

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

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CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

- 14-101. Creation and membership.
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14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; two of these shall be the mayor and an aldermen selected by the board of mayor and aldermen; the other five (5) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the five (5) members appointed by the mayor shall be for five (5) years each. The five (5) members first appointed shall be appointed for terms of one, two, three, four, and five years respectively so that the term of one member expires each year. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1980 Code, § 11-101)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in

accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1980 Code, § 11-102)

14-103. Powers. The municipal planning commission shall also have the following powers and duties as formerly exercised by the board of zoning appeals¹:

(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 zoning compliance officer or other administrative official in the carrying out or enforcement of any provision of chapters 2 through 10 of this title, and to interpret the zoning map and ordinance.

(2) Special exceptions. To hear and decide applications for special exceptions upon which the municipal planning commission is specifically authorized to pass.

(3) Variance. To hear and decide applications for variance from the terms of chapters 2 through 10 of this title, but shall grant variances only where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property which at the time of the adoption of the provisions of chapters 2 through 10 of this title was a lot of record, or where by reason of exceptional topographic conditions or other extraordinary or exceptional situations or conditions of a piece of property the strict application of the provisions of chapters 2 through 10 of this title would result in practical difficulties to or undue hardship upon the owner of such property; provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of chapters 2 through 10 of this title.

(a) In granting a variance the municipal planning commission may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of chapters 2 through 10 of this title.

(b) Before any variance is granted it shall be shown that special circumstances attached to the property do not generally apply to other property in the neighborhood. (1980 Code, § 11-1004, as amended by Ord. #340, Feb. 1995, and Ord. #348, April 1996)

¹Ord. #348, April 1996, available in the recorder's office, abolished the board of zoning appeals and transferred its powers and duties to the municipal planning commission.

Ord. #368, July 1998, as provided in this code as title 14, chapter 11, re-established the board of zoning appeals.

CHAPTER 2

GENERAL ZONING PROVISIONS¹

SECTION

- 14-201. Short title
- 14-202. Purpose.
- 14-203. Construction of language.
- 14-204. Definitions.
- 14-205. General provisions.
- 14-206--14-216. [Deleted.]

14-201. Short title. Chapters 2 through 7 of Title 14 of the Monterey Municipal Code shall be known as the "Official Zoning Code of the Town of Monterey, Tennessee" and the map herein referred to, which is identified by the title "Official Zoning Map of the Town of Monterey, Tennessee," dated August 7, 2006, shall be made a part of Chapters 2 through 7 of Title 14 of the Monterey Municipal Code. (1980 Code, § 11-201, as replaced by Ord. #441, Sept. 2006)

14-202. Purpose. This Official Zoning Code is enacted for the following purposes:

14-202.1

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

14-202.2

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

¹The provisions in chapters 2 through 7 of this title were taken from Ord. #441 as amended. Chapters 8, 9 and 10 were repealed and reserved for future use. As set forth in Ord. #441, sections and subsections, including punctuation and numbering methods have been retained in their entirety. Some format changes were incorporated to make this title consistent with the Monterey Municipal Code. No substantive changes have been made unless authorized by ordinance.

14-202.3

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

14-202.4

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

14-202.5

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

14-202.6

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

14-202.7

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

14-202.8

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

14-202.9

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

14-202.10

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

14-202.11

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

14-202.12

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

14-202.13

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

14-202.14

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

14-202.15

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

14-202.16

To protect and in general allow for the beneficial uses of property in a like manner to that which was permitted under the previous zoning regulations (Ord. #374, as amended);

14-202.17

These general purposes include the specific purposes stated in the various chapters throughout this Official Zoning Code. (1980 Code, § 11-202, as replaced by Ord. #441, Sept. 2006)

14-203. Construction of language. For the purposes of this Official Zoning Code, certain terms or words shall be interpreted as follows:

14-203.1

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

14-203.2

The word MAY is permissive.

14-203.3

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

14-203.4

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

14-203.5

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

14-203.6

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

14-203.7

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

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

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

14-203.7C EITHER...OR indicates that the connected items, conditions, or events shall apply singly but not in combination. (1980 Code, § 11-203, as replaced by Ord. #441, Sept. 2006)

14-204. Definitions. Except where definitions are specifically included in various chapters and sections, certain words in the text of this Official Zoning Code shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail.

14-204.1

ACCESSORY APARTMENT -- A separate and complete dwelling unit that is contained within the structure of a single-family dwelling unit.

14-204.2

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

14-204.3

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

14-204.4

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

14-204.5

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

14-204.6

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

14-204.7

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

14-204.8

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

14-204.9

BUFFER AREA -- A landscaped area intended to separate and obstruct the view of two (2) adjacent land uses or properties from one another.

14-204.10

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

14-204.11

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

14-204.12

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

14-204.13

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

14-204.14

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

14-204.15

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

14-204.16

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

14-204.17

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

14-204.18

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

14-204.19

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

14-204.20

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

14-204.21

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

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

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

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

14-204.22

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

14-204.23

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

14-204.24

FAA shall mean the Federal Aviation Administration.

14-204.25

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

14-204.26

FCC shall mean the Federal Communications Commission.

14-204.27

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

14-204.28

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

14-204.29

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

14-204.30

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

14-204.31

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

14-204.32

LOT -- A piece, parcel or plot of land in one (1) ownership which may include one (1) or more lots of record, occupied or to be occupied by one (1) principal building and its accessory buildings and including the open spaces required in this Official Zoning Code. All lots shall front on and have access to a street.

14-204.32A LOT CORNER -- A lot abutting on and at the intersection of two (2) or more streets.

14-204.32B LOT DEPTH -- Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

14-204.32C LOT FRONTAGE -- The front of a lot shall be construed to be the portion nearest to the street.

14-204.32D LOT LINE -- The boundary dividing a given lot from a street, an alley, or adjacent lots.

