

**ARTICLE VIII
ADMINISTRATION AND ENFORCEMENT**

SECTION

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8.010. Administration of the resolution. Except as otherwise provided, no structure or land shall after the Effective date of this resolution be used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this resolution shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory. **(Amended by Resolution 05-04-12, April 25, 2005)**

8.020. The building inspector. The provisions of the resolution shall be administered and enforced by the County Building Inspector appointed by the County Board of commissioners, and he/she shall have the power to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this resolution. The County Building Inspector is accountable to the County Board of Commissioners through the County Executive officer who shall administratively supervise his/her activities. In performance of administering and enforcing this resolution, he/she shall:

- A. Issue all building permits and make and maintain records thereof.
- B. Conduct all Inspections of Compliance and make and maintain records thereof.
- C. Issue and renew, where applicable all Temporary Use Permits and make and maintain records thereof.
- D. Maintain and keep current zoning maps and records of amendments thereto.
- E. Receive, file and forward to the Board of Zoning Appeals all applications for variances or other matters on which the Board is required to act under the provisions of this resolution.

F. Conduct inspections as required in this resolution and such other inspections as are necessary to insure compliance with the various other general provisions of this resolution. The Building Inspector shall possess the right to enter upon any premises for the purpose of making inspections of premises necessary to carry out his authorized duties.

8.030. Building permit. It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or expansion of any structure including accessory structures, to use a building or structure or to change the use of a building or structure, or to commence the filling of land within any flood prone area without a permit thereof, issued by the Building Inspector.

No building permit shall be issued by the Building Inspector except in conformity with the provisions of this resolution, unless there is received a written order from the Board of Zoning Appeals in the form of an administrative review, special exception, or variance as provided by this resolution.

A. Application

Application for a building permit shall be made in writing to the Building Inspector on forms provided for that purpose. All applications for building permits shall be accompanied by a plan or a plat in duplicate, drawn to approximate scale, and showing the following:

1. The approximate shape, location, and dimensions of the lot to be built upon.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot and the elevation of the building site when the site falls within a designated flood hazard area.
3. The existing and intended use of all such buildings or other structures.
4. The Building Inspector shall require the following specific information to be included as part of an application for building permit for new construction, substantial improvements to existing structure, or other development proposed to be located within an area subject to flood as defined in Article V.
 - a. Copies of all federal and state permits required for the construction of the development as shown on the plans.
 - b. The name and address of the engineer, architect, surveyor, or other qualified person responsible for providing the information required under this section.
 - c. Site plans for developments other than subdivisions or mobile home parks showing the location of the proposed building or structure and existing buildings or structures on site or lot, watercourses, easements, or other information as the Building Inspector may deem necessary.

d. Where the development lies partially or completely within an area subject to flooding, the site plan shall include detailed information giving the location and elevation of sites. The plans shall show existing and proposed land contours at intervals not to exceed two (2) feet. The limits of the area subject to flooding and floodway boundaries shall be accurately shown on the plans. Each lot shall contain a building site safe from the threat of flood.

e. Any person, firm, or corporation hereafter constructing a building or structure within an area subject to flood shall submit to the Building Inspector a surveyor or engineer's certification stating the actual of the lowest floor (including basement) of the building or structure upon application for a building permit. If the structure (nonresidential only) was floodproofed, the certification which shall come from a registered engineer or architect shall also state the height to which the structure was floodproofed.

f. The minimum height of the lowest floor shall be one (1) foot above the level of the 100-year flood, site plans shall show information pertaining to the methods of lifting the proposed structure, including details of proposed fills, pile structures, retaining walls, foundations, and erosion protection measures. When required by the Building Inspector, these plans shall be prepared by a registered professional engineer or architect.

g. For structures to be floodproofed (nonresidential only) at or above the level of the 100-year flood, plans shall show details of flood-proofed measures. The plans shall be prepared by a registered professional engineer or architect which shall certify that the proposed structure, together with utilities and sanitary sewer facilities, is designed so that the structure is watertight with walls substantially impervious to the passage of water, and is designed to withstand the hydrostatic, hydrodynamics, buoyant, impact, or other forces resulting from the flood depths, velocities, pressures, debris, and other factors associated with the flooding conditions at the site.

