

**ARTICLE IV
ZONING DISTRICTS**

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

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

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

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

Where the property on one side of a street between two intersecting streets is in a business or industrial district and the property on the intersecting street, except the corner or corners, is in a residential district the business or industrial use shall be limited to the property facing or fronting the street zoned for business or industry throughout the block, and any property in the rear thereof facing or fronting the intersecting street, even though it appears to be in a business or industrial district, shall be governed by the use prevailing on the intersecting

street. It is the purpose of this resolution to limit business and industrial uses to the property facing or fronting the street zoned for business or industry and to prohibit business or industrial uses facing or fronting the street zoned for residential uses. In all cases of ambiguity due to the actual layout of the property or other circumstances, the Board of Zoning Appeals shall have authority to determine on which street the business or industrial use shall face or front so that the intent of the resolution shall be observed.

(Amended by Resolution 10-03-04, March 22, 2010).

4.040. Specific district regulations. The following regulations shall apply in the seven zoning districts established in Section 4.010, of this resolution:

4.041. A-1, Agriculture-Forestry District.

A. District Description:

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

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

The uses permitted in this district and the special exceptions that may be allowed in this district are listed in Article IV, Section 4.060, Permitted Use Table.

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

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

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

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

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

All uses permitted in the A-1, Agriculture-Forestry District shall comply with the following requirements, except as provided in Article VI. On lots with access to both public water and approved public sewer/alternative wastewater treatment system, the dimensional regulations of Section 4.043, R-1, Suburban Residential District , Subsection D, Dimensional Regulations, shall apply. In addition to the dimensional requirements, each development that meets these standards shall designate ten (10) percent of the development as green space, as defined in Article VII. The designated green space may include the area necessary for the alternative wastewater treatment system. **(Amended by Resolution 05-11-06, November 28, 2005) (Affirms by Resolution 08-03-05, March 24, 2008) (Amended by Resolution 11-11-04, November 28, 2011)**

1. Front Yard: The minimum depth of the front yard shall be fifty (50) feet.
2. Rear Yard: The minimum depth of the rear yard shall be forty (40) feet.
3. Side Yard: The side yard shall be a minimum of twenty-five (25) feet for a single-story structure, plus an additional five (5) feet for each additional story.
4. Land Area: All uses in the A-1, Agricultural-Forestry District, shall comply with the following requirements:

Minimum Lot Size:

Without a public water supply 2 acres

With a public water supply 1 acre

Lot Width at Front Setback Line:

For 2 acres 150 feet

For 1 acre 125 feet

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

4.042. A-2, Rural Residential District

A. District Description:

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

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

The uses permitted in this district and the special exceptions that may be allowed in this district are listed in Article IV, Section 4.060, Permitted Use Table.

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

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

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

All uses permitted in the A-2, Rural Residential District shall comply with the following requirements except as provided in Article V. On lots with access to both public water and approved public sewer/alternative wastewater treatment system, the dimensional regulations of Section 4.043, R-1, Suburban Residential District, Subsection D, Dimensional Regulations, shall apply. In addition to the dimensional requirements, each development that meets these standards shall designate ten (10) percent of the development as green space, as defined in Article VII. The designated green space may include the area necessary for the alternative wastewater treatment system. **(Added by Resolution 05-11-06, November 28, 2005) (Affirms by Resolution 08-03-05, March 24, 2008)**

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

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

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

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

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

Lot Width at Front

Setback Line: 100 feet

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

4.043. R-1, Suburban Residential District.

A. District Description:

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

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

The uses permitted in this district and the special exceptions that may be allowed in this district are listed in Article IV, Section 4.060, Permitted Use Table.