14-204.32E LOT OF RECORD -- A lot which is part of a subdivision legally recorded in the Office of the Putnum County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

14-204.32F LOT WIDTH -- The distance between the side boundaries of the lot measured at the front building line.

14-204.33

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

14-204.33A Designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower, and kitchen facilities, with plumbing and electrical connections provided for attachment to utility systems.

14-204.33B Designed to be transported after fabrication on its own wheels, or detachable wheels, or on a flat bed or other trailer.

14-204.33C Arriving at the site where it is to be occupied as a dwelling complete, often including major appliances and furniture, and ready for occupancy except for minor or incidental unpacking and assembly operations, location on foundation support, connection to utilities, and the like.

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

14-204.34

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

14-204.35

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

14-204.36

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

14-204.37

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

14-204.38

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

14-204.39

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

14-204.40

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

14-204.41

SIGN -- An attached or free-standing structure conveying some information, knowledge or idea to the public.

14-204.42

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

14-204.43

STORY -- That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or any portion of a building used for human occupancy between the topmost floor and the roof. A basement shall be counted as a story if its ceiling is over six feet (6') above the average level of the finished ground surface adjoining

the exterior walls of such story, or if it is used for business or dwelling purposes.

14-204.44

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

14-204.44A CENTERLINE OF STREET -- That line surveyed and monumented by the Town of Monterey as the centerline of the street, or if such centerline has not been surveyed, that line running midway between the outside curbs or ditches of such street.

14-204.44B STREET LINE -- The property line which bounds the right-of-way set aside for use as a street. Where a sidewalk exists and locations of the property line is questioned, the side of the sidewalk farthest from the traveled street shall be considered the street line.

14-204.45

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

14-204.46

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

14-204.47

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

14-204.48

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

14-204.48.1

VEHICLE OR TRAILER SIGN – A permanent or temporary sign affixed, painted on, or placed in or on any vehicle, trailer, or other device capable of being driven or towed, which is displayed in public view so that the primary purpose is to attract the attention of the public, rather than to serve the business or the owner thereof in a manner which is customary for said vehicle or trailer.

14-204.49

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

14-204.50

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

14-204.51

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

- 14-204.51A YARD, FRONT -- The yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building, including covered porches.
- 14-204.51B YARD, REAR -- The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building, including carports and covered porches.
- 14-204.51C YARD, SIDE -- A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including carports and covered porches. (1980 Code, § 11-204, as replaced by Ord. #441, Sept. 2006, and amended by Ord. #12-507, July 2012)

14-205. General provisions. For the purpose of this Official Zoning Code there shall be certain general provisions which shall apply, except as specifically noted, to the municipality as a whole.

14-205.1 ZONING AFFECTS EVERY BUILDING AND USE

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

14-205.2 NONCONFORMING LOTS AND NONCONFORMING USES OF LAND

Any nonconforming use which existed lawfully at the time of enactment of this Official Zoning Code and which remains nonconforming and any use which shall become nonconforming upon enactment of this Zoning Code or any subsequent amendments thereto may be continued subject to the following provisions.

14-205.2A Nonconforming Lots of Record

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Zoning Code, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Code. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for the area or

width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width, and yard requirements shall be obtained only through action of the Board of Zoning Appeals.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership area of record at the time of passage or amendment of this Official Zoning Code, and if all or part of the lots do not meet the requirements for lot width and area as established by this Official Zoning Code, the lands involved shall be considered to be an undivided parcel for the purposes of this Official Zoning Code, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Official Zoning Code, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Official Zoning Code.

14-205.2B Change of Nonconforming Use

1. General Provisions

For the purpose of this Official Zoning Code, a change in use is a change to another use either under the same activity type or any other activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change of use.

2. Change to a Conforming Use

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

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

3. Change to Another Nonconforming Use

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

14-205.2C Expansion of Nonconforming Uses

Nonconforming industrial, commercial, or business uses may construct additional facilities that would allow the operations of the establishments to be expanded provided that there is enough space to meet the area requirements of the district and provided that it is done in accordance with the regulations specified in Tennessee Code Annotated, § 13-7-208. The property on which the expansion will take place must be owned by such industry or business situated within the area which is affected by the change in zoning.

Acquisition of additional land for the purpose of expanding the existing industry or business shall not be permitted.

14-205.2D Destruction and Restoration of Nonconforming Uses

1. Nonconforming industrial, commercial, or other business establishments shall be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business in accordance with the regulations specified in Tennessee Code Annotated, § 13-7-208.
2. Any nonconforming industrial, commercial, or business use that is destroyed by fire or other natural disaster may be reconstructed provided that all provisions of Tennessee Code Annotated, § 13-7-208, are followed.

14-205.2E Discontinuance

When a nonconforming use is discontinued for a period of one (1) year, then the land or building or other structure shall thereafter be used only for a conforming use. Intent to resume action operations shall not affect the foregoing provision.

14-205.3 NUMBER OF PRINCIPAL BUILDINGS ON A LOT

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

14-205.4 PUBLIC STREET FRONTAGE

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

14-205.5 REAR YARD ABUTS A PUBLIC STREET

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

14-205.6 REDUCTION IN LOT AREA PROHIBITED

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

14-205.7 OBSTRUCTION TO VISION AT STREET INTERSECTION PROHIBITED

On a corner lot within the area formed by the right-of-way lines of the intersecting or intercepting streets adjoining said corner lot and a line joining points on such right-of-way lines at a distance of twenty-five feet (25') from the point of intersection, there shall be no obstruction to vision between their height of two feet (2') and a height of ten feet (10') above the average grade of each street at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall. (1980 Code, § 11-205, as replaced by Ord. #441, Sept. 2006)

14-206--14-216. (1980 Code, §§ 11-206--11-216, as deleted by Ord. #441, Sept. 2006)

CHAPTER 3

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

SECTION

- 14-301. Off-street automobile storage (parking).
- 14-302. Access control.
- 14-303. Off-street loading and unloading requirements.