B. Fee:

The Marshall County Commission shall establish a schedule of fees and a collection procedure for building permits. The schedule of fees shall be posted in the Office of the Building Inspector. Only the County Commission may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application.

C. Issuance of Permit:

If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this resolution, the Building Inspector shall issue a building permit for such excavation or construction. If an application for a building permit is not approved, the Building Inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed a waiving of any provisions of this resolution.

D. Construction Progress:

Any building permit issued becomes invalid if work authorized is not commenced within six (6) months of the date of issuance or if the work authorized by the permit is suspended or discontinued for a period of one (1) year.

E. A Certificate of Occupancy shall not be issued until the Marshall County Road Department has approved the connection between the lot and the roadway. **(Added by Resolution 05-04-12, April 25, 2005)**

8.040. Temporary use permits. It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the County Building Inspector, as provided for in Article III, Section 3.010, of this resolution. Application for a Temporary Use Permit shall be made in writing to the Building Inspector on the form provided for that purpose. A schedule of fees shall be established by the Marshall County Commission. Such schedule shall be posted in the office of the Building Inspector. Until the appropriate fee has been paid in full, no action shall be taken on any application.

8.050. Inspections of compliance. After a building or premise or any part thereof is ready for occupancy and within one (1) year following occupancy, the Building Inspector shall conduct a second inspection to insure compliance with this resolution. It is the owner's responsibility to correct deficiencies or be held in violation of this resolution.

8.060. Procedure for authorizing special exceptions. The following procedure is established to provide procedures for review of a proposed use as a conditional use or special exception by the Board of Zoning Appeals. The procedure shall be the same whether review is required under Sections 13-7-107 and 13-7-108, of the Tennessee Code Annotated, by this resolution, or whether a review is requested by the Building Inspector to determine whether a proposed use is potentially noxious, dangerous or offensive.

A. Application:

An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, and any other material pertinent to the request which the Board may require.

B. General Requirements. A conditional use permit (a special exception) shall be granted provided the Board finds that it:

- a. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
- b. Will not adversely affect other property in the area in which it is located.
- c. Is within the provision of "Special Exceptions" as set forth in this ordinance.
- d. Conforms to all applicable provisions of this ordinance for the district in which it is to be located as well as the provisions cited in Section 8.060 and is necessary for public convenience in the location planned.

C. Criteria for Review:

Prior to the issuance of a special exception, the Board shall make written findings certifying that satisfactory Provisions and arrangements Have been made concerning all the following where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
2. Economic, noise, vibrations, glare, or odor effects of the special exception on or by adjoining properties and properties generally in or near the district.
3. Refuse and service areas, with particular reference to the Items in 1, and 2, above.
4. Utilities, with reference to locations, availability, and compatibility.
5. Screening and buffering with reference to type, dimensions and character.
6. Required yard and other open space.
7. General compatibility with adjacent properties and other property in the district.

D. Restrictions:

In the exercise of its approval, the Board may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this ordinance.

E. Validity of Plans:

All Approved plans, conditions, restrictions, and rules made a part of the approval of the Board shall constitute certification on the part of applicant that the proposed use shall conform to such regulations at all times. Once a conditional use permit (a special exception) is granted to a piece of property, the permitted (approved) special exception shall remain in perpetuity with that property.