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

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

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

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

1. Front Yard: The minimum depth of the front yard shall be thirty (30) feet.
2. Rear Yard: The minimum depth of the rear yard shall be twenty-five (25) feet for the principal structure and fifteen (15) feet for any permitted accessory structure.
3. Side Yard: The side yard shall be a minimum of fifteen (15) feet for one and two-story structures, plus five (5) additional feet of side yard for each additional story over two.
4. Land Area: Notwithstanding cluster developments, individual lot(s) or parcel(s) of land shall not be reduced in size to provide separate lots or building sites of less than thirty thousand (30,000) square feet in area, except where public wastewater service is available, in which case the minimum lot area shall be fifteen thousand (15,000) square feet. However, where there is an existing lot of record of less than fifteen thousand (15,000) square feet, at the time of adoption of this resolution, this lot may be utilized for the construction of one single-family dwelling, providing the lot in question has a public water supply and providing that said lot of record is not less than seventy five hundred (7,500) square feet in area, and meets all the requirements of the Marshall County Environmentalist.

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

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

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

5. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed forty (40) percent of the total area of such lot or parcel or the buildable area of said lot as defined by the front, side, and rear yard setbacks, whichever is less.
6. Lot Width: No lot shall be less than one hundred (100) feet wide at the building setback line.

7. Height Requirement: No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Article VI, Section 6.030. **(Amended by Resolution 05-04-12, April 25, 2005)**

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

4.044 R-2, Mobile Home Parks District

A. Definitions.

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

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

B. Procedure for Submission and Review.

A site development plan shall be submitted for review on all proposals subject to this provision. The approval of said plan along with any accompanying conditions associated with a particular development is precedent to any approval under this section. The Marshall County Planning Commission is the agency responsible for this review. Only after the site plan has been approved, shall a development permit be issued to the applicant or developer, allowing for the initiation of a mobile home park development within the County. If at any time during the development process, unapproved deviations from the officially approved site plan occur, the development permit granted to the applicant or developer shall be subject to immediate revocation, until such time as such discrepancies are removed, corrected, or officially approved by the Marshall County Regional Planning Commission.

C. Site Plan Requirements.

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

1. The location and legal description of the proposed mobile home park.
2. The location and size of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.
3. The proposed use of buildings shown on the site plan.

4. The location and size of all mobile home spaces.
5. The location of all points of entry and exit for motor vehicles and the internal street circulation pattern.
6. The location of all off-street parking facilities.
7. The location of park and recreation areas.
8. The location of buffer strip(s).
9. The name and address of the applicant.
10. A comprehensive drainage plan.
11. Such other architectural, engineering, and topographic data as may be required to permit the local health officer and the Marshall County Regional Planning Commission, to determine if the provisions of these regulations are being complied with shall be submitted with the site plan.
12. The location and size of all servicing utilities, i.e., water lines, fire hydrants, sewer lines, drain-field areas, gas lines, electric lines, etc. Official approvals of all servicing utilities shall be documents and submitted with the site plan.
13. A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.

D. Required Development Standards.

1. No parcel of land containing less than five (5) acres and less than ten (10) mobile home spaces, available at the time of first occupancy, shall be utilized for a mobile home park.
2. The mobile home park shall be located on a well-drained site, properly graded to insure rapid drainage and to avoid the possibility of stagnant pools of water.

E. Dimensional Requirements for Parks:

1. Each mobile home park shall have a front yard of fifty (50) feet exclusive of any required yards for each mobile home space, extending for the full width of the parcel devoted to said use.
2. Each mobile home park shall provide rear and side yards of not less than thirty (30) feet, exclusive of any required yards for each mobile home space, from the parcel boundary.

3. In instances where a side or rear yard abuts a public street, said yard shall not be less than fifty (50) feet.
4. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or twenty-five (25) feet.
5. Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only the name and address of the park and may be lighted by indirect lighting only.