14-301. Off-street automobile storage (parking). In all zoning districts there shall be provided at such time any building or structure is erected or enlarged or increased in capacity, off-street parking spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below. For uses not specifically mentioned herein, off-street parking requirements shall be determined by the Board of Zoning Appeals. Parking requirements determined herein by square footage are based on gross square feet. For uses resulting in a fractional requirement the fraction shall be rounded off to the higher whole number.

14-301.1 MINIMUM OFF-STREET PARKING REQUIREMENTS

14-301.1A Residential Uses

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

14.301.1B Public, Semi-Public and Office Facilities

1. Cemetery -- Parking on private drives, plus one (1) space per employee.
2. Charitable, Fraternal or Social Organization -- One (1) space per four (4) persons to capacity.
3. Church or Similar Place of Worship -- One (1) space per four (4) seats to capacity.

4. Community Center -- One (1) space per two hundred fifty (250) square feet, plus one (1) space per employee.
5. Day-Care Center -- One (1) space per four (4) children, plus one (1) space per employee.
6. Funeral Home -- One (1) space per four (4) seats to capacity.
7. Group Home -- One (1) space per bedroom or sleeping room.
8. Hospital -- One (1) space per two (2) beds intended for patient use, plus one (1) space per employee on largest shift.
9. Medical Clinic for Human Care -- Three (3) spaces per doctor, plus one (1) space per employee.
10. Nursing Home -- One (1) space per four (4) beds intended for patient use, plus one (1) space per employee.
11. Office -- One (1) space per three hundred (300) square feet.
12. Postsecondary Educational Institution -- One (1) space per five (5) students, plus one (1) space per employee.
13. Retirement Center -- One and one-half (1.5) spaces per dwelling unit.
14. School (K-12) -- K-9: one (1) space per classroom, plus one (1) space per employee; 9-12: One (1) space per four (4) students, plus one (1) space per employee.
15. Temporary Care Facility -- One (1) space per four (4) patients, plus one (1) space per employee.

14-301.1C Business and Personal Services

1. Appliance Repair -- One (1) space per three hundred (300) square feet, plus one (1) space per employee.
2. Barber and Beauty Service -- One (1) space per two hundred (200) square feet, plus one (1) space per employee.
3. Bed and Breakfast -- Three (3) spaces for the principal dwelling, plus one (1) space per rented room.
4. Coin-operated Cleaning and Laundry -- One (1) space per two hundred (200) square feet.
5. Convenience Storage -- One (1) space per one thousand (1,000) square feet.
6. Copy Service -- One (1) space per two hundred (200) square feet.
7. Dry Cleaning and Laundry Pickup -- One (1) space per two hundred (200) square feet.
8. Dry Cleaning and Laundry Service -- One (1) space per two hundred (200) square feet.
9. Electrical Repair -- One (1) space per three hundred (300) square feet, plus one (1) space per employee.

10. Employment Agency -- One (1) space per two hundred (200) square feet.
11. Equipment Rental -- One (1) space per two hundred (200) square feet, plus one (1) space per employee.
12. Exterminating Service -- One (1) space per five hundred (500) square feet.
13. Financial Service -- One (1) space per two hundred (200) square feet, plus each drive-through lane shall have a stacking length to accommodate a minimum of six (6) vehicles.
14. Gunsmith -- One (1) space per two hundred (200) square feet.
15. Hotel -- One (1) space per rented room, plus one (1) space per four (4) persons to capacity of meeting and/or banquet rooms.
16. Industrial Equipment Repair -- One (1) space per five hundred (500) square feet.
17. Insurance Agency -- One (1) space per two hundred (200) square feet.
18. Interior Decorating -- One (1) space per two hundred (200) square feet.
19. Legal Service -- One (1) space per two hundred (200) square feet.
20. Locksmith -- One (1) space per two hundred (200) square feet.
21. Motel. One (1) space per rented room, plus one (1) space per four (4) persons to capacity of meeting and/or banquet rooms.
22. Office Equipment Repair -- One (1) space per three hundred (300) square feet, plus one (1) space per employee.
23. Photographic Service -- One (1) space per two hundred (200) square feet.
24. Real Estate Agency -- One (1) space per two hundred (200) square feet.
25. Self-Service Storage -- Two (2) spaces, plus one (1) additional space per two hundred (200) storage cubicles, plus meeting the provision of § 14-604.5 of this Zoning Code.
26. Shoe Repair -- One (1) space per three hundred (300) square feet, plus one (1) space per employee.
27. Small Engine and Motor Repair -- One (1) space per three hundred (300) square feet, plus one (1) space per employee.
28. Tailoring -- One (1) space per two hundred (200) square feet.
29. Taxidermist -- One (1) space per three hundred (300) square feet.

30. Upholstery Service -- One (1) space per two hundred (200) square feet.
31. Veterinary Service (Indoor) -- One (1) space per five hundred (500) square feet, plus one (1) space per employee.
32. Veterinary Service (Outdoor) -- One (1) space per one thousand (1,000) square feet, plus one (1) space per employee.
33. For developments in which the tenants have not been determined, one (1) space per two hundred (200) square feet shall be provided.
34. For developments which also provide drive-through service, a stacking length to accommodate a minimum of five (5) vehicles per lane shall be provided, unless otherwise required herein.