F. Time Limit:

All applications reviewed by the Board shall be decided within sixty (60) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

G. Special Conditions for Review Pertaining to Bed and Breakfast Home:

In addition to the requirements of the applicable district and the general requirements set forth in Section 8.060, C, the following special conditions shall be met prior to issuing a building permit:

1. Bed and breakfast residences shall be established only within preexisting single family residences.
2. Bed and breakfast residences shall continuously maintain current licenses and permits as required by local and state agencies.
3. Bed and breakfast residences shall be solely operated by members of the family residing in the residence.
4. The only meal to be provided to guests shall be breakfast, and it shall only be served to guests taking lodging in the facility.
5. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
6. Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed or remodeled for rental purposes.
7. Bed and breakfast residences shall be limited to a single on-premises sign which shall be no greater than eight (8) square feet in size, and shall be located no closer to the street right-of-way line than fifteen (15) feet.
8. One (1) off-street parking space shall be provided for each room rented in addition to the required two (2) spaces required for the single-family residence. All such spaces shall be screened from view from adjoining property and shall not be located within any required front yard.
9. If food is prepared or cooked, a menu made available, and a price is charged therefor, a food server's license must be obtained from the Tennessee Department of Health.
10. A smoke detector shall be installed in each sleeping room, and a fire extinguisher ten pounds in size or larger shall be installed and made easily accessible on each floor or story.
11. An evacuation plan must be approved prior to the issuance of a building permit for a bed and breakfast residence.
12. Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood, and the intent of the zoning district in which it is located.
13. Certification shall be provided by the county health department approving the subsurface disposal system as being adequate to serve the total number of bedrooms occupied.

H. Special Conditions for Multi-Family Dwelling and Mobile Home Park Activities

In addition to the standards contained elsewhere in this resolution for these type developments, the Board of Appeals shall specifically find that there will be no adverse impact upon adjoining properties or the neighborhood in which such use is proposed. In

making this finding, the Board shall consider the effect upon traffic congestion, overcrowding of schools availability of necessary public utilities, and character of adjoining structures, and suitability of the site for the use and such other factors as the Board may deem necessary.

I. Special Conditions Administrative Services

1. There must be a demonstrated need for such activities to serve the neighborhood or the total community.
2. All lot, yard, and bulk regulations of the zone district shall apply.
3. Appropriate off-street parking requirements shall apply.
4. Fencing, screening, and landscaping shall be provided as appropriate to protect surrounding properties and reduce any potential adverse impact.
5. The site and architectural plans shall be approved by the planning commission.
6. The location of such facility shall not materially increase traffic on surrounding streets.

J. Special Conditions for Day Care Homes

A day care in an occupied residence of not more than seven (7) children including children living in the home.

1. The required lot size, yard, and bulk regulations of the district shall apply. No variances shall be permitted for lots on which such use is to be located.
2. All public utilities and sanitary sewers shall be available and connected to the site unless the site is over one (1) acre in size. The Fire Inspector shall approve the facility for safety.
3. All requirements of the State of Tennessee that pertain to the use shall be met.
4. An outdoor play area of at least two hundred (200) square feet per child in size shall be available and shall be fenced.
5. The facility shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.
6. Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.
7. No such facility shall be permitted on a lot unless such lot contains at least one (1) acre.

K. Special Conditions for All Other Personal and Group Care Activities

1. No such facility shall be permitted on a zone lot unless it contains a minimum of one (1) acre.
2. All bulk regulations of the district shall be met.

3. The requirements of the accessory off-street parking regulations of this resolution shall apply.
4. All regulations of the State of Tennessee shall be met.
5. All public utilities and sewage disposal shall be available and connected to the site, and the site and architectural plans for such a facility be approved by the planning commission taking into account the above conditions as well as any other pertinent factors.
6. Special passenger loading and unloading facilities shall be provided on the same zone lot for vehicles to pick-up or deliver passengers. Such facilities shall provide for driveways that do not require any back-up movements by vehicle to enter or exit the zone lot.
7. The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facility.

L. Special Conditions for Community Assembly

1. No such facilities shall be permitted on a lot unless it contains one (1) acre provided, however, that if such community assembly includes outdoor activities, the minimum lot area shall be four (4) acres.
2. All bulk regulations of the zone district shall apply.
3. Off-Street Parking
 - a. For nonprofit clubs, lodges, meeting halls and recreation centers, one (1) space for each four (4) seats in an assembly area within the facility, or one (1) space for each seventy-five (75) square feet of gross floor area, whichever is greater, shall be provided.
 - b. For temporary nonprofit festivals, the required number of off-street parking spaces shall be determined by the Board, taking into account the traffic generation of such facility, the hours of other such factors as affect the need for off-street parking.
4. Except for temporary nonprofit festivals fencing, screening and landscaping shall be provided as appropriate for such facility, except that no landscaped screen shall be located closer than fifteen (15) feet of any vehicular entrance or exit to the property.
5. The location and operation of such community assembly facility shall be in keeping with the character of the surrounding area and shall not adversely affect the properties within the surrounding area.
6. All public utilities and sewage disposal shall be available and connected to the site.
7. Except for temporary nonprofit festivals, the site and/or architectural plans shall first be approved by the planning commission taking into account the above conditions

M. Special Conditions for Cultural and Recreational Services

1. No such activity shall be permitted on a zone lot unless it contains twice the lot area requirements of the district.

2. All bulk regulations of the district shall apply.
3. The off-street parking requirements of this resolution shall apply.
4. Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area and shall not have an adverse affect on properties within the surrounding area.
5. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse affect on properties within the surrounding area.

N. Special Conditions for Community Education

1. No such facilities shall be permitted on a zone lot unless such lot contains the acreage recommended for such facilities by the appropriate state agency.
2. The traffic generated by such facility shall be safely accommodated along the streets, which will provide access to the site.
3. The location and design of such facilities shall not have an adverse effect upon surrounding properties.
4. The off-street parking requirements of this resolution shall apply.

O. Special Conditions for Health Care

1. Minimum Lot Area

- a. No health clinic shall be permitted on a zone lot unless it contains twice the lot area requirements of the district.
 - b. No hospitals, or centers for observation or rehabilitation shall be permitted on a zone lot unless it contains a minimum of five (5) acres.
2. The minimum side and rear yards for hospitals and centers for observation or rehabilitation shall be fifty (50) feet for a one (1) or two (2) story building, increased by five (5) feet for each story above two (2).
 3. All other regulations of the district shall apply.
 4. There shall be provided along the entire site boundaries fencing, screening, and landscaping as appropriate to protect the surrounding residential area.
 5. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect on the properties in the surrounding area.

6. All public utilities and sewage disposal shall be available and connected to the site.
7. The site and/or architectural plans shall first be approved by the planning commission taking into account the above conditions.

P. Special Conditions for Intermediate and Extensive Impact

1. The location, size, and design of such facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
2. The traffic generated by such facility shall be safely accommodated along major arterials or collectors without traversing local minor streets.
3. The proposed facility shall provide a basic community function or essential service necessary for a convenient and functional living environment in order to be located on the proposed site.
4. The off-street parking requirements shall be determined by the Board taking into account characteristics of the use.
5. The site plan for such facilities shall be approved by the planning commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facility.

Q. Special Conditions for Religious Facilities

1. No such facilities shall be permitted on a zone lot unless it contains one (1) acre.
2. The location, size, and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area thus reducing the impact upon such area.
3. All bulk regulations of the district shall be met.
4. The off-street parking requirements of this resolution shall apply.

R. Special Conditions for Group Assembly Activities

1. The location, size, and design of such facilities shall be situated so that the proposed development shall be compatible with the development within the surrounding area thus reducing the impact upon the surrounding area.
2. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
3. The off-street parking requirements shall be based on the type of use and the needs of the use to adequately accommodate the expected groups of people.

4. The site plan for such facilities shall be approved by the planning commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facilities.

5. When an application for a group assembly permit includes amusement parks, sports arenas, fairgrounds, racetracks, and similar recreational pursuits, the following requirements shall be observed.

a. The minimum size site shall be twenty-five (25) acres.

b. The minimum setbacks of all structures from all public roads shall be one hundred (100) feet.

c. Such facility shall be situated so that no residential use is located closer than five hundred (500) feet from building entrance of the principal use at the time of approval.

d. Access to such facility shall be by a paved road and such road shall be either a major arterial or major collector. Traffic shall not be directed through residential subdivisions or on minor residential streets.

e. Off-street parking shall be provided at a minimum of one (1) space for each four (4) patrons or seats. For those facilities which are not utilized on a regular and frequent basis, parking may be provided on adjacent parcels of land provided further that any parcel so used is located no more than five hundred (500) feet from the lot boundary.

f. Any lighting provided at such facilities shall be designed so that no direct light falls on adjacent residential property.

g. Accessory uses may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities.

h. Accessory structures may be permitted which are incidental and subordinate to the principal structure. Such structure may not be located within any required setback or buffer area.