F. Dimensional Requirements for Mobile Home Spaces:

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

1. Each mobile home space shall be at least thirty-six (36) feet wide and such space shall be clearly defined by permanent markers.
2. There shall be a front yard setback of twenty (20) feet from all access roads within the mobile home parks.
3. Mobile homes shall be harbored on each space so that there shall be at least a twenty (20) foot clearance between mobile homes; provided, however, with respect to mobile homes parked end-to-end, the end-to-end clearance shall not be less than fifteen (15) feet. No mobile homes shall be located closer than twenty (20) feet from any building within the mobile home park.
4. There shall be at least two (2) off-street parking spaces for each mobile home space, which shall be on the same site as the mobile home served, and may be located in the rear or side of said trailer space.
5. Each mobile home space shall be provided with a paved patio of at least two hundred (200) square feet.
6. Each mobile home space shall be provided with a pad which shall be a minimum of twelve (12) feet by fifty (50) feet, which shall be constructed of four (4) inches of compacted gravel.
7. The minimum lot area per mobile home space shall be three thousand-six hundred (3,600) square feet. For double-wide mobile homes, the minimum lot size shall be six thousand (6,000) square feet.

G. Required Improvements:

1. Roads within the mobile home park shall have a roadway width of not less than twenty (20) feet in accordance with the procedures and standards for minor residential streets as

specified in Marshall County Subdivision Regulations. However, the right-of-way shall only be of sufficient width to include the road surface itself and necessary drainage facilities. All roads within the mobile home park shall be private roads and shall not be accepted as public roads.

2. All mobile home spaces within the park shall abut an access road as described in Subsection G, 1, of this section.
3. No mobile home park shall be permitted unless such park is served by a public water supply which is adequate to provide fire protection.
4. All mobile home parks shall be serviced with public or package sanitary sewerage and public water on available trunk lines, and the proposed water system shall be approved by the Tennessee Department of Health and Environment as well as by the Superintendent of the Marshall County Water System. Septic sewerage disposal shall be permitted only on mobile home lots having sufficient area to meet the requirements of the Marshall County Health Department.
5. Mobile homes, with or without toilet facilities, that cannot be connected to an approved sewer system shall not be permitted in a mobile home park.
6. Cabanas, travel trailers, and other similar enclosed structures are prohibited.
7. Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within the mobile home park, except that one (1) mobile home in the park may be used to house a rental office.
8. Ground anchors shall be installed at each mobile home space to permit tie-downs of mobile homes.
9. Specifications for drives in mobile home park developments shall be the same as the roadway specifications contained in the Marshall County Regional Planning Commission Subdivision Regulations to which reference is hereby made and incorporated herein.
10. Any central refuse disposal area shall be maintained in such manner as to meet county health requirements, and shall be screened from view.
11. Service buildings housing laundry, sanitation; or other facilities for use by occupants shall be permanent structures complying with all applicable codes.
12. A planted buffer strip (greenbelt planted strip) not less than ten (10) feet in width shall be established along the outer boundaries or periphery of the mobile home park. Said planted strip shall be composed of one (1) row of evergreen trees, spaced not more than forty (40) feet apart, and not less than two (2) rows of shrubs or hedges spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet in height.

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

4.045 C-1, Rural Center District.

A. District Description:

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

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

The uses permitted in this district and the special exceptions that may be allowed in this district are listed in Article IV, Section 4.050.

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

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

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

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

1. Front Yard: The minimum depth of the front yard shall be thirty (30) feet.
2. Rear Yard: The minimum depth of the rear yard for (a) residential uses – twenty-five (25) feet; (b) nonresidential uses – twenty (20) feet.
3. Side Yard: The minimum width of the side yard for (a) residential uses – twenty (20) feet for single-story structures, plus five (5) additional feet for each additional story; (b) nonresidential uses – twenty (20) feet for single-story structures, plus ten (10) additional feet for each additional story.

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

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

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

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

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

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

7. Height Requirement: No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Article VI, Section 6.030. **(Amended by Resolution 05-04-12, April 25, 2005)**

4.046. C-2, General Commercial District.

A. District Description:

The C-2, General Commercial District is established to provide areas in which the principal

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

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

The uses permitted in this district and the special exceptions that may be allowed in this district are listed in Article IV, Section 4.060, Permitted Use Table.

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

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

D. Dimensional Regulations:

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

1. Front Yard: The minimum depth of the front yard shall be thirty (30) feet.
2. Rear Yard: The minimum depth of the rear yard shall be fifteen (15) feet, except where vehicular access will be provided to the rear of the lot, in which case a minimum rear of the lot, in which case a minimum rear setback of thirty (30) feet shall be required.
3. Side Yard: The minimum side yard requirement shall be twenty (20) feet where vehicular access is available to the rear of the lot. Where no such access is available or desired, a side yard of fifteen (15) feet shall be permitted. On lots adjacent to an agriculture, rural residential, suburban residential or rural center district, all structures shall be so located as to comply with the side yard requirement of the adjacent district on the side adjoining said district. Commercial buildings may be built on a common lot line provided that there is mutual written consent of the owners of the buildings and land directly involved and the adjacent walls of the buildings have a fire resistant rating of two (2) hours.
4. Land Area: No minimum land area shall be required in the C-2, General Commercial District where public water and sanitary sewer service is available. Where only public water is available, there shall be a minimum land area of thirty thousand (30,000) square

feet, except that lots of record smaller than the required minimum, at the time of the adoption of this resolution, may be utilized, provided that said lot of record is not smaller than fifteen thousand (15,000) square feet, and also provided that the required subsurface disposal system serving such lot is approved by the Marshall County Environmentalist. Where no public water or sewer service is available, there shall be a minimum land area of three (3) acres. More than one building shall be permitted on a single lot in the case of a shopping center, provided that all applicable area and space requirements have been complied with and further provided that such buildings share a common fire resistant wall of at least a two (2) hour fire rating.

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

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

8. Height Requirement: No building shall exceed four (4) stories or fifty (50) feet in height, except as provided in Article VI, Section 6.030. **(Amended by Resolution 05-04-12, April 25, 2005)**

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

A. District Description:

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

B. Uses Permitted:

The uses permitted in this district and the special exceptions that may be allowed in this district are listed in Article IV, Section 4.060, Permitted Use Table.

C. Uses Prohibited:

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

D. Dimensional Regulations:

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

1. Front Yard: The minimum depth of the front yard shall be thirty (30) feet.
 2. Rear Yard: The minimum depth of the rear yard shall be twenty-five (25) feet.
 3. Side Yard: The minimum width of the side yard shall be twenty (20) feet.
 4. Land Area: No lot or parcel of land shall be less than thirty thousand (30,000) square feet. Where no public water is available, commercial lots shall be a minimum of one (1) acre in area. All proposed lots must be served by sewage disposal systems approved by the Marshall County Environmentalist.
 5. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings shall not exceed forty (40) percent of the total area of such lot or parcel.
 6. Lot Width: No lot shall be less than one hundred (100) feet wide at the building setback line.
 7. Height Requirements: No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Article VI, Section 6.050. **(Amended by Resolution 05-04-12, April 25, 2005)**
- 4.048. M-1, Restrictive Industrial District. **(Amended by Resolution 04-01-07, March 22, 2004) (Amended by Resolution 10-03-05, March 22, 2010)**

A. District Description and Purpose

The M-1, Restrictive Industrial District, is only allowed along roadways designated as either a collector or an arterial as shown on the official Major Thoroughfare Plan of Marshall County. An existing roadway, not classified as a collector or arterial, which is brought up to the standards of the Marshall County Highway Department, by a developer, for such designation would qualify and allow for a possible rezoning. The M-1, Restrictive Industrial District is intended to provide areas in which the principal use of land is for manufacturing, processing, assembling, fabrication of materials, and warehousing or storage. These land uses generally do not depend primarily on frequent personal visits by clients or customers, but generally require good accessibility to major rail, water, or highway transportation routes.

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

B. Uses Permitted:

The uses permitted in this district and the special exceptions that may be allowed in this district are listed in Article IV, Section 4.060, Permitted Use Table.

C. Uses Prohibited:

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

D. Dimensional Regulations:

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

1. Front Yard: The minimum depth of the front yard shall be forty (40) feet.
2. Rear Yard: The minimum depth of the rear yard shall be thirty (30) feet.
No yard shall be required for that portion of a lot which fronts on a railroad or rail spur line.
3. Side Yard: The minimum depth of the side yard shall be thirty (30) feet, except the side yards for industrial lots adjacent to suburban residential, rural residential, or rural center districts shall be a minimum of fifty (50) feet. No yard shall be required for that portion of a lot which fronts on a railroad or rail spur line.
4. Land Area: Where public water and sewer service is available, there shall be required a minimum land area of two (2) acres. In areas where only public water is available, there shall be a minimum of five (5) acres. No industrial land uses shall be permitted in areas where a public water supply of potable water in its manufacturing operation. In such instances, the Board may grant written approval of the use and shall not be less than five (5) acres.
5. Maximum Lot Coverage: No maximum lot coverage shall be imposed in the M-1 District.
6. Lot Width: No lot shall be less than one hundred-fifty (150) feet wide at the building setback line.
7. Height Requirements: No height limitations shall be imposed in the M-1, General Industrial District, except as provided in Article VI, Section 6.030. **(Amended by Resolution 05-04-12, April 25, 2005)**

4.049. M-2, General Industrial District (Amended by Resolution 04-01-07, March 22, 2004)

A. District Description:

The M-2, General Industrial District, is only allowed along roadways designated as either a collector or an arterial as shown on the official Major Thoroughfare Plan of Marshall County. An existing roadway, not classified as a collector or arterial, which is brought up to the standards of the Marshall County Highway Department, by a developer, for such designation would qualify and allow for a possible rezoning. The M-2, General Industrial District is intended to provide space for a wide range of industrial and related uses, which conform to a high level of performance criteria and have the least objectionable characteristics. These land uses generally do not depend primarily on frequent personal visits by clients or customers, but generally require good accessibility to major rail, water, or highway transportation routes. The following regulations shall apply in the M-2, General Industrial District, as defined on the Zoning Map of Marshall County, Tennessee:

The requirement that these districts be located in UGB or PGA was eliminated . (Amended by Resolution 06-11-09, November 27, 2006)

B. Uses Permitted:

The uses permitted in this district and the special exceptions that may be allowed in this district are listed in Article IV, Section 4.060, Permitted Use Table.

C. Uses Prohibited:

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

D. Dimensional Regulations:

All uses permitted in the M-2, General Industrial Districts shall comply with the following requirements except as provided in Article V.

1. Front Yard: The minimum depth of the front yard shall be sixty (60) feet.
2. Rear Yard: The minimum depth of the rear yard shall be fifty (50) feet.
3. Side Yard: The minimum depth of the side yard shall be fifty (50) feet.
5. Land Area: Where public water and sewer service is available, there shall be required a minimum land area of five (5) acres.

6. Maximum Lot Coverage: No maximum lot coverage shall be imposed in the M-2 District.
6. Lot Width: No lot shall be less than one hundred fifty (150) feet wide at the building setback line.
9. Height Requirements: No height limitations shall be imposed in the M-2, General Industrial District, except as provided in Article VI, Section 6.030. **(Amended by Resolution 05-04-12, April 25, 2005)**
- E. Requirements for Solid Waste Landfills **(Amended by Resolution 12-08-01, August 14, 2012)**
 - a. All areas used for filling operations shall maintain the minimum setback as required by this section
 - b. No fires shall be permitted. Any smoldering flame or spontaneous combustion in the fill shall be immediately extinguished.
 - c. All separation or picking of waste materials shall be conducted in an enclosed building only.
 - d. The premises shall be kept neat and clean at all times, no loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by use of calcium chloride or some other approved method.
 - e. Entrance to the site shall be controlled at all times to prevent improper dumping on the site.

4.050. M-3, Special Impact Industrial District. (Amended by Resolution 04-01-07, March 22, 2004)

A. District Description and Purpose

The M-3, Special Impact Industrial District, is only allowed in areas designated as an urban growth boundary (UGB) of the incorporated municipalities of Marshall County where an adequate public water supply and public wastewater service is available. Furthermore, this district is only allowed along roadways designated as either a collector or an arterial as shown on the official Major Thoroughfare Plan of Marshall County. An existing roadway, not classified as a collector or arterial, which is brought up to the standards of the Marshall County Highway Department, by a developer, for such designation would qualify and allow for a possible rezoning. This district is designed to provide suitable areas for those uses, which have some special impact or uniqueness such that their effect on the surrounding area and environment cannot be determined in advance of the use being proposed for a particular location. At the time the application is filed, a review of the location, design configuration and its impact will be conducted by comparing the proposed use, the preliminary development plan, the operational data, and the environmental assessments to the site location criteria. This review will evaluate whether the proposed use should be permitted through a rezoning to the M-3, Special Impact Industrial District, by weighing public need for and benefit to be derived from against the local impacts which it may cause. The review considers the proposal in terms of existing zoning and land use in the vicinity of the site, planned and proposed public and private developments which may be adversely affected by the proposed use, whether the proposed location is the most desirable site for this type of use, and to what extent the public health, safety, and general welfare of the citizens of Marshall County will be affected. In addition, any proposed project, within any municipality's urban growth boundary (UGB), must have the permission of the governing body of that municipality.

B. Site Location Criteria

1. The proposed site will be located in areas apart from concentrations of residential developments and community facilities where concentrations of people will be present.
2. The proposed use will not pollute or deteriorate air quality, surface or subterranean water, or any other natural features.

3. The proposed site will not be located in an area that could contaminate the source of an existing public water supply.
4. The proposed site will be free of sinkholes, caves, caverns, or other karst features that would present significant potential for surface collapse or significant degradation to local ground water resources.
5. The proposed site will be adequately served by public utilities and services to ensure a safe operation.
6. The proposed use will not result in the transportation of dangerous products or wastes through areas of population concentrations which would endanger community safety.
7. Access to the site will be from a road classified as an arterial or collector on the Major Road Plan for Marshall County.
8. The proposed lot size is sufficient so that no danger occurs to the adjoining uses.
9. The proposed site will not be located within an one hundred (100) year floodplain or wetland.

C. Administrative Procedure

The provisions of this section shall govern all applications for rezoning to the M-3, Special Impact Industrial District.

1. Preliminary Review

All applications for rezoning to the M-3, Special Impact Industrial District shall be made by the landowner or his/her authorized agent to the Building Inspector in accordance with the provisions of this section. All applications for re-zonings shall be accompanied by:

a. Preliminary Development Plan to Include the Following Information:

- (1) Letter from the owner detailing the proposed zoning change.
- (2) Location map of the proposed site, including size of the property.
- (3) Site plan and topographic map prepared by a Tennessee licensed engineer at a scale of one inch equals two hundred feet (1"=200').
- (4) Land use evaluation, including all building locations and historical sites within a one (1) mile radius of the proposed site, including property owners.
- (5) Highway assessment indicating all roads with access to the property, showing the existing width, condition, type of surface, weight loads and existing traffic data, and classification of all access roads according to the Marshall County Major Road Plan.

(6) Location and approximate dimensions of all structures, including appropriate height and bulk and the utilization of all structures and land areas within the site.

(7) A tabulation of the land areas to be devoted to all uses and activities.

(8) Ability of the site to be able to meet the Site Location Criteria in Subsection B, above, along with the General Requirements, in Subsection H, and the Requirements for Specific Uses, in Subsection I, below, for the proposed use of the property.

b. Operational Data to Include the Following Information

(1) Type of operation and detailed description of the operation.

(2) Average number of vehicles entering and leaving site on a daily basis and the routes taken.

(3) Types of Federal and State permits required for operation of the proposed facility.

(4) Safety measures to be used on site as well as the system for dealing with complaints.

(5) Ultimate use and ownership of the site after completion of operation (landfills only).

c. Environmental Assessments to Include the Following Information

(1) Geological data on the site as prepared by a Tennessee licensed geologist.

(2) Effects of the proposed use on ground water quality in the area.

(3) Effects of the proposed use on air quality in the area.

(4) Potential danger to any surface water or water supply.

2. Zoning Amendment

After review of the preliminary development plan, operational data, and environmental assessments, the planning commission shall recommend to the County Commission whether the proposed use should be rezoned to the M-3, Special Impact Industrial District. If the County Commission approves the zoning amendment, the landowner may proceed with his development by submitting a final development plan to the planning commission for their approval.

3. Final Development Plan Review

After approval of the rezoning by the County Commission, the landowner may make application to the planning commission, for approval of the final development plan, provided that the plan is in compliance with the preliminary development plan. All final development plans shall include the following information:

a. Final Development Plan shall Include the Following

(1) Final site plan prepared by a Tennessee licensed engineer for the development to include, location of all buildings, interior roads and parking areas, detailed landscaping plan of the buffer zone prepared by a landscape architect, location and type of all fences, utilities, and all other features and facilities to be installed or used in connection with the proposed operation.

(2) Site plan to be at a scale of one inch equals two hundred feet (1"=200').

(3) Contours at vertical intervals of not more than two (2) feet where the proposed development has an average slope of five (5) percent or less, or at vertical intervals of not more than five (5) feet where the average slope exceeds five (5) percent (contours to be field surveyed or taken from aerial photographs acceptable to the planning commission).

(4) Stages of development of the site and the expected time of completion.

(5) Copies of all required Federal and State permits the applicant has obtained.

(6) Final site plan shall be in compliance with Subsection G, H, and I, below, for the proposed use of the property.

b. Site and Geological Data

(1) Soil and geology, with soil borings to a point of refusal, with a minimum of two (2) borings per acre.

(2) Final grading and drainage plan for the entire site, including surface drainage patterns, and all areas for surface water detention or retention.

(3) Ground water movements and aquifer information.

(4) Existing vegetation cover on the site.

(5) Annual climate of the area, including annual precipitation and wind direction.

D. Uses Permitted

The uses permitted in this district and the special exceptions that may be allowed in this district are listed in Article IV, Section 4.060. Permitted Use Table.

E. Accessory Uses and Structures

1. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory uses are carried out on the same lot and are not otherwise prohibited.

F. Uses Prohibited

In the M-3, Special Impact Industrial District, any use not permitted by right or by accessory use as defined above is strictly prohibited.

G. General Requirements Applicable to All Uses

1. No excavation or filling shall be made within one hundred (100) feet of any boundary of the site.
2. Side slopes of excavation and fills in earth, sand or gravel shall not exceed one (1) foot vertical to three (3) feet horizontal and shall be blended into undisturbed existing surfaces.
3. A chain link wire fence six (6) feet high and three (3) strands of barbed wire over the top shall be installed along the boundaries of the area developed or the area of active operation and provided with gates of the same construction as the fence. The gates shall remain locked at all times when active operations are not taking place. All fences and gates shall be properly maintained until all operations are completed.
4. Provisions shall be made for the disposal of surface water falling on or crossing the site at all times, during and after completion of the operations. The operations shall not obstruct the normal flow of any public drain, or abrogate the riparian rights of any other party to a stream or drain.
5. The depth of excavation and the materials to be used for fill shall not have any adverse effect on the supply, quality or purity of ground water or wells.
6. A layer of clean earth at least two (2) feet thick shall be deposited and thoroughly compacted over all fill to bring the surface to the finished surface grade as shown on the topographic plan filed with the application.
7. The finished surface of the site shall bear the proper relationship to that of adjoining properties.
8. The installation of roads, parking areas, buildings, structures and operational facilities and equipment shall be located on the site so that adjoining properties will not be adversely affected.
9. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or candescence to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by the use of calcium chloride or some other approved method.
10. The proposed site must have a public supply of water available, capable of providing the required fire flow to a fire hydrant on site.

11. Sanitary toilet facilities shall be provided on-site in accordance with the requirements of the Department of Health and Environment.

H. Requirements for Specific Uses

1. Requirements for Incinerators and Atomic Reactors

a. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.

b. All organic or combustible materials delivered to the site shall be burned in the incinerator.

c. All residue resulting from the operations of the facility shall be disposed of in compliance with all state and federal regulations.

d. All materials which are to be burned shall be placed on or in a concrete slab or hopper enclosed by a building, masonry walls or chain link type fencing at least six (6) feet high provided with doors or gates which shall be securely locked when the incinerator is not in operation. The materials shall be transferred from the slab or hopper or hopper into the incinerator as soon as they are received, but in any case all combustible materials shall be burned during the same day that they were delivered. The slab or hopper shall be kept clear of all materials when not in active use.

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

f. A watchman shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.

2. Requirements for the Manufacture or Storage of Explosives, Munitions or Fireworks

a. Any such facility shall not be located on a site having an area of less than fifty (50) acres.

b. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.

c. A security guard shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.

3. Requirements for Hazardous and Radioactive Wastes

a. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.

b. All residue resulting from the operations of the facility shall be disposed of in compliance with all State and Federal regulations.

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

d. A security guard shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.

I. Dimensional Requirements

All uses permitted in the M-3, Special Impact Industrial District, shall comply with the following requirements:

1. Minimum Lot Size

Minimum Lot Area 25 Acres

Lot Width at Building Setback 500 Feet

2. Minimum Yard Requirements

Front Yard Setback 150 Feet

Side Yard Setback 100 Feet

except where the side yard abuts or is adjacent to a residential zoned property, in which case the minimum setback for that side yard shall be one hundred-fifty (150) feet.

Rear Yard Setback 100 Feet

except where the rear yard abuts or is adjacent to a residential zoned property, in which case the minimum setback for that side yard shall be one hundred-fifty (150) feet.

3. Maximum Lot Coverage

On any lot or tract containing one or more structures, the area occupied by all structures, including accessory structures shall not exceed forty (40) percent of the total area.

4. Height Requirements

No principal structure shall exceed forty (40) feet in height except as provided in Section 5.030.

5. Accessory Structures

a. With the exception of signs, fences, and security buildings, no accessory structures shall be erected in a required front yard.

b. Accessory structures shall be located at least one hundred (100) feet from any side or rear lot line, twenty-five (25) feet from any building on the same lot.

6. Peripheral Buffer Zone Requirements

A peripheral buffer zone of one hundred (100) feet shall be established and maintained throughout the life of the facility along all property boundaries. This buffer will consist of three (3) rows of trees and shrubs spaced no more than twenty (20) feet apart, staggered with each row being twenty (20) feet apart. A minimum of sixty (60) percent of all trees and shrubs placed in the buffer shall be evergreens or conifers. All trees planted on the site shall be a minimum of ten (10) feet in height that will mature at a height of at least forty (40) feet. In addition to the rows of trees, a row of shrubs in front of the trees is required along road frontage. In addition to the required plantings, it is recommended that manmade and natural berms be used to further the effectiveness of the natural planted buffer. The peripheral buffer should only be broken by driveways and walkways that provide access to the site. Any required fencing shall not be located within the buffer zone or between the buffer zone and the property boundaries.

J. Performance Bond Required

Any application for final site plan approval shall be accompanied by a performance bond in the amount of the estimated cost of site improvements including, but not limited to water and sewer installation, parking lot and driveway paving, construction of fencing, screening, and landscaping. Such bond may be in form of cash, certified check, irrevocable letter of credit, or surety bond.

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