14-301.1D Retail and Wholesale Trade

1. Agricultural Supply -- One (1) space per five hundred (500) square feet.
2. Apparel Shop -- One (1) space per two hundred (200) square feet.
3. Appliance Sales -- One (1) space per five hundred (500) square feet.
4. Automotive Sales -- One (1) space per five hundred (500) square feet, plus two (2) spaces per service bay.
5. Automotive Parts Supply -- One (1) space per three hundred (300) square feet.
6. Bakery (Retail) -- One (1) space per two hundred (200) square feet.
7. Bakery (Wholesale) -- Two (2) spaces per employee.
8. Bookstore -- One (1) space per two hundred (200) square feet.
9. Building Materials -- One (1) space per two hundred (200) square feet, plus one (1) space per employee.
10. Cabinet Sales -- One (1) space per five hundred (500) square feet.
11. Camera and Photographic Supply -- One (1) space per two hundred (200) square feet.
12. Caterer -- One (1) space per two hundred (200) square feet.
13. Confectionery -- One (1) space per two hundred (200) square feet.
14. Department Store -- One (1) space per two hundred (200) square feet.

15. Drapery Sales -- One (1) space per five hundred (500) square feet.
16. Drugstore -- One (1) space per two hundred (200) square feet.
17. Fertilizer Sales (Bulk) -- One (1) space per five hundred (500) square feet.
18. Fertilizer Sales (Packaged) -- One (1) space per five hundred (500) square feet.
19. Florist (Retail) -- One (1) space per two hundred (200) square feet.
20. Florist (Wholesale) -- Two (2) spaces per employee.
21. Fruit Market -- One (1) space per two hundred (200) square feet.
22. Furniture Sales -- One (1) space per five hundred (500) square feet.
23. Gift Shop -- One (1) space per two hundred (200) square feet.
24. Grocery Store -- One (1) space per one hundred (100) square feet, plus one (1) space per two hundred (200) square feet of storage area.
25. Handicrafts -- One (1) space per five hundred (500) square feet.
26. Hardware -- One (1) space per two hundred (200) square feet.
27. Heavy Machinery Sales -- One (1) space per five hundred (500) square feet, plus one (1) space per employee.
28. Industrial Supplies -- One (1) space per five hundred (500) square feet, plus one (1) space per employee.
29. Jewelry -- One (1) space per two hundred (200) square feet.
30. Marine Supply -- One (1) space per five hundred (500) square feet, plus one (1) space per employee.
31. Meat Market -- One (1) space per two hundred (200) square feet.
32. Mobile Home Sales -- One (1) space per five hundred (500) square feet.
33. Motorcycle Sales -- One (1) space per five hundred (500) square feet.
34. Music Store -- One (1) space per two hundred (200) square feet.
35. Nursery and Garden Centers -- One (1) space per two hundred (200) square feet, plus one (1) space per employee.
36. Office Supplies -- One (1) space per two hundred (200) square feet.

37. Optical Goods -- One (1) space per two hundred (200) square feet.
38. Pet Shop -- One (1) space per three hundred (300) square feet.
39. Petroleum Bulk Sales and Storage -- One (1) space per five hundred (500) square feet, plus one (1) space per employee.
40. Restaurant -- One (1) space per one hundred (100) square feet, plus one (1) space per employee based on the largest work shift.
41. Restaurant (Drive-In) -- Two (2) spaces per three (3) seats to capacity.
42. Restaurant (Drive-Through) -- Each drive-through lane shall have a stacking length to accommodate fifteen (15) vehicles, plus one (1) space per employee based on the largest work shift, plus one (1) space per one hundred (100) square feet if on-site dining is also provided.
43. Sporting Goods -- One (1) space per two hundred (200) square feet.
44. Tavern -- One (1) space per fifty (50) square feet, plus one (1) space per employee based on the largest work shift.
45. Used Merchandise (Antiques) -- One (1) space per five hundred (500) square feet.
46. Used Merchandise (Flea Market) -- One (1) space per rented area.
47. Used Merchandise (General) -- One (1) space per five hundred (500) square feet.
48. Video Rental -- One (1) space per fifty (50) square feet, plus one (1) space per employee.
49. For developments in which the tenants have not been determined, one (1) space per two hundred (200) square feet shall be provided.
50. For developments which also provide drive-through service, a stacking length to accommodate a minimum of five (5) vehicles per lane shall be provided, unless otherwise required herein.

14-301.1E Automotive and Transportation Services

1. Automotive Paint Shop -- One (1) space per two hundred (200) square feet.
2. Automotive Rentals -- One (1) space per five hundred (500) square feet.
3. Automotive Repair Shop -- One (1) space per two hundred (200) square feet.

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

14-301.1F Amusement and Recreational Services

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

14-301.1G Manufacturing Mining, Construction and Industrial Uses

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

14-301.2 CERTIFICATION OF MINIMUM PARKING REQUIREMENTS

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

14-301.3 COMBINATION OF REQUIRED PARKING SPACE

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

14-301.4 OFF-SITE PARKING

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

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

14-301.4C In determining whether to approve off-site parking, the Board of Zoning Appeals shall consider all relevant factors, including:

1. The location of the use and the proposed off-site parking.
2. Existing and potential parking demand created by other uses in the vicinity.
3. The characteristics of the use, including employee and customer parking demand, hours of operation and projected convenience and frequency of use of the off-site parking.

4. Adequacy, convenience and safety of pedestrian access between the proposed off-site parking and the use.
5. Traffic patterns on adjacent streets and proposed access to the off-site parking.

14-301.4D A written agreement between the owner of the off-site parking area and the owner of the use assuring the continued availability and usability of off-site parking shall be submitted to the Board of Zoning Appeals prior to approval of off-site parking.

14-301.4E Handicapped parking spaces shall be provided on the same lot on which the principle use is conducted.

14-301.5 DESIGN REQUIREMENTS FOR PARKING SPACES AND LOTS

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

14-301.5A Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.

14-301.5B Off-street parking shall meet the following parking requirements for spaces and aisles as shown on the parking illustration at the end of this section. Note: ninety degree (90°) parking shall be no less than nine feet (9') in width by nineteen feet (19') in length for a total area of one hundred seventy-one (171) square feet. Forty-five (45°), sixty (60°) and ninety degrees (90°) are recommended for angled parking. Thirty degree (30°) parking is discouraged.

14-301.5C Ingress and egress points for all off-street parking lots shall comply with the access control requirements of § 14-302 of this Official Zoning Code.

14-301.5D All off-street parking lots (multi-family residential, commercial and industrial development) shall be surfaced with asphalt or concrete and be so constructed to provide for adequate drainage and prevent the release of dust.

14-301.5E Grades within the paved area of a parking lot shall at no place be less than one percent (1%) nor more than five percent (5%).

Grades of driveways or entrances from a public street serving a parking lot shall at no point exceed eight percent (8%).

- 14-301.5F Off-street parking areas containing twenty-five (25) or more parking spaces shall be subdivided into sub-lots containing not more than twenty-five (25) parking spaces separated by landscaped strips of five feet (5') in width.
- 14-301.5G Off-street parking areas containing ten (10) or more parking spaces shall have landscaped strips with broken screening in conformance with § 14-601 of this Official Zoning Code along the perimeter except where driveways are provided for access to adjoining streets, drives, or properties.
- 14-301.5H Interior landscaped strips shall be a minimum of five feet (5') in width and planted with acceptable indigenous landscaping materials.
1. It shall be the obligation of the occupant(s) of each building, structure or use on whose premises landscaped strips are located to maintain said landscaped strips.
 2. Failure to properly maintain landscaped strips shall be a violation of this Official Zoning Code, punishable as a misdemeanor under the provisions of the Town of Monterey Municipal Code.
- 14-301.5I Continuous curbing or individual wheel stops shall be provided where the front of a parking space is adjacent to the perimeter of the parking lots.
- 14-301.5J Any lighting used to illuminate off-street parking lots shall be so arranged to prevent direct glare onto any public or private property or streets.

14-301.6 SPECIAL PROVISIONS FOR HANDICAPPED PARKING

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

14-301.7 LIMITED COMMERCIAL DISTRICT EXEMPTED

The provisions of § 14-301 shall not apply to any building, structure or use located in the C-1 Limited Commercial District provided, however,

that any off-street parking and loading, if provided at the option of the owner of any building, structure or use, shall comply with the minimum off-street parking requirements (§ 14-302.1B, C, D, E and F) and design requirements of § 14-301.5 of this section. (1980 Code, § 11-301, as amended by Ord. #371, Sept. 1998, replaced by Ord. #441, Sept. 2006, and amended by Ord. #473, Aug. 2010, Ord. #477, Aug. 2010, and Ord. #10-486, Feb. 2011)

14-302. Access control. In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

14-302.1

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

14-302.2

There shall be no more than two (2) points of access to any one (1) public street for each four hundred feet (400') of lot frontage, or fraction thereof; provided, however, that lots less than one hundred feet (100') in width shall have no more than one (1) point of access to any one (1) public street.

14-302.3

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

14-302.4

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

14-302.5

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

14-302.6

Cases requiring variances relative to the above provisions shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that

no curb cuts for off-street automobile storage or parking space shall be permitted where the engagement would require that vehicles back directly into a public street. (1980 Code, § 11-302, as amended by Ord. #371, Sept. 1998, and replaced by Ord. #441, Sept. 2006)

14-303. Off-street loading and unloading requirements. In all districts in which a structure of three thousand (3,000) square feet or more is located, which requires deliveries or shipments, off-street loading and unloading space shall be provided meeting the following requirements:

14-303.1 LOCATION

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

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

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

14-303.2 DESIGN STANDARDS AND USE

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

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

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

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

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

14-303.3 REQUIRED NUMBER OF LOADING AND UNLOADING SPACES

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

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

(as added by Ord. #441, Sept. 2006)

CHAPTER 4

ZONING DISTRICTS AND MAP

SECTION

- 14-401. Establishment of districts.
- 14-402. Provision for official zoning map.
- 14-403. Replacement of official zoning map.
- 14-404. Rules for interpretation of district boundaries.
- 14-405. Annexation of territory.

14-401. Establishment of districts. For the purpose of this Official Zoning Code, the Town of Monterey is hereby divided into zoning districts, as follows:

- R-1, Low Density Residential District
 - R-2, High Density Residential District
 - C-1, Limited Commercial District
 - C-2, General Commercial District
 - I-1, Light Industrial District
 - I-2, Heavy Industrial District
 - R-R, Rural Residential
- (1980 Code, § 11-401, as amended by Ord. #340, Feb. 1995, and replaced by Ord. #441, Sept. 2006)

14-402. Provision for official zoning map.

14-402.1

The boundaries of the above zoning districts are hereby established as shown on the map entitled, "Official Zoning Map of the Town of Monterey, Tennessee," _____, 2005, which is a part of the Official Zoning Code and which is on file in the Office of the Town of Monterey City Clerk.

14-402.2

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

14-402.3

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

14-402.4

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the Monterey City Hall shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the municipality. (1980 Code, § 11-402, as replaced by Ord. #441, Sept. 2006)

14-403. Replacement of official zoning map. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Mayor and Aldermen may, by ordinance, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Code or any subsequent amendment thereof.

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment. (1980 Code, § 11-403, as replaced by Ord. #441, Sept. 2006)

14-404. Rules for interpretation of district boundaries.

14-404.1

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

14-404.2

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

14-404.3

Any questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals. (as added by Ord. #441, Sept. 2006)

14-405. Annexation of territory.

14-405.1

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

14-405.2

Annexed territory and the subsequent zoning of such territory shall be reflected on the zoning map of the Town of Monterey, Tennessee, in the manner described in § 14-402 of this Official Zoning Code. (as added by Ord. #441, Sept. 2006)

CHAPTER 5**SPECIFIC DISTRICT REGULATIONS****SECTION**

- 14-501. R-1 Low Density Residential District.
- 14-502. R-2 High Density Residential District.
- 14-503. C-1 Limited Commercial District.
- 14-504. C-2 General Commercial District.
- 14-505. I-1 Light Industrial District.
- 14-506. I-2 Heavy Industrial District.
- 14-507. R-R Rural-Residential Districts.
- 14-508. R-3 Residential District.
- 14-509. Planned Residential District (PRD).

14-501. R-1 Low Density Residential District.**14-501.1 GENERAL DESCRIPTION**

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

14-501.2 PERMITTED USES

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

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

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

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

14-501.3 USES PERMITTED ON APPEAL (SPECIAL EXCEPTIONS)

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

14-501.3A Bed and breakfast establishments and the renting of rooms by the residents on premises provided that the floor area used for said purpose may not exceed fifty percent (50%) of total habitable floor area of the dwelling, and provided that the following additional conditions are complied with:

1. Three (3) off-street parking spaces shall be provided for the residence plus one (1) additional space for each room offered for rent. Required additional parking shall not be allowed in any front yard.
2. Signs associated with bed and breakfast establishments shall meet the requirements of § 14-609 of the Official Zoning Code.

14-501.3B Accessory apartments meeting the following conditions:

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

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

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

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

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

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

14-501.3F Churches and other places of worship, public parks and public recreational facilities, daycare homes for the care of up to seven children, and customary home occupations.

14-501.4 USES PROHIBITED

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

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

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

- 14-501.5A Minimum lot area 10,000 sq. ft.
- 14-501.5B Minimum lot width at building line 80 ft.
- 14-501.5C Minimum depth of front yard (from ROW) 30 ft.
- 14-501.5D Minimum depth of rear yard 20 ft.
- 14-501.5E Minimum interior side yard:
 - 1. One or two story building 15 ft.
 - 2. Three story building 20 ft.

14-501.5F The minimum widths of side yards on corner lots along an intersecting street shall be fifty percent (50%) greater than the minimum side yard requirements of the district in which the lot is located. Side yard accessory buildings shall also comply with this setback from the intersecting street.

14-501.6 LOCATION OF ACCESSORY BUILDINGS

Accessory buildings shall meet the following provisions:

- 14-501.6A No accessory building shall be erected in any required front or side yard.

14-501.6B Accessory buildings shall not cover more than twenty percent (20%) of the required rear yard.

14-501.6C Minimum setback from other buildings 15 ft.

14-501.6D Minimum setback from all lot lines 5 ft.

14-501.6E Minimum setback for street side corner lots 25 ft.

14-501.6F Maximum height 1 story or 18 ft.

14-501.7 MAXIMUM BUILDING AREA

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

14-501.8 PARKING REQUIREMENTS

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

14-501.9 ACCESS REQUIREMENTS

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

14-501.10 MAXIMUM BUILDING HEIGHT

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

14-501.11 SIGN REQUIREMENTS

No billboards or similar off-premise advertising structures are allowed in the R-1 District; all other signs and similar advertising structures shall conform with the provisions of § 14-609 of the Official Zoning Code.

14-501.12 PLOT PLAN OR SITE PLAN REQUIREMENTS

All developments in the R-1 District requiring building permits shall conform with the applicable plot plan requirements in § 14-609 of this Official Zoning Code or site plan requirements in § 14-705 of this Official Zoning Code. (1980 Code, §11-501, as replaced by Ord. #441, Sept. 2006 and amended by Ord. #446, Aug. 2007, and Ord. #11-502, Aug. 2011)

14-502. R-2 High Density Residential District.**14-502.1 GENERAL DESCRIPTION**

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

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

14-502.2 PERMITTED USES

14-502.2A Single-family detached and two-family attached dwellings.

14-502.2B Accessory apartments for single-family detached dwellings when in conformance with the provisions of § 14-501.3A of this Official Zoning Code.

14-502.2C Multi-family dwellings and apartments; provided an application and site plan as required in § 14-602.1 of this Official Zoning Code are submitted to and approved by the Building Inspector and provided the development standards required in § 14-602.2 of this Official Zoning Code are complied with.

14-502.2D Accessory buildings or uses customarily incidental to aforementioned permitted uses. Such uses may include noncommercial gardens and greenhouses, tool sheds, unattached garages and carports, swimming pools (subject to the provisions of § 14-604.4 of this Official Zoning Code) and the like.

14-502.2E Television, radio, and satellite dish antennas when in compliance with the provisions of § 14-604.10 of this Official Zoning Code.

14-502.2F Temporary structures, subject to the provisions of § 14-608 of this Official Zoning Code.

14-502.2G Elderly housing and residential homes for the aged provided the application and site plan requirements and development standards for multi-family dwellings as specified in § 14-602 of this Official Zoning Code are complied with, provided the minimum lot requirements for multi-family dwellings as specified in § 14-503.5 of this Official Zoning Code are complied with, and provided the

parking requirements of § 14-301.1A(6) of this Official Zoning Code are complied with.

14-502.3 USES PERMITTED ON APPEAL (SPECIAL EXCEPTIONS)

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

- 14-502.3A Mobile home parks subject to meeting the requirements and standards of § 14-603 of the Official Zoning Code.
- 14-502.3B Bed and breakfast establishments and the renting of rooms by the residents on premises provided that the floor area used for said purpose may not exceed fifty percent (50%) of total habitable floor area of the dwelling, and provided that the following additional conditions are complied with:
1. Three (3) off-street parking spaces shall be provided for the residence plus one (1) additional space for each room offered for rent. Required additional parking shall not be allowed in any front yard.
 2. Signs associated with bed and breakfast establishments shall meet the requirements of § 14-609 of the Official Zoning Code.
- 14-502.3C Churches and other places of worship provided that the conditions specified in § 14-604.7 of this Official Zoning Code are complied with.
- 14-502.3D Schools offering general education courses provided that the conditions specified in § 14-604.8 of this Official Zoning Code are complied with.
- 14-502.3E Public parks and public recreational facilities provided that the conditions specified in § 14-502.3E of this Official Zoning Code are complied with.
- 14-502.3F Public utilities such as water, sewer, gas, electric, cable TV and telephone but limited to those facilities necessary to serve the immediate neighborhood and excluding general office buildings, warehouses, and storage areas. Opaque screening in conformance with § 14-601 of this Official Zoning Code shall be provided along all shared lot lines.

- 14-502.3G Municipal uses such as fire or police substations provided that the conditions specified in § 14-502.3G of this Official Zoning Code are complied with.
- 14-502.3H Daycare home for the care of up to seven (7) children, provided they meet the minimum standards established by the Tennessee Department of Human Services for such facilities and provided that the conditions specified in § 14-604.9 of this Official Zoning Code are complied with.
- 14-502.3I Customary home occupations provided that the conditions specified in § 14-604.3 of this Official Zoning Code are complied with.
- 14-502.3J Parking lots. Where this district adjoins a commercial or industrial district without an intervening street, but with or without an intervening alley, off-street parking lots in connection with nearby commercial or industrial uses, provided that the conditions specified in § 14-502.3J of this Official Zoning Code are complied with.
- 14-502.3K Tea rooms, provided the conditions specified in § 14-502.3K of this Official Zoning Code are complied with.
- 14-502.4 USES PROHIBITED
- 14-502.4A Mobile homes on individual lots.
- 14-502.4B Storage or long-term parking of commercial or industrial vehicles.
- 14-502.4C Outdoor storage of any type, except that in connection with and on the premise of active building and/or land development.
- 14-502.4D Any other use or structure not specifically permitted or permitted on appeal.
- 14-502.5 MINIMUM LOT AREA, WIDTH, AND YARD REQUIREMENTS
The principal building shall be located so as to comply with the following requirements:
- 14-502.5A Minimum lot area single family dwelling unit 7,600 sq. ft.
- 14-502.5B Each additional dwelling unit 3,000 sq. ft.

- 14-502.5C Minimum lot width at building line:
 - 1. Single-family dwelling 60 ft.
 - 2. Two-family dwelling 80 ft.
 - 3. Multi-family dwelling 100 ft.

- 14-502.5D Minimum depth of front yard 35 ft.

- 14-502.5E Minimum depth of rear yard 20 ft.

- 14-502.5F Minimum interior side yard:
 - 1. Single-family dwelling 10 ft.
 - 2. Two-family dwelling 15 ft.
 - 3. Multi-family dwelling 20 ft.

- 14-502.5G Minimum side yard for street side corner lots 35 ft.

- 14-502.6 LOCATION OF ACCESSORY BUILDINGS
 Accessory buildings shall meet the following provisions:
 - 14-502.6A No accessory building shall be erected in any required front or side yard.

 - 14-502.6B Accessory buildings shall not cover more than twenty percent (20%) of the required rear yard.

 - 14-502.6C Minimum setback from other buildings 10 ft.

 - 14-502.6D Minimum setback from all lot lines 5 ft.

 - 14-502.6E Minimum setback for street side corner lots 35 ft.

 - 14-502.6F Minimum setback from alleyways 2 ft.

 - 14-502.6G Maximum height 1 story or 18 ft.

- 14-502.7 MAXIMUM BUILDING AREA
 On any lot the area occupied by all buildings, including accessory buildings, shall not exceed thirty percent (30%) of the total area of such lot.

14-502.8 PARKING REQUIREMENTS

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

14-502.9 ACCESS REQUIREMENTS

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

14-502.10 MAXIMUM BUILDING HEIGHT

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

14-502.11 SIGN REQUIREMENTS

No billboards or similar off-premise advertising structures are allowed in the R-2 District, all other signs or similar advertising structures shall conform with the provisions of § 14-609 of the Official Zoning Code.

14-502.12 PLOT PLAN OR SITE PLAN REQUIREMENTS

All developments in the R-2 District requiring building permits shall conform with the applicable plot plan requirements in § 14-704 of this Official Zoning Code or site plan requirements in § 14-705 of this Official Zoning Code. (as added by Ord. #441, Sept. 2006, and amended by Ord. #11-502, Aug. 2011)

14-503. C-1 Limited Commercial District.**14-503.1 GENERAL DESCRIPTION**

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

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

14-503.2 PERMITTED USES

14-503.2A Business and personal services but limited to the following types of establishments: Appliance repair, barber and beauty shops, coin operated cleaning and laundry, copy service, day care centers, dry cleaning and laundry pickup, employment agency, financial service, fitness center and spa, insurance agency, interior

decorating, legal service, locksmith, office equipment repair, photographic service, real estate agency, shoe repair, tanning facilities, tailoring, travel agencies and similar uses.

- 14-503.2B Retail trade but limited to the following types of establishments: Antique shop, apparel shop, appliance shop, bakery-retail, bookstore, camera and photographic supply, caterer, confectionery, drapery sales, drug store, electronic shop, florist-retail, fruit market, furniture-retail, gift shop, grocery store-retail, handicrafts, hardware, jewelry, meat market, music store, office supplies, optical goods, restaurant, sporting goods, video sales and rental, and similar uses.
- 14-503.2C Professional offices for doctors, dentists, lawyers, architects, artists, engineers and the like.
- 14-503.2D Federal, state, county and municipal uses except outside storage areas.
- 14-503.2E Public and semi-public uses; but limited to the following types of establishments: Church or similar place of worship, charitable, fraternal or social organization.
- 14-503.2F Off-street parking lots meeting the design requirements of § 14-301.5 of this Official Zoning Code.
- 14-503.2G Amusement and recreational services; but limited to the following types of establishments: Club or lodge, indoor theater, public parks, and private recreational facility.
- 14-503.2H Accessory structures and uses incidental and subordinate to the principal structure.
- 14-503.2I Temporary structures, subject to the provisions of § 14-608 of this Official Zoning Code.
- 14-503.3 **USES PERMITTED ON APPEAL (SPECIAL EXCEPTIONS)**
After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit as special exceptions:
- 14-503.3A Multi-family apartments and mixed commercial/multi-family apartments (new construction or rehabilitation of existing

structure) provided that the following conditions are complied with:

1. The off-street parking requirements of § 14-301 of this Official Zoning Code shall be complied with.
2. A minimum square footage per dwelling unit of six hundred fifty (650) square feet for a one-bedroom unit, eight hundred (800) square feet for a two-bedroom unit, and one thousand (1,000) square feet for a three-bedroom unit shall be provided.
3. All municipal building and fire codes shall be adhered to.
4. All new residential construction shall meet the minimum lot area, width and yard requirements as required in the R-2 High Density Residential District.

14-503.3B Limited manufacturing for an on-premise business or service provided the following conditions are complied with:

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

14-503.3C Automobile sales (new and used) and automobile rentals provided the following conditions are complied with:

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

14-503.4 USES PROHIBITED

14-503.4A Outdoor storage of any type, except that in connection with and on the premise of active building and/or land developments.

14-503.4B Any other use or structure not specifically permitted or permitted on appeal.

14-503.5 MINIMUM LOT AREA WIDTH AND YARD REQUIREMENTS
All buildings or structures hereafter constructed in the C-1 District shall be located so as to comply with the following requirements:

- 14-503.5A On corner lots in the C-1 District, no obstruction to vision shall hereafter be placed or erected in such a manner as to materially impede visibility between a height of two feet (2') and ten feet (10') above the grades of the intersecting streets at their point of intersection in an area defined by the street lines adjoining said corner lot and a line joining points along said street lines twenty-five feet (25') from the point of intersection.
- 14-503.5B Unless otherwise provided or required to meet other provisions, no front, rear or side yard setback is required in the C-1 District. If a new building is being constructed outside of the downtown central business district, the front, rear and side setbacks shall meet the standards as indicated in the C-2 District.
- 14-503.5C On lots adjacent to a residential district, all buildings or structures shall be located so as to conform with the side and/or rear yard requirements of the adjacent residential district.
- 14-503.6 **MAXIMUM BUILDING AREA**
None except as necessary to meet all other requirements.
- 14-503.7 **SCREENING REQUIREMENTS**
Where a lot line is shared with an adjacent residential lot, the owner of the commercial lot shall provide opaque screening in conformance with § 14-601 of this Official Zoning Code along the entire shared lot line or lines so as to provide a pleasant buffer between the two (2) different but contiguous land uses.
- 14-503.8 **PARKING REQUIREMENTS**
None unless required under other provisions.
- 14-503.9 **ACCESS REQUIREMENTS**
Uses in the C-1 District shall conform with the provisions of § 14-302 of this Official Zoning Code.
- 14-503.10 **MAXIMUM BUILDING HEIGHT**
A building height of fifty feet (50') or four (4) stories may be permitted if automatic sprinkler systems and dry stand pipes with external fire department connections are provided. No other structure shall exceed thirty-five feet (35') or three (3) stories in building height.
- 14-503.11 **SIGN REQUIREMENTS**
All signs and similar advertising structures in the C-1 District shall conform with the provisions of § 14-609 of the Official Zoning Code.

14-503.12 SITE PLAN REVIEW REQUIREMENTS

Uses in the C-1 District shall conform with the provisions of § 14-705 of this Official Zoning Code. (as added by Ord. #441, Sept. 2006, and amended by Ord. #482, Sept. 2010)

14-504. C-2 General Commercial District.

14-504.1 GENERAL DESCRIPTION

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

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

14-504.2 PERMITTED USES

- 14-504.2A Business and personal services; all those permitted in the C-1 Limited Commercial District and including the following types of establishments: Dry cleaning and laundry service, electrical repair, equipment rental, exterminating service, gunsmith, hotel and motels, small engine and motor repair, upholstery service, veterinary service-indoor, and similar uses.
- 14-504.2B Retail and wholesale trade; all those permitted in the C-1 Limited Commercial District and including the following types of establishments: Automotive parts store, building materials, cabinet sales, department store, fertilizer sales-packaged, florist-wholesale, furniture sales, motorcycle sales, nursery and garden centers-retail, pet shop, restaurant-drive-in, and similar uses.
- 14-504.2C Public and semi-public uses, including the following types of establishments: Cemetery (subject to the provisions of § 14-604.2 of this Official Zoning Code), charitable, fraternal or social organization, church or similar place of worship, (when in compliance with the conditions specified in § 14-604.7 of this Official Zoning Code), community center, daycare center, funeral home, general office buildings, group homes, hospital, medical clinic, nursing home, schools, (when in compliance with the conditions specified in § 14-604.8 of this Official Zoning Code), retirement center, temporary care facility and similar uses.

- 14-504.2D Professional offices for doctors, dentists, lawyers, architects, artists, engineers and the like.
- 14-504.2E Federal, state, county and municipal uses.
- 14-504.2F Automotive and transportation services, limited to the following types of establishments: Automotive tire sales and tire repair, car wash, gasoline station (with no above ground storage of flammable material in excess of 500 gallons and subject to the provisions of §§ 14-604.1 and 14-604.6 of this Official Zoning Code), off-street parking lots (meeting the design requirements of § 14-301.5 of this Official Zoning Code), taxicab stand, and similar uses.
- 14-504.2G Amusement and recreational services; all those permitted in the C-1 Limited Commercial District and including the following types of establishments: health and physical fitness clubs.
- 14-504.2H Light manufacturing; limited to the following types of establishments: Commercial printing, laboratories, optical instruments and lenses, and similar uses.
- 14-504.2I Limited manufacturