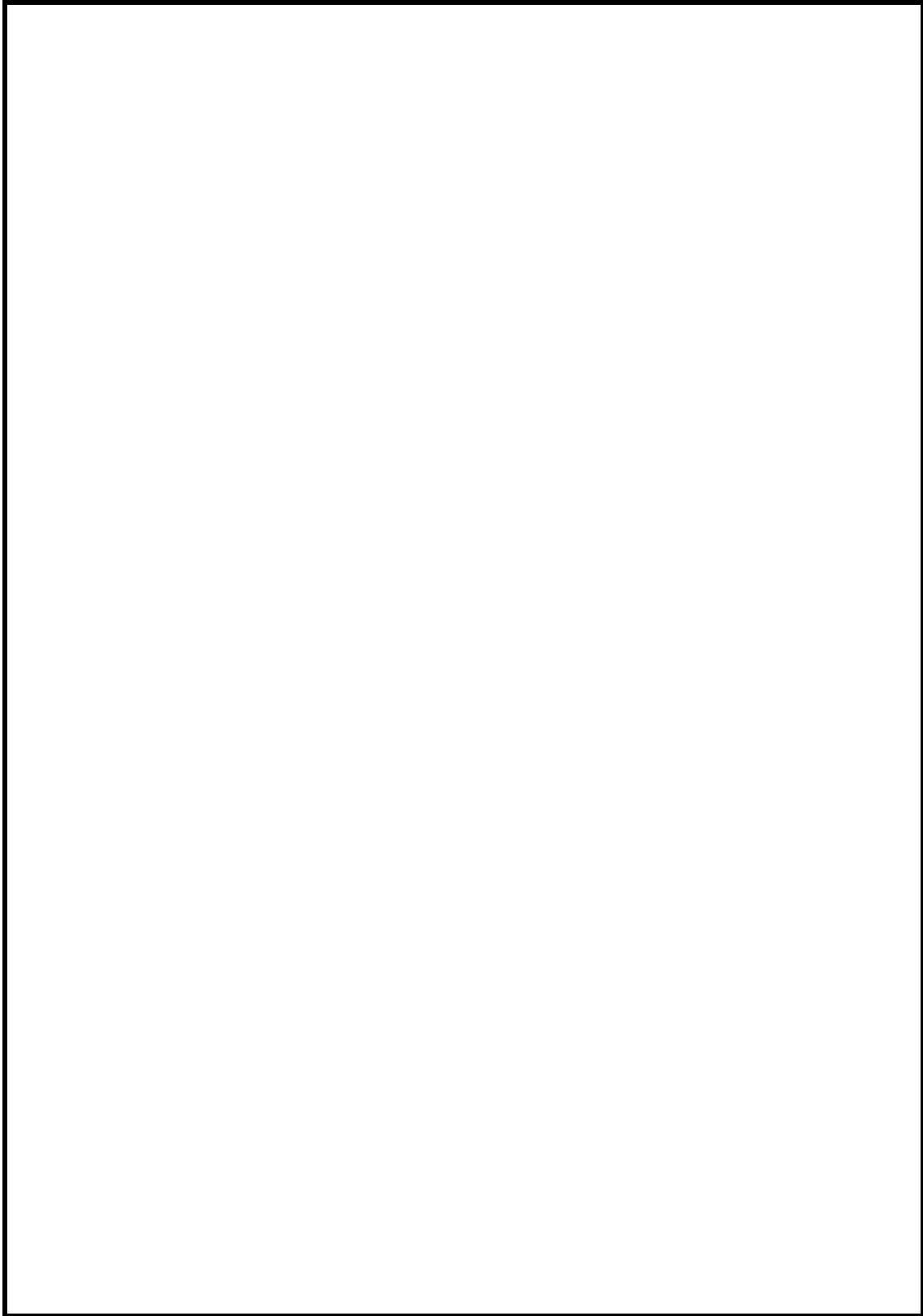
**Commercial / Industrial Use**



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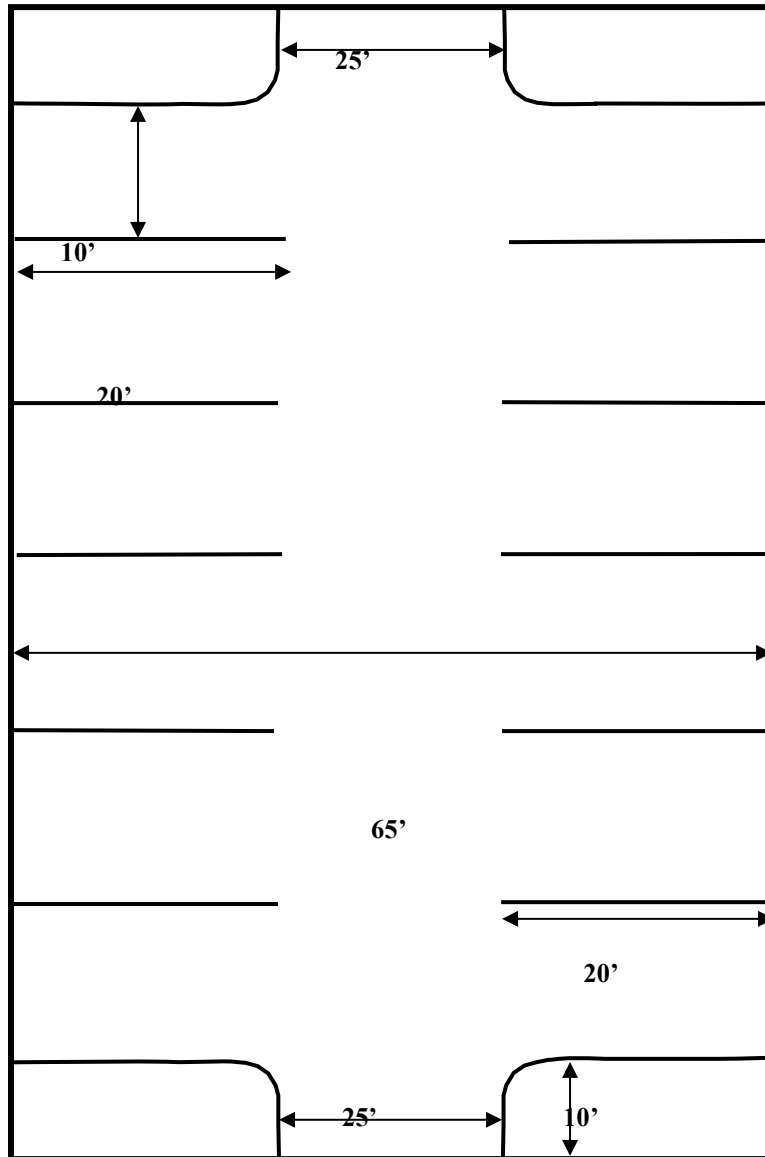
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# SAMPLE PARKING LOT PLAN

## PARKING AT 90°



This Illustration is NOT TO SCALE, Illustration purposes only.

**PARKING SPACES FOR**

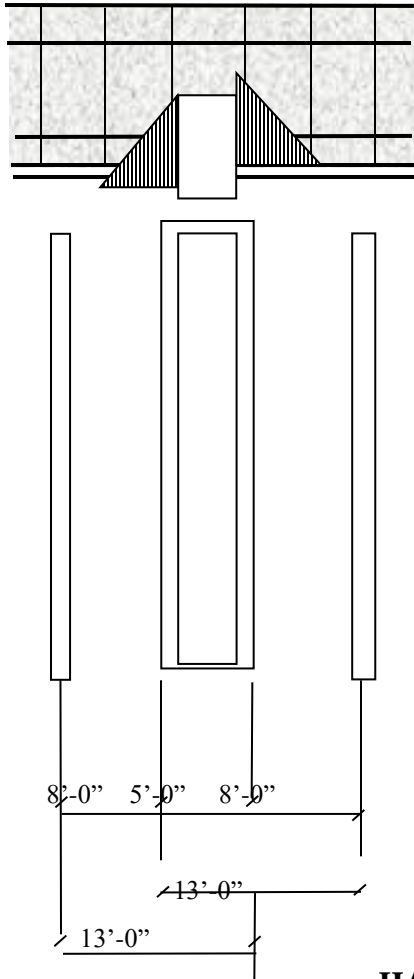
**PARKING SPACES**

Munford Municipal Zoning

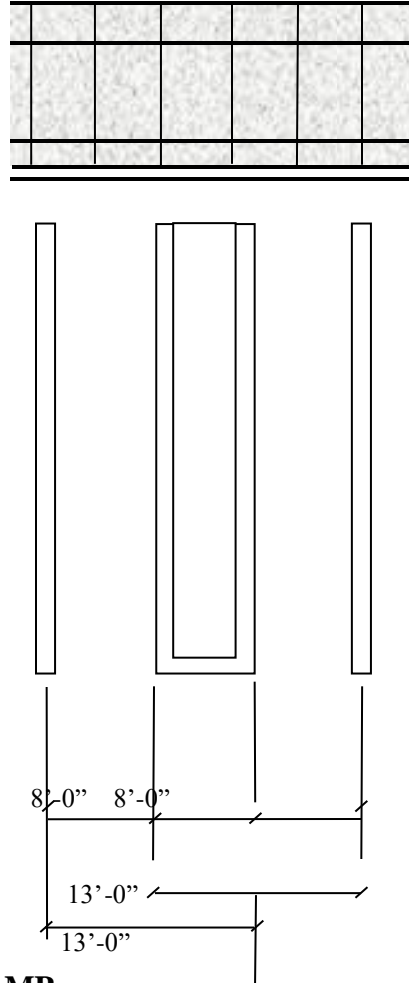
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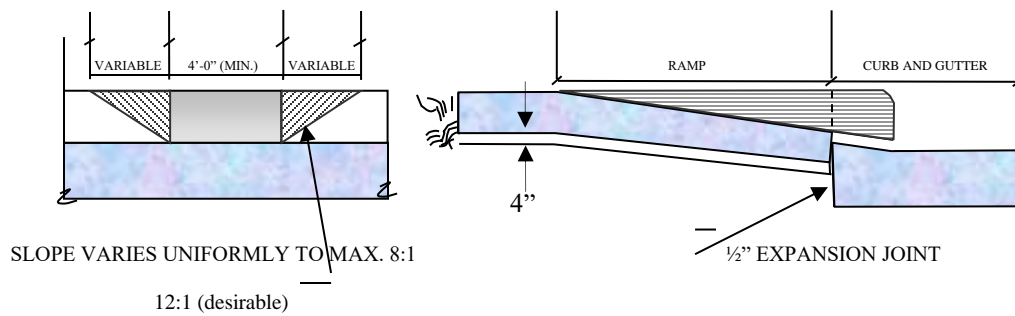
## STANDARD (NON-VAN) VEHICLES



## FOR VANS

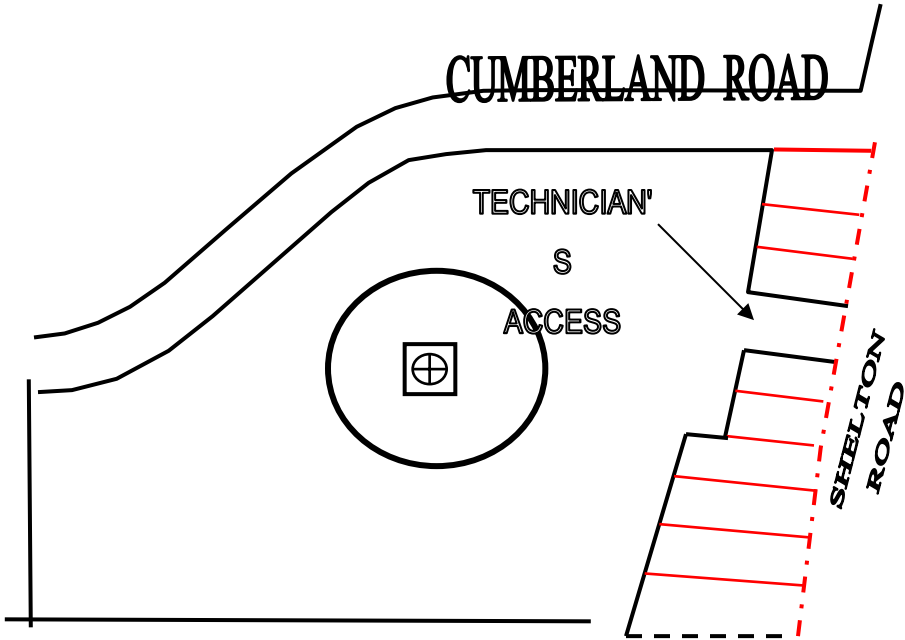
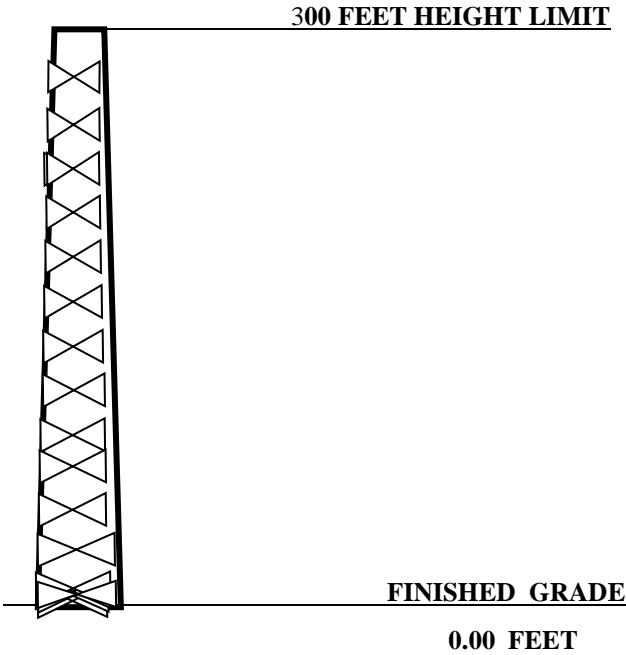


## HANDICAP RAMP





# TELECOMMUNICATION SUPPORT TOWER ILLUSTRATION



## ARTICLE IV

### **GENERAL DEFINITIONS**

Except as specifically defined herein all words used in this Ordinance have their customary dictionary definitions where not inconsistent with the context of the Ordinance. The term "shall" is mandatory. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure". In case of conflict between building code or dictionary definitions with the definitions contained in this Ordinance, the definition herein shall prevail.

The categories established herein to define the permitted uses are derived from the Standard Land Use Coding Manual and adapted to the particular needs of the City of Munford.

**Accessory Building and Use:** A use or building on the same lot with and of a nature customarily incidental and subordinate to the principle use or building. For purposes of this Ordinance, such structures include, but are not limited to, storage sheds, workshops, satellite dishes and pads.

**Accessory Solar Collection System:** - An accessory use, consisting of a panel(s), or other solar energy device(s), that collects, inverts, stores, and distributes solar energy for the purpose of electricity generation that serves the principal use of the property.

**Adult Oriented Businesses:** A commercial enterprise that exploits sex in one form or another comprising a large variety of sexually oriented businesses including movie theaters, bookstores, video rental outlets, houses of prostitution, escort agencies, massage parlors and topless/bottomless bars. Adult oriented business also refers to the materials or services that these businesses market including movies, videos, photographs, books, magazines, sexual devices as well as nude or semi-nude dancing and massages. The following are further definitions of specific adult oriented businesses and related terms:

#### **A. Adult Entertainment Establishments**

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1. **Adult Arcade:** means an establishment where, for any form of consideration, one or more motion picture projectors, slide projectors or similar machines, for viewing by five (5) or fewer persons each are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
2. **Adult Bookstore:** means an establishment which has as any of its stock-in-trade and offers for sale for any form of consideration any one or more of the following:
  - (a) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slide or other visual presentations which are characterized by an emphasis of the depiction or description of "specified sexual activities" or "specified anatomical areas; or
  - (b) instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".
3. **Adult Cabaret:** means a nightclub, bar, restaurant or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
4. **Adult Motel:** means a motel or similar establishment offering public accommodations for any form of consideration which provides patrons which closed circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

5. **Adult Motion Picture Theater:** means a establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
6. **Adult Theater:** means a theater, concert hall, auditorium, or similar establishment which, for any form of consideration, regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
7. **Massage parlor:** means an establishment where, for any form of consideration, massage, alcohol rub fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
8. **Sexual encounter establishment:** means an establishment, other than a hotel, motel or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two (2) or more persons may congregate, associate or consort in connection with "specified sexual activities" or the exposure of "specified anatomical areas." This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in sexual therapy.

**B. Specified Anatomical Areas:** means any of the following:

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

of the aureole; or

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

**C. Specified Sexual Activities:** means any of the following:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
4. Flagellation or torture in the context of a sexual relationship;
5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
6. Erotic touching, fondling or other such contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in “1” through “6” above.

**Alley:** A thoroughfare which affords only a secondary means of access to the abutting property and has a right-of-way width of twenty feet (20') or less.

**Alteration:** Any change, addition or modification in construction, occupancy or use.

**Amusement Center:** An establishment offering five (5) or more amusement devices, including, but not limited to, coin-operated electronic games, shooting galleries, table games and similar recreational diversions within an enclosed building.

**Antenna Array:** Poles, rods, panels reflecting dishes, or similar devices used for the transmission or reception of radio frequency signals.

**Apartment:** One unit, including living, cooking and sanitary facilities in a multi-family dwelling.

**Automotive Repair, Major:** An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups, and transmission work, which is conducted within a completely enclosed building.

**Automotive Repair, Minor:** An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups, and transmission work, which is conducted within a completely enclosed building.

**Automotive Self-Service Station:** That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks or motor vehicles by persons other than a service station attendant. Such an establishment shall be permitted to offer for sale at retail other convenience items as a clearly secondary activity and shall be permitted also to include a freestanding automatic car wash.

**Automobile Storage Yard:** Any land used for the parking and/or storage of one or more abandoned or impounded operable vehicles for which compensation is received.

**Barber Shop:** An establishment with more than one operating station, where a barber(s) properly licensed by the State of Tennessee in the field of cosmetology, provide hair cutting and dressing, shaving and trimming beards and performing related services.

**Basement:** Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

**Beauty Shop:** An establishment with more than one operating station, where a

beautician(s) properly licensed by the State of Tennessee in the field of cosmetology, provide hairdressing, facials, manicures and pedicures. These establishments are also referred to as beauty parlors and beauty salons.

**Bed and Breakfast Establishment:** means a private home, inn, or other unique residential facility offering bed and breakfast accommodations and one (1) daily meal and having four (4), but not more than twelve (12), guest rooms furnished for pay, with guests staying not more than fourteen (14) consecutive days, and where the innkeeper resides on the premises or property or immediately adjacent to it. Guest rooms shall be established and maintained distinct and separate from the innkeeper's quarters.

**Bed and Breakfast Homestay:** means a private home, inn or other unique residential facility offering bed and breakfast accommodations and one (1) daily meal and having less than four (4) guest rooms furnished for pay, with guests staying not more than fourteen (14) consecutive days, and where the innkeeper resides on the premises or property adjacent to it. Guest rooms shall be established and maintained distinct and separate from the innkeeper's quarters.

**Boarding House or Rooming House:** A building in which lodging and/or meals are provided for compensation for two (2) or more persons for a prearranged time period.

**Buffer Strip:** A strip of land, established to protect one type of land use from another with which it is incompatible and which is landscaped and kept in perpetual open space uses.

**Building:** Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property.

**Building Code:** The International Building Code promulgated by the International Code Council, as adopted by the jurisdiction.

**Building, Height of:** The vertical distance as measured from the finished grade at the front line of the building to the highest point of the structure.

**Building Line - Front, Side, Rear:** Lines which define the required area for the front,

side and rear yards, as set forth in this Ordinance. This line is usually fixed parallel to the lot line and is equivalent to the required yard.

**Building, Main or Principal:** A building in which the primary use of the lot is conducted.

**Building, Temporary:** A building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction.

**Business Service:** Establishments which provide aid or merchandise to retail trade establishments including: advertising firms; consumer and mercantile credit reporting and collection firms; duplicating, mailing and stenographic services; dwelling and building cleaning services; photo finishing; and trading stamp services; excluding warehousing and storage services. (See Code 63 in the Standard Land Use Coding Manual.)

**Café:** A small and informal establishment serving various refreshments.

**Canopy:** A roofed structure constructed of fabric or other material supported by the building or by support extending to the ground directly under the canopy placed so as to extend outward from the building providing a protective shield for doors, windows and other openings.

**Carport:** A canopy attached to the main building, open and to remain open on two (2) sides providing a sheltered place for parking an automobile and for entering and alighting from said automobile.

**Carport Portable:** A structure detached from the main building, open on at least two (2) sides or more providing a sheltered place for parking an automobile, boat, or recreational vehicle. A building permit shall be required prior to the installation of any portable carport to be consistent with the International Fire and Building Codes, including proper placement and anchoring. Portable Carports shall be further regulated as an accessory building / structure.

**CBD Stores:** A retail facility or specialty shop that primarily sell products containing



cannabidiol (CBD) containing less than 0.2% THC. And specialize in CBD or cannabis related items.

**Child Care:** Refers to the various arrangements made by parents for the care outside their home of children under seventeen (17) years of age, for less than twenty four hour (24) periods as provided in Tennessee Code Annotated, Section 14-1401 through 14-1425 as well as all pertinent rules, regulations, and standards of the Tennessee Department of Human Services.

**Child Day Care Facility:** A building or structure used for the care of children as defined herein. Such a facility normally includes one of the following types:

- a. **Family Day Care Home:** A home operated by any person who receives pay for providing less than twenty four hour (24) supervision and care, without transfer of custody, for five (5), six (6), and seven (7) children under seventeen years (17) of age who are not residents of the household. A license is not required for a home providing care for fewer than five (5) children.
- b. **Group Day Care Home:** Any place operated by a person, social agency, corporation, institution, or other group which receives eight (8) or more children under seventeen years (17) of age less than twenty four hours (24) per day for care outside their own homes, without transfer of custody. A group day care home may care for no more than twelve (12) children.
- c. **Day Care Center:** A place operated by a person, social agency, corporation, institution, or other group that receives pay for the care of thirteen (13) or more children under seventeen years (17) of age for less than twenty four hours (24) per day, without transfer of custody.

**Clinic:** An establishment housing facilities for medical or dental diagnosis and treatment exclusive of major surgical procedures for patients who are not kept overnight on the premises.

**Comprehensive Plan:** The declaration of purposes, policies and programs for the

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development of the jurisdiction.

**Condominium:** An ownership arrangement in which the buyer purchase only a dwelling unit and does not receive the title to any real property. This term may apply to either apartments or townhouses.

**Court:** A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three (3) or more sides by walls of a building.

**Cultural Activity:** Any institution concerned with the appreciation of nature and the humanities such as but not limited to museums, art galleries, historic sites and aquariums. (See Code 71 in the Standard Land Use Coding Manual.)

**Density:** The number of dwelling units that are allowed on an area of land, which area of land shall be permitted to include dedicated streets contained within the development.

**Driveway:** A paved or gravel way, on private property, providing access from a public way, street or alley, to the main buildings, carport, garage, parking space or other portion of the premises.

**Dwelling:** Any building or portion thereof which is designed for or used for human residential habitation. For the purpose of this Ordinance the term "dwelling" shall not include boarding or rooming houses, motels, hotels, or other structures designed for transient residence.

**Dwelling, Attached:** A one-family dwelling attached to two (2) or more one-family dwellings by common vertical walls, and each dwelling located on a separate lot. This shall include zero lot line development and patio homes.

**Dwelling, Detached:** A dwelling that is not attached to any other dwelling by any means.

**Dwelling, Manufactured Residential:** Factory built, single family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401), commonly known as the U.S. Department of Housing and Urban Development code. For the purposes of this Ordinance, this definition does not include mobile homes constructed as a single self-contained unit and mounted on a single chassis.

**Dwelling, Multi-Family:** A building designed for occupancy by three (3) or more families living independently of each other.

**Dwelling, Patio Home:** A one-family dwelling on a separate lot with open space setbacks on three (3) sides and with a court.

**Dwelling, Semi-Attached:** A one-family dwelling attached to a one-family dwelling by a common vertical wall or walls and each dwelling located on a separate lot. This shall include two-family (2) townhouses, zero lot line development and patio homes.

**Dwelling, Single-Family - Detached:** A building designed for or occupied exclusively by one (1) family which has no connection by a common wall to another building or structure similarly designed.

**Dwelling, Townhouse:** An attached residential dwelling unit for occupancy by one (1) family constructed in a row with each unit consisting at least two (2) stories and each dwelling unit located on a single lot. Each dwelling unit is separated from the adjoining unit in each story by an adjoining fire resistant wall which has no opening in it and extends from the lowest floor through the roof with each dwelling unit having independent access to the exterior in the ground floor. For the purpose of this Ordinance a townhouse designation shall apply to three (3) or more units built contiguous to each other (The definition includes townhouses and condominiums). This definition does not preclude condominium standards as set forth in the International Building Code.

**Dwelling, Two-Family (duplex):** A building designed to be occupied by two (2) families, living independently of each other having one wall common to both dwelling units, and located on one lot.

**Dwelling Unit:** One or more rooms designed as a unit for occupancy by one (1) family for cooking, living, and sleeping purposes, which is part of a two-family (2) duplex, townhouse, or multi-family structures.

**Easement:** That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be

permitted to be for use under, on or above said lot or lots.

**Educational Services:** Established schools including primary, secondary, universities, colleges, junior colleges and various private facilities such as correspondence schools and art, dance and music schools, (See Code 68 in the Standard Land Use Coding Manual).

**Elderly Congregate Living Facility:** A group of eight (8) or fewer individuals (not including the homeowner or guardian who resides in said principal structure) who live together, that are generally over sixty five years (65) of age, that are not related, that are not immobile, and that are not dependent upon medical or assistance to perform the activities of daily living. A unit shall be defined as a room that shall be occupied by one (1) person located in the elderly congregate living facility.

**Enforcement Officer:** The Codes Enforcement Officer/ Building Inspector of the city or his or her designee.

**Essential Service:** The erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communications, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings or sub-stations reasonably necessary for the furnishing of adequate services by such public utilities or municipal departments or commissions, or for the public health or safety or general welfare.

**Façade:** The entire building front including the parapet.

**Family:** One or more persons related by blood, marriage, or other legal arrangement, or group of unrelated individuals, not to exceed two (2) persons per bedroom of the house occupied, living as a single non-profit housekeeping unit.

**Festoons:** A string of ribbons, tinsel, small flags, or pinwheels.

**Finance, Insurance and Real Estate Services:** Those establishments which provide banking or bank related functions and insurance and real estate brokers. (See Code 61 in the Standard Land Use Coding Manual).

**Flag:** Any fabric, banner, or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision, or other entity.

**Floor Area, Gross:** The sum of the horizontal areas of floors of a building measured from the exterior face of exterior walls or, if appropriate, from the center line of dividing walls; this includes courts and decks or porches when covered by a roof.

**Floor Area, Net:** The gross floor area exclusive of vents, shafts, courts, elevators, stairways, exterior walls, and similar facilities.

**Frontage:** The width of a lot or parcel abutting a public right-of-way measured at the front property line.

**Game Room:** An establishment which provides arcade type entertainment including such items as pinball machines, video games and pool tables.

**Garage, Private:** A building or portion thereof for the storage of motor vehicles owned or used by the residents.

**Governmental Agency:** An agency of the Federal, State or the local governmental or any combination thereof.

**Grade:** The ground elevation used for the purpose of regulating the height of buildings. The ground elevation used for this purpose shall be the average of the finished ground elevations at the front line of the building.

**Habitable Space:** Areas within a building designed and/or used as living quarters for human beings.

**Health Officer:** The term "Health Officer" shall mean health officer for the City of Munford or his authorized representative.

**Hospital:** An establishment which provides out-patient, inpatient and emergency services of a medical, surgical and obstetrical nature to ill or injured human patients.

**Incidental Home Occupation:** A venture for profit which is incidentally conducted in a dwelling unit as an accessory to the residential use provided that: the venture is conducted in the principal building; all persons engaged in the venture are residents of the dwelling unit; no more than twenty percent (20%) of the total ground floor area is used for the venture and no evidence of the venture is visible from any public way. Incidental home occupations shall include: arts and crafts; dressmaking and sewing; individual instruction of music or art; individual tutoring; professional services where clients are served one at a time and distributor type sales of merchandise such as Amway or Avon in which clients generally do not come to the residence.

**Institution:** A building occupied or operated by a non-profit society, corporation, individual foundation or governmental agency for the purpose of providing charitable, social, educational or similar services of an eleemosynary character to the public.

**Junk or Salvage Yard:** Any land or building used for the abandonment, storage, keeping, collecting or bailing of paper, rags, scrap metals or other scrap or discarded materials. Any land or building used for the storage, demolition, dismantling or salvaging of inoperable vehicles, machinery or parts thereof.

**Jurisdiction:** As used in this code, jurisdiction is any political subdivision that adopts this code for administrative regulations within its sphere of authority.

**Loading Space:** An off-street space on the same lot with a building or group of buildings for temporary parking of a vehicle while loading and unloading merchandise or materials.

**Lot:** A legally recorded parcel of land.

**Lot Area:** The total horizontal area included within lot lines.

**Lot, Double Frontage:** A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

**Lot of Record:** A parcel legally recorded in the Office of the Tipton County Register of Deeds at the date of the adoption of this Ordinance.

**Lot Coverage:** The lot area covered by all buildings located therein.

**Lot Width:** The horizontal measurement at the building line.

**Manufactured Home:** Any structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8') body feet or more in width, or forty (40') body feet or more in length, or when erected on site, is three hundred twenty (320 sq.ft.) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that "manufactured home" includes any structure which meets all the requirements of this subdivision except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under Title 68 of Tennessee Code Annotated.

**Marquee:** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

**Medical Services:** Those establishments which provide aid or merchandise relating to or concerned with the practice of medicine, excluding sanitariums, convalescent and rest home services. (See Code 651 in the Standard Land Use Coding Manual).

**Mobile Home:** A factory-assembled, movable dwelling unit designed and constructed to be towed on its own chassis, comprised of frame and wheels, to be used with or without a permanent foundation for permanent occupancy, but with the necessary service connections for required utilities, and distinguishable from other types of permanent dwellings in that the standards to which it is built include provisions for its mobility on that chassis as a vehicle. The character of a mobile home as a non-permanent dwelling shall not be changed in the view of this Ordinance by removal of the wheels and/or carriage or placement on a permanent foundation. A travel trailer is not to be considered as a mobile

home.

**Mobile Home Park:** Any plat of ground upon which two (2) or more mobile homes are parked for occupancy as dwelling units.

**Mobile Home Space:** An area of ground within a mobile home park designed for the accommodation of one (1) mobile home.

**Mortuary, Funeral Home:** An establishment in which the dead are prepared for burial or cremation. The facility shall be permitted to include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings, and / or display of funeral equipment.

**Motel, Hotel:** Any building containing six (6) or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

**Non-Conforming Use:** Any use of building on premises which lawfully existed prior to the adoption or amendment of this Ordinance, but which no longer complies with the use regulations of the district in which it is located.

**Open Space:** Land areas that are not occupied by buildings, structures, parking areas, streets, alleys, or required yards. Open space shall be permitted to be devoted to landscaping, preservation of natural features, patios, and recreational areas and facilities.

**Pads:** The surface on which a mobile home is located consisting of concrete footings and a masonry block or steel pier support for the mobile home.

**Parapet:** The extension of a false front or wall above a roofline.

**Park:** An open area set aside for leisure activities which is not used for the operation of a profit making venture, such as, but not limited to playgrounds, athletic or play fields and picnic areas.

**Parking Lot:** An open area, other than a street, used for the parking of automobiles.



**Parking Space Required:** A paved and properly drained area enclosed or unclosed required by this Ordinance to be permanently reserved for parking one (1) motor vehicle. Each required parking space shall have a minimum area of two hundred square feet (200 sq.ft.) and not less than ten feet (10') wide, exclusive of driveways, and shall be connected with a public street, alley or by a paved driveway affording safe and convenient ingress and egress. Except on lots occupied by single-family and two (2) family dwellings, parking spaces and driveways shall be so arranged as to provide for both ingress and egress by forward motion of the parked or parking vehicle.

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

**Person:** Any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

**Personal Services:** Establishments which provide services to persons or households, crematory services and cemeteries. (See Code 62 in the Standard Land Use Coding Manual.)

**Planting Screen:** A strip of land containing trees, bushes or shrubbery which serves as a buffer between lots and/or land uses.

**Planned Residential Development (PRD):** A residential development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

**Planned Village Development (PVD):** A mixed-use development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

**Plat:** A map, plan, or layout indicating the location and boundaries of individual properties and which may indicate structure location and horizontal measurements.

**Pools (Swimming), Hot Tubs and Spas:**

- **Private Swimming Pool:** Any structure that contains water over twenty four inches (24") in depth and which is used or intended to be used for swimming or recreational bathing, which is available only to the family and guests of the householder. This includes in-ground, and on-ground swimming pools, hot tubs and spas.
- **Private Swimming Pool, Indoor:** Any private swimming pool that is totally contained within a private structure and surrounded on all four sides by walls of said structure.
- **Private Swimming Pool, Outdoor:** Any private swimming pool that is not an indoor pool.
- **Public Swimming Pool:** Any swimming pool other than a private swimming pool.

**Portable Carport:** See "Carport Portable".

**Principal Building:** A building in which is conducted the primary use of the lot on which it is located.

**Principal Use:** The specific primary purpose for which land or a building is used.

**Professional Services:** Those services normally provided by the established professions such as, but not limited to, physicians services, dental services, legal services, engineering services, architectural services and accounting services, not to include sanitariums, convalescent and rest home services. (See Code 65 in the Standard Land Use Coding Manual.)

**Public Assembly Facility:** Any of the following types of institutions or installations where community activities are typically performed such as: parochial and private clubs; lodges; meeting halls, recreation centers and areas; temporary festivals; theaters; public, parochial and private museums and art galleries; places of worship, including any structure or site such as a church, synagogue, chapel, sanctuary or cathedral, used for collective or individual involvement with a religious activity, such as rites, rituals,

ceremonies, prayer and discussion; public community centers and recreational areas such as playgrounds, play fields and parks.

**Public Improvement:** Any drainage ditch, storm sewer or drainage facility, sanitary sewer, water main, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or for which the local government responsibility is established.

**Public Uses:** Facilities such as, but not limited to parks, schools, and offices owned and operated by governmental bodies.

**Public Utility:** Any plant or equipment for the conveyance of telephone messages or for the production, transmission, delivery or furnishing of heat, chilled air, chilled water, light, power or water, or sewer facilities, either directly or indirectly to or for the public. (See Codes 47 and 48 except Codes 4823 and 485.)

**Quasi-Public:** Essentially a public use, although under private ownership or control.

**Recreation, Indoor:** An establishment providing completely enclosed recreation activities. Accessory uses shall be permitted to include the preparation and serving of food and / or the sale or rental of equipment related to the enclosed uses. Included in this definition shall be bowling, roller skating or ice skating, billiards, pool, motion picture theatres, and related amusements.

**Recreation, Outdoor:** An area free of buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions and similar structures used primarily for recreational activities.

**Recreational Vehicle:** A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities classified as “recreational vehicles” are travel trailers, camping trailers, truck campers and motor homes.

**Rehabilitation Center:** An establishment whose primary purpose is the rehabilitation of persons. Such services include drug and alcohol rehabilitation, assistance to emotionally, and mentally disturbed persons, and halfway houses for prison parolees and juveniles.

**Religious, Cultural and Fraternal Activity:** A use or building owned or maintained by organized religious organizations or nonprofit associations for social, civic or philanthropic purposes, or the purpose of which persons regularly assemble for worship.

**Renovation:** Interior or exterior remodeling of a structure, other than ordinary repair.

**Restaurant:** An establishment that sells prepared food for consumption. Restaurants shall be classified as follows:

- **Restaurant, Fast Food:** An establishment that sells food already prepared for consumption, packaged in paper, styrofoam or similar materials, and may include drive-in or drive-up facilities for ordering.
- **Restaurant, General:** An establishment that sells food for consumption on or off the premises.
- **Restaurant, Take-out:** An establishment that sells food only for consumption off the premises.

**Repair Services:** Those establishments which fix, mend or overhaul merchandise for households or businesses, not to include automobile body shops. (See Code 64 in the Standard Land use Coding Manual.)

**Retail Trade:** Those establishments engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods.

**Roofline:** The top edge of a roof or building parapet, whichever is higher, excluding any mansards, cupolas, pylons, chimneys, or minor projections.

**School, Commercial:** A school establishment to provide for the teaching of industrial, clerical, managerial or artistic skills. This definition applies to schools that are owned and

operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school or modeling school).

**School, Parochial:** An institution of learning owned and/or operated by a recognized church or religious institution.

**School, Private:** An institution of learning that is not parochial or public in nature.

**School, Public:** An institution of learning owned and/or operated by a governmental body.

**Service Station:** Any facility used for dispensing or sale at retail of any motor vehicle fuels.

**Setback:** The minimum distance required between the lot boundary and the building line as stipulated by the front, side and rear yard provisions of this Ordinance.

**Shooting Range:** An outdoor or indoor area provided with targets for the controlled practice of shooting.

**Sign:** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

**Sign, A - Frame:** A sign composed of two (2) panels hinged at the top. From a side elevation resembles an "A".

**Sign, Abandoned:** A sign which no longer identifies or advertises a bona fide business, service, owner, product, or activity and / or is no longer maintained.

**Sign, Animated:** An animated sign is one which displays one (1) or more pictures or icons that moves or changes shape, or a sign of which any portion thereof physically moves. For the purposes of this section, the term "animated sign" does not refer to flashing or changeable copy signs, either manual or automatic, which are defined separately. Animated signs include the following:

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1. Naturally Energized: Signs whose motion is activated by air, wind or other atmospheric impingement. Air or wind driven signs may include: flags, banners, pennants, streamers, spinners, metallic disks, or other similar devices designed to move in the wind.
2. Mechanically Energized: Signs manifesting a repetitious pre-programmed physical movement or rotation in either one or a series of planes activated by means of mechanically based drives.
3. Electrically Energized: Illuminated signs, or moving image message boards, whose motion or visual impression of motion is activated primarily by electrical means, typically via light emitting diode (LED) or neon. Electrically energized animated signs are of two (2) types:
  - a) Flashing Signs: Illuminated signs exhibiting an intermittent light source by pre-programmed repetitious cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase), is either the same as or less than the duration of the period of darkness (off phase), and in which the intensity of illumination varies from zero (off) to 100 percent (100%) (on) during the programmed cycle.
  - b) Illusionary Movement Signs: Illuminated signs exhibiting the illusion of rapid movement by means of a programmed repetitious sequential switching action in which illuminated elements of the sign are turned on or off to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns.

**Sign, Awning**: A sign painted on, printed on, or attached flat against the surface of an awning.

**Sign, Back - Lit Awning:** An internally illuminated fixed space-frame structure with translucent, flexible reinforced covering designed in awning form and with graphics or copy applied to the visible surface of the awning.

**Sign, Banner:** Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the Official flag of any institution or business shall not be considered banners. Depending upon its method of attachment, a banner sign may be a flat-mounted sign, a projected sign, or a free-standing sign.

**Sign, Beacon:** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source, also, any light with one or more beams that rotate or move.

**Sign, Bench:** A sign located on any part of the surface of a bench or seat place on or adjacent to a public right-of-way.

**Sign, Billboard:** A type of on or off-premise advertising sign having more than one hundred square feet (100 sq.ft.) of sign which is either erected on the ground or attached to or supported by a building or structure.

**Sign, Building:** Any sign attached to any part of a building, as contrasted to a freestanding sign.

**Sign, Building Marker:** Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made bronze or other permanent material.

**Sign, Business** - A sign that directs attention to a business, profession, commodity, service or entertainment conducted, sold or offered upon the same lot where the sign is located. Also see "On Premise Sign".

**Sign, Canopy:** Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door entrance, window or outdoor service area. A marquee is not a canopy.

**Sign, Cable Hung Banner:** A single banner, or several individual banners, or individual cut out letters, suspended by cable over a public right-of-way from poles for such civic use.

**Sign, Changeable Copy:** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face of the surface of the sight. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign not a changeable copy sign for purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a “time and temperature” portion of a sign and not a changeable sign for the purposes of this Ordinance. Changeable copy signs include the following types:

1. **Manual Changeable Copy Sign:** Signs which alphabetic, pictographic, or symbolic informational content can be changed or altered manually on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments, including electronic message boards.
2. **Electronic Changeable Copy Sign:** Automatic message center or reader board signs on which alphanumeric text or symbolic informational content is changed or altered electronically on a fixed display surface composed of electronically illuminated changeable segments, including Electronic Message Boards, with the same single, constant light color. May include logos, graphics and images that are not animated. The copy (text) for this type of sign shall change not less than every 8 seconds.

**Sign, Changeable Message:** An on or off-premise advertising sign, or digital billboard, which displays a series of messages at intervals by means of digital display or mechanically rotating panels. These signs may be double faced, back to back or “V”-type signs. Changeable message signs with a digital display which meet all other requirements of this Ordinance are permissible subject to the following restrictions:

1. The message display time shall remain static for a minimum of eight



seconds (8) with a maximum change time of two seconds (2) ;

2. Video, continuous scrolling messages, animation, display areas with varying light illumination and/or intensity, blinking, bursting, dissolving, distorting, fading, flashing, oscillating, rotating, scrolling, sequencing, shimmering, sparkling, streaming, traveling, tracing, twinkling, simulated movement, or convey the illusion of movement are prohibited.
3. The minimum spacing of such changeable message signs which exceeds thirty square feet (30 sq.ft.) with a digital display on major arterial roads (i.e. highways and interstate system) is one thousand feet (1000 ').
4. Refer to Tennessee Code Annotated 54-21-122 for other restrictions.

**Sign, Clearance (of a sign):** The smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

**Sign, Commercial Message:** Any sign, wording logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

**Sign, Construction:** A temporary sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

**Sign, Directional / Informational:** An on-premise sign giving directions instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy e.g., parking or exit and entrance signs. Directional / Informational signs may contain logo provided that the logo shall not comprise more than twenty percent (20%) of the total sign area.

**Sign, Directory:** A sign on which the names and locations of occupants or the use of a building is given. This shall include office buildings and church directories.

**Sign, Disrepair of:** Signs which have been broken, cracked, vandalized, torn, rotten, faded, faulty, defective, rusty, or otherwise unsightly.

**Sign, Double - Faced:** A sign with two (2) faces, essentially back-to-back.

**Sign, Electric:** A sign or sign structure in which electrical wiring, connections, or fixtures are used.

**Sign, Electronic Message Board:** A sign that uses changing light (including LEDs and neon) to form messages, pictures, or logos in a display controlled by electronic means. Electronic Message Boards are permissible subject to the following restrictions:

1. The message display time shall remain static for a minimum of eight (8) seconds with a maximum change time of two (2) seconds;
2. Video, continuous scrolling messages, animation, display areas with varying light illumination and/or intensity, blinking, bursting, dissolving, distorting, fading, flashing, oscillating, rotating, scrolling, sequencing, shimmering, sparkling, streaming, traveling, tracing, twinkling, simulated movement, or convey the illusion of movement are prohibited.
3. May not be located less than one hundred (100) feet from any agriculturally or residentially-zoned property.

**Sign, Face of:** The area of a sign on which the copy is placed. This does not include the mounting structure. Face of sign does not include an electronic message board or panel.

**Sign, Flashing:** See “Animated: Electrically Energized”

**Sign, Freestanding:** Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure.

**Sign, Government:** Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

**Sign, Historic:** Any sign erected for the purpose of promoting the historical significance

of a building or place.

**Sign, Identification:** A sign whose copy is limited to the name and address of a building, institution, or person and / or activity or occupation being identified.

**Sign, Inflatable:** A balloon-type of sign, typically made of canvass or similar material, which is inflated by use of a small fan at the base.

**Sign, Illegal:** Any sign which was erected without a sign permit in violation of any of the Ordinances of the city governing the same at the time of its erection and which sign has not been in conformance with such Ordinances and which shall include signs which are posted, nailed, or otherwise fastened or attached to or painted upon structures, utility poles, trees, fences, or other signs.

**Sign, Illuminated:** A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

**Sign, Incidental:** A sign generally informational, that has a purpose secondary to the use of the lot 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 lot on which the sign is located shall be considered incidental.

**Sign, LED:** A sign composed of alphanumeric characters composed of light emitting diodes. Also see “Animated; Electrically Energized”, “Changeable Copy Sign”, “Changeable Message Sign” and “Changeable Message Sign”.

**Sign, Low - Profile:** Also “Monument Signs” - A sign mounted directly to the ground. The maximum height is the measured from the ground to the top of the sign including any base construction.

**Sign, Maintenance of:** Cleaning, painting, or minor repair of defective parts of a sign in a manner that does not alter the design, or structure of the sign. No structural parts of a non-conforming sign may be replaced without the loss of the sign’s legal non-conformity.

**Sign, Marquee:** Any sign attached to, in any manner, or made a part of a marquee.

**Sign, Message Board:** The portion of a sign whose informational content can be changed or altered by manual, electric, electromechanical, or electric means. Also see “Animated”, “Changeable Signs”, and “Changeable Message Signs”.

**Sign, Monument:** A sign mounted directly to the ground. No poles shall be visible. The maximum height is measured from the ground to the top of the sign including any base construction. Maximum area is to be determined as defined in “Area, of Sign Projecting and Monument”. This does not include light fixtures intended to illuminate the sign.

**Sign, Multiple-Face:** A sign containing three (3) or more faces, not necessarily in back-to-back configuration.

**Sign, Nameplate:** A non-electronic on-premise identification sign giving only the name, address, and/or occupation of an occupant or group.

**Sign, Noncommercial Sign:** A temporary sign which carries no message, statement, or expression related to the commercial interests of the sign owner, lessee, author or other person responsible for the sign message. The message does not direct attention to a business operated for profit, or to a commodity or service for sale.

**Sign, Nonconforming:**

- 1) A sign which was initially erected legally, but no longer complies with subsequently enacted sign restrictions and regulations.
- 2) A sign which does not conform to the sign code requirements, but for which a special permit has been issued.
- 3) A sign which was erected illegally and does not conform to the sign code requirements.

**Sign, Off-Premise:** A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g. “Off-Premise Billboards”, “Digital Billboards”, “Multi-

Vision Signs” or “Outdoor Advertising.”

1. **Digital Billboard Sign** - Shall mean an off-premise sign without moving parts whose content may be changed by electronic process through the use of intermittent light or lights, including light emitting diodes (LED), liquid crystal display (LCD), and plasma screen image display.
2. **Multi-Vision Sign** - Shall mean an off-premise sign composed of mechanically operated louvers or slats containing multiple separate messages, each of which becomes visible when the louvers are synchronically rotated to one of a multiple positions.
3. Any sign allowed as an off-premise sign must have the written permission of the property owner upon which the sign is to be located prior to consideration, approval, permitting and placement.

**Sign, On-Premise:** A sign that identifies or communicates a message related to an activity conducted, service rendered or commodity provided on the premises and/or property where the sign is located. Signs having electronic elements shall not have more than 200 square feet featuring the digital component.

**Sign, Owner:** A person recorded as such on official records. For the purposes of this Ordinance, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Administrator, e.g. a sign leased from a sign company.

**Sign, Painted Wall:** Any sign which is applied with paint or similar substance on the surface of a wall.

**Sign, Pole Cover:** Cover enclosing or decorating poles or other structural supports of a sign.

**Sign, Pole:** - A sign constructed with one (1) vertical support pole.

**Sign, Political:** Signs with the intended use of denoting a political campaign headquarters, party affiliation, or advertising of a political figure or cause.

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

**Sign, Portable Trailer:** Any sign that is permanently or not permanently attached to wheels or has the semblance of a portable trailer sign. Portable trailer signs shall not be permitted in any district.

**Sign, Post and Arm:** - A sign of two square feet (2 sq.ft.) or less in area supported by an upright post with a horizontal arm, from which a sign is suspended. No part of the structural support may be greater than six inches (6") in any dimension. These signs shall not exceed a maximum height of four feet (4').

**Sign, Projecting:** Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches (6") beyond the surface of such building or wall.

**Sign, Real Estate:** A temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.

**Sign, Residential:** Any sign located in a district zoned for residential uses that contains no commercial message except advertising with goods or services legally offered on the premises where the sign is located, if offering such service at such a location conforms with all requirements of the Zoning Ordinance.

**Sign, Relocation of:** The movement of a sign to a new or changed location and includes without limitation any movement of the sign to a new location on the same structure, on the same parcel, or elsewhere. Any movement of a sign, no matter how slight, is considered to be relocation.

**Sign, Roof:** Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches (6") or twenty five feet (25') from the base of the sign.

**Sign, Rotating:** See "Animated Sign, Mechanically Energized."

**Sign, Snipe:** Any on-premise sign for which a permit has not been issued, which is attached in any way to a utility pole, tree, rock, fence or fence post.

**Sign, Street Banner:** A temporary sign composed of a lightweight material, either enclosed or not enclosed in a rigid frame, affixed to a streetlight, utility pole, and/or utilized by the municipality to promote a specific event, district or holiday.

**Sign, Subdivision Identification:** A freestanding monument or wall sign identifying a recognized subdivision, condominium complex, or residential development.

**Sign, Suspended:** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

**Sign, Temporary:** A sign not constructed or intended for long-term use such as real-estate signs, yard-sale signs, and etc.

**Sign, Two-pole:** A sign constructed with two (2) vertical support poles. The poles shall be mounted on the outside of the sign face or within the outside one-fourth (1/4) of the sign face. A sign face may be mounted on top or between the two (2) vertical poles.

**Sign, Under-Canopy:** - A sign suspended beneath a canopy, ceiling, roof, or marquee.

**Sign, Unused:** - Any sign that:

1. Has not displayed a message or messages for more than ninety (90) days or

2. Is not kept in good structural repair, such that the sign could pose a risk to public health or safety.

**Sign, Vertical Banner:** - A banner hung or projecting from a banner pole in the public right-of-way designated for civic use.

**Sign, Wall:** - A sign attached essentially parallel to and extending not more than six (6) inches from the wall of a building with no copy on the sides or edges. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard. Wall signs shall be placed only on the sides of buildings with street frontage. Wall sign area shall be measured by the smallest polygon that can be drawn to outline and contain all letters, artwork, and logos, using no angle other than ninety degrees (90<sup>0</sup>)

**Sign, Window:** - Any sign, picture, 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 window panes or glass and is visible from the exterior of the window.

**Site Plan, Sketch Plan, General Plan:** A plat delineating the overall scheme of the development of a tract including all the items as specified in this Ordinance.

**Solar Farm:** – A utility-scale energy generation facility, principally used to convert solar energy to electricity, for the primary purpose of wholesale or retail sales of said electricity.

**Story:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building used for human occupancy, between the topmost floor and the roof. A basement not used for human occupancy shall not be counted as a story.

**Story, Half:** A story under a sloping roof, the finished floor area which does not exceed one half the floor area of the floor immediately below it, or a basement used for human occupancy, the floor area of the part of the basement thus used not to exceed fifty percent (50%) of the floor area of the floor immediately above.



**Street or Road:** A way for vehicular traffic, whether the road is designated as an avenue, arterial, collector, boulevard, road, highway, street, expressway, lane, alley or other way, and for the purpose of these regulations "roads" are divided into the following categories:

- a. **Arterial Street:** A major street used primarily for heavy through traffic which will be so designed on the Munford Major Road Plan.
- b. **Collector Street:** A street designed to carry traffic from minor streets to the major road system including the principal entrance streets to a residential development and the streets for major circulation within such a development. Collector streets are usually designated as such on the Munford Major Road Plan.
- c. **Cul-de-sac or Dead-end-Street:** A local street with only one outlet for which there are no plans for extension and no need for extension.
- d. **Marginal Access Street:** A minor street which is constructed parallel and adjacent to an arterial street for the purpose of providing access to abutting properties and protection from through traffic.
- e. **Minor Residential or Local Street:** A neighborhood or commercial area street used primarily for access to the abutting properties.

**Street Center Line:** The center of the surface roadway or the surveyed center line of the street.

**Street Frontage:** The distance for which a lot line of a lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

**Street Line:** The property line which bounds the right-of-way set aside for use as a street. Where sidewalks exist and the location of the property line is questioned, the side of the sidewalk furthest from the traveled street shall be considered as the street line.

**Tea Room:** A small restaurant with service and décor designed primarily for female clientele.

**Telecommunication Support Tower Structure:** A wireless transmission facility constructed as a lattice tower with or without guy wires, as an alternative tower structure, or as a monopole tower, primarily for the purpose of supporting an antenna array; and support buildings and equipment; excluding equipment under thirty feet (30') in height used for amateur radio communication.

**Temporary Storage Unit:** Any ocean or ground transportation container, semi-trailer, railcar box or any other container used for transportation of goods and material from one point to another by sea, air, or land.

**Temporary Structure:** A factory assembled, movable building not designed or used as a dwelling unit which is constructed to be towed on its own chassis composed of a frame and wheels, to be used with or without a permanent foundation but with the necessary connections for utility services.

**Theatre:** A building used primarily for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, including all accessory uses.

**Use, Temporary:** A use that is authorized by this code to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors' offices and equipment sheds, fireworks, carnivals, flea markets, and garage sales.

**Variance:** A deviation from the height, bulk, setback, parking or other dimensional requirements established by the Munford Municipal Zoning Ordinance.

**Veterinary Hospital or Clinic:** Any establishment maintained and operated by a licensed veterinarian for the surgery, diagnosis and treatment of diseases or injuries of animals. Such an establishment may include accessory boarding facilities provided they are located within a building.

**Warehouse:** A structure used exclusively for the storage of merchandise or commodities.

**Warehouse, Mini:** A building or group of buildings in a controlled access and fenced compound that contains various sizes of individual, compartmentalized, and controlled access stalls or lockers for the dead storage of customers' goods or wares.

**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 Ordinance. The measure of a yard shall be the minimum horizontal distance between any part of the principal building and lot or street right-of-way lines.

**Yard, Front:** The yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building. On corner lots, the front yard shall be the yard faced by the principal building.

**Yard, Side:** A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side building line.

**Yard, Side Street:** A yard between the street and the principal structure on a corner lot not faced by the principal building occupying that corner lot. The building setback for the principal structure on a side street yard will be the same as the front yard setback of the zoning district.

**Yard, Rear:** A yard extending across the rear of a lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear building line. On all lots including corner lots, the rear yard shall be opposite the front yard.

**Zero Lot Line:** the location of a building on a lot in such a manner that one or more of the building sides rest directly on a lot line.

**Zoning District:** Any section of the City for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform.

## ARTICLE V

### **ESTABLISHMENT OF DISTRICTS**

#### **Section 51 Classification of Districts**

In order to regulate and restrict the location and use of buildings and land for commerce, residence and other purposes; to regulate and restrict the height of structures and size of yards and open spaces and the density of habitation; the City of Munford, is hereby, divided into districts as set forth below:

- R-1 Low Density Residential District
- R-2 Medium Density Residential District
- R-3 High Density Residential District
- R-4 High Density Multi-family Residential District
- R-5 Mobile Home Residential District
- PRD Planned Residential District (Overlay)
- PVD Planned Village Development District (Overlay)
- B-1 Neighborhood Business District
- B-2 General Business District
- B-3 Central Business District
- P-B Planned Business District
- M Industrial District
- M-1 Light Industrial District
- F-H Flood Hazard Overlay District

#### **Section 52 Boundaries of Districts**

- 52.1** The boundaries of districts are hereby established as shown on the map entitled "Zoning Map of Munford, Tennessee" which is a part of this Ordinance and which is on file in the City Hall of the City of Munford.
- 52.2** Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets or alleys, railroad rights-of-way, or the corporate limit lines as they exist at the time of enactment of this Ordinance.

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Questions concerning the exact location of district boundary lines shall be determined by the Board of Zoning Appeals.

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

## ARTICLE VI

### **PROVISIONS GOVERNING RESIDENTIAL DISTRICTS**

#### **Section 61 R-1 - Low Density Residential District**

The regulations set forth in this section apply to the district designation of the R-1 Residential District. The R-1 district is a low density single-family district consisting of lots of a minimum size of 10,000 square feet.

##### **61.1 Uses Permitted**

**61.11** Single-family detached dwellings, not to include mobile homes.

**61.12** Accessory buildings and accessory uses customarily incidental to the above permitted uses.

##### **61.2 Uses Permitted on Approval of the Board of Zoning Appeals**

**61.21** Within the R-1 Residential District the uses listed below may be permitted by the Board of Zoning Appeals provided that the use requested is to be located on a route designated as either a major street or a collector street on the Official Munford Major Road Plan, and that the other requirements set forth in Article XIII, Section 134.2 are met:

Churches and other places of worship; schools offering general education courses; public owned parks and recreational facilities; railroad rights-of-way; essential services; cemeteries; libraries and other public uses; child and adult day care homes; and accessory uses customarily incidental to the aforementioned uses provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals after a review of the proposed site plan and subject to such

conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. The Board of Zoning Appeals may require increased yard spaces, larger minimum lot areas and screening to accomplish this objective.

**61.22** Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without 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 preserve and protect the character of the neighborhood in which the proposed use is located, and provided further that:

**61.221** The proposed use shall be located and conducted in the principal building only;

**61.222** The persons engaged in any such use shall be residents of the dwelling unit in which the proposed use is located;

**61.223** Not more than twenty percent (20%) of the total ground floor area in the dwelling unit shall be devoted to such proposed use;

**61.224** The proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;

**61.225** No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;

**61.226** The proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located.

**61.23** Bed and Breakfast Establishments shall be allowed as uses

permitted on appeal in R-1 (Low Density Residential) Districts only. In order to preserve and protect the character of the neighborhood in which the use is located, the Board of Zoning Appeals shall ensure the following standards prior to any approval; and any approved Bed and Breakfast Establishment shall conform to the following:

**61.231 Minimum Square Footage Required** - A minimum of 4000 square feet, excluding garage / storage space, shall be required to establish a bed and breakfast establishment.

**61.232 Permits** - No building permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals. Further, the necessary county health department permit must be obtained.

**61.233 Location** - The bed and breakfast establishment shall be located in a residence only.

**61.234 Owner Occupied** - The principals engaged in the Bed and Breakfast Establishment operation shall be the property owners, who are residents of the dwelling unit in which the operation is located. Non-residents employees may also be engaged in the operation. Additionally, the residents of the dwelling unit shall establish separate and distinct sleeping quarters from the Bed and Breakfast guests.

**61.235 Number of Guest Units** - A minimum of four (4), but not more than twelve (12) sleeping quarters of the dwelling unit shall be used for guest lodging in the bed and breakfast establishment. This would not apply to the common areas of the dwelling units, which may be incidentally used by guest, such as bathrooms, living



rooms and kitchens, which are not being used as sleeping quarters by guests.

**61.236 Length of Stay** - Lodging of guests at the bed and breakfast establishment shall be limited to no more than fourteen (14) consecutive days during one (1) stay.

**61.237 Site Plan** - An accurately drawn plan shall be presented to the Board of Zoning Appeals no later than ten (10) days prior to the meeting. The site plan shall show the location of the principal residence, off-street automobile only parking, relationship to adjoining properties and surrounding land use, existing zoning of the proposed site, and any other information as may be required by the Board of Zoning Appeals.

**61.238 Appearance** - The establishment of a bed and breakfast establishment shall not change the residential character and outward appearance of the home. Said home shall be not less than fifty years (50) of age.

**61.239 Lot size** - All area and yard requirements of the R-1 - Low Density Residential District must be met.

**61.2310 Signage** - One freestanding sign shall be permitted and shall comply with Section 39 "Sign Regulations" of this Ordinance. However, such signs are not to exceed three feet (3') in height. Said sign shall be for the express purpose of identifying the bed and breakfast establishment, and conform to the appearance and be in keeping with the residential character of the surrounding neighborhood. No direct lighting shall be permitted.

**61.2311 Parking** - Off-street parking facilities shall be provided at

the rate of at least one (1) space per sleeping quarter (room) for rent, in addition to at least two (2) spaces for the household parking. At least one (1) parking space for disabled/handicapped guests shall be provided. Parking shall comply with any current or future parking Ordinance of the City of Munford.

**61.2312 Code Compliance** - All eligible Federal, State, and Municipal codes including, but not limited to fire, building, and electrical codes shall be complied with as a condition of approval by the Board of Zoning Appeals. An inspection report from the Building Inspector and Fire Marshall shall be presented to the Board of Zoning Appeals showing compliance.

**61.2313 Miscellaneous** - The Board of Zoning Appeals may also attach other conditions on the use of the structure or site, which may be necessary in order to carry out the intent of this Ordinance.

**61.24 Bed and Breakfast Homestays** shall be allowed as uses permitted on appeal in R-1 (Low Density Residential) Districts only. In order to preserve and protect the character of the neighborhood in which the use is located, the Board of Zoning Appeals shall ensure the following standards prior to any approval; and any approved Bed and Breakfast Homestay shall conform to the following:

**61.241 Minimum Square Footage Required** - A minimum of 2500 square feet excluding garage / storage space shall be required to establish a bed and breakfast homestay.

**61.242 Permits** - No building permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals. Further, the necessary county

health department permit must be obtained.

**61.243 Location** - The bed and breakfast homestay shall be located in a residence only.

**61.244 Owner Occupied** - The principals engaged in the bed and breakfast homestay operation shall be the property owners, who are residents of the dwelling unit in which the operation is located. Non-residents employees may also be engaged in the operation. Additionally, the residents of the dwelling unit shall establish separate and distinct sleeping quarters from the bed and breakfast homestay guests.

**61.245 Number of Guest Units** - No more than three (3) sleeping quarters of the dwelling unit shall be used for guest lodging in the bed and breakfast homestay. This would not apply to the common areas of the dwelling units, which may be incidentally used by guest, such as bathrooms, living rooms and kitchens, which are not being used as sleeping quarters by guests.

**61.246 Length of Stay** - Lodging of guests at the bed and breakfast homestay shall be limited to no more than fourteen (14) consecutive days during one (1) stay.

**61.247 Site Plan** - An accurately drawn plan shall be presented to the Board of Zoning Appeals no later than ten (10) days prior to the meeting. The site plan shall show the location of the principal residence, off-street automobile only parking, relationship to adjoining properties and surrounding land use, existing zoning of the proposed site, and any other information as may be required by the Board of Zoning Appeals.

**61.248 Appearance** - The establishment of a bed and breakfast homestay shall not change the residential character and outward appearance of the home. Said home shall be not less than fifty years (50) of age.

**61.249 Lot size** - All area and yard requirements of the R-1 - Low Density Residential District must be met.

**61.2410 Signage** - One freestanding sign shall be permitted and shall comply with Section 39 "Sign Regulations" of this Ordinance. However, such signs shall not exceed three (3') feet in height. Said sign shall be for the express purpose of identifying the bed and breakfast homestay, and conform to the appearance and be in keeping with the residential character of the surrounding neighborhood. No direct lighting shall be permitted.

**61.2411 Parking** - Off-street parking facilities shall be provided at the rate of at least one (1) space per sleeping quarter (room) for rent, in addition to at least two (2) spaces for the household parking and at least one (1) parking space for disabled/handicapped guests. Parking shall comply with any current or future parking Ordinance of the City of Munford.

**61.2412 Code Compliance** - All eligible Federal, State, and Municipal codes including, but not limited to fire, building, and electrical codes shall be complied with as a condition of approval by the Board of Zoning Appeals. An inspection report from the Building Inspector and Fire Marshall shall be presented to the Board of Zoning Appeals showing compliance.

**61.2413 Miscellaneous** - The Board of Zoning Appeals may also attach other conditions on the use of the structure or site, which may be necessary in order to carry out the intent of this Ordinance.

**61.3 Uses Prohibited**

Any other use not specifically permitted or permitted on appeal in this section.

**61.4 Minimum Lot Area**

Single-family dwellings	10,000 sq. feet
Churches	As required by the Board of Zoning Appeals after review of the site plan and consideration of the size of the congregation and building
Schools	Five (5) acres plus one (1) acre for each one hundred (100) students or additional acreage as required by the State Board of Education
Other uses	As required by the Board of Zoning Appeals

**61.5 Minimum Lot Width at Building Line**

Single-family dwellings	100 feet
Other uses	As required by the Board of Zoning Appeals

## **61.6 Minimum Yard Requirements**

### **61.61 Minimum Required Front Yard**

Single-family dwellings	30 feet
Other uses	30 feet or more as required by the Board of Zoning Appeals

### **61.62 Minimum Required Side Yard on Each Side of Lot**

Single-family dwellings	15 feet
Other uses	20 feet or more as required by the Board of Zoning Appeals

### **61.63 Yards on Corner Lots**

On corner lots there shall be one designated front yard. The front yard shall be the yard faced by the principal building. Corner Lots shall have one side yard, a side street yard, and a rear yard. The yard opposite the designated front yard shall be considered the rear yard, if applicable, and the remaining yard would be considered side yard.

### **61.64 Minimum Required Rear Yard**

Single-family dwellings	20 feet
Other uses	30 feet or more as required by the Board of Zoning Appeals.

**61.7     Maximum Number of Principal Buildings Permitted**

**61.71**     Residential uses shall be limited to one (1) principal building per lot.

**61.72**     Uses other than residential shall have no limitations on the number of buildings but the aggregate of all buildings shall not exceed thirty-five (35%) percent of the entire lot area.

**61.8     Height Regulations**

No building shall exceed three (3) stories or thirty-five feet (35') in height except that free-standing poles, towers, spires, and structures not designed for or suitable for human occupancy may exceed this height provided that they comply with the provisions of all other pertinent codes and Ordinances, and provided that they are located no closer to the nearest property line than the distance equal to their own height plus five feet (5').

**61.9     Accessory Buildings and Uses**

Accessory buildings and uses shall include private garages, carports and other accessory uses customarily incidental to the previously permitted uses.

**61.91**     Accessory buildings shall be located in the rear yard only. Accessory buildings or uses shall not cover more than thirty percent (30%) of any rear yard and shall be at least five feet (5') feet from all lot lines, recorded easements or other buildings on the same lot.

**61.92**     No accessory building or use shall exceed two (2) stories or twenty-five feet (25') in height.

### **61.10 Site Plan Review**

Prior to the issuance of a building permit, site plan review is required in accordance with Article III, Section 41 of this Ordinance for all permitted uses and uses permitted on approval of the Board of Zoning Appeals, except for single one (1) family residential structures. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the city.

## **Section 62 R-2 - Medium Density Residential District**

The regulations set forth in this section apply to the district designation of the R-2 Residential District. The R-2 district is a medium density residential district consisting of lots of a minimum size of 8,000 square feet.

### **62.1 Uses Permitted**

**62.11** Single-family detached dwellings, not to include mobile homes.

**62.12** Accessory buildings and accessory uses customarily incidental to the above permitted uses.

### **62.2 Uses Permitted on Approval of the Board of Zoning Appeals**

**62.21** Within the R-2 Residential District the uses listed below will be permitted by the Board of Zoning Appeals provided that the use requested is to be located on a route designated as either a major street or a collector street on the Official Munford Major Road Plan and that the other requirements set forth in Article XIII, Section 134.2 are met:

Churches and other places of worship; schools offering general education courses; public owned parks and recreational facilities;



railroad rights-of-way; essential services; cemeteries; libraries and other public uses; child and adult day care homes; and accessory uses customarily incidental to the aforementioned uses provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals after a review of the proposed site plan and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. The Board of Zoning Appeals may require increased yard spaces, larger minimum lot areas and screening to accomplish this objective.

**62.22** Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without 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 preserve and protect the character of the neighborhood in which the proposed use is located, and provided further that:

- a. the proposed use shall be located and conducted in the principal building only;
- b. the persons engaged in any such use shall be residents of the dwelling unit in which the proposed use is located;
- c. not more than twenty percent (20%) of the total ground floor area in the dwelling unit shall be devoted to such proposed use;
- d. the proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
- e. no activity, materials, goods, or equipment indicative of the

proposed use shall be visible from any public way;

- f. the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located.

### **62.3 Uses Prohibited**

Any other use not specifically permitted or permitted on appeal in this section.

### **62.4 Minimum Lot Area**

Single-family dwellings	8,000 square feet
Churches	As required by the Board of Zoning Appeals after review of the site plan and consideration of the size of the congregation and building
Schools	Five acres (5) plus one acre (1) for each one hundred (100) students or additional acreage as required by the State Board of Education
Other uses	As required by the Board of Zoning Appeals

### **62.5 Minimum Lot Width at Building Line**

Single-family dwellings	75 feet
Other uses	As required by the Board of Zoning Appeals

## **62.6 Minimum Yard Requirements**

### **62.61 Minimum Required Front Yard**

Single-family dwellings	30 feet
Other uses	30 feet or more as required by the Board of Zoning Appeals

### **62.62 Minimum Required Side Yard on Each Side of Lot**

Single-family dwellings	10 feet
Other uses	20 feet or more as required by the Board of Zoning Appeals

### **62.63 Yards on Corner Lots**

On corner lots there shall be one designated front yard. The front yard shall be the yard faced by the principal building. Corner Lots shall have one side yard, a side street yard, and a rear yard. The yard opposite the designated front yard shall be considered the rear yard, if applicable, and the remaining yard would be considered side yard.

### **62.64 Minimum Required Rear Yard**

Single-family dwellings	20 feet
Other uses	30 feet or more as required by the

**62.7 Maximum Number of Principal Buildings Permitted**

**62.71** Residential uses shall be limited to one (1) principal building per lot.

**62.72** Uses other than residential shall have no limitations on the number of buildings but the aggregate of all buildings shall not exceed thirty-five percent (35%) of the entire lot area.

**62.8 Height Regulations**

No building shall exceed three (3) stories or thirty-five feet (35') in height except that free-standing poles, towers, spires, and structures not designed for or suitable for human occupancy may exceed this height provided that they comply with the provisions of all other pertinent codes and Ordinances, and provided that they are located no closer to the nearest property line than the distance equal to their own height plus five feet (5')

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**62.9 Accessory Buildings and Uses**

Accessory buildings and uses shall include private garages, carports and other accessory uses customarily incidental to the previously permitted uses.

**62.91** Accessory buildings shall be located in the rear yard only. Accessory buildings or uses shall not cover more than thirty percent (30%) of any rear yard and shall be at least five feet (5') from all lot lines, recorded easements or other buildings on the same lot.

**62.92** No accessory building or use shall exceed two (2) stories or twenty-five feet (25') in height.

**62.10 Site Plan Review**

Prior to the issuance of a building permit, site plan review is required in accordance with Article III, Section 41 of this Ordinance for all permitted uses and uses permitted on approval of the Board of Zoning Appeals, except for single (1) family residential structures. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the city.

## **Section 63      R-3 - High Density Residential District**

The regulations set forth in this section apply to the district designation of the R-3 Residential District. The R-3 district is a high density residential district consisting of single-family homes, two-family dwellings, and semi-detached dwellings.

### **63.1      Uses Permitted**

**63.11** Single-family detached dwellings, not to include mobile homes.

**63.12** Two-family dwellings, provided that a site plan as required in Section 63.10 is reviewed and approved by the Planning Commission.

**63.13** Semi-detached dwellings, provided that a site plan as required in Section 63.10 is reviewed and approved by the Planning Commission.

**63.14** Accessory buildings and accessory uses customarily incidental to the above permitted uses.

### **63.2      Uses Permitted on Approval of the Board of Zoning Appeals**

**63.21** Within the R-3 Residential District, the uses listed below will be permitted by the Board of Zoning Appeals provided that the use requested is to be located on a route designated as either a major

street or a collector street on the Official Munford Major Road Plan and that the other requirements set forth in Article XIII, Section 134.2 are met:

Churches and other places of worship; schools offering general education courses; public owned parks and recreational facilities; railroad rights-of-way; essential services; cemeteries; libraries and other public uses; child and adult day care homes; group day care homes; and accessory uses customarily incidental to the aforementioned uses provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals after a review of the proposed site plan and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. The Board of Zoning Appeals may require increased yard spaces, larger lot areas and screening to accomplish this objective.

**63.22** Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without 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 preserve and protect the character of the neighborhood in which the proposed use is located, and provided further that:

- a. the proposed use shall be located and conducted in the principal building only;
- b. the persons engaged in any such use shall be residents of the dwelling unit in which the proposed use is located;
- c. not more than twenty percent (20%) of the total ground floor area in the dwelling unit shall be devoted to such proposed use;

- d. the proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
- e. no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
- f. the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located.

### **63.3 Uses Prohibited**

Any other use not specifically permitted or permitted on appeal in this section.

### **63.4 Minimum Lot Area**

Single-family dwellings	7,500 square feet
Two-family dwellings	11,000 square feet
Semi-detached dwellings	6,000 square feet
Churches	As required by the Board of Zoning Appeals after review of the site plan and consideration of the size of the congregation and building
Schools	Five (5) acres plus one (1) acre for each one hundred (100) students or additional acreage as required

by the State Board of Education

Other uses

As required by the Board of  
Zoning Appeals

**63.5 Minimum Lot Width at Building Line**

Single-family dwellings

50 feet

Two-family dwellings

50 feet

Semi-detached dwellings

30 feet

Other uses

As required by the Board of  
Zoning Appeals

**63.6 Minimum Yard Requirements**

**63.61 Minimum Required Front Yard**

Single-family  
dwellings

30 feet

Two-family dwellings

30 feet

Semi-detached  
dwellings

30 feet

Other uses

30 feet or more as required by the  
Board of Zoning Appeals

**63.62 Minimum Required Side Yard on Each Side of Lot**

Single-family

10 feet



dwellings

Two-family dwellings                      10 feet

Semi-detached                                5 feet  
dwellings

Other uses                                      20 feet or more as required by the  
Board of Zoning Appeals

**63.63 Yards on Corner Lots**

On corner lots there shall be one designated front yard. The front yard shall be the yard faced by the principal building. Corner Lots shall have one side yard, a side street yard, and a rear yard. The yard opposite the designated front yard shall be considered the rear yard, if applicable, and the remaining yard would be considered side yard.

**63.64 Minimum Required Rear Yard**

Single-family                                20 feet  
dwellings

Two-family dwellings                      20 feet

Semi-detached                                10 feet  
dwellings

Other uses                                      30 feet or more as required by the  
Board of Zoning Appeals

**63.7 Maximum Number of Principal Buildings Permitted**

**63.71** Single-family, two-family and semi-detached residential uses shall be limited to one (1) principal building per lot.

**63.72** Uses other than residential shall have no limitations on the number of buildings but the aggregate of all buildings shall not exceed thirty-five percent (35%) of the entire lot area.

**63.8 Height Regulations**

No building shall exceed three stories (3) or thirty-five feet (35') in height except that free-standing poles, towers, spires, and structures not designed for or suitable for human occupancy may exceed this height provided that they comply with the provisions of all other pertinent codes and Ordinances, and provided that they are located no closer to the nearest property line than the distance equal to their own height plus five feet (5').

**63.9 Accessory Buildings and Uses**

Accessory buildings and uses shall include private garages, carports and other accessory uses customarily incidental to the previously permitted uses.

**63.91** Accessory buildings shall be located in the rear yard only. Accessory buildings or uses shall not cover more than thirty percent (30%) of any rear yard and shall be at least five feet (5') from all lot lines, recorded easements or other buildings on the same lot.

**63.92** No accessory building or use shall exceed two stories (2) or twenty-five feet (25') in height.

**63.10 Site Plan Review**

Prior to the issuance of a building permit, site plan review is required in

accordance with Article III, Section 41 of this Ordinance for all permitted uses and uses permitted on approval of the Board of Zoning Appeals, except for single one (1) family residential structures. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the city.

## **Section 64 R-4 - High Density Multi-family Residential District**

The regulations set forth in this section apply to the district designation of the R-4 Residential District. The R-4 district is a high-density residential district consisting of townhouse, multi-family, and attached dwelling developments, as well as single-family dwellings under the provisions for Traditional Neighborhood developments.

### **64.1 Uses Permitted**

**64.11** Multi-family dwellings, provided that a site plan as required in Section 64.10 is reviewed and approved by the Planning Commission.

**64.12** Townhouses, provided that a site plan as required in Section 64.10 is reviewed and approved by the Planning Commission.

**64.13** Attached dwellings, provided that a site plan as required in Section 64.10 is reviewed and approved by the Planning Commission.

**64.14** Single-family dwellings, under the provisions for Traditional Neighborhood developments.

**64.15** Accessory buildings and accessory uses customarily incidental to the above permitted uses.

### **64.2 Uses Permitted on Approval of the Board of Zoning Appeals**

**64.21** Within the R-4 Residential District, the uses listed below will be permitted by the Board of Zoning Appeals provided that the use

requested is to be located on route designated as either a major street or a collector street on the Official Munford Major Road Plan and that the other requirements set forth in Article XIII, Section 134.2 are met:

Churches and other places of worship; schools offering general education courses; public owned parks and recreational facilities; railroad rights-of-way; essential services; cemeteries; libraries and other public uses; child and adult day care homes; group day care homes; and accessory uses customarily incidental to the aforementioned uses provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals after a review of the proposed site plan and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. The Board of Zoning Appeals may require increased yard spaces, larger lot areas and screening to accomplish this objective.

**64.22** Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without 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 preserve and protect the character of the neighborhood in which the proposed use is located, and provided further that:

**64.221** the proposed use shall be located and conducted in the principal building only;

**64.222** the persons engaged in any such use shall be residents of the dwelling unit in which the proposed use is located;

**64.223** not more than twenty percent (20%) of the total ground floor area in the dwelling unit shall be devoted to such proposed use;

**64.224** the proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;

**64.225** no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;

**64.226** the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located.

**64.3 Uses Prohibited**

Any other use not specifically permitted or permitted on appeal in this section.

**64.4 Minimum Lot Area**

Multi-family dwellings	3,000 square feet per dwelling unit plus an additional 15 percent required open space calculated on the entire development
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Townhouses and Attached dwellings	3,000 square feet per dwelling unit plus an additional fifteen percent (15%) required open space calculated on the entire
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	development
Traditional Neighborhood Single-Family Dwellings	3,500 square feet, with designated open space required in the planned development as depicted in this Article, Section 64.102(8).
Churches	As required by the Board of Zoning Appeals after review of the site plan and consideration of the size of the congregation and building
Schools	Five acres (5) plus one acre (1) for each one hundred (100) students or additional acreage as required by the State Board of Education
Other uses	As required by the Board of Zoning Appeals

#### **64.5 Minimum Lot Width at Building Line**

Multi-family dwellings	60 feet
Townhouses and Attached dwellings	60 feet for the tract of land developed and 25 feet for each dwelling unit
Traditional Neighborhood Single-Family Dwellings	40 feet
Other uses	As required by the Board of

**64.6 Minimum Yard Requirements**

**64.61 Minimum Required Front Yard**

Multi-family dwellings	30 feet for the exterior boundary of the development and 10 feet for interior lots
Attached dwellings	30 feet for the exterior boundary of the development and 10 feet for interior lots
Traditional Neighborhood Single-Family Dwellings	30 feet for exterior lots and 10 feet with a maximum setback of 15 feet for interior lots
Other uses	30 feet or more as required by the Board of Zoning Appeals

**64.62 Minimum Required Side Yard on Each Side of Lot**

Multi-family dwellings	20 feet for the exterior boundary of the development and 5 feet for interior lots except for units built with adjoining walls.
Townhouses and Attached dwellings	20 feet for the exterior boundary of the development and 5 feet for

	interior lots except for units built with adjoining walls
Traditional Neighborhood Single-Family Dwellings	5 feet for interior lots, with 20 feet setbacks for lots adjacent to property outside the development
Other uses	20 feet or more as required by the Board of Zoning Appeals

#### **64.63 Yards on Corner Lots**

On corner lots there shall be one designated front yard. The front yard shall be the yard faced by the principal building. Corner Lots shall have one side yard, a side street yard, and a rear yard. The yard opposite the designated front yard shall be considered the rear yard, if applicable, and the remaining yard would be considered side yard.

#### **64.64 Minimum Required Rear Yard**

Multi-family dwellings	15 feet for the exterior boundary of the development and 5 feet for interior lots
Townhouses and Attached dwellings	15 feet for the exterior boundary of the development and 5 feet for interior lots
Traditional Neighborhood Single-Family Dwellings	5 feet for interior lots, with 15 feet setbacks for lots adjacent to property outside the development



Other Uses

30 feet or more as required by the  
Board of Zoning Appeals

**64.7 Maximum Number of Principal Buildings Permitted**

**64.71** Multi-family residential uses shall have no limitations on the number of principal buildings per lot provided that the lot area and yard requirements are met and provided that the site plan for the complex is approved by the Planning Commission as required in Section 64.10.

**64.72** Traditional Neighborhood single-family dwellings, townhouses and attached dwelling residential uses shall be limited to one (1) principal building per lot. Site plans must be approved by the Planning Commission as required in Section 64.10.

**64.73** Uses other than residential shall have no limitations on the number of buildings but the aggregate of all buildings shall not exceed thirty-five percent (35%) of the entire lot area.

**64.8 Height Regulations**

No building shall exceed three stories (3) or thirty-five feet (35') in height except that free-standing poles, towers, spires, and structures not designed for or suitable for human occupancy may exceed this height provided that they comply with the provisions of all other pertinent codes and Ordinances, and provided that they are located no closer to the nearest property line than the distance equal to their own height plus five feet (5').

**64.9 Accessory Buildings and Uses**

Accessory buildings and uses shall include private garages, carports and other accessory uses customarily incidental to the previously permitted uses.

**64.91** Accessory buildings shall be located in the rear yard only. Accessory

buildings or uses shall not cover more than thirty percent (30%) of any rear yard and shall be at least five feet (5') from all lot lines, recorded easements or other buildings on the same lot.

**64.92** No accessory building or use shall exceed two stories (2) or twenty-five feet (25') in height.

#### **64.10 Site Plan Review**

Prior to the issuance of a building permit, site plan review is required in accordance with Article III, Section 41 of this Ordinance for all permitted uses and uses permitted on approval of the Board of Zoning Appeals. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the city.

##### **64.101 Townhouses and Multi-Family Dwellings, Attached dwellings**

These type dwellings require a site plan under the provisions of Section 64.10 and Article III Section 41 of this Ordinance. Multi-Family Dwellings are subject to the Design Standards, Section 64-103.

##### **64.102 Traditional Neighborhood Single-Family Dwellings**

Single-Family Dwellings require a preliminary and final site plan under the following provisions for Traditional Neighborhood developments:

- (1) Developments will be a minimum of five acres (5) and a maximum of twenty acres (20).
- (2) Developments are permitted only within a half mile (0.5 mile) of any school park or other public space or within a half mile (0.5 mile) of the Central Business District, a point approved by the Planning Commission.
- (3) All rights-of-way must be a minimum of twenty five feet (25') in width.

- (4) Ten foot (10') easements must be on both sides of each street to allow for utilities and sidewalks.
- (5) Sidewalks will be required along all streets and must be at least four feet (4') in width, with a minimum of a three feet (3') grass strip between the curb and sidewalk.
- (6) Curbing and guttering must be provided throughout the entire development, in accordance with design standards specified in the Munford Municipal Subdivision Regulations.
- (7) Each lot must have direct access to a twenty foot (20') wide alley with a paved surface, with design standards in accordance with the Munford Municipal Subdivision Regulations.
- (8) In addition to open space created by streets, alleys and setbacks, an additional three percent (3%) of the development must be designated as open space. Such open space must be maintained by either a homeowners' association or the City of Munford – a point determined by the Munford Planning Commission. Areas such as common grounds or neighborhood facilities may qualify, as well as functional areas such as detention basins, if approved by the Planning Commission.
- (9) Documentation must be provided by the City of Munford that sufficient infrastructure exists to support the development. Any expansion would be at cost to the developer. Documentation will be in the form of the City Manager's signature on the site plan.
- (10) In addition to the requirements of the Munford Municipal Subdivision Regulations, a preliminary site plan and a final site plan must be submitted for the total development. The preliminary site plan will also contain information sufficient to qualify as a preliminary plat. Construction plan information must then be provided. Finally a final site plan for enforcement and a final subdivision plat for recording must be submitted and approved by the Planning Commission.

#### **64.103 Design Standards for Multi-Family Dwellings**

The following standards are required for all Multi-Family Developments and should be applied along with Site Plan Review by the Planning Commission. The purpose of these regulations are to promote qualities in the environment that will sustain economic well-being while maximizing potential for perseveration of green space and open space while fostering attractiveness and functional utility resulting in a rural, small-town atmosphere where people desire to live, work, and relax while preserving and safeguarding public investment.

##### **Architectural Guidelines:**

- (1) No more than four (4) units per building shall be permitted.
- (2) Structures should be compatible or superior to established local character and create a “sense of neighborhood”.
- (3) In most cases, buildings are not viewed in isolation, but rather in the context of nearby buildings and sites. While architectural style may vary, buildings should be compatible with their environment with regard to massing, scale, proportion of openings, roof types, types of glazed openings, and degree of detail.
- (4) Building forms should be tailored to complement the existing or approved manipulations of the topography and site features.
- (5) Buildings should be oriented such that their main entrances are visible from the approach, unless the characteristics of the site result in an unacceptable burden.
- (6) Where a clearly established development character and scale exists, new infill development should include key design elements of adjoining buildings with respect to windows, doors, rhythm of bays, detailing, roof forms, materials, and colors.
- (7) Exterior colors should be earth tones and compatible with adjacent properties. Subdued, muted colors are preferred; bright colors may be permitted on a limited basis to achieve accent or contrast.
- (8) Buildings should have a defined base and cap.
- (9) Buildings should be sited with front entrances and porches towards streets, drives and plazas, rather than clustered around parking lots

- (10) Long, uninterrupted facade planes greater than 50' should be avoided.
- (11) Window and door openings should have a vertical orientation and should be vertically coordinated between floors.
- (12) The following are acceptable as exterior materials: brick, rock, tile, plaster, stucco, glass and glazing, or other materials as deemed acceptable. Unacceptable exterior materials include standard block, metal siding, and vinyl. Ground face masonry may be used as an accent only.
- (13) Primary facade materials should change at outside corners. Material changes should occur along a horizontal line or where two forms meet. It may be acceptable, however, for a change of materials as accent around windows, doors, cornice lines, at building corners, or in a repetitive pattern.
- (14) Exterior walls, excluding windows and doors, should be comprised primarily of one material. Complementary secondary materials are recommended to provide detail and scale.
- (15) The primary architectural treatment will normally be required only on the front of the building, with the exceptions of situations where the building is situated on an intersection, in which case exposed sides would be included. Sides and rear of buildings, as well as any accessory structures pertinent to the primary use, may be accentuated with similar materials as previously described. The primary material should extend over a minimum of 50% of the exterior wall.
- (16) Blank walls facing streets should be avoided.
- (17) Roof forms should be appropriate to the general design and scale and should be applied to the entire roof. Flat roofs or low-pitched roofs with parapet walls are encouraged for larger buildings. Alternative roof forms may be acceptable if deemed appropriate in consideration of a unique architectural style.
- (18) Roofs that are visible from the street should be finished with colors and features consistent with the architecture of the facade.
- (19) Rooftop units should be screened from all non-aerial views and should be compatible in color and material with the overall building palette.

- (20) Service or loading areas should be located away from streets, be adequately screened, or appropriately designed as an attractive feature.
- (21) Prototype or franchise appearances shall reflect these architectural restrictions. National standard designs shall be adapted to complement the local context by careful siting, use of compatible materials, and prudent landscaping to appropriately blend with the neighborhood.

#### **Landscaping Guidelines:**

- (1) Buffer area shall be required to be planted along the perimeter of the site.
- (2) Consideration for the use of native drought resistant species is strongly encouraged to reduce the need for aggressive irrigation systems.
- (3) Large areas of mulch, gravel, or bare soil should be avoided.
- (4) A minimum of 20% of the site should be dedicated to vegetated landscape. In certain cases, utilization of permeable pavement and other sustainable tools may be considered as a means of reducing the minimum landscape area.
- (5) Use of groundcover, shrubs, and understory trees is encouraged as a lower maintenance and higher impact treatment than predominant use of turf.
- (6) Diseased, dead, or dying vegetation shall be professionally treated, or removed and replaced in accordance with the originally specified plan.

#### **Screening & Fencing Guidelines:**

- (1) Screening should be utilized to soften transitional areas between land uses, and as nuisance barriers for service and loading areas, dumpsters, material storage areas, utility boxes, etc.
- (2) Screening may be composed of shrubs, understory trees, landscaped earthen berms, or constructed fencing.
- (3) Fences should not exceed 6 feet in height and may be composed of rock, masonry, durable wood, or ornamental metal. In some cases, the use of chain link (dark green or black only), plastic, or wire fencing may be considered.

- (4) Long, solid fencing should be softened by addition of shrubs or trees along the fence and turns should be accomplished using curves rather than sharp turns or corners.
- (5) Screens should not divert or impede natural water flow unless specifically designed for that purpose.

**Lighting:**

- (1) Lighting guidelines do not apply to street lighting which are subject to subsequent ownership by the City of Munford.
- (2) The lighting plan should consider lighting schemes that compliments the surrounding features with minimum adverse impact on adjacent properties and the public realm.
- (3) Lighting levels should be as level as practical.
- (4) Light fixtures that cast light downward are preferred.
- (5) Warm lighting colors are preferred; blue-white color is discouraged.
- (6) Lighting fixtures should be shielded to reduce glare.
- (7) An average of 0.4 foot-candles is preferred.
- (8) Ornamental lighting is strongly encouraged with consistent poles and fixtures throughout a development.
- (9) Concrete pole bases should not exceed 12 inches in height.
- (10) Ground-mounted, pedestrian scale lighting and bollards should be considered as an alternate to pole mounted lighting where practical.
- (11) Lighting directed on buildings is discouraged.

**Signage Guidelines:**

- (1) Emphasis of signage should be on identification rather than advertising.
- (2) Use of ground level mobile signs with removable and interchangeable lettering shall be avoided.
- (3) Ground level signs should be located in consideration of traffic and pedestrian safety, street rights of way and setback requirements and should be complemented with the use of groundcover, flowers, shrubs, or other landscape or hardscape material to soften the presentation.

### **Parking/Garages/Walkways Guidelines:**

- (1) Common parking facilities shall be screened from the property line exterior to the development site and shall not be visible to adjacent single family parcels. Such parking facilities shall not be designed for more than twelve parking spaces and shall not be closer than one hundred feet to another such parking facility.
- (2) Parking lots shall be located behind buildings or screened from view from internal streets, except where it is deemed appropriate to use a parking lot as a buffer from an arterial street.
- (3) At no time, will individual common parking spaces be covered.
- (4) Garages shall be designed to be integrated with the building design or sited so as to avoid long monotonous rows or garage doors and building walls. Garages shall be oriented so that they do not visually dominate the building.
- (5) Trailers may be utilized to move items such as furniture, appliances etc. but are not allowed to occupy parking spaces.
- (6) All vehicles must maintain and display current registration at all times.
- (7) Minor maintenance/upkeep such as washing, polishing, tire changing etc. may be permitted.
- (8) Vehicles must be supported by tires with no assist from jack stands, blocks or similar items.
- (9) Commercial vehicles, buses, delivery trucks are not allowed to park for extended times.
- (10) Walkways shall connect all buildings with the parking areas, play areas, clubhouses and existing public sidewalks adjacent to the development site.

### **Miscellaneous Guidelines:**

The Planning Commission shall review all aspects of the Site Plan and in addition to consideration of the hereinabove described Guidelines, the Planning Commission shall review and make recommendations concerning proper utilization of parking, buffering, erosion control, storm run-off, drainage, curbs/gutters/sidewalks and any other factors deemed appropriate and in accordance with various provisions within the Munford Zoning Ordinance.



## **Section 65   R-5 - Mobile Home Residential District**

The regulations set forth in this section apply to the district designation of the R-5 Residential District. The R-5 district is a high density residential district consisting of mobile home parks.

### **65.1   Uses Permitted**

**65.11** Single-family Mobile Homes in mobile home parks.

**65.12** Recreational Vehicles in mobile home parks limited to temporary uses of a period not to exceed thirty(30) days.

**65.13** Mobile home park offices.

**65.14** Accessory buildings and accessory uses customarily incidental to the permitted uses.

**65.15** Signs as permitted in Section 39.

### **65.2   Uses Prohibited**

Any other use not specifically permitted in Section 65.1.

### **65.3   Minimum Lot Area**

Mobile Home Parks

Two acres (2) with fifteen percent (15%) of the park area set aside for recreation and open space requirements. No portion of the required square footage for the mobile home dwelling shall be counted toward the fifteen percent

(15%) open space requirement

Single-family mobile home

4,500 square feet per individual mobile home space

**65.4 Minimum Lot Width at Building Line**

Mobile Home Parks

60 feet for the overall development (periphery)

Single-family mobile home

50 feet per mobile home space

**65.5 Minimum Yard Requirements**

**65.51 Minimum Required Front Yard**

Mobile Home Parks

25 feet for the overall development

Single-family Mobile Home

20 feet for the mobile home interior front yard

**65.52 Minimum Required Side Yard on Each Side of Lot**

Mobile Home Parks

25 feet for the overall development

Single-family mobile home

10 feet for the interior side yard

**65.53 Yards on Corner Lots**

On corner lots there shall be one designated front yard. The front

yard shall be the yard faced by the principal building. Corner Lots shall have one side yard, a side street yard, and a rear yard. The yard opposite the designated front yard shall be considered the rear yard, if applicable, and the remaining yard would be considered side yard.

#### **65.54 Minimum Required Rear Yard**

Mobile Home Parks	20 feet for the overall development
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Single-family mobile home	10 feet for the interior rear yard
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#### **65.6 Maximum Number of Principal Buildings Permitted**

**65.61** Uses shall have no limitations on the number of principal buildings per lot provided that the lot area and yard requirements are met and provided that the site plan for the complex is approved by the Planning Commission as required in Section 65.10.

**65.62** Uses other than residential shall have no limitations on the number of buildings, but the aggregate of all buildings shall not exceed thirty-five percent (35%) of the entire lot area.

#### **65.7 Height Regulations**

No building shall exceed three stories (3) or thirty-five feet (35') in height except that free-standing poles, towers, spires, and structures not designed for or suitable for human occupancy may exceed this height provided that they comply with the provisions of all other pertinent codes and Ordinances, and provided that they are located no closer to the nearest property line than the distance equal to their own height plus five feet (5').

#### **65.8 Accessory Buildings and Uses**

Accessory buildings and uses shall include private garages, swimming pools, carports and other accessory uses customarily incidental to the previously permitted use.

**65.81** Accessory buildings shall be located in the rear yard only. Accessory buildings or uses shall not cover more than thirty percent (30%) of any rear yard and shall be at least five feet (5') from all lot lines, recorded easements or other buildings on the same lot.

**65.82** No accessory building or use shall exceed two stories (2) or twenty-five feet (25') in height.

## **65.9 Development Requirements**

All mobile home parks developed in the City of Munford must meet certain development requirements. A mobile home park site plan must be submitted to the Planning Commission which shows that the following development requirements will be met:

### **65.91 Mobile Home Parks Screening**

There shall be screening along the side and rear lot lines. The screening will either be a five feet (5') wide green strip with evergreen plants at least five feet (5') tall or a fence of a minimum height of six feet (6'). The fence will be designed to totally block visibility of the development even when the viewer is moving.

### **65.92 Mobile Home Space**

The site plan will show that there is a space for each mobile home with the minimum amount of area as set forth in Section 65.3. Each space shall front on a street which is part of the mobile home park system.

**65.93 Installation Requirements for Mobile Home (Pads)**

- a. All mobile homes permitted under this section shall be set upon masonry blocks or steel piers which are constructed upon a concrete footing, and each mobile home shall be anchored with approved anchors as required by Tennessee Code Annotated, Section 68-45-103.
- b. All mobile homes moved into any mobile home park, existing or new, after the effective date of this Ordinance shall have under skirting to prevent the accumulation of refuse and rodents.

**65.94 Street System**

- a. The internal street system shall consist of paved streets with a paved surface a minimum of twenty two feet (22') wide measured from the edge of the paved surface to the edge of the paved surface.
- b. The construction standards for the streets are: The sub-grade shall consist of six inches (6") of compacted chert or gravel topped with asphalt primer as per the subdivision regulation standards.

**65.95 Water lines** - shall be a minimum six inch (6") water main looped for adequate water pressure for fire protection with fire hydrants every five hundred feet (500') and shall be approved by the Water and Sewer Department.

**65.96 Sewer lines** - shall be minimum eight inch (8") sewer pipe, with four inch (4") force mains where applicable, designed according to the standards required in the Subdivision Regulations and shall be

approved by the Water and Sewer Department.

**65.97 Paved Parking** - All trailer spaces shall provide a minimum of four hundred square feet (400 sq.ft.) of paved parking area.

**65.98 Drainage Plan** - A drainage plan must be approved by the City Engineer.

**65.10 Regulations for Establishment of Mobile Home Parks**

**65.101 Planning Commission Approval of Mobile Home Park Site Plan**

The applicant desiring to establish a mobile home park shall submit a site plan of the proposed development. The Planning Commission shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the requested use. These may include but shall not be limited to setbacks, screening, lighting, parking location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing buildings, the authority to specify building materials, colors or similar considerations.

**65.102 Site Plan Requirements for Mobile Home Parks**

Prior to the issuance of a building permit for the construction of mobile home parks, the developer shall submit a site plan to the Planning Commission for review and approval. The site plan shall include the following:

- a. drawn to a scale not more than one inch equals one hundred feet (1"=100');

- b. name and owner of record;
- c. proposed park name;
- d. north point and graphic scale and date;
- e. vicinity map showing location and acreage of mobile home park;
- f. exact boundary lines of the tract by bearing and distance;
- g. names and adjoining property owners;
- h. existing streets; utilities, easements, and water courses adjacent to the tract;
- i. the location of the mobile home park and the boundaries of the mobile home spaces will be indicated.
- j. proposed design including streets, proposed street names, lot line with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land used for purposes other than mobile home spaces;
- k. provisions for water supply, sewerage and drainage; and
- l. the following certifications are required: (1) owner's certification (2) Planning Commission approval signed by the secretary (3) certification of the Tennessee Department of Environment and Conservation.

The Planning Commission may require modification of the site plan with respect to the following items to ensure that the proposed project is compatible with and does not adversely

affect the adjacent properties:

- a. relocation of drives and parking areas;
- b. require increased lot areas and/or setbacks;
- c. require screening;
- d. alter building locations.

The developer shall also submit a complete utility plan showing the location and sizes of proposed water and sewer lines and fire hydrants to the Munford Director of Public Works at the time the site plan is submitted. The Planning Commission may withhold site plan approval at the request of Public Works until he and the water and sewer committee are satisfied with the water, sewer and fire hydrant plans.

#### **65.11 Licenses and License Fees**

- 65.111** No mobile home may be located in the City of Munford unless the same shall be in an approved and duly licensed mobile home park.
- 65.112** It shall be unlawful for any person to maintain or operate within the corporate limits of the City of Munford any mobile home park unless such person shall first obtain a license for that park.
- 65.113** Licenses shall not be transferred.
- 65.114** The annual license fee for each mobile home park shall be established by the Board of Mayor and Aldermen of the City of Munford.



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

**65.12 Application for License**

Applications for a mobile home license shall be filed with and issued by the Building Inspector. Applications shall be in writing signed by the applicant and shall contain the following:

- a. name and address of applicant;
- b. location and legal description of mobile home park;
- c. a valid state permit issued by the Tennessee Department of Public Health (Health and Environment);
- d. a complete plan shall be clearly and legibly drawn to a scale of one inch to equal one hundred feet (1"=100'). The plan shall show buildings, and structures, streets, existing road ways, utilities, the location of pads and individual mobile home spaces;
- e. such further information as may be requested by the Building Inspector to enable him to determine if the proposed park will comply will legal requirements.

The application and all accompanying plans and specifications shall be filed in triplicate. The Building Inspector and the Health Officer shall investigate the applicant and inspect the proposed plans and specifications. If the proposed mobile home park will be in compliance with all provisions of this Ordinance, the Building Inspector shall approve the application and upon completion of park according to the plans, shall issue the license.

**65.13 Revocation of License**

The Building Inspector shall make periodic inspections of the park to ensure compliance with this Ordinance. In case of non-compliance with any provisions of this Ordinance, the Tennessee Department of Environment and Conservation and/or Building Inspector shall serve warning to the licensee. Thereafter, upon failure to the licensee to remove said violation, the Health Officer and Building Inspector shall have the authority for the revocation of the license. The license may be reissued if the circumstances leading to revocation have been remedied and the park can be maintained and operated in full compliance with the law.

#### **65.14 Register of Mobile Homes**

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

- a. the make, model and year of all mobile homes;
- b. owner and/or lease of each mobile home;
- c. the dates of arrival and departure of each mobile home or recreational vehicle.

The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three years (3) following the date of registration.

#### **65.15 Non-conforming Mobile Home Parks**

All additions or improvements to an existing non-conforming mobile home park shall be conforming with these regulations. An upgrade/replacement of an existing mobile home does not constitute an improvement.

## **Section 66 Planned Residential Development District (PRD)**

This section is intended to provide the means and the guidelines through which tracts of land may be developed through an overall unified approach rather than the traditional lot-by-lot treatment afforded by other districts in this Ordinance. It is intended to provide a maximum of design freedom in order to create a better living environment, by making the best use of topography and land features and by permitting the developer an opportunity to more fully utilize the physical characteristics of the site through the reduction of lot sizes, the absence of yard and bulk restrictions and the planned mixing of uses. Through the requirement of a development plan, it is the intent that property under this section will be developed through a unified design providing continuity between the various elements and ultimately leading to a better environment. Increased residential densities may be permitted under this Section if such increase can be substantiated on the basis that the superior design makes greater densities possible with no reduction of amenities. This section is not intended as a panacea and should not be utilized as a device for making increased densities more acceptable or as a means of circumventing the City's development regulations.

### **66.1 Objectives**

The Board of Mayor and Aldermen may, upon proper application, rezone a site of at least three acres (3) to PRD to facilitate the use of flexible techniques of land development and site design by providing relief from zone requirements designed for conventional developments. In addition, the Board may establish standards and procedures, including restricting land uses to only those compatible to surrounding development prior to a rezoning in order to obtain one or more of the following objectives:

1. Promote flexibility in design and permit planned diversification in the location of structures.
2. Promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities.
3. Preserve to the greatest extent possible the existing landscape features and

amenities and to utilize such features in a harmonious fashion.

4. Provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures.
5. Combine and coordinate architectural styles, building forms and building relationships within the planned developments.
6. Ensure a quality of construction commensurate with other developments within the city.
7. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
8. Rational and economic development in relation to public services.
9. Efficient and effective traffic circulation, both within and adjacent to the development site.
10. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.

## **66.2 Planned Residential Developments**

Under this section, Planned Residential Developments (PRD) shall be permitted, subject to the stated requirements. PRD's are established by overlaying a Preliminary Development Plan over the existing district. The overlays are as follows: PRD (Planned Residential Development) over R-1, R-2 and R-3 districts. A zoning amendment is required following the procedures outlined in this section and in accordance with Article XIV of this Zoning Ordinance.

## **66.3 Modification of District Regulations**

Planned Residential Developments may be constructed in the above zoning districts subject to the standards and procedures set forth below:

1. Except as modified by and approved in the Ordinance approving a preliminary development plan, a Planned Residential Development shall be governed by the regulations of the district or districts in which the said Planned Residential Development is located.
2. The Ordinance approving the preliminary development plan for the Planned Residential Development may provide for such exceptions from the district regulations governing area, setback, width and other bulk regulations, parking, and such subdivision regulations as may be necessary or desirable to achieve the objectives of the proposed Planned Residential Development, provided such exceptions are consistent with the standards and criteria contained in this section and have been specifically requested in the application for a Planned Residential Development and further provided that no modification of the district requirements or subdivision regulations may be allowed when such proposed modification would result in:
  - a. Inadequate or unsafe access to the Planned Residential Development.
  - b. Traffic volume exceeding the anticipated capacity of the major street network in the vicinity.
  - c. An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the Planned Residential Development.
  - d. A development which will be incompatible with the purposes of this Ordinance.

Such exceptions shall supersede the regulations of the zoning district in

which the Planned Residential Development is located. Provided, however, in no case shall the uses or densities be varied, except as herein provided, and setbacks along the boundary of the Planned Residential Development shall not be less than those allowed in the underlying zoning.

#### **66.4 Coordination with Subdivision Regulations**

The uniqueness of each proposal for a Planned Residential Development may require that specifications for which the width and surfacing of streets, public ways, public utility rights-of-way, curbs and other standards may be subject to modification from the specifications established in the Subdivision Regulations adopted by the Planning Commission. Modifications may be incorporated only with the review of the Munford Planning Commission and approval of the Board of Mayor and Aldermen as part of its review of the Development Plan for a PRD and granted as a variance in the preliminary approval of the subdivision which must be concurrent with the final approval by the Planning Commission of the plan.

1. It is the intent of this Ordinance that subdivision review under the Subdivision Regulations be carried out simultaneously with the review of a Planned Residential Development under this section of the Zoning Ordinance.
2. The development plans submitted under section 66.7 must be submitted in a form that will satisfy the requirements of the Subdivision Regulations for preliminary and final plats.
3. The requirements for both this section of the Zoning Ordinance and those of the Subdivision Regulations shall apply to all PRD's and all actions of the Board of Mayor and Aldermen pertaining to PRD's shall be based upon a recommendation by the Planning Commission.

#### **66.5 General Provisions**

The following general provisions shall apply to any Planned Residential

Development Districts created by the Board Mayor and Aldermen.

**66.51 Application for Planned Residential Development Permit Required**

Each application for a Planned Residential Development shall be submitted in accordance with requirements of these regulations and the requirements set forth in the Subdivision Regulations. Variances to the requirements of both regulations may be granted upon review of the Planning Commission.

**66.52 Waiver of Board of Zoning appeals Action**

No action of the Board of Zoning Appeals shall be required in the approval of a Planned Residential Development District.

**66.53 Ownership and Division of Land**

No tract of land may be considered for or approved as a PRD unless such tract is under the single ownership of a landowner. For the purpose of this Ordinance, a landowner may be a person, partnership, corporation, association or any other legal entity entitled to own property. The holder of a written option to purchase, a party purchaser to a contract for the sale of real property contingent upon the success of a PRD application for the property, or any governmental agency shall be considered landowners for the purpose of this Section. Unless otherwise provided as a condition of approval of PRD, the landowner of an adopted PRD may divide and transfer parts of such development. The transferee shall complete each section and use and maintain it in strict conformance with the final development plan.

**66.54 Professional Design**

The Munford Planning Commission shall not consider any development plan for any proposed Planned Residential Development, either on a

preliminary or final basis, nor shall the Munford Board of Mayor and Aldermen concur with any preliminary development plan for a proposed Planned Residential Development unless such proposed plan includes a certification that the services of a licensed civil engineer or licensed land surveyor was utilized in the preparation of the master plan.

#### **66.55 Development Period; Staging**

The expeditious construction of any Planned Residential Development authorized under these provisions shall be undertaken to assist in the assurance of the full completion of the development in accordance with the adopted final development plan.

##### **a. Start of Development**

Within five years from the date of preliminary approval of a PRD, actual construction shall have commenced in such development. Actual construction is defined to include the placing of construction materials in a permanent position and fastened permanently or extensive grading including demolition or removal of existing structures necessary for the development. If no substantial construction, as determined by the Building Inspector, has begun within the time stated in the final development and construction schedule, the final development plan shall lapse upon written notice to the applicant from the Planning Commission and shall be of no further effect. At its discretion and for good cause, the Planning Commission, may extend for a reasonable time, not to exceed one year, the period for the beginning of construction.

##### **b. Completion Period**

The Munford Planning Commission may establish a reasonable period of time for the completion of the Planned Residential Development at the time the PRD district is established.



**c. Staging of Development**

The Planning Commission may elect to permit the staging of development, in which case, the following provision shall be complied with:

Each stage shall be so planned and so related to existing surrounding and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the development or its surrounding at any stage of the development. The development staff shall review any proposed phasing plan and recommend to the Planning Commission a plan for the phasing and recommended construction of improvements including site improvements, streets, surface and subsurface drainage, water lines, sewer lines, parking areas, landscaping, plantings and screening. The Developer shall also prepare a cost estimate of the recommended improvements to be approved by the City Engineer for bonding purposes.

**66.56 Common Open Space and Public Facilities**

The requirements of common open space and public facilities shall be in accordance with the provisions of this Section.

- a. Common open space must be usable for recreational purpose or must provide visual, aesthetic and environmental amenities. The uses authorized for the common open space must be appropriate to the scale and character of the Planned Residential Development considering its size, density, expected population, topography and the number and type of structures to be provided.

- b. Common open space must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. Any buildings, structures and improvements to be located in the common open space must be appropriate to the uses which are authorized therefor, and must conserve and enhance the amenities of the common open space having regard to its topography and the intended function of the common open space.
- c. The development phasing sequence which is part of the preliminary development plan must coordinate the improvement of the common open space, the construction of the buildings, structures and improvements in the common open space, the construction of public improvements and the construction of residential dwellings in a Planned Residential Development, but in no event shall occupancy permits for any phase of the final development plan be issued unless and until the open space which is part of that phase has been dedicated or conveyed and improved.
- d. No common open space of a Planned Residential Development shall be conveyed or dedicated by the developer or any other person to any public body, homeowner's association or other responsible party unless the Munford Planning Commission has determined that the character and quality of the tract to be conveyed make it suitable for the purpose for which it was intended. The Planning Commission may give consideration to the size and character of the dwellings to be constructed within the Planned Residential Development, the topography and existing trees, the ground cover and other natural features, the manner in which the open space is to be improved and maintained for recreational or amenity purposes, and the

existence of public parks or other public recreational facilities in the vicinity.

- e. All land shown on the final development plan as common open space may be either:
  - (1) conveyed to a public body, if said public body agrees to accept conveyance and to maintain the common open space and any buildings, structures or improvements which have been placed on it; or
  - (2) conveyed to an organization for ownership and maintenance subject to the following:
    - (a) The Munford Planning Commission and Munford Board of Mayor and Aldermen may require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space and such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to the City of Munford and said dedication be approved by the Board of Mayor and Aldermen. However, the conditions of any transfer shall conform to the adopted final development plan.
    - (b) In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time

after the establishment of the Planned Residential Development fail to maintain the common open space in reasonable order and condition in accordance with the adopted final development plan, the Building Official may serve written notice upon such organization and/or the owners or residents of the Planned Residential Development and hold a public hearing. After thirty (30) days when the deficiencies of maintenance are not corrected, the Building Official shall call upon any public or private agency to maintain the common open space.

- (c) The cost of such maintenance by such agency shall be assessed proportionally against the properties within the Planned Residential Development that have a right of enjoyment of the common open space and shall become a lien on said properties.
- (d) If the common open space is deeded to a Homeowners' and/or Property Owners Association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for preliminary approval. The provisions shall include but not be limited to the following:
  - (i) The Association must be set up before homes are sold.
  - (ii) Membership must be mandatory for each homebuyer and any successive buyer.

- (iii) The open space restrictions must be permanent, not just for a period of years.
- (iv) The Association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities.
- (v) Homeowners/Property owners must pay their pro rata share of the cost of the assessment levied by the association to meet changed needs.

**66.57 Dedication of Public Facilities**

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

**66.58 Bond Requirement for Improvements**

The Planning Commission shall require that a performance bond be furnished and filed with the City of Munford for private and public improvements in coordination with the procedures set forth in Munford's Municipal Subdivision Regulations.

**66.59 Relation to Utilities, Public Facilities**

PRD districts shall be so located in relation to sanitary sewers, water

lines, storm and surface drainage systems and other utilities systems and installations that neither extension nor enlargement of such systems will be required in manner, form, character, location, degree, scale, or timing resulting in higher net public cost or earlier incursion of public cost than would development in a form generally permitted in the area. Such districts shall be so located with respect to schools, parks, playgrounds and other public facilities required as to have access in the same degree as would development in a form generally permitted in the area.

**66.591      Site Planning**

Site planning within any PRD shall provide for the protection of the development from potentially adverse surrounding influences and shall also provide for the protection of surrounding areas from potentially adverse influences within the development, including, but not limited to, area storm water management plans, hydrological studies, water and wastewater facilities, streets, noise and other environmental considerations. All reports and plans shall be submitted to the planning staff for review and approval and shall be made a part of the final development plan. Site plan shall be required for all uses except single family detached dwellings.

**66.592      Accessory Off-Street Parking and Loading**

Accessory off-street parking and loading in the PRD shall be regulated by Article III of this Zoning Ordinance.

**66.6      Specific Standards and Criteria for Planned Residential Developments**

In addition to the general standards and general provisions set forth above, Planned Residential Developments shall comply with the requirements and standards that follow.

**66.61 Permitted Uses**

It is the intent of this Ordinance that any site or parcel of land to be developed as PRD shall not be less than three acres (3) and shall be under single ownership. Within the PRD District, the following uses are permitted subject to review by the Planning Commission and approval of the Board of Mayor and Aldermen.

- a. Any permitted use, accessory use, or conditional use allowed in the underlying residential district or districts.

**66.62 Residential Densities**

In PRD Developments there are no minimum lot sizes or yard requirements. However, lot dimensions and lot sizes must be shown on the Preliminary Development Plan which must be reviewed by the Planning Commission and approved by the Board of Mayor and Aldermen. Within any PRD classification, the Board of Mayor and Aldermen may authorize an increase in overall residential density within the project area. The base densities are as follows:

<u>Zone</u>	<u>Density</u>
R-1	3.48 units per acre
R-2	5.40 units per acre
R-3	5.80 units per acre

- a. An increase in density not to exceed sixteen percent (16%) will be granted for the dedication of six percent (6%) of the total PRD to the City of Munford. The site must be of such nature that excessive cut or fill is not required. The site must also be landscaped to the specifications of a landscape plan that must be submitted by the developer and approved by the Planning Commission. The City reserves the right to accept or decline any proposed land dedication.

An increase in density not to exceed ten percent (10%) may be granted for incorporating the following provisions into the development:

1. Providing additional recreational uses and facilities, or imagination in recreation design such as providing clubhouses, swimming pools, tennis courts, and other major facilities.
2. Developing a system of pedestrian walkways for safe circulation to schools, churches, shopping and other traffic generators.
3. Providing additional landscaping, where applicable on the public land with a minimum of six (6) shade trees per acre with a height of between eight (8) to ten (10) feet.

- b. An increase in density, not to exceed ten percent (10%) may be granted for providing superior aesthetics within a development by:

1. Combining distinctiveness and excellence in architectural setting and design.
2. Exceptional design of the automobile circulation system to



include a minimum of paved surfaces.

3. Providing enclosed or sub-surface parking where applicable.
  4. Providing a comprehensive fencing or screening system that offers the greatest possible degree of privacy.
- c. All provisions for increases in density granted under this section must be accomplished at the time that fifty percent (50%) of the dwelling units per development phase are occupied.

The Board of Mayor and Aldermen may prohibit or limit an increase in density to avoid the following conditions:

1. Inconvenient or unsafe access to the Planned Residential Development.
2. Traffic congestion in the streets within or adjoining the Planned Residential Development.
3. An excessive burden on parks, recreation areas, schools, police and fire protection, and other public facilities which serve or are proposed to serve the Planned Residential Development.

The developer shall submit documentation, plans and drawings as necessary to justify density increases. The Board of Mayor and Aldermen may decrease or eliminate allowed density increases if it is determined that the developer is not conforming to standards as agreed upon.

#### **66.63 Accessibility of Site**

All proposed streets and driveways shall be adequate to serve the

residents, occupants, visitors or other anticipated traffic of the Planned Residential Development, but may be designed so as to discourage outside through traffic from traversing the development. The location of the entrance points of the streets and driveways upon existing public roadways shall be subject to the approval of the Planning Commission.

#### **66.64 Off-Street Parking**

Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs, berms, and/or hedges and screening walls.

#### **66.65 Pedestrian Circulation**

The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.

#### **66.66 Privacy**

The Planned Residential Development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the Planned Residential Development. Protection and enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms and landscaped barriers.

#### **66.7 Procedures for Planned Residential Development Approval**

The provisions of this Section govern the procedure for approval of all Planned Residential Developments provided herein.

**66.71 Pre-Application Procedure**

- a. At least fifteen (15) days prior to filing any application for a Planned Residential Development, the prospective applicant shall request a pre-application conference with the Planning Staff.
- b. To obtain information, each applicant shall confer with the planning staff in connection with the preparation of the Planned Residential Development application. The general outlines of the proposal, evidenced schematically by sketch plans, are to be considered before submission of the Planned Residential Development application. Thereafter, the planning staff shall furnish the applicant with comments regarding such conference, including appropriate recommendations to inform and assist the applicant prior to his preparing the components of the Planned Residential Development application.

**66.72 Preliminary Development Plan**

A preliminary development plan shall be submitted to the Planning Commission with the application for the Planned Residential Development.

**a. Written Documents**

- (1) A legal description of the total site proposed for development, including a statement of present and proposed ownership and present and proposed zoning.
- (2) A statement of planning objectives to be achieved by

the PRD through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.

- (3) A development schedule indicating the approximate date when construction of the PRD or stages of the PRD can be expected to begin and be completed.

If the Planned Residential Development is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule indicating:

- (a) the approximate date when construction of the project can be expected to begin;
  - (b) the order in which the phases of the project will be built; and
  - (c) the minimum area and the approximate location of common open space and public improvements that will be required at each stage.
- (4) A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PRD, such as land areas, dwelling units, etc.
  - (5) Quantitative data for the following: total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structures; approximate net residential densities; total amount of open space (including a separate figures for usable open space).

- (6) A statement setting forth in detail either, (1) the exceptions which are required from the zoning and subdivision regulations otherwise applicable to the property to permit the development of the proposed Planned Residential Development, or, (2) the bulk regulations under which the Planned Residential Development is proposed.

b. **Site Plan and Supporting Maps**

A site plan and any maps necessary to show the major details of the proposed PRD must contain the following minimum information:

1. The existing site conditions including contours at two foot (2') intervals, water courses, flood plains, unique natural features and forest cover.
2. Proposed lot lines and plot designs.
3. The location and floor area size of all existing and proposed buildings, structures and other improvements including maximum heights, types of dwelling units, and density per type.
4. The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open spaces, public parks, recreational areas, school sites and similar public and semi-public uses.
5. The existing and proposed circulation system of arterial, collector and local streets including off-street

parking areas, service areas, loading areas and major points of access to public rights-of-way (including major points of ingress and egress to the development). Notations of proposed ownership, public or private should be included where appropriate.

6. The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, indicating proposed treatments of points of conflict.
7. The existing and proposed utility systems including sanitary sewers, storm sewers, water lines, and drainage. (Detailed drainage plan and calculations shall be handled at the final development plan stage.)
8. A general landscape plan indicating the treatment of materials used for private and common open spaces.
9. Enough information on land areas adjacent to the proposed PRD to indicate relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of the landscape.
10. The proposed treatment of the perimeter of the PRD including materials and techniques used such as screens, fences and walls.
11. Any additional information as required by the Planning Commission necessary to evaluate the character and impact of the proposed PRD.

**66.8 Preliminary Development Plan Approval Process and Effect of Approval**

- 66.81** At least thirty (30) days prior to the Planning Commission meeting at which it is to be considered, the owner of the property or his agent shall submit to the Planning Commission the Preliminary Development Plan, a completed application form, and all other information required under this Section. The Planning Commission shall review the application and shall recommend to the Board of Mayor and Aldermen to: approve; disapprove; or approve the Planned Residential Development subject to conditions. The Planning Commission may also defer a decision or take the matter under advisement until the next regular meeting.
- 66.82** The Board of Mayor and Aldermen shall hold a public hearing on the application for the Planned Residential Development and the preliminary plan after receipt of recommendations from the Planning Commission and any notice of appeal. The Board of Mayor and Aldermen shall establish a date for a public hearing and shall provide written notice and publication in accordance with Article XIV of this Ordinance. The Board of Mayor and Aldermen shall render a decision on any appeal and shall: approve; disapprove; or approve the proposed Planned Residential Development and preliminary development plan subject to conditions, and if approved, shall set forth the conditions imposed.
- 66.83** The approved preliminary development plan shall bind the applicant, owner, and mortgagee, if any, and the City of Munford with respect to the contents of such plan.
- 66.84** The preliminary development plan shall be used in lieu of a Master Subdivision Plan to comply with the provisions of the Subdivision Regulations pertaining to Master Plans.

**66.85** The Munford Planning Commission may amend or waive a development schedule upon submission of written justification by the applicant.

**66.9 Final Development Plan Approval Process**

**66.91** An application for approval of a final development plan of the entire Planned Residential Development, if it is to be completed in one phase, or of a portion of the Planned Residential Development, if it consists of more than one phase, shall be submitted by the applicant at least thirty (30) days prior to the Planning Commission meeting.

**66.92** The application for final development plan approval shall be filed with the Planning Commission and shall include, but not be limited to, the following:

- (1) A plan/plat suitable for recording with the Tipton County Register's Office.
- (2) Proof referred to on the plan and satisfactory to the City Manager as to the provision and maintenance of common open space.
- (3) All certificates, seals and signatures required for the dedication of land and recordation of documents.
- (4) Tabulations of each separate use area, including land area, bulk regulations and number of dwelling units per gross acre and the gross floor area for commercial and industrial uses.
- (5) Location and type of landscaping.



(6) Location and dimensions of utility and drainage facilities.

(7) All other requirements of a Final Plan under the Munford Municipal Subdivision Regulations.

**66.93** A decision shall be rendered on a final development plan by the Planning Commission. If a final plan is disapproved by the Planning Commission the applicant may file a final development plan that substantially conforms to the approved preliminary plan, or the applicant may file for an amendment to the approved preliminary development plan.

**66.94** After a final development plan is approved by the Planning Commission, the Building Inspector shall record such plan in the Tipton County Register's Office after receipt of any necessary bonds, fees and contracts to provide improvements required in the City of Munford Subdivision Regulations and the required signatures for recordation have been secured.

#### **66.10 Zoning Administration – Permits**

The Building Official may issue building permits for the area of the Planned Residential Development covered by the approved final development plan for work in conformity with the approved final development plan and with all other applicable Ordinances and regulations. However, the Building Official shall not issue an occupancy permit for any building or structure shown on the final development plan of any stage of the Planned Residential Development unless the open space and public facilities allocated to that stage of the development schedule have been conveyed to the designated public agency or Homeowners' Association or a responsible party. The Building Official shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved final development plan if the completed building or structures conforms to the requirements of the approved final development plan and all other

applicable regulations and Ordinances.

**66.11 Reapplication if Denied**

If any application for a Planned Residential Development is denied by the legislative body, a reapplication pertaining to the same property and requesting the same Planned Residential Development may not be filed within twelve (12) months of the date final action was taken on the previous application unless such reapplication is initiated by the Planning Commission or authorized by the Board of Mayor and Aldermen.

**66.12 Procedure for Amendment**

A Planned Residential Development and the approved preliminary development plan may be amended in accordance with the procedure that governed its approval as set forth in this Section.

## **Section 67 Planned Village Development District**

This section is intended to provide the means and the guidelines through which tracts of land may be developed through an overall unified approach rather than the traditional lot-by-lot treatment afforded by other districts in this Ordinance. It is intended to provide a maximum of design freedom in order to create a better living environment, by making the best use of topography and land features and by permitting the developer an opportunity to more fully utilize the physical characteristics of the site through the reduction of lot sizes, the absence of yard and bulk restrictions and the planned mixing of uses. Through the requirement of a development plan, it is the intent that property under this section will be developed through a unified design providing continuity between the various elements and ultimately leading to a better environment. This section is not intended as a panacea and should not be utilized as a device for making increased densities more acceptable or as a means of circumventing the City's development regulations.

### **67.1 Objectives**

The Board of Mayor and Aldermen may, upon proper application, rezone a site of at least thirty (30) acres to PVD to facilitate the use of flexible techniques of land development and site design by providing relief from zone requirements designed for conventional developments. In addition, the Board may establish standards and procedures, including restricting land uses to only those compatible to surrounding development prior to a rezoning in order to obtain one or more of the following objectives:

1. Promote flexibility in design and permit planned diversification in the location of structures.
2. Promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities.
3. Preserve to the greatest extent possible the existing landscape features and amenities and to utilize such features in a harmonious fashion.
4. Provide for more usable and suitable located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures.

5. Combine and coordinate architectural styles, building forms and building relationships within the planned developments.
6. Ensure a quality of construction commensurate with other developments within the city.
7. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program along with buffered neighborhood commercial uses.
8. Rational and economic development in relation to public services.
9. Efficient and effective traffic circulation, both within and adjacent to the development site.
10. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.

## **67.2 Planned Village Developments**

Under this section, Planned Village Developments (PVD) shall be permitted. A zoning amendment is required following the procedures outlined in this section and in accordance with Article XIV of this Zoning Ordinance.

## **67.3 Modification of District Regulations**

Planned Village Developments may be constructed subject to the standards and procedures set forth below:

The Ordinance approving the preliminary development plan for the Planned Village Development may provide for such exceptions from the district regulations governing area, setback, width and other bulk regulations, parking, and such subdivision regulations as may be necessary or desirable to achieve the objectives of the proposed Planned Village Development, provided such exceptions are consistent with the standards and criteria contained in this section and have been specifically requested in the application for a Planned Village Development and further provided that no

modification of the district requirements or subdivision regulation may be allowed when such proposed modification would result in:

- a. Inadequate or unsafe access to the Planned Village Development.
- b. Traffic volume exceeding the anticipated capacity of the major street network in the vicinity.
- c. An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the Planned Village Development .
- d. A development which will be incompatible with the purposes of this Ordinance.

#### **67.4 Coordination with Subdivision Regulations**

The uniqueness of each proposal for a Planned Village Development may require that specifications for which the width and surfacing of street, public ways, public utility rights-of-ways, curbs and other standards may be subject to modification from the specifications established in the Subdivision Regulations adopted by the Planning Commission. Modification may be incorporated only with the review of the Munford Municipal-Regional Planning Commission as part of its review of the Development Plan for a PVD and granted as a variance in the preliminary approval of the subdivision which must be concurrent with the final approval by the Planning Commission of the plan.

1. It is the intent of this Ordinance that subdivision review under the Subdivision Regulations be carried out simultaneously with the review of a Planned Village Development under this section of the Zoning Ordinance.
2. The development plans submitted under section 67.7 must be submitted in a form that will satisfy the requirements of the Subdivision Regulations for preliminary and final plats.

3. The requirements for both this section of the Zoning Ordinance and those of the Subdivision Regulations shall apply to all PVD's and all actions of the Board of Mayor and Aldermen pertaining to PVD's shall be based upon a recommendation by the Planning Commission.

## **67.5 General Provisions**

The following general provisions shall apply to any Planned Village Development Districts created by the Board of Mayor and Aldermen.

### **67.51 Application for Planned Village Development Permit Require**

Each application for a Planned Village Development shall be submitted in accordance with requirements of these regulations and the requirements set forth in the Subdivision Regulations. Variances to the requirements of both regulations may be granted upon review of the Planning Commission.

### **67.52 Waive of Board of Zoning appeals Action**

No action of the Board of Zoning Appeals shall be required in the approval of a Planned Village Development District.

### **67.53 Ownership and Division of Land**

No tract of land may be considered for or approved as a PVD unless such tract is under the single ownership of a landowner. For the purpose of this Ordinance, a landowner may be a person, partnership, corporation, association of any other legal entity entitled to own property. The holder of a written option to purchase, a party purchaser to a contract for the sale of real property contingent upon the success of a PVD application for the property, or any governmental agency shall be considered landowners for the purpose of this Section. Unless otherwise provided as a condition of approval of PVD, the landowner of an adopted PVD may divide and transfer parts of such development. The transferee shall complete each section and use and maintain it in strict conformance with the final development plan.

### **67.54 Professional Design**

The Munford Municipal-Regional Planning Commission shall not consider any development plan for any proposed Planned Village Development, either on a preliminary or final basis, nor shall the Board of Mayor and Aldermen concur with any preliminary development plan for a proposed Planned Village Development unless such proposed plan includes a certification that the services of a licensed civil engineer or licensed land surveyor was utilized in the preparation of the master plan.

#### **67.55 Development Period: Staging**

The expeditious construction of any Planned Village Development authorized under these provisions shall be undertaken to assist in the assurance of the full completion of the development in accordance with the adopted final development plan.

##### **a. Start of Development**

Within five years from the date of preliminary approval of a PVD, actual construction shall have commenced in such development. Actual construction is defined to include the placing of construction materials in a permanent position and fastened permanently or extensive grading including demolition or removal of existing structures necessary for the development. If no substantial construction, as determined by the Building Inspector, has begun within the time stated in the final development and construction schedule, the final development plan shall lapse upon written notice to the applicant from the Planning Commission and shall be of no further effect. At its discretion and for good cause, the Planning Commission may extend for a reasonable time. Not to exceed one year, the period for the beginning of construction.

##### **b. Completion Period**

The Munford Municipal-Regional Planning Commission may establish a reasonable period of time for the completion of the Planned Village Development at the time the PVD district is established.

**c. Staging of Development**

The Planning Commission may elect to permit the staging of development, in which case, the following provision shall be complied with:

Each stage shall be so planned and so related to existing surrounding and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the development or its surrounding at any stage of the development. The development staff shall review any proposed phasing plan and recommend to the Planning Commission a plan for the phasing and recommended construction of improvements including site improvements, streets, surface and subsurface drainage, water lines, sewer lines, parking areas, landscaping, plantings and screening. The Developer shall also prepare a cost estimate of the recommended improvements to be approved by the City Engineer for bonding purposes.

**67.56 Common Open Space and Public Facilities**

The requirements of common open space and public facilities shall be in accordance with the provisions of this Section.

- a. Common open space must be usable for recreational purpose or must provide visual, aesthetic and environmental amenities. The uses authorized for the common open space must be appropriate to the scale and character of the Planned Village Development considering its size, density, expected population, topography and the number and type of structures to be provided.
- b. Common open space must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. Any buildings,



structures and improvements to be located in the common open space must be appropriate to the uses which are authorized therefore, and must conserve and enhance the amenities of the common open space having regard to its topography and the intended function of the common open space.

- c. The development phasing sequence which is part of the preliminary development plan must coordinate the improvement of the common open space, the construction of the buildings, structures and improvements in the common open space the construction of public improvements and the construction of residential dwellings in a Planned Village Development, but in no event shall occupancy permits for any phase of the final development plan be issued unless and until the open space which is part of that phase has been dedicated or conveyed and improved.
- d. No common open space of a Planned Village Development shall be conveyed or dedicated by the developer or any other person to any public body, homeowner's association or other responsible party unless the Munford Municipal-Regional Planning Commission has determined that the character and quality of the tract to be conveyed make it suitable for the purpose for which it was intended. The Planning Commission may give consideration to the size and character of the dwellings to be constructed within the Planned Village Development, the topography and existing trees, the ground cover and other natural features, the manner in which the open space is to be improved and maintained for recreational or amenity purposes, and the existence of public parks or other public recreational facilities in the vicinity.
- e. All land shown on the final development plan as a common open space may be either:
  - (1) Conveyed to a public body, if said public body agrees to accept conveyance and to maintain the common

open space and any buildings, structures or improvements which have been placed on it; or

- (2) Conveyed to an organization for ownership and maintenance subject to the following:
  - (a) The Munford Municipal-Regional Planning Commission and Munford Board of Mayor and Aldermen may require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space and such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to the City of Munford and said dedication be approved by the Munford Municipal-Regional Planning Commission. However, the conditions of any transfer shall conform to the adopted final development plan.
  - (b) In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of the Planned Village Development fail to maintain the common open space in reasonable order and condition in accordance with the adopted final development plan, the Building Official may serve written notice upon such organization and/or the owners or residents of the Planned Village

Development and hold a public hearing. After thirty (30) days when the deficiencies of maintenance are not corrected, the Building Official shall call upon any public or private agency to maintain the common open space.

- (c) The cost of such maintenance by such agency shall be assessed proportionally against the properties within the Planned Village Development that have a right of enjoyment of the common open space and shall become a lien on said properties.
- (d) If the common open space is deeded to a Homeowners' and/or Property Owners Association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for preliminary approval. The provisions shall include but not be limited to the following:
  - (i) The Association must be set up before homes are sold.
  - (ii) Membership must be mandatory for each homebuyer and any successive buyer.
  - (iii) The open space restrictions must be permanent, not just for a period of years.
  - (iv) The Association must be responsible for liability insurance, local taxes and

the maintenance of recreational and other facilities.

- (v) Homeowners/Property owners must pay their pro rate share of the cost of the assessment levied by the association to meet changed needs.

#### **67.57 Dedication of Public Facilities**

The Munford Municipal-Regional Planning Commission and the Munford Board of Mayor and Aldermen may, as a condition of approval and adoption and in accordance with the final development plan, require that suitable areas for streets, public rights-of-way, schools, parks and other public services or areas be set aside, improved and/or dedicated for public use.

#### **67.58 Bond Requirement for Improvements**

The Planning Commission shall require that a performance bond be furnished and filed with the City of Munford for private and public improvements in coordination with the procedures set forth in Munford's Municipal Subdivision Regulations.

#### **67.59 Relation to Utilities, Public Facilities**

PVD districts shall be so located in relation to sanitary sewers, water lines, storm and surface drainage systems and other utilities systems and installations that neither extension nor enlargement of such systems will be required in manner, form, character, location, degree, scale, or timing resulting in higher net public cost or earlier incursion of public cost than would development in a form generally permitted in the area. Such districts shall be so located with respect to schools, parks, playgrounds and other public facilities required as having access in the same degree as would development in a form generally permitted in the area.

#### **67.591 Site Planning**

Site planning within any PVD shall provide for the protection of the development from potentially adverse surrounding influences and shall also provide for the protection of surrounding areas from potentially adverse influences within the development, including, but not limited to, area storm water management plans, hydrological studies, water and wastewater facilities, streets, noise and other environmental considerations.

Also reports and plans shall be submitted to the planning staff for review and approval and shall be made a part of the final development plan. Site plans shall be required for all uses except single-family detached dwellings.

#### **67.592 Accessory off-Street Parking and Loading**

Accessory off-street parking and loading in the PVD shall be regulated by Article III of this Zoning Ordinance.

#### **67.6 Specific Standards and Criteria for Planned Village Developments**

In addition to the general standards and general provisions set forth above, Planned Village Developments shall comply with the requirements and standards that follow.

##### **67.61 Permitted Uses**

It is the intent of this Ordinance that any site or parcel of land to be developed as PVD shall not be less than thirty (30) and shall be under single ownership. Within the PVD District, the following uses are permitted subject to review by the Planning Commission and approval of the Board of Mayor and Alderman:

**Residential** – In designated residential areas in accordance to densities illustrated on an approved Final Plan.

- a. Single-family detached dwellings, not to include mobile homes
- b. Single-family attached dwellings
- c. Single-family semi-detached dwellings
- d. Townhouses

**Commercial** – In designated commercial areas illustrated on an approved Final Plat.

a. Limited Retail:

- i. Gift Shops
- ii. Flower Shops
- iii. Clothing Stores
- iv. Delicatessens
- v. Book / Stationary Stores
- vi. Grocery Stores not to exceed 10,000 square feet of building area
- vii. Fruit and Vegetable Markets
- viii. Candy, Nuts and Confectionary Stores
- ix. Dairy Product Stores
- x. Specialty Markets
- xi. Shoe Stores
- xii. Cafes and Tea Rooms
- xiii. Drug Stores
- xiv. Antique Stores
- xv. Sporting Goods and Bicycle Shops
- xvi. Hobby, Toy and Game shops
- xvii. Tobacco Stores and Stands

b. Personal Services:

- i. Dry-Cleaning (clothing)
- ii. Barber Shops
- iii. Beauty Shops
- iv. Shoe Shine Shops
- v. Shoe Repair
- vi. Photographic Studios

c. Professional Services Limited to:

- i. Real Estate Offices
- ii. Insurance Offices
- iii. Accounting Offices
- iv. Attorney Offices
- v. Computer Repair Services
- vi. Offices and Clinics of Medical Professionals
- vii. Offices and Clinics of Dental Professionals

d. Depository Institutions

- i. Banks
- ii. Automatic Teller Machine Stations

e. Public Recreation:

- i. Assembly Hall
- ii. Banquet Hall
- iii. Community Center
- iv. Clubs / Lodges
- v. Parks
- vi. Playgrounds
- vii. Fitness Centers
- viii. Dance Studios

f. Places of Worship

- i. Churches / Chapels

- ii. Mosques
  - iii. Synagogues
  - iv. Temples
- g. Child Day Care Centers
- h. Public Administration Services:
- i. Fire Stations
  - ii. Police Stations
- i. Education Services

Commercial uses shall be clustered and concentrated within areas suitable for such within the Planned Village Development district and be separated from residential uses by buffering. Commercial uses must also be located on collector status roads which serve the PVD.

#### **67.62 Uses Permitted on Appeal**

Any uses not mentioned specifically within Section 67.61 that are found within Article IX, Zoning Table for Commercial and Industrial Districts, under the B-1 (Neighborhood Business) column of that Article of this Ordinance. Home Occupations provided that these uses do not exceed fifteen percent (15%) of the floor space within a principle structure are also allowed as uses permitted on appeal. These uses are not permitted within any accessory building. Home Occupations are not permitted to have any signage of any kind and must be able to accommodate off-street parking as per the requirements found within Sections 67.64 and 43 of this Ordinance.

#### **67.63 Accessibility of Site**



All proposed streets and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the Planned Village Development, but may be designed so as to discourage outside through traffic from traversing the development. The location of the entrance points of the streets and driveways upon existing public roadways shall be subject to the approval of the Planning Commission.

#### **67.64 Off-Street Parking**

Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs, berms, and/or hedges and screening walls.

#### **67.65 Pedestrian Circulation**

The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.

#### **67.66 Privacy**

The Planned Village Development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the Planned Village Development. Protection and enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms and landscaped barriers.

#### **67.67 Minimum Lot Area**

Single-family detached dwellings	12,500 square feet
Single-family attached dwellings	12,500 square feet
Single-family semi-detached dwellings	12,500 square feet
Townhouses	5,000 square feet per dwelling unit plus an additional 15 percent required open space calculated on the entire development.
Commercial uses	None

The Planning Commission may waive certain minimum lot area requirements in order to provide for cluster-type development. However, the Planning Commission may require additional landscaping and open space requirements.

#### **67.68 Minimum Lot Width at Building Line**

Single-family detached dwellings	75 feet
Single-family attached dwellings	100 feet per unit
Single-family semi-detached dwelling	25 feet per unit plus required yard
Townhouses	25 feet per unit plus required yards
Places of Worship	100 feet

Commercial uses	None
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**67.69 Minimum Yard Requirements**

**67.691 Minimum Required Front Yard**

Single-family detached dwellings	30 feet
Single-family attached dwellings	30 feet
Single-family semi-detached dwellings	30 feet
Townhouses	30 feet
Places of worship	30 feet
Commercial uses	30 feet

**67.692 Minimum Requires Side Yard on Each Side Of Lot**

Single-family detached dwellings	10 feet
Single-family attached dwellings	10 feet
Single-family semi-detached Dwellings	None
Townhouses	None
Places of worship	10 feet except when adjacent to residential

uses.  
Twenty (20)  
feet when  
adjacent to  
residential  
uses.

Commercial uses

10 feet except  
when adjacent to  
residential uses  
Twenty (20) feet  
When adjacent to  
Residential uses.

**67.693 Yards on Corner Lots**

On corner lots there shall be one designated front yard. The front yard shall be the yard faced by the principal building. Corner Lots shall have one side yard, a side street yard, and a rear yard. The yard opposite the designated front yard shall be considered the rear yard, if applicable, and the remaining yard would be considered side yard.

**67.694 Minimum Required Rear Yard**

Single-family detached dwellings	25 feet
Single-family attached dwellings	25 feet
Single-family semi-detached Dwellings	25 feet
Townhouses	20 feet
Places of worship	30 feet

Commercial uses

20 feet except  
when adjacent to  
residential uses.  
30 feet shall be  
required when  
adjacent to  
residential uses.

**67.695 Height Regulations**

- a. No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required yard minimum by five feet (5') for every five (5') feet, or fraction thereof, of additional height over thirty-five feet (35'), not to exceed forty-five feet (45').
- b. On a lot less than fifty feet (50') in width at the building line, no building shall exceed one and one-half (1 ½) stories or twenty-five feet (25') in height.
- c. No accessory building shall exceed two (2) stories in height.
- d. Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and Ordinances, and provided that they are located a distance equal to their height plus ten feet (10') from the nearest property line.

**67.696 Accessory Buildings and Uses**

No accessory building shall be erected in any front yard or any required side yard. Accessory buildings may be located within any required rear yard, and shall be at least five feet (5') from all rear lot lines and from any other building on the same lot, and shall not cover more than thirty percent (30%) of any required rear yard.

## **67.7 Procedures for Planned Village Development Approval**

The provisions of this Section govern the procedure for approval of all Planned Village Developments provided herein.

### **67.71 Pre-Application Procedure**

- a. At least thirty (30) days prior to filing any application for a Planned Village Development, the prospective applicant shall request a pre-application conference with the Planning Staff.
- b. To obtain information, each applicant shall confer with the planning staff in connection with the preparation of the Planned Village Development application. The general outlines of the proposal, evidenced schematically by sketch plans, are to be considered before submission of the Planned Village Development application. Thereafter, the planning staff shall furnish the applicant with comments regarding such conference, including appropriate recommendations to inform and assist the applicant prior to his preparing the components of the Planned Village Development application.

### **67.72 Preliminary Development Plan**

A preliminary development plan shall be submitted to the Planning Commission with the application for the Planned Village Development.

#### **a. Written Documents**

- (1) A legal description of the total site proposed for development, including a statement of present and

proposed ownership and present and proposed zoning.

(2) A statement of planning objectives to be achieved by the PVD through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and that rationale behind the assumptions and choices made by the applicant.

(3) A development schedule indicating the approximate date when construction of the PVD or stages of the PVD can be expected to begin and be completed.

If the Planned Village Development is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule indicating:

- (a) The approximate date when construction of the project can be expected to begin;
  - (b) The order in which the phases of the project will be build; and
  - (c) The minimum area and the approximate location of common open space and public improvements that will be required at each stage
- (1) A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PVD, such as land areas, dwelling units, etc.

- (2) Quantitative data for the following: total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structures; approximate net residential densities; total amount of open space (including a separate figure for usable open space).
- (3) A statement setting forth in detail either, (1) the exceptions which are required from the zoning and subdivision regulations otherwise applicable to the property to permit the development of the proposed Planned Village Development, or, (2) the bulk regulations under which the Planned Village Development is proposed.

b. Site Plan and Supporting Maps

A site plan and any maps necessary to show the major details of the Proposed PVD must contain the following minimum information:

1. A map illustrating designated residential uses and their apropos densities as well as designated commercial uses.
2. The existing site conditions including contours at two foot (2') intervals, water courses, flood plains, unique natural features and forest cover.
3. Proposed lot lines and plot designs.
4. The location and floor area size of all existing and proposed buildings, structures and other improvements including maximum heights, types of dwelling units, and density per type.
5. The location and size in acres or square feet of all areas to be conveyed dedicated or reserved as common open spaces, public parks,



recreational areas, school sites and similar public and semi-public uses.

6. The existing and proposed circulation system of arterial, collector and local streets including off-street parking areas, service areas, loading areas and major points of access to public rights-of-way (including major points of ingress and egress to the development). Notations of proposed ownership, public or private, should be included where appropriate.
7. The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, indicating proposed treatments of points of conflict.
8. The existing and proposed utility systems including sanitary sewers, storm sewers, water lines, and drainage. (Detailed drainage plan and calculations shall be handled at the final development plan stage)
9. A general landscape plan indicating the treatment of materials used for private and common open spaces.
10. Enough information on land areas adjacent to the proposed PVD to indicate relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of the landscape.

11. The proposed treatment of the perimeter of the PVD, including materials and techniques used such as screens, fences and walls.

12. Any additional information as required by the Planning Commission necessary to evaluate the character and impact of the proposed PVD.

**67.8 Preliminary Development Plan Approval Process and Effect of Approval**

**67.81** At least thirty (30) days prior to the Planning Commission meeting at which it is to be considered, the owner of the property or his agent shall submit to the Planning Commission the Preliminary Development Plan, a completed application form, and all other information required under this Section. The Planning Commission shall review the application and shall recommend to the Board of Mayor and Aldermen to: approve; disapprove; or approve the Planned Village Development subject to conditions. The Planning Commission may also defer a decision or take the matter under advisement until the next regular meeting.

**67.82** The Board of Mayor and Aldermen shall hold a public hearing on the application for the Planned Village Development and the preliminary plan after receipt of recommendations from the Planning Commission and any notice of appeal. The Board of Mayor and Aldermen shall establish a date for a public hearing and shall provide written notice and publication in accordance with Section 144 of this Ordinance. The Board of Mayor and Aldermen shall render a decision on any appeal and shall: approve; disapprove; or approve the proposed Planned Village Development and preliminary development plan subject to conditions, and if approved shall set for the conditions imposed.

**67.83** The approved preliminary development plan shall bind the applicant, owner, and mortgagee, if any, and the City of Munford Board with respect to the contents of such plan.

**67.84** The preliminary development plan shall be used in lieu of a Master Subdivision Plan to comply with the provisions of the Subdivision Regulations pertaining to Master Plans.

**67.85** The Munford Planning Commission may amend or waive a development schedule upon submission of written justification by the applicant.

### **67.9 Final Development Plan Approval Process**

**67.91** An application for approval of a final development plan of the entire Planned Village Development, if it is to be completed in one phase, or of a portion of the Planned Village Development, if it consists of more than one phase, shall be submitted by the applicant at least thirty (30) days prior to the Planning Commission meeting.

**67.92** The application for final development plan approval shall be filed with the Planning Commission and shall include, but not be limited to, the following:

- (1) A final plat suitable for recording with the Tipton County Register's Office.
- (2) Proof referred to on the plan and satisfactory to the City Attorney as to the provision and maintenance of common open space.
- (3) All certificates, seals and signatures required for the dedication of land and recordation of documents.
- (4) Tabulations of each separate use area, including land area, bulk regulations and number of dwelling units per gross acre and the gross floor area for commercial and industrial uses.

- (5) Location and type of landscaping.
- (6) Location and dimensions of utility and drainage facilities.
- (7) All other requirements of a Final Plan under the Munford Municipal Subdivision Regulations.

**67.93** A decision shall be rendered on a final development plan by the Planning Commission. If a final plan is disapproved by the Planning Commission the applicant may file a final development plan that substantially conforms to the approved preliminary plan, or the applicant may file for an amendment to the approved preliminary development plan.

**67.94** After a final development plan is approved by the Planning Commission, the Building Inspector shall record such plan in the Tipton County Register's Office after receipt of any necessary bonds, fees and contracts to provide improvements required in the City of Munford Subdivision Regulations and the required signatures for recordation have been secured.

#### **67.10 Zoning Administration – Permits**

The Building Official may issue building permits for the area of the Planned Village Development covered by the approved final development plan for work in conformity with the approved final development plan and with all other applicable Ordinances and regulations. However, the Building Official shall not issue an occupancy permit for any building or structure shown on the final development plan of any stage of the Planned Village Development unless the open space and public facilities allocated to that stage of the development schedule have been conveyed to the designated public agency or Homeowners' Association or a responsible party. The Building Official shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved final development plan if the completed building or structures

conforms to the requirements of the approved final development plan and all other applicable regulations and Ordinances.

#### **67.11 Reapplication if Denied**

If any application for a Planned Village Development is denied by the legislative body, a reapplication pertaining to the same property and requesting the same Planned Village Development

may not be filed within twelve (12) months of the date final action was taken on the previous application unless such reapplication is initiated by the Planning Commission or authorized by the Board of Mayor and Aldermen.

#### **67.12 Procedure for Amendment**

A Planned Village Development and the approved preliminary development plan may be amended in accordance with the procedure that governed its approval as set forth in this Section.

## ARTICLE VII

### **PROVISIONS GOVERNING BUSINESS DISTRICTS**

#### **Section 71 B-1 – Neighborhood Business District**

The regulations for these districts are designed to create commercial districts primarily for the conduct of retail trade in close proximity to, and catering to the ordinary daily shopping needs of the immediate residential neighborhood and to protect adjacent residential development by restricting the types of business uses, particularly at the common boundaries, which would create hazards, noise, odors and other objectionable influences.

##### **71.1 Uses Permitted**

The permitted uses of the B-1 district are listed in Table 1 within Article IX of this Ordinance. Accessory structures or uses incidental to uses permitted within the B-1 (Neighborhood Business) districts found in Table 1 are permitted.

##### **71.2 Special Exceptions**

Following public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit, as a special exception, uses listed in Table 1 within Article IX of this Ordinance as special exception in the B-1 zone.

##### **71.3 Uses Prohibited**

Any use which, in the opinion of the Board of Zoning Appeals is not included in Table 1 within Article IX of this Ordinance. The Standard Land Use Coding Manual shall serve as the reference in this interpretation.

**71.4 Minimum Lot Area**

Churches	15,000 square feet or 200 square feet of lot area per auditorium seat, whichever is greater.
Other Uses	No requirements except where the use is adjacent to a residential district in which case the requirements for similar or other permitted uses in the residential district shall apply.

**71.5 Minimum Lot Width at Building Line**

Churches	100 feet
Other uses	No requirement except where the use adjoins a residential district in which case the requirements of the adjacent residential district shall apply.

**71.6 Yard Requirements**

**71.61 Minimum Required Front Yard**

Churches	30 feet
Other Uses	25 feet

**71.62 Minimum Required Side Yards on Each Side of Lot**

Churches	15 feet
Other Uses	None required, however, if buildings do not have common or adjoining walls there shall be a side yard of at least five (5) feet and also when relative to the following:

- a. On lots adjacent to a residential district, all buildings shall be located so as to comply with the side or front yard requirements of the adjacent residential district on the side adjoining the residential district.

#### **71.63 Corner Lots**

On corner lots, there shall be a minimum required yard of fifteen (15) feet along each street.

#### **71.64 Minimum Required Rear Yard**

All uses	10 feet except where the use is adjacent to a residential district in which case the requirements for similar or other permitted uses in the residential district shall apply.
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### **71.7 Height Regulations**

No building shall exceed three (3) stories or thirty-five feet (35') in height except that free-standing poles, towers, spires and structures not designed for or suitable for human occupancy may exceed this height provided that they comply with the provisions of all other pertinent codes and Ordinances, and provided that they are located no closer to the nearest property line than the distance equal to their own height plus five feet (5'). No accessory building shall exceed two (2) stories or



twenty-five feet (25') in height.

## **71.8 Landscaping**

Landscaping shall be provided as follows:

### **A. Street Yards**

1. Required trees shall be planted parallel to the street frontage within twelve feet (12') of the street.
2. All pervious surfaces in a required street yard must have vegetative cover.
3. On a corner lot, where two (2) street yards overlap, only one is counted for the purpose of this section
4. Maximum area of impervious surface within a street yard shall be fifteen percent (15%) (walkways, fountains).
5. Tree spacing shall be no less than fifty feet (50') and no more than sixty feet (60') on center for large maturing trees; no less than ten feet (10') and no more than forty feet (40') for small to medium maturing trees.

### **B. Parking**

1. Parking areas which also have street yards shall meet the provisions for each.
2. Parking areas within fifty feet (50') of a right-of-way shall have a planted screen between the parking perimeter and the street yard.
3. Screening must be three feet (3') feet high with no gaps greater than four feet (4').

## **71.9 Site Plan Review**

Prior to the issuance of a building permit, site plan review is required in accordance with Article III, Section 41 of this Ordinance for all permitted uses and uses permitted on approval of the Board of Zoning Appeals. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the city. When relative to the landscaping component, all site plans proposed within the B-1 (Neighborhood-Business) district shall be in conformance with subsection 71.8 of this Ordinance.

## **Section 72 B-2 - General Business District**

The intent of these districts are to provide adequate space in appropriate locations for the establishment of a wide variety of uses including commercial trade and service uses, entertainment facilities, offices and establishments engaged in wholesale trade. Since these activities tend to generate relatively large volumes of traffic and have other characteristics which are detrimental to residential districts, their locations should be removed from the proximity of residential districts as much as possible. The regulations set forth in this Section shall apply to the district designation of the B-2 Commercial District.

### **72.1 Uses Permitted**

The permitted uses of the B-2 district are listed in Table 1 within Article IX of this Ordinance. Accessory structures or uses incidental to uses permitted within the B-2 (General Business) districts found in Table 1 are permitted.

### **72.2 Special Exceptions**

Following public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit, as a special exception, uses listed in Table 1 within Article IX of this Ordinance as a

special exception in the B-2 zone.

**72.3 Uses Prohibited**

Any use which in the opinion of the Board of Zoning Appeals, is not included in Table I within Article IX of this Ordinance. The Standard Land Use Coding Manual shall serve as the reference in this interpretation.

**72.4 Minimum Lot Area**

Churches	15,000 square feet or 200 square feet of lot area per auditorium seat, whichever is greater.
Other Uses	No requirements except where the use is adjacent to a residential district in which case the requirements for similar or other permitted uses in the residential district shall apply.

**72.5 Minimum Lot Width at Building Line**

Gasoline services stations	120 feet
Churches	100 feet
Other Uses	No requirements except where the use adjoins a residential district in which case the requirements of the adjacent residential district shall be met.

## **72.6 Yard Requirements**

### **72.61 Minimum Required Front Yard**

Gasoline service stations	20 feet from pump islands
Other Uses	15 feet

### **72.62 Minimum Required Side Yard**

Churches	15 feet
Other Uses	10 feet except as described below.

- a. On lots adjacent to a residential district, all buildings shall be located so as to comply with the side or front yard requirements of the adjacent residential district on the side adjoining the residential district.

### **72.63 Corner Lots**

On corner lots, there shall be a minimum required yard of fifteen feet (15') along each street.

### **72.64 Minimum Required Rear Yard**

All Uses	10 feet except where the use is adjacent to a residential district in which case the requirements for similar or other permitted uses in
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the residential district shall apply.

## **72.7 Height Regulations**

No building shall exceed three (3) stories or thirty-five feet (35') in height except that free-standing poles, towers, spires, and structures not designed for or suitable for human occupancy may exceed this height provided that they comply with the provisions of all other pertinent codes and Ordinances, and provided that they are located no closer to the nearest property line than the distance equal to their own height plus five feet (5'). No accessory building shall exceed two (2) stories or twenty-five feet (25') in height.

## **72.8 Landscaping**

Landscaping shall be provided as follows:

Civic uses shall have perimeter road frontage planted every ten feet (10') to thirty feet (30') on center with large maturing trees.

Commercial streets may be planted. Trees shall not obstruct the visibility of storefronts from the street. Trees shall limb up a minimum of twenty feet (20') at maturity.

Parking areas shall have a minimum of ten percent (10%) landscaped area. Landscaping includes, but is not limited to trees, flowers and shrubs.

## **72.9 Site Plan Review**

Prior to the issuance of a building permit, site plan review is required in accordance with Article III, Section 41 of this Ordinance for all permitted uses and uses permitted on approval of the Board of Zoning Appeals. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Building Inspector shall

maintain a copy of the site plan in the permanent files of the city. When relative to the landscaping component, all site plans proposed for properties within the B-2 (General Business) districts shall be in conformance with subsection 72.8 of this Ordinance.

## **Section 73   B-3 – Central Business District**

The intent of the B-3 (Central Business) District is to provide for suitable areas that provide a variety of commercial and cultural activities within the downtown area of the City of Munford.

### **73.1   Uses Permitted**

Uses permitted within the B-3 district are listed in Table 1 within Article IX of this Ordinance. Accessory structures or uses incidental to uses permitted within the B-3 (Central Business) districts found within Table 1 are permitted.

### **73.2   Special Exceptions**

Following public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit, as a special exception, uses listed in Table 1 within Article IX of this Ordinance as a special exception in the B-3 zone.

### **73.3   Uses Prohibited**

Any use which in the opinion of the Board of Zoning Appeals, is not included in Table 1 within Article IX of this Ordinance. The Standard Land Use Coding Manual shall serve as the reference in this interpretation.

### **73.4   Minimum Lot Area**

Churches	15,000 square feet or 200 square feet of lot area per auditorium seat, whichever is greater.
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Other Uses	No requirements except where the use is adjacent to a residential district in which case the requirements for similar or other permitted uses in the residential district shall apply.
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### **73.5 Minimum Lot Width at Building Line**

Churches	100 feet
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Other Uses	No requirements except where the use adjoins a residential district which case the requirements of the adjacent residential district shall be met.
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### **73.6 Yard Requirements**

There are no minimum yard requirements within the B-3 (Central Business) District.

### **73.7 Landscaping**

Landscaping shall be required where practicable.



### **73.8 Height Regulations**

No building shall exceed three (3) stories or thirty five feet (35') in height except that free-standing poles, towers, spires and structures not designed for or suitable for human occupancy may exceed this height provided that they comply with the provisions of all other pertinent codes and Ordinances, and provided that they are located no closer to the nearest property line than the distance equal to their own height plus five feet (5'). No accessory building shall exceed two (2) stories or twenty-five feet (25') in height.

### **73.9 Site Plan Review**

Prior to the issuance of a building permit, site plan review is required in accordance with Article III, Section 41 of this Ordinance for all permitted uses and uses permitted on approval of the Board of Zoning Appeals. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the City.

## **Section 74 P-B – Planned Business District**

The intent of the Planned Business District is to provide suitable areas for retail establishments offering accommodations, supplies, and services to establishments that ordinarily do not seek locations in shopping centers and typically require direct auto traffic access where commercial development has displaced or is displacing residential development or other vacant lands. The Planned Business District may also be characterized by an integrated planned commercial development served by a common parking area and will ordinarily be located along numbered state and federal highways or other thoroughfares designated as arterial streets. In promoting the general purposes of this Ordinance, the specific intent of this district is:

- To encourage the construction and continued use of land for commercial and related service uses servicing both local and long distance travelers.

- To provide appropriate space, in sufficient depth from the street, to satisfy the needs of modern commercial development where access is entirely dependent on the automobile.
- To discourage the expansion of existing strip commercial areas and to provide for the concentration of these uses.
- To encourage the development of the district in such a manner as to minimize traffic hazards and interference from other highway-oriented businesses by providing adequate access controls and insuring sufficient off-street parking and loading areas.

#### **74.1 Uses Permitted**

The permitted uses of the P-B (Planned Business) district are listed in Table 1 within Article IX of this Ordinance. Accessory structures or uses incidental to uses permitted within P-B (Planned Business) districts found within Table 1 are permitted.

#### **74.2 Special Exceptions**

Following public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit, as special exception, uses listed in Table 1 as a special exception in the P-B zone.

#### **74.3 Uses Prohibited**

Any use not specifically permitted in Table 1 within Article IX of this Ordinance.

#### **74.4 Minimum Lot Area**

Churches	15,000 square feet or 200 square feet of lot area per auditorium
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seat, whichever is greater.

Other Uses

No requirements except where the use adjoins a residential district in which case the requirements of the adjacent residential district shall be met.

## **74.5 Yard Requirements**

### **74.51 Minimum Required Front Yard**

All Uses	50 feet
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### **74.52 Minimum Required Side Yard**

All Uses	15 feet
----------	---------

### **74.53 Minimum Required Rear Yard**

All Uses	20 feet
----------	---------

### **74.54 Corner Lots**

On corner lots, there shall be a minimum required yard of thirty (30) feet along each street.

## **74.6 Minimum Lot Width at the Building Line**

Churches	100 feet
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Other Uses

No minimum  
requirements.

#### **74.7 Height Regulations**

No building shall exceed three (3) stories or thirty-five feet (35') in height except that free-standing poles, towers, spires and structures not designed for or suitable for human occupancy may exceed this height provided that they comply with the provisions of all other pertinent codes and Ordinances, and not provided that they located no closer to the nearest property line that the distance equal to their own height plus five feet (5'). No accessory building shall exceed two (2) stories or twenty-five feet (25') in height.

#### **74.8 Landscaping**

Landscaping shall be provided as follows:

Civic uses shall have perimeter road frontage planted every ten feet (10') to thirty feet (30') on center with large maturing trees.

Commercial streets may be planted. Trees shall not obstruct the visibility of storefronts from the street. Trees shall limb up a minimum of twenty feet (20') at maturity.

Parking areas shall have a minimum of ten percent (10%) landscaped area. Landscaping includes, but is not limited to trees, flowers and shrubs.

#### **74.9 Site Plan Review**

Prior to the issuance of a building permit, site plan review is required in accordance with Article III, Section 41 of this Ordinance for all permitted uses and uses permitted on approval of the Board of Zoning Appeals. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Building Inspector shall maintain a

copy of the site plan in the permanent files of the City.

## **ARTICLE VIII**

### **PROVISIONS GOVERNING INDUSTRIAL DISTRICTS**

#### **Section 81     M - Industrial District**

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The regulations set forth in this section shall apply to the district designation of the M-Industrial District.

#### **81.1 Uses Permitted**

The permitted uses of the M (Industrial) districts are listed in Table 1 within Article IX of this Ordinance. Accessory structures or uses incidental to uses permitted within the M (Industrial) districts found within Table 1 are permitted.

#### **81.2 Special Exceptions**

Following public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit, as a special exception, uses listed in Table 1 within Article IX of this Ordinance as a special exception in the M (Industrial) zone.

#### **81.3 Uses Prohibited**

Any use not specifically permitted in Table 1 within Article IX of this Ordinance.

#### **81.4 Minimum Lot Area and Lot Width**

There shall be no minimum lot area or width requirements for any of the uses permitted in the M (Industrial District). The lot area, however, must be appropriate for the type of use proposed as determined by the Munford Municipal-Regional Planning Commission or Munford Board of Zoning Appeals during review of the site plan.

#### **81.5 Minimum Yard Requirements**

##### **81.51 Minimum Required Front Yard**

All Uses 40 feet

**81.52 Minimum Required Rear Yard**

All Uses 20 feet except where the use is adjacent to a residential district in which case the requirements for similar or other permitted uses in the residential district shall apply.

**81.53 Minimum Required Side Yard**

All Uses 15 feet except where the use is adjacent to a residential district in which case the requirements for similar or other permitted uses in the residential district shall apply.

**81.54** No yard shall be required along any property line which abuts a railroad siding.

**81.55** Gasoline or other fuel pumps and pump islands shall be setback a minimum of fifteen feet(15') from any street right-of-way.

**81.6 Height Regulations**

No building shall exceed three (3) stories or thirty-five feet (35') in height except that free-standing poles, towers, spires, and structures not designed for or suitable for human occupancy may exceed this height

provided that they comply with the provisions of all other pertinent codes and Ordinances and provided that they are located no closer to the nearest property line than the distance equal to their own height plus five feet (5'). No accessory building shall exceed two (2) stories or twenty-five feet (25') in height.

#### **81.7 Site Plan Review**

Prior to the issuance of a building permit, site plan review is required in accordance with Article III, Section 41 of this Ordinance for all permitted uses and uses permitted on approval of the Board of Zoning Appeals. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the city.

### **Section 82 M-1 - Light Industrial District**

The M-1 (Light Industrial) District is so designed as to allow for wholesale, warehousing and industrial uses, who, by their nature of production and storage, are not considered detrimental to any surrounding districts. As such, all operations or storage must be carried on in an enclosed building and the processing of raw materials for shipment in bulk shall not be permitted. Within the areas designated M-1 (Light Industrial) on the Zoning Map of the City of Munford, Tennessee, the following provisions shall apply.

#### **82.1 Uses Permitted**

The uses permitted of the M-1 (light industrial) districts are listed in Table 1 within Article IX of this Ordinance. Accessory structures or uses incidental to uses permitted within the M-1 (Light Industrial) districts found within Table 1 are permitted.



## **82.2 Special Exceptions**

Following public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit, as a special exception, uses listed in Table 1 within Article IX of this Ordinance as a special exception in the M-1 zone.

## **82.3 Uses Prohibited**

Any use not specifically permitted in Table 1 within Article IX of this Ordinance.

## **82.4 Minimum Lot Area and Lot Width**

There shall be no minimum lot area or width requirements for any of the uses permitted in the (M-1) Light Industrial District. The lot area, however, must be appropriate for the type of use proposed as determined by the Munford Regional Planning Commission or Munford Board of Zoning Appeals during review of the site plan.

## **82.5 Minimum Yard Requirements**

### **82.51 Minimum Required Front Yard**

All uses	30 feet
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### **82.52 Minimum Required Rear Yard**

All uses	20 feet except where the (M-1) Light Industrial lot adjoins a residential district along the rear yard in which case the minimum rear yard shall be (forty) 40 feet.
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**82.53     Minimum Required Side Yard**

All uses	20 feet except where the (M-1) Light Industrial lot adjoins a residential district along the side yard in which case the minimum side yard shall be (forty) 40 feet.
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**82.6     Height Regulations**

No building shall exceed three (3) stories or thirty-five feet (35') in height except that free-standing poles, towers, spires, and structures not designed for or suitable for human occupancy may exceed this height provided that they comply with the provisions of all other pertinent codes and Ordinances and provided that they are located no closer to the nearest property line than the distance equal to their own height plus five feet (5'). No accessory building shall exceed two (2) stories or twenty-five feet (25') in height.

**82.7     Landscaping**

The first ten feet (10') of any required yard shall be devoted to landscaping. This provision shall not apply to required rear yards except when the rear yard adjoins a residential district.

**82.8     Site Plan Review**

Prior to the issuance of a building permit, site plan review is required in accordance with Article III, Section 41 of this Ordinance for all permitted uses and uses permitted on approval of the Board of Zoning Appeals, except for single (1) family residential structures. Once a site plan has been approved and all modifications, if any have been made a building

permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the city.

**ARTICLE IX**  
**ZONING TABLE FOR COMMERCIAL AND INDUSTRIAL DISTRICTS**

**Table 1: Permitted Uses (R) and Special Exceptions approved by the Board of Zoning Appeals (S)**

B-1 (Neighborhood Business)    B-3 (Central Business)    M (Industrial)  
 B-2 (General Business)            PB (Planned Business)    M-1 (Light-Industrial)    NEC: (Not elsewhere coded)

**CONSTRUCTION**

	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M	M-1
<b>GENERAL BUILDING CONTRACTORS</b>												
Building Construction – Office Only							R	R	R	R		
Building Construction – Office with equipment , materials, & storage											R	R
<b>HEAVY CONSTRUCTION, EX. BUILDING</b>												
Highway and Street Construction											R	
Heavy Construction, Except Highway											R	
Structural Steel Erection											R	
Excavation Work											R	
Wrecking and Demolition											R	
	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	P-B	M	M-1

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<b>SPECIAL TRADE CONTRACTORS</b>												
Plumbing, Heating, Air-Conditioning								R	R	R	R	R
Painting and Paper Hanging								R	R	R	R	R
Electrical Work								R	R	R	R	R
Masonry, Stonework, and Plastering								R	R	R	R	R
Carpentry and Floor Work								R	R	R	R	R
Roofing, Siding, and Sheet Metal Work								R	R	R	R	R
Concrete											R	R
Water Well Drilling											R	R
Misc. Special Trade Contractors, NEC								S	S	S	S	S

#### TRANSPORTATION, TRUCKING & WAREHOUSING

	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>PRD</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>PB</b>	<b>M</b>	<b>M-1</b>
<b>LOCAL AND INTERURBAN PASSENGER TRANSIT</b>												
Taxicabs								R	R	R	R	R
Bus Charter Service								R	R	R	R	R
<b>TRUCKING AND WAREHOUSING</b>												
Trucking & Courier Service, Ex. Air												
• Local trucking, without storage											R	R
• Trucking, except local											R	R

	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	P-B	M	M-1
<b>TRUCKING AND WAREHOUSING(cont)</b>												
• Local trucking with storage											R	R
• Courier services, except by air											R	R
Public Warehousing and Storage												
• Farm product warehousing and storage											R	R
• Refrigerated warehousing and storage											R	R
• General warehousing and storage											S	S
• Special warehousing and storage, NEC											R	R
• Mini-Storage											R	R
Trucking Terminal Facilities											R	R
<b>COMMUNICATIONS</b>												
Telephone Towers and Telegraph Infrastructure {see note}	R	R	R	R	R		R	R	R	R	R	R
Telecommunications Towers (Non-Public Utility)								S		S	S	S
Radio and Television Broadcasting								R	R	R	R	R
Cable and Other Pay TV Service								R	R	R	R	R
Communications Service, NEC								S	S	S	S	S

**Note:** \* TCA Section 13-24-301

## WHOLESALE TRADE

	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M	M-1
<b>WHOLESALE TRADE-DURABLE GOODS</b>												
Motor Vehicles, Parts, and Supplies												
• Automobiles and other motor vehicles								R	R	R	R	R
• Motor vehicle supplies and new parts								R	R	R	R	R
• Tires and tubes								R	R	R	R	R
• Motor vehicle parts, used (Exc. Salvage Yards)								R	R	R	R	R
Furniture and Home furnishings								R	R	R	R	R
Lumber and Construction Materials								R	S	R	R	R
Professional & Commercial Equipment												
• Photographic equipment and supplies								R	R	R	R	R
• Office equipment								R	R	R	R	R
• Computers, peripherals & software								R	R	R	R	R
• Medical and hospital equipment								R	R	R	R	R
• Ophthalmic goods								R	R	R	R	R
• Professional & commercial equipment, NEC								S	S	S	S	S
Metals and Minerals, Except Petroleum								S	S	S	S	S
Electrical Goods								R	R	R	R	R
Hardware, Plumbing, Air Condition & Heating Equipment								R	R	R	R	R
Machinery, Equipment, and Supplies								R	R	R	R	R

	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M	M-1
<b>WHOLESALE TRADE-DURABLE GOODS(cont)</b>												
Miscellaneous Durable Goods												
• Sporting & recreational goods								R	R	R	R	R
• Toys and hobby goods and supplies								R	R	R	R	R
• Scrap and waste materials											R	R
• Jewelry & precious stones								R	R	R	R	R
• Durable goods, NEC								S	S	S	S	S

#### WHOLESALE TRADE/NON-DURABLE GOODS

	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M	M-1
Paints and Varnishes								R	R	R	R	R
Paper and Paper Products								R	R	R	R	R
Drugs, Proprieties, and Sundries								R	R	R	R	R
Apparel, Piece Goods, and Notions								R	R	R	R	R
Groceries and Related Products								R	R	R	R	R
Farm-Produced Raw Materials								R	R	R	R	R
Chemicals and Allied Products										S	S	S
Petroleum and Petroleum Products										S	S	S
Beer, Wine, and Distilled Beverages								R	R	R	R	R
Non-Durable Goods, NEC								S	S	S	S	S



## RETAIL TRADE

	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M-1	M-2
<b>BUILDING MATERIALS &amp; GARDEN SUPPLIES</b>								R	R	R		
Lumber and Other Building Materials												
Paint, Glass, and Wallpaper Stores								R	R	R		
Hardware Stores								R	R	R		
Retail Nurseries and Garden Stores								R	R	R		
Other Bldg. Materials & Garden Supplies, NEC								S	S	S		
<b>GENERAL MERCHANDISE STORES</b>												
Department Stores								R	R	R		
Variety Stores								R	R	R		
Misc. General Merchandise Stores, NEC								S	S	S		
<b>FOOD STORES</b>												
Grocery Stores								R	R	R		
Meat and Fish markets							R	R	R	R		
Fruit and Vegetables Markets							R	R	R	R		
Candy, Nuts, and Confectionery Stores							R	R	R	R		
Dairy Products Stores							R	R	R	R		
Retail Bakeries							R	R	R	R		
Specialty Markets							R	R	R	R		

## AUTOMOTIVE DEALERS & MARINE CRAFT

	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M-1	M-2
New and Used Car Dealers								R		R	R	R
Used Car Dealers								R		R	R	R
Auto and Marine Supply Stores								R	R	R	R	R
Gasoline Service Stations								R	R	R	R	R
Boat Dealers								R		R	R	R
Recreational Vehicle Dealers										R	R	R
Motorcycle Dealers								R		R	R	R
Other Automotive Dealers & Supplies, NEC								S	S	S	S	S
<b>APPAREL AND ACCESSORY STORES</b>												
Men's & Boys' Clothing Stores							R	R	R	R		
Women's Clothing Stores							R	R	R	R		
Women's Accessory & Specialty Stores							R	R	R	R		
Children's and Infants' Wear Stores							R	R	R	R		
Family Clothing Stores							R	R	R	R		
Shoe Stores							R	R	R	R		
Misc. Apparel & Accessory Stores, NEC							S	S	S	S		

	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M	M-1
<b>FURNITURE AND HOME FURNISHINGS STORES</b>												
Furniture and Home Furnishings Stores									R	R		
Household Appliance Stores								R	R	R		
Radio, Television, & Computer Stores								R	R	R		
<b>EATING ESTABLISHMENTS</b>												
Restaurants								R	R	R		
Cafes & Tea Rooms							R	R	R	R		
Fast Food Businesses								R	R	R		

#### MISCELLANEOUS RETAIL

	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M	M-1
Drug Stores and Proprietary Stores							R	R	R	R		
Farm Implement Dealers								R		R	R	R
Mobile Home Dealers								R			R	R
Antique Stores							R	R	R	R		
Sporting goods and bicycle shops							R	R	R	R		
Book stores							R	R	R	R		
Stationery stores							R	R	R	R		

**MISCELLANEOUS RETAIL(cont)**

	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M	M-1
Jewelry stores							R	R	R	R		
Hobby, toy, and game shops							R	R	R	R		
Camera & photographic supply stores							R	R	R	R		
Gift, novelty, and souvenir shops							R	R	R	R		
Luggage and leather goods stores							R	R	R	R		
Sewing, needlework, and piece goods							R	R	R	R		
Florists							R	R	R	R		
Tobacco stores and stands							R	R	R	R		
News dealers and newsstands							R	R	R	R		
Optical goods stores							R	R	R	R		
Liquor Stores										R		
CBD Stores										R		
Miscellaneous retail stores, NEC							S	S	S	S		
<b>NON-STORE RETAILER</b>												
• Catalog and mail-order houses								S	S	S	R	R
• Merchandising machine operators								S	S	S	R	R
• Direct selling establishments								S	S	S	R	R
• Non-Store retailer, NEC								S	S	S	S	S

## FUEL DEALERS

	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M	M-1
• Fuel Oil dealers											R	R
• Liquefied petroleum gas dealers											R	R

## FINANCE, INSURANCE, AND REAL ESTATE

	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M	M-1
<b>DEPOSITORY INSTITUTIONS</b>							R	R	R	R		
<b>NON-DEPOSITORY INSTITUTIONS</b>							R	R	R	R		
<b>SECURITY AND COMMODITY BROKERS</b>							R	R	R	R		
<b>INSURANCE CARRIERS, AGENTS &amp; SERVICES</b>							R	R	R	R		
<b>REAL ESTATE</b>												
Real Estate Operators and Lessors							R	R	R	R		
Real Estate Agents and Managers							R	R	R	R		
Title Abstract Offices							R	R	R	R		

	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M	M-1
<b>HOLDING AND OTHER INVESTMENT OFFICES</b>												
Holding Offices							R	R	R	R		
Investment Offices							R	R	R	R		
Trusts							R	R	R	R		
Miscellaneous Investing							R	R	R	R		

## AGRICULTURE

	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M	M-1
<b>AGRICULTURAL SERVICES</b>												
Soil preparation services											R	R
Crop Services												
• Crop planting and protecting											R	R
• Crop harvesting											R	R
• Crop preparation services for market											R	R
• Cotton ginning											R	
Veterinary Services								R		R	R	R
Landscape and Horticulture								R		R	R	R

## SERVICES

	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M	M-1
<b>TRANSIENT LODGING</b>												
Hotels and Motels								R	R	R		
Bed and Breakfast Establishments	S											
Bed and Breakfast Homestays	S											
<b>PERSONAL SERVICES</b>												
Laundry, Cleaning, & Garment Services							R	R	R	R		
Photographic Studios, Portrait							R	R	R	R		
Barber Shops & Beauty Shops							R	R	R	R		
Shoe repair and Shoeshine Parlors							R	R	R	R		
Funeral Services / Homes							S	R	R	R		
Cemeteries	S	S	S	S				S		S		
Tax Return Preparation Service							R	R	R	R		
Miscellaneous Personal Services, NEC							S	S	S	S		
<b>BUSINESS SERVICES</b>												
Advertising- Sales Offices							R	R	R	R		
Credit Reporting and Collection							R	R	R	R		
Mailing, Reproduction, Stenographic							R	R	R	R		
	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M	M-1

<b>BUSINESS SERVICES(cont)</b>												
Services to Buildings												
• Disinfecting & pest control services								R	R	R	R	R
• Building maintenance services, NEC								R	R	R	R	R
Misc. Equipment Rental & Leasing												
• Medical equipment rental								R	R	R		R
• Equipment rental & leasing, NEC							S	S	S	S	S	S
Employment agencies							R	R	R	R		
Computer and Data Processing services												
• Computer programming services							R	R	R	R		
• Prepackaged software							R	R	R	R		
• Computer integrated systems design							R	R	R	R		
• Data processing and preparation							R	R	R	R		
• Information retrieval services							R	R	R	R		
• Computer facilities management							R	R	R	R		
• Computer rental & leasing							R	R	R	R		
• Computer maintenance & repair							R	R	R	R		
• Computer related services, NEC							S	S	S	S		
Miscellaneous Business Services												
• Detective & armored car services								R	R	R		
• Security systems services								R	R	R		
• News syndicates								R	R	R		
• Photo-finishing laboratories								R	R	R		



	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M	M-1
<b>BUSINESS SERVICES(cont)</b>												
• Business services, NEC								S	S	S		
<b>AUTO REPAIR AND SERVICES</b>												
Automotive Rentals, No Drivers												
• Truck rental and leasing, no drivers								R		R	R	R
• Passenger car rental								R		R	R	R
• Passenger car leasing								R		R	R	R
• Utility trailer rental								R		R	R	R
Automotive Repair Shops												
• Top & body repair & paint shops								R		R	R	R
• Auto exhaust system repair shops								R		R	R	R
• Tire re-treading and repair shops								R		R	R	R
• Automotive glass replacement shops								R		R	R	R
• Automotive transmission repair shops								R		R	R	R
• General automotive repair shops								R		R	R	R
• Automotive repair shops, NEC								S		S	S	S
Automotive Service, Except Repair												
• Carwashes								R	S	R	R	R
• Automotive services, NEC								S	S	S	S	S

<b>MISCELLANEOUS REPAIR SERVICES</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>PRD</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>PB</b>	<b>M</b>	<b>M-1</b>
Electrical Repair Shops												
• Radio and television repair								R	R	R	R	R
• Refrigeration service and repair								R	R	R	R	R
• Electrical repair shops, NEC								S	S	S	S	S
Watch, Clock, and Jewelry repair							R	R	R	R	R	R
Reupholster Services and Furniture Repair								R	R	R	R	R
Miscellaneous Repair Shops												
• Welding repair								R	R	R	R	R
• Armature rewinding shops								R	R	R	R	R
• Repair services, NEC								S	S	S	S	S
<b>MOTION PICTURES</b>												
Motion Picture Theaters								R	S	R		
Movie /Video Rental							R	R	R	R		
<b>AMUSEMENT &amp; RECREATION SERVICES</b>												
Dance Studios, Schools, and Halls								R	R	R		
Producers, Orchestras, Entertainers								R	R	R		
Bowling Centers								R	R	R		
Sport Activities												
• Sports clubs, managers, & promoters								R	R	R		
<b>AMUSEMENT &amp; RECREATION SERVICES (cont)</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>PRD</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>PB</b>	<b>M</b>	<b>M-1</b>

• Miniature Golf									R	R	R		
• Physical fitness facilities									R	R	R		
• Public golf courses	S	S	S	S					R	R	R		
• Coin-operated amusement devices / Arcades									R	R	R		
• Amusement parks									R		R		
• Membership sports & recreation clubs									R	R	R		
• Golf Driving Ranges									R		R		
• Go-Cart Tracks									R		R		
• Tennis Courts									R		R		
• Roller Skating & Skate Board Facilities									R		R		
• Indoor Sport Shooting Ranges									S	S	S	S	S
• Outdoor Sport Shooting Ranges												R	R
• Amusement and recreation, NEC									S	S	S		
<b>HEALTH SERVICES</b>													
Offices & Clinics of Medical Professionals								R	R	R	R		
Offices and Clinics of Dental Professionals								R	R	R	R		
Medical and Dental Laboratories								R	R	R	R		
Offices of Other Health Professionals, NEC								S	S	S	S		
Hospitals									R		R		
Nursing Homes				S					R		R		
Assisted Living Facilities				R					R		R		
	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>PRD</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>PB</b>	<b>M</b>	<b>M-1</b>	

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<b>HEALTH SERVICES(cont)</b>												
Rehabilitation Facilities								R		R		
<b>LEGAL SERVICES</b>												
Legal Services							R	R	R	R		
<b>EDUCATIONAL SERVICES</b>												
Elementary and Secondary Schools	S	S	S	S				R	R	R		
Colleges and Universities	S	S	S	S			S	R	R	R		
Vocational Schools							S	R	R	R	R	R
Other Special Training & Schooling, NEC	S	S	S	S			S	S	S	S	S	S
<b>SOCIAL SERVICES</b>												
Individual and Family Services							R	R	R	R		
Job Training and Related Services							R	R	R	R		
Child Day Care Services	S	S	S	S	S		S	S	S	S		
Adult Day Care Services	S	S	S	S	S		S	S	S	S		
Social Services, NEC							S	S	S	S		

	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M	M-1
<b>CULTURAL ACTIVITIES</b>												
Museums and Art Galleries	S	S	S	S			R	R	R	R		
Botanical and Zoological Gardens	S	S	S	S			R	R	R	R		
Libraries and Performing Art Centers	S	S	S	S			R	R	R	R		
<b>MEMBERSHIP ORGANIZATIONS</b>												
Business Associations							R	R	R	R		
Professional Organizations							R	R	R	R		
Labor Organizations							R	R	R	R		
Civic and Social Associations							R	R	R	R		
Political Organizations							R	R	R	R		
Membership Organizations, NEC							S	S	S	S		
<b>ENGINEERING &amp; MANAGEMENT SERVICES</b>												
Engineering & Architectural Services							R	R	R	R		
Accounting, Auditing, & Bookkeeping							R	R	R	R		
Research and Testing Services							R	R	R	R		
Management and Public Relations							R	R	R	R		

## RELIGIOUS ACTIVITIES

	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M	M-1
Churches, Synagogues, & Temples		S	S	S			R	R	R	S		

## PUBLIC ADMINISTRATION / GOVERNMENT

	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M	M-1
<b>EXECUTIVE AND LEGISLATIVE</b>												
Executive Offices							R	R	R	R		
Legislative Bodies							R	R	R	R		
Executive and Legislative Combined							R	R	R	R		
General Government, NEC							S	S	S	S		
<b>JUSTICE, PUBLIC ORDER &amp; SAFETY</b>												
Courts							R	R	R	R		
Public Order and Safety												
• Police Protection	S	S	S	S	S		R	R	R	R	R	R
• Legal counsel and prosecution							R	R	R	R		
• Fire protection	S	S	S	S	S		R	R	R	R	R	R
• Public order and safety, NEC	S	S	S	S	S		S	S	S	S	S	S
Miscellaneous Government / Municipal Services												
• Postal Services	S	S	S	S	S		R	R	R	R		
	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M	M-1
<b>JUSTICE, PUBLIC ORDER &amp; SAFETY(cont)</b>												

• Administration of Human Resources							R	R	R	R	R	R
• Public Owned Parks	S	S	S	S			S	R	R	R		
• Public Owned Recreational Services	S	S	S	S			S	R	R	R		
• Essential Services (utilities)	R	R	R	R	R	R	R	R	R	R	R	R

## MANUFACTURING

	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M	M-1
<b>FOOD AND KINDRED PRODUCTS</b>												
Dairy Products												
• Creamery butter											R	R
• Cheese, natural and processed											R	R
• Dry, condensed, evaporated products											R	R
• Ice cream and frozen desserts											R	R
• Fluid milk processing											R	R
Preserved Fruits and Vegetables												
• Canned specialties											R	R
• Canned fruits and vegetables											R	R
• Dehydrated fruits, vegetables, soups											R	R
• Pickles, sauces, and salad dressings											R	R
• Frozen fruits and vegetables											R	R
• Frozen specialties, NEC											S	S
	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M	M-1
<b>FOOD AND KINDRED PRODUCTS (cont)</b>												

Grain Mill Products												
• Flour and other grain mill products											R	R
• Cereal breakfast foods											R	R
• Rice milling											R	R
• Prepared flour mixes and dough											R	R
• Wet corn milling											R	R
• Dog and cat food											R	R
• Prepared foods, NEC											S	S
Bakery Products												
• Breads, cake, and related, products											R	R
• Cookies and crackers											R	R
• Frozen bakery products, except bread											R	R
Sugar and Confectionery Products												
• Candy & other confectionery products											R	R
• Chocolate and cocoa products											R	R
• Chewing gum											R	R
• Salted and roasted nuts and seeds											R	R
Beverages												
• Bottled and canned soft drinks, water & juices											R	R



## TEXTILE MILL PRODUCTS

	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M	M-1
Broad-woven Fabric Mills, Cotton											R	S
Broad woven Fabric Mills, Manmade											R	S
Broad woven Fabric Mills, Wood											R	S
Narrow woven Fabric Mills											R	S
Knitting Mills											R	S
Textile Finishing, Except Wool & Knit Goods												
• Finishing plants, cotton											R	S
• Finishing plants, manmade											R	S
• Finishing plants, NEC											S	S
Carpets and rugs											R	S
Yarn and Thread Mills												
• Yarn spinning mills											R	S
• Throwing and winding mills											R	S
• Thread mills											R	S
Miscellaneous Textile Goods												
• Coated fabrics, not rubberized											R	S
• Tire cord and fabrics											R	S
• Non-woven fabrics											R	S
• Cordage and twine											R	S
• Textile goods, NEC											S	S

	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M	M-1
<b>APPAREL AND OTHER FINISHED PRODUCTS</b>												
Men's and Boys' Suits and Coats											R	S
Men's and Boys Furnishings											R	S
Women's and Misses' Outerwear											R	S
Women's and Children's Undergarments											R	S
Hats, Caps, and Millinery											R	S
Girls' and Children's Outerwear											R	S
Fur Goods											R	S
Miscellaneous Apparel and Accessories, NEC											S	S
• Fabric dress and work gloves											R	S
• Robes and dressing gowns											R	S
• Waterproof outerwear											R	S
• Leather and sheep-lined clothing											R	S
• Apparel belts											R	S
• Apparel and accessories, NEC											S	S
Misc. Fabricated Textile Products												
• Curtains and draperies											R	S
• House furnishings											R	S
• Textile bags											R	S
• Canvas and related products											R	S
• Pleating and stitching											R	S

	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M	M-1
<b>APPAREL AND OTHER FINISHED PRODUCTS (cont)</b>												
• Automotive and apparel trimmings											R	S
• Schiffi machine embroideries											R	S
• Fabricated textile products, NEC											S	S
<b>LUMBER AND WOOD PRODUCTS (EXCEPT FURNITURE)</b>												
Sawmills and Planing Mills											R	S
Millwork, Plywood & Structural Members												
• Millwork											R	R
• Wood cabinets (mass produced)											R	R
• Hardwood veneer and plywood											R	R
• Softwood veneer and plywood											R	R
• Structural wood members, NEC											S	S
Wood Containers												
• Nailed wood boxes and shook											R	R
• Wood pallets and skids											R	R
• Wood containers, NEC											S	S
Wood Buildings and Mobile Homes												

<b>LUMBER AND WOOD PRODUCTS (cont)</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>PRD</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>PB</b>	<b>M</b>	<b>M-1</b>
• Mobile homes											R	S
• Prefabricated wood buildings											R	S
Miscellaneous Wood Products												
• Wood preserving											R	
• Reconstituted wood products											R	
• Wood products, NEC											S	
<b>FURNITURE AND FIXTURES</b>												
Household Furniture												
• Wood household furniture											R	S
• Upholstered household furniture											R	S
• Metal household furniture											R	S
• Mattresses and bedsprings											R	S
• Household furniture, NEC											S	S
Office Furniture												
• Wood office furniture											R	S
• Office furniture, except wood											R	S
Public Building & Related Furniture											R	S
Partitions and Fixtures											R	S
Miscellaneous Furniture and Fixtures, NEC											S	S
	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>PRD</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>PB</b>	<b>M</b>	<b>M-1</b>

<b>PRINTING AND PUBLISHING</b>												
Newspapers											R	S
Periodicals											R	S
Books											R	S
Miscellaneous Publishing											R	S
Commercial Printing											R	S
Manifold Business Forms											R	S
Greeting Cards											R	S
Blankbooks and Bookbinding											R	S
Printing Trade Service Industries											R	S
<b>CHEMICALS AND ALLIED PRODUCTS</b>												
Industrial Organic and Inorganic Chemicals											R	
Plastics Materials and Synthetics											R	
Drugs												
• Medicinal and botanicals											R	S
• Pharmaceutical preparations											R	S
• Diagnostic substances											R	S
• Biological products exc. diagnostic											R	S
Soap, Cleaners, and Toilet Goods												
• Soap and other detergents											R	
• Polishes and sanitation goods											R	
	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>PRD</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>PB</b>	<b>M</b>	<b>M-1</b>

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<b>CHEMICALS AND ALLIED PRODUCTS(cont)</b>												
• Surface active agents											R	
• Perfume, Cosmetics, & other Toilet preparations											R	
Paints and Allied Products											R	
Industrial Organic Chemicals												
• Gum and wood chemical											R	
• Cyclic crude's and intermediates											R	
• Industrial organic chemicals, NEC											R	
Agricultural Chemicals												
• Nitrogenous fertilizers											R	
• Phosphatic fertilizers											R	
• Fertilizers, mixing only											R	
• Agricultural chemicals, NEC											S	
Miscellaneous Chemical Products												
• Adhesives and sealants											R	

# **CHEMICAL AND ALLIED PRODUCTS (CONTINUED)**

	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M	M-1
• Printing ink											R	
• Carbon black											R	
• Chemical preparations, NEC											S	
Petroleum Refining & Related Industries												
• Paving and Roofing Materials											R	
<b>RUBBER AND MISC. PLASTICS PRODUCTS</b>												
Miscellaneous Plastic Products												
• Unsupported plastics film & sheet											R	
▪ Unsupported plastics profile shapes											R	
• Laminated plastics plate & sheet											R	
• Plastic pipe											R	
• Plastic bottles											R	
• Plastic foam products											R	
• Custom compound purchased resins											R	
• Plastic plumbing fixtures											R	
• Plastic products, NEC											S	
Tires and Inner Tubes											R	
Rubber Footwear											R	
Reclaiming Rubber											R	
Other Fabricated Rubber Products, NEC											S	

	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M	M-1
<b>STONE, CLAY, AND GLASS PRODUCTS</b>												
Flat Glass											R	S
Glass and Glassware, Pressed or Blown											R	S
Products of Purchased Glass											R	S
Cement, Hydraulic											R	S
Structural Clay Products												
• Brick and structural clay tile											R	S
• Ceramic wall and floor tile											R	S
• Clay refractories											R	S
• Structural clay products, NEC											S	S
Pottery and related Products												
• Vitreous plumbing fixtures											R	S
• Vitreous china table & kitchenware											R	S
• Semivitreous table & kitchenware											R	S
• Porcelain electrical supplies											R	S
• Pottery products, NEC											S	S
Concrete, Gypsum, and Plaster Products												
• Concrete block and brick											R	S
• Concrete products excluding Block & Brick											R	S
• Ready-mixed concrete plants											R	S
• Lime products											R	S
• Gypsum products											R	S



	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M	M-1
<b>STONE, CLAY, &amp; GLASS PRODUCTS(cont)</b>												
Cut Stone and Stone Products											R	S
<b>FABRICATED METAL PRODUCTS</b>												
Metal Cans and Shipping Containers											R	S
Cutlery, Hand-tools, and Hardware											R	S
Plumbing and Heating, Except Electric												
• Metal sanitary ware											R	S
• Plumbing fixture fittings and trim											R	S
• Heating equipment, except electric											R	S
Fabricated Structural Metal Products												
• Fabricated structural metal											R	S
• Metal doors, sash, and trim											R	S
• Fabricated plate work (boiler shops)											R	S
• Sheet metal work											R	S
• Architectural metal work											R	S

## FABRICATED METAL PRODUCTS (CONTINUED)

	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M	M-1
• Prefabricated metal buildings											R	S
• Miscellaneous metal work											R	S
Screw Machine Products, Bolts, Etc.											R	S
Misc. Fabricated Metal Products												
• Industrial valves											R	S
• Fluid power valves & Hose fittings											R	S
• Steel springs, except wire											R	S
• Valves and pipe fittings, NEC											R	S
• Wire springs											R	S
• Misc. fabricated wire products											R	S
• Metal foil and leaf											R	S
• Fabricated pipe and fittings											R	S
• Fabricated metal products, NEC											S	S
<b>INDUSTRIAL MACHINERY AND EQUIPMENT</b>												
Engines and Turbines											R	
Construction and Related Machinery												
• Elevators and moving stairways											R	
• Conveyors and conveying equipment											R	
Metalworking Machinery											R	
Special Industry Machinery												

	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M	M-1
<b>INDUSTRIAL MACHINERY &amp; EQUIPMENT(cont)</b>												
• Textile machinery											R	
• Woodworking machinery											R	
• Paper industries machinery											R	
• Printing trades machinery											R	
• Food products machinery											R	
• Special industry machinery, NEC											S	
General Industrial Machinery												
• Pumps and pumping equipment											R	
• Ball and roller bearings											R	
• Air and gas compressors											R	
• Blowers and fans											R	
• Packaging machinery											R	
• Speed changers, drives, and gears											R	
• Industrial furnaces and ovens											R	
• Power transmission equipment, NEC											S	
• General industrial machinery, NEC											S	
Computer and Offices Equipment												
• Electronic computers											R	R
• Computer storage devices											R	R
• Computer terminals											R	R

	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M	M-1
<b>INDUSTRIAL MACHINERY &amp; EQUIPMENT(cont)</b>												
• Computer peripheral equipment, NEC											S	S
• Calculating and accounting equipment											R	R
• Office machines, NEC											S	S
Refrigeration and Service Machinery												
• Automatic vending machines											R	
• Commercial laundry equipment											R	
• Measuring and dispensing pumps											R	
• Service industry machinery, NEC											S	
Other Industrial Machinery												
• Carburetors, pistons, rings, valves											R	
• Fluid power cylinders & actuators											R	
• Fluid power pumps and motors											R	
• Scales and balances, exc. Laboratory											R	
• Industrial machinery, NEC											S	

## ELECTRONIC & OTHER ELECTRIC EQUIPMENT

	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	P-B	M	M-1
<b>ELECTRONIC &amp; OTHER ELECTRIC EQUIPMENT</b>												
Electric Distribution Equipment												
• Transformers, except electronic											R	
• Switch-gear and switchboard apparatus											R	
Electrical Industrial Apparatus												
• Motors and generators											R	
• Carbon and graphite products											R	
• Relays and industrial controls											R	
• Electrical industrial apparatus, NEC											S	
Household Appliances												
• Household cooking equipment											R	R
• Household refrigerators and freezers											R	R
• Household laundry equipment											R	R
• Electric housewares and fans											R	R
• Household vacuum cleaners											R	R
• Household appliances, NEC											S	S
Electric Lighting and Wiring Equipment												
• Electric lamps											R	R
• Current-carrying wiring devices											R	R
• Non-current carrying wiring devices											R	R

	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	P-B	M	M-1
<b>ELECTRONIC &amp; OTHER ELECTRIC EQUIPMENT(cont)</b>												
• Residential lighting fixtures											R	R
• Vehicular lighting equipment											R	R
• Lighting equipment, NEC											S	S
Household Audio and Video equipment											R	R
Communications Equipment											R	R
Electronic Components and Accessories											R	R
Misc. electrical Equipment & Supplies												
• Engine electrical equipment											R	R
• Magnetic and optical recording media											R	R
• Electrical equipment & supplies, NEC											S	S
<b>TRANSPORTATION EQUIPMENT</b>												
Motor Vehicles and Equipment												
• Motor vehicles and car bodies											R	
• Truck and bus bodies											R	
• Motor vehicle parts and accessories											R	
• Truck trailers											R	
• Motor homes											R	
Aircraft and Parts											R	

	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	P-B	M	M-1
<b>TRANSPORTATION EQUIPMENT(cont)</b>												
Railroad Equipment											R	
Motorcycles, Bicycles, and Parts											R	
Miscellaneous Transportation Equipment												
• Travel trailers and campers											R	
• Tanks and tank components											R	
• Transportation equipment, NEC											S	
<b>INSTRUMENTS AND RELATED PRODUCTS</b>												
Search and Navigation Equipment											R	
Measuring and Controlling Devices												
• Laboratory apparatus and furniture											R	R
• Environmental controls											R	R
• Process control instruments											R	R
• Fluid meters and counting devices											R	R
• Instruments to measure electricity											R	R
• Analytical instruments											R	R

**INSTRUMENTS AND RELATED PRODUCTS (CONTINUED)**

	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M	M-1
• Optical instruments and lenses											R	R
• Measuring & Controlling devices, NEC											S	S
Medical Instruments and Supplies												
• Surgical and medical instruments											R	R
• Surgical appliances and supplies											R	R
• Dental equipment and supplies											R	R
• Electrochemical equipment											R	R
Ophthalmic goods											R	R
Photographic Equipment and Supplies											R	R
Watches, Clocks, Watchcases & Parts											R	R
<b>MISCELLANEOUS MANUFACTURING INDUSTRIES</b>												
Jewelry, Silverware, and Plated Ware											R	R
Musical Instruments and Parts											R	R
Toys and Sporting Goods											R	R
Pens, Pencils, Office & Art Supplies											R	R
Costume Jewelry and Notions											R	R
Miscellaneous Manufacturing, Other												
• Brooms and brushes											R	R
• Signs and advertising specialties											R	R



	R-1	R-2	R-3	R-4	R-5	PRD	B-1	B-2	B-3	PB	M	M-1
<b>MISCELLANEOUS MANUFACTURING INDUSTRIES(cont)</b>												
• Burial caskets											R	R
• Hard surface floor coverings, NEC											S	S
<b>MINING &amp; QUARRYING OF NON-METALLIC MINERALS (EXCEPT FUELS)</b>												
Crushed & Broken Stone (including Rip-Rap) Quarrying											S	
Sand and gravel - Quarrying											S	
Other Mining & Quarrying of Non-Metallic Minerals – Except Fuels											S	
<b>SEXUALLY ORIENTED BUSINESSES</b>												
Adult Bookstores								S			R	
Adult Novelty Shops								S			R	
Adult Video Stores								S			R	
Dance clubs								S			R	
Other Sexually Oriented Businesses, NEC								S			R	
<b>SOLAR PANELS</b>												
Accessory Solar Collection Systems	R	R	R	R	R	R	R	R	R	R	R	R
Solar Farms										R	R	R

NEC Not Elsewhere Coded

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## **ARTICLE X**

### **PROVISIONS GOVERNING FH, FLOOD HAZARD DISTRICTS**

#### **Section 101 FH – Flood Hazard Overlay District**

Within the areas designated FH (Flood Hazard), as shown on the Municipal - Regional Zoning Map of Munford, Tennessee, the following regulations shall apply:

#### **STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

##### **101.1. Statutory Authorization**

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Munford, Tennessee, Mayor and Aldermen ordain as follows:

##### **101.2. Findings of Fact**

1. The City of Munford, Tennessee, Mayor and its Legislative Body wishes 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 the City of Munford, 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.

##### **101.3. Statement of Purpose**

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

#### **101.4. Objectives**

The objectives of this Ordinance are:

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

#### **101.5. DEFINITIONS**

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance 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 Ordinance, 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 Ordinance or a request for a variance.

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

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

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

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

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

**"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 Ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Ordinance.

**"Existing Construction"** means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance 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 ordinance 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"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

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

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

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

**"Flood Insurance Rate Map (FIRM)"** means an official map of a community, issued by

FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

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

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

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

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

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

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

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

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

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

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

or culvert openings, and the hydrological effect of urbanization of the watershed.

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

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

**"Historic Structure"** means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on the City of Munford, 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 Ordinance.

**"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 Ordinance, 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 Ordinance 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 ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

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

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

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

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

**"Recreational Vehicle"** means a vehicle which is:

1. Built on a single chassis;



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

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

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

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

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

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

**"State Coordinating Agency"** the Tennessee Department of Economic and Community Development, 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 Ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

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

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

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

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

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

**"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 Ordinance 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.

## **101.6. GENERAL PROVISIONS**

### **A. Application**

This Ordinance shall apply to all areas within the incorporated area of the City of Munford, Tennessee.

### **B. Basis for Establishing the Areas of Special Flood Hazard**

The Areas of Special Flood Hazard identified on the City of Munford, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS)

and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47167C0305F, 47167C0310F, and 47167C0315F dated December 19, 2006 and Community Panel Number 47167C0315G dated May 4, 2009, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

**C. Requirement for Development Permit**

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

**D. Compliance**

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

**E. Abrogation and Greater Restrictions**

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this Ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

**F. Interpretation**

In the interpretation and application of this Ordinance, 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.

**G. Warning and Disclaimer of Liability**

The degree of flood protection required by this Ordinance 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 Ordinance 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 Ordinance shall not create liability on the part of the City of Munford, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

**H. Penalties for Violation**

Violation of the provisions of this Ordinance 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 ordinance 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 the City of Munford, Tennessee from taking such other lawful actions to prevent or remedy any violation.

## **101.7. ADMINISTRATION**

### **A. Designation of Ordinance Administrator**

The Code Enforcement Official is hereby appointed as the Administrator to implement the provisions of this Ordinance.

### **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 Ordinance.
  - 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 Ordinance.
  - 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.

## 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.

## 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 Ordinance 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 Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Article IV, Section B.
7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Article IV, Section B.
8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Section B.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
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 City of Munford, Tennessee FIRM meet the requirements of this Ordinance.
11. Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

## **101.8. PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **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 Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance;
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, 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.

## **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 no lower than three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate



equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Article IV, Section B.

3. Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
  - 1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
  - 2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;
  - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
- c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Article V, Section B.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the

requirements of new construction.

- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
  - 1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (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).

**C. Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated**

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

- 1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the City of Munford, Tennessee and certification, thereof.
- 2. 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.

**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. No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, 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 community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

2. 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.

**E. Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)**

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Article V, Sections A and B.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Article IV, Section B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Article V, Section B.
4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within

the City of Munford, 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.

#### **F. Standards For Areas of Shallow Flooding (AO and AH Zones)**

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; therefore, the following provisions, in addition to those set forth in Article V, Sections A and B, apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Article V, Section B.
2. All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. 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 of this Ordinance and shall provide such certification to the Administrator as set forth above and as required in accordance with Article IV, Section B.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

**G. 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.

**H. Standards for Unmapped Streams**

Located within the City of Munford, 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.

**101.9. VARIANCE PROCEDURES**

**A. Municipal Board of Zoning Appeals**

1. Authority

The City of Munford, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

2. Procedure

Meetings of the Municipal Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Municipal Board of Zoning Appeals shall be open to the public. The Municipal 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 Municipal Board of Zoning Appeals

shall be set by the Legislative Body.

3. Appeals: How Taken

An appeal to the Municipal 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 Ordinance. Such appeal shall be taken by filing with the Municipal 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 for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Municipal Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Municipal 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 15 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 Municipal Board of Zoning Appeals shall have the following powers:

a. Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Ordinance.

b. Variance Procedures

In the case of a request for a variance the following shall apply:

- 1) The City of Munford, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- 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 Ordinance to preserve the historic character and design of the structure.
- 3) In passing upon such applications, the Municipal Board of Zoning Appeals shall consider all technical evaluations, all

relevant factors, all standards specified in other sections of this Ordinance, and:

- a) The danger that materials may be swept onto other property to the injury of others;
  - b) The danger to life and property due to flooding or erosion;
  - c) The susceptibility of the proposed facility and its contents to flood damage;
  - d) The importance of the services provided by the proposed facility to the community;
  - e) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
  - f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
  - j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.
- 4) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Municipal Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.
  - 5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

## **B. Conditions for Variances**

1. Variances shall be issued upon a determination that the variance is the



minimum relief necessary, considering the flood hazard and the factors listed in Article VI, Section A.

2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
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.

#### **101.10. LEGAL STATUS PROVISIONS**

##### **A. Conflict with Other Ordinances**

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of the City of Munford, Tennessee, the most restrictive shall in all cases apply.

##### **B. Severability**

If any section, clause, provision, or portion of this Ordinance 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 Ordinance which is not of itself invalid or unconstitutional.

##### **C. Effective Date**

This Ordinance shall become effective immediately after its passage, in accordance with the Charter of the City of Munford, Tennessee, and the public welfare demanding it.

## ARTICLE XI

### **EXCEPTIONS AND MODIFICATIONS**

#### **Section 111    Setback Line**

The setback requirements of this Ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred feet (100') 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 feet. In residential districts, however, the setback shall in no case be less than twenty feet (20') from the center line of the street.

#### **Section 112    Exceptions on Height Limits**

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments; water towers; observation towers; transmission towers; windmills; chimneys; smokestacks; derricks; conveyors; flag poles; radio towers; masts and aerials.

## ARTICLE XII

### **ENFORCING OFFICER**

#### **Section 120    Powers**

The provisions of this Ordinance shall be administered and enforced by a Building Inspector, appointed by the chief legislative body, who shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

#### **Section 121    Building Permits and Certificates of Occupancy**

**121.1    Building Permit Required.** It shall be unlawful to commence the excavation or filling of any lot for the construction of any building, including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings, until the Building Inspector has issued a building permit for such work.

**121.2    Issuance of a Building Permit.** In applying to the Building Inspector for a building permit, the applicant shall submit a dimensional sketch or scale plan indicating the shape, size and location of the lot to be built upon and the shape, size, height, and location of all buildings to be erected, altered, or moved, and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the Building Inspector for determining whether the provisions of this Ordinance are being observed. If the proposed excavation, filling or construction, as set forth in the application, are in conformity with the provisions of this Ordinance and other Ordinances of the City of Munford then in force, the Building Inspector shall issue a building permit for such excavation or construction upon payment of the required fee. If a building permit is refused, the Building Inspector shall state such refusal in writing with the cause. Building permits must be used within six (6) months from date of issue. If no

substantial progress on construction has been made six (6) months after permit is issued, permit is invalid and must be renewed.

**Section 122 Certification of Occupancy**

No land or building or part thereof hereafter erected or altered in its use of structure shall be used until the Building Inspector shall have issued a certificate of occupancy stating that such land, building or part thereof and the proposed use thereof are found to be in conformity with the provisions of this Ordinance. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building or part thereof and the proposed use thereof are found to conform with the provisions of this Ordinance; or if such certificate is refused, to state such refusal in writing with the cause.

## ARTICLE XIII

### **BOARD OF ZONING APPEALS**

#### **Section 131    Establishment**

A Board of Zoning Appeals is hereby established in accordance with Section 13-7-205 of the Tennessee Code Annotated. The Board of Zoning Appeals shall consist of five (5) members, not less than one (1) of whom may be a member of the Munford Municipal-Regional Planning Commission appointed by the chief executive officer of the city, and confirmed by a majority vote of the Board of Mayor and Aldermen. The term of membership shall be three (3) years, except that the initial individual appointments to the Board shall be terms of one (1), two (2), and three (3) years, respectively. Vacancies shall be filled for an unexpired term by appointment by the chief executive officer and confirmation by the Board of Mayor and Aldermen.

#### **Section 132    Procedure**

Meetings of the Board of Zoning Appeals shall be held at the call of the chairman and at such times open to the public. The Board shall adopt rules or procedures and shall keep records of applications and action thereon, which shall be a public record.

#### **Section 133    Appeals**

An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the building inspector based in whole or in part upon the provisions of this Ordinance. 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 appealed was taken. The Board shall fix a reasonable time for the hearing of the appeal, giving public notice thereof, as well as due notice to the parties in interest, and decide the same within fifteen (15) days from the date of the hearing. Upon the hearing any person or party may appear and be heard in person or by agent or attorney.

## **Section 134    Powers**

The Board of Zoning Appeals shall have the following powers:

- 134.1** To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or change made by the Building Inspector or other administrative official in the refusal, carrying out or enforcement of any provision of this Ordinance.
- 134.2** To permit the extension of a district for a district for a distance of not more than twenty five feet (25') where the boundary line of a district divides a lot or tract held in a single ownership at the time of the passage of this Ordinance.
- 134.3** To interpret the Official Zoning Map where questions of designation arise.
- 134.4** Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of this Ordinance or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any provision of this Ordinance would result in peculiar and exceptional practical difficulties to or undue hardship upon the owner of such property, to authorize upon appeal related to said property a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance. Financial disadvantage to the property owner is not sufficient proof of hardship.
- 134.5** Allow in accordance with the following procedure the uses designated as permitted on approval of the Board of Zoning Appeals provided that:

1. All provisions set forth in the appropriate zoning district are met,

and;

2. All special provisions set forth in this section are met.

Prior to the establishment of any use permitted on approval of the Board of Zoning Appeals, the applicant shall submit a site plan showing the development concept for tract to the Board of Zoning Appeals for review and approval.

The Board of Zoning Appeals may refer the site plan to the Planning Commission for a review and recommendation, but shall approve or deny the application within thirty (30) days of submission to the Board unless the applicant allows additional time for action.

**134.6** To interpret with the use of the Standard Land Use Coding Manual whether or not a specific use falls into the categories listed in the Commercial and Industrial district sections.

**134.7** The Board of Zoning Appeals shall not have the power to: permit a use prohibited by this Ordinance, extend a non-conforming use except as provided for in Chapter 279.1 of the 1973 Tennessee Acts, or subdivide property.

## **ARTICLE XIV**

### **AMENDMENT**

#### **Section 141    Zoning Amendment Petition**

The Board of Mayor and Aldermen, of Munford, Tennessee, may amend the regulations, restrictions, boundaries, or any provision of this Ordinance. Any member of the Board of Mayor and Aldermen may introduce such amendment, or any official, board or any other person may present a petition to the Board of Mayor and Aldermen requesting an amendment or amendments to this Ordinance.

#### **Section 142    Planning Commission Review**

No amendment shall become effective until it is first submitted to and approved or disapproved by the Munford Municipal-Regional Planning Commission. If the proposed amendment is disapproved by the Planning Commission it shall require the favorable vote of a majority of the entire membership of the Board of Mayor and Aldermen to make such amendment effective. If the Munford Municipal-Regional Planning Commission does not approve or disapprove an amendment which has been submitted for their review within thirty (30) days after such submission the failure to act on such amendment shall be deemed approval.

#### **Section 143    Effect of Denial of Application**

Whenever an application for an amendment to the text of this Ordinance or for a change in the zoning classification of any property is denied, the application for such amendment shall not be eligible for reconsideration for one year following such denial, except in the following cases:

- 143.1**    Upon introduction by the Board of Mayor and Alderman or the Planning Commission.
- 143.2**    When the new application, although involving any or a portion of the



same property, is for a different zoning district than that for which the original application was made.

- 143.3** When the previous application was denied for the reason that the proposed zoning would not conform with the general plan and the general plan has subsequently been amended in a manner which will allow the proposed zoning.

**Section 144     Public Hearing on Proposed Amendment**

Upon the introduction of any amendment to this Ordinance or upon the receipt of a petition to amend this Ordinance, the Board of Mayor and Aldermen shall publish a notice of such request for an amendment, together with the time set for hearing by the Board of Mayor and Aldermen on the requested change. Said notice shall be published in some newspaper of general circulation in the City of Munford, Tennessee. Said hearing by the Board of Mayor and Aldermen shall take place not sooner than fifteen (15) days after the date of publication of such notice.

## ARTICLE XV

### **LEGAL STATUS PROVISIONS**

#### **Section 151    Conflict With Other Ordinances**

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of the City of Munford, Tennessee the most restrictive shall in all cases apply.

#### **Section 152    Validity**

If any section, clause, provision or portion of this Ordinance 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 Ordinance which is not of itself invalid or unconstitutional.

**Section 153 Effective Date**

This Ordinance shall take effect and be in force immediately after adoption, the public welfare requiring it.

Recommended for Adoption by the Munford Municipal-Regional Planning Commission

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary, Munford Municipal -  
Regional Planning Commission

=====

**SECTION 2.** BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately upon its passage after second and final reading, this ordinance shall take effect from and after its passage, the welfare of the city requiring it.”

\_\_\_\_\_  
Passed First Reading

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Passed Second Reading

\_\_\_\_\_  
City Recorder

## **APPENDIX**

**"RESERVED FOR FUTURE USE"**