6. When an application for a Group Assembly Permit includes a private campground, the following standards shall be met:

a. Such campground shall have on site management.

b. The campground may include convenience commercial establishments such as camp stores, laundry facilities, and personal services; provided that such convenience establishments are subordinate to the recreational character of the campground; are located, designed and intended to serve exclusively the patrons staying in the campground; and such establishment and their parking areas shall not occupy more than ten (10) percent of the area of the parking or one (1) acre whichever is smaller.

c. Such campground shall meet the following standards:

- i. Minimum size - Ten (10) acres.
 - ii. Maximum density - Ten (10) campsites per gross acre.
 - iii. Sanitary facilities, including flush toilets and showers – Within three hundred (300) feet walking distance of each campsite.
 - iv. Dump station for travel trailers.
 - v. Potable water supply - One (1) spigot for each four (4) campsites.
 - vi. Trash receptacle - One (1) for each two (2) campsites.
 - vii. Parking - One (1) space per campsite.
 - viii. Picnic table - One (1) per campsite.
 - ix. Fireplace or grill - One (1) per campsite.
 - x Administration or safety building - Open at all times wherein a portable fire extinguisher in operable condition and first aid kit is available, and a telephone is available for public use.
- d. Such campground shall meet the following design requirements:
- i. Vegetation screen or ornamental fence which will substantially screen the campsites from view of public right-of- way and neighboring properties shall be provided around or near the perimeter or that part of the campground containing campsites. Such vegetation or fence shall be maintained in good condition at all times.
 - ii. Each campground shall reserve at least twenty-five (25) percent of its total area as natural open space excluding perimeter screening. Such open space may include recreation and water areas, but may not include utility areas, administration building, commercial areas, or similar activities.
 - iii. Each campsite shall have a minimum setback of twenty-five (25) feet from any public road of fifty (50) feet.
 - iv. Each separate campsite shall contain a minimum of thirty two hundred (3,200) square feet. (A campsite shall be considered to consist of trailer or tent space, parking space, picnic table, fireplace, and one-half (1/2) the roadway providing access.)
 - v. Each campsite shall be directly accessible by an interior road.
 - vi. All interior roads shall be a minimum of ten (10) feet wide for one (1) way traffic and eighteen (18) feet wide for two-way traffic.
 - vii. All interior roads shall meet the following curve requirements:

- Minimum radius for a 90 degree turn - 40 feet
- Minimum radius for a 60 degree turn - 50 feet
- Minimum radius for a 45 degree turn - 68 feet

viii. No camping vehicle or camping equipment shall be used for human habitation for a period exceeding thirty (30) consecutive days.

S. Special Conditions for Entertainment and Group Assembly

Small meeting and reception facilities allowed in residential areas; the following requirements shall apply:

1. No such facility shall be permitted on a zone lot, unless it contains sixty thousand (60,000) square feet.
2. The location, size and design of such facility shall be situated so that it will be compatible with the development within the surrounding area, thus reducing the impact upon such area.
3. No facility shall have a capacity for over one hundred (100) persons.
4. Each facility shall maintain a twenty (20) foot buffer strip between any residential area.
5. Any site lighting shall be indirect that will not illuminate the surrounding property.
6. Any proposed sign shall be limited to a monument sign no more than five (5) feet in height and twenty-five (25) square feet in surface area.
7. All off-street parking requirements of this resolution shall apply.
8. Any such facility may be considered an appropriate accessory use and structure to an existing residence so long as the existing residence serves as living quarters for persons regularly employed to provide catering and management services to the facility. The facility may be located in a separate building.

T. Special Conditions for Adult Entertainment Business

1. No establishment shall be located within two thousand (2,000) feet (measured property line to property line) of any residence, church, school ground, college campus or park.
2. All establishments shall be located at least two thousand (2,000) feet measured property line to property line) of any other adult entertainment business.
3. No establishment shall be located within two thousand (2,000) feet (measured property line to property line) from any residential zoned property.
4. Be in compliance with all provisions of the Tennessee Code, Sections 7-51-1101 through 7-51-1121 and any applicable regulations of Marshall County.
5. All bulk regulations of the zoning district shall apply.

6. The off-street parking requirements of this resolution shall apply.
7. Sign messages shall be limited to verbal description of material or services on the premises and may not include any graphic or pictorial depiction of material or services available on the premises.
8. Messages or signs which are visible or intended to be visible from outside the property (such as on or within doors or windows) shall not display materials, items, publications, pictures, films or live presentation of persons performing or services offered on the premises.

U. Special Conditions for Mining and Quarrying Activities

1. The location of such an activity shall be in an area sparsely developed during the length of time the mining or quarrying activity is anticipated.
2. Any permit issued hereunder shall be based on a site plan or other documents submitted with an application, which shall provide for the following:
 - a. Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contour intervals shall be at two (2) foot intervals.
 - b. Location of the area in which the proposed quarrying activity is to be conducted.
 - c. Location of all proposed buildings, crusher and screening equipment, roadways and other facilities proposed on the site.
 - d. Proposed method of drainage of the quarry area.
 - e. Proposed fencing of the quarry area. Fencing shall be provided around all open excavations.
 - f. Methods proposed for blasting. Open blasting commonly referred to as "pop shots" shall be prohibited.
 - g. Methods proposed to control noise, vibration and other particulate matter.
 - h. Finished contours of the site after the quarrying operation has been terminated. The site shall be graded and/or filled so as to be in substantial conformity with the topography of the surrounding lands. All fill material shall be nontoxic, nonflammable, and noncombustible solids. All areas that are backed-filled shall be left so that adequate drainage is provided.
3. Approval for mining and quarrying activity may also include accessory concrete batching plants, asphaltic cement mixing plants and/or rock crushing activities on the same zone lot or adjoining zone lots which may have directly opposing frontages on the same public street. If such accessory activities are included on the quarry site, the total site must meet all the special condition requirements for mining and quarrying activities; however, in conditions of multiple zone lots, the outer perimeter of the site shall be considered the lot line.

4. Before issuing a permit the Board shall require the owner of the quarry facility to execute a bond in an amount to be determined by the planning commission per acre of active quarry throughout the period of use to restore the lands in the manner prescribed herein, including the removal of all structures and machinery.

5. The site plan is first approved by the planning commission taking into account the above conditions as well as any other factors related to the use and operation of such facilities.

V. Specific Standards for Intermediate Manufacturing Activities

A special exception permit shall not be granted unless the standards below are met:

1. The activity takes place in completely enclosed buildings with no outdoor storage of materials or finished products.
2. Access for heavy trucks and employees is from a major thoroughfare or industrial access road from a major thoroughfare with residential streets unaffected.

W. Specific Standards for Extensive Manufacturing Activities

A special exception shall not be granted unless the standards below are met:

1. No such facility shall be located on a lot unless such lot contains at least one (1) acre.
2. Access for heavy trucks and employees is from a major thoroughfare or industrial access road from a major thoroughfare with residential streets unaffected.
3. State permits for air pollution standards, ground water and emissions must be obtained and kept up-to-date.
4. The site plan is first approved by the planning commission taking into account factors related to the use and operation of the facility.

X. Specific Conditions for Mini-Warehouses

1. Commercial or industrial storage shall be limited to less than fifty (50) percent of the total square footage of the facility.
2. No hazardous materials shall be allowed in any storage units.
3. Recreational vehicles, boats and all operational vehicles may be stored outside in designated areas only. All other storage must be within enclosed structures.
4. All lights shall be shielded to direct the light onto the established uses and away from all adjacent properties.
5. No sales, garage sales or miscellaneous services or business activities shall be conducted on the premises. The servicing or repair of motor vehicles, boats, lawn mowers and other similar equipment shall not be conducted on the premises.
6. The off-street parking requirements of this resolution shall apply.

Y. Specific Conditions for Feedlots and Stockyards

1. The location of such an activity shall be in an area sparsely developed during the length of time the use as a stockyard or feedlot is anticipated.

2. No such facility shall be permitted on a zone lot unless it contains twice the lot area requirements of the district; provided, however, that if such activity includes outdoor animal pens, the minimum lot area shall be four (4) acres.

3. Any permit issued hereunder shall be based on a site plan or other documents submitted with an application, which shall provide the following:

a. Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contour intervals shall be at two (2) foot intervals.

b. Location of the area in which the proposed keeping of animals is to be conducted.

c. Location of all proposed buildings, animal pens, roadways and other facilities proposed on the site.

d. Proposed method of drainage of the animal pens.

e. Proposed fencing of the site.

f. Insect, rodent and odor control measures shall be provided to the satisfaction of the Board of Zoning Appeals.

8.070. County Board of Zoning Appeals. A Marshall County Board of Zoning Appeals is hereby established in accordance with 13-7-106 through 13-7-109 of the Tennessee Code Annotated. The Board of Zoning Appeals shall consist of five (5) members appointed by the Marshall County Commission. The Board members shall be appointed to five-year terms; however, the initial appointments shall be arranged so that the term of one (1) member will expire each year. One member of this board shall be a County Commissioner and another a member of the Planning Commission.

A. Procedure:

Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records of applications and action taken thereon which shall be public records.

B. Appeals to the Board:

An appeal to the Marshall County Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any governmental office, department, board, or bureau affected by any decision of the Building Inspector based in whole or in part upon the provisions of this resolution. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers

constituting the record upon which the action appeals was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney. Any Appeal of a decision of The Zoning Administrator must be made in writing within thirty (30) days of his decision. **(Amended by Resolution 07-11-09, November 26, 2007).**

C. Stay of Proceedings:

Any appeal to the Board of Zoning Appeals from a decision of the Building Inspector stays all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board of Zoning Appeals, after such notice of appeal shall have been filed, that by reason of facts stated in the certification such stay would cause imminent peril to life or property. In such instance, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of by a court of competent jurisdiction on application, on notice to the Building Inspector, and on due cause shown. **(Amended by Resolution 05-04-12, April 25, 2005)**

D. Appeal to the Court:

Any person or persons or any board, taxpayer, department, or bureau of the county aggrieved by any decision of the Board may seek review by a court of competent jurisdiction of such decision in a manner provided by the laws of the State of Tennessee.

E. Powers of the Board:

The Board of Zoning Appeals shall have the following powers:

1. Administrative Review:

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Building Inspector or other administrative official in the carrying out of enforcement of any provision of this resolution.

2. Special Exceptions:

To hear and decide applications for special exceptions as specified in this resolution, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass.

3. Variances:

To hear and decide applications for variances from the terms of this resolution.

8.080. Variances. The purpose of this variance is to modify the strict application of the specific requirements of this resolution in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict

application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. variances shall be granted from zoning restrictions such as heights, setback and lot density where such variances are reasonable and necessary to assure unobstructed access to direct sunlight. Variances shall not be granted which would cause an unreasonable obstruction of direct sunlight to adjacent property if there is a reasonable probability of utilization of passive or active solar radiation on said adjacent property. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this resolution.

A. Application:

After written denial of a permit, a property owner may make application for a variance, using any form which might be made available by the Board of Zoning Appeals.

B. Fee:

The Marshall County Commission shall establish a schedule of fees for zoning requests and procedures, which shall be posted in the Zoning Office. **(Amended by Resolution 05-04-12, April 25, 2005).**

C. Hearings:

Upon a receipt of an application and fee, the Board shall hold a hearing to decide whether a variance to the resolution provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. The Board shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below.

D. Standards for Variances:

In granting a variance, the Board shall ascertain that the following criteria are met:

1. Variances shall be granted only where special circumstances or conditions, fully described in the finding of the Board, do not apply generally in the district.
2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.
3. For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the Provisions of this resolution would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.
4. The granting of any variance shall be in harmony with the general purposes and intent of this resolution and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.

5. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the persons applying therefore.

6. Variances shall not be granted within any flood prone area if an increase in the Level of the 100-year flood would result from the proposed Development. **(Amended by Resolution 05-04-12, April 25, 2005).**

8.090. Amendments to the resolution. The regulations, restrictions, and boundaries set forth in this resolution may from time to time be amended, supplemented, changed, or repealed by the Marshall County Commission; but, in accordance with Tennessee enabling legislation.

Any re-zoning of a property by the Marshall County Commission shall be reviewed by the Marshall County Planning Commission after a period of one (1) year, if the Marshall County Planning Commission determines insufficient progress has occurred in the development of the property, the property shall revert back to its original zoning status. **(Amended by Resolution 06-11-10, November 27, 2006).**

Any rezoning request shall be accompanied by a detailed concept plan drawn by an architect or surveyor licensed in the State of Tennessee. In addition to the location, and ownership of the property, the concept plan shall contain at a minimum; a narrative of the proposed use in detail, how the proposed use would fit the character of the area by referring to Section 1.040 Purpose of the Zoning Resolution of Marshall County, proposed density changes, reports from involved utilities and departments that would be required for any increased changed infrastructure demands, detailing how the zoning change would impact current infrastructure, a site plan showing ingress/egress access, contours at a five foot minimum, and a drainage plan for the proposed development. **(Amended by Resolution 16-06-13 June 27, 2016)**

Anyone seeking any change in the zoning plan adopted for Marshall County must submit such request to the Planning Commission. No change or departure from the text or maps as certified by the Planning Commission shall be made, unless such change or departure be first submitted to the Planning Commission and approved by it, or, if disapproved, receive the favorable vote of a majority of the entire membership of the County Commission.

No amendment to this resolution shall become effective unless it shall have been proposed by or shall have first been submitted to the Marshall County Regional Planning Commission for review and recommendation. The Planning Commission shall have thirty (30) days within which to submit its report. If the Planning Commission disapproves the amendment within thirty (30) days, it shall require the favorable vote of a majority of the County Commission to become effective. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

Before finally adopting any such amendment, the County Commission shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the county. Whenever an application for a change in the zoning classification of any property (rezoning request) is denied, the application for such a change shall not be eligible for reconsideration for one (1) year following the denial.

A. Fee:

The Marshall County Commission shall establish a schedule of fees for zoning requests and procedures, which shall be posted in the Zoning Office. **(Amended by Resolution 05-04-12, April 25, 2005).**

8.100. Penalties. Any persons violating any provisions of this resolution shall be guilty of a

misdemeanor, and upon conviction shall be fined appropriately for each offense. Each day such violations continue shall constitute a separate offense.

8.110. Remedies. In case any building or other structure is erected, constructed, altered, or converted, or any building, structure, or land is used, in violation of this resolution, the Building Inspector or any other appropriate authority or any adjacent or neighboring

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property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

8.120. Separability. Should any section, clause, or provision of this resolution be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the resolution as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

8.130. Interpretation. Whenever the conditions of this resolution require more restrictive standards than are required in or under any other statute, the requirements of this resolution shall govern. Whenever the conditions of any other statute require more restrictive standards than are required by this resolution, the conditions of such statute shall govern.

8.140. Effective date. This resolution shall take effect from and after the effective date of its passage and publication as required by law, the public welfare requiring it.

Certified by the Marshall County Regional Planning Commission

May 16, 1989
Date

Gilbert L. Hunter
Secretary

Date of Passage of Resolution by the Marshall County Commission

September 18, 1989
Date

Carlton Norris
County Executive

ATTESTED BY:

Tommy Higdon
Marshall County Clerk

November 21, 1989

Date of publication of caption and summary

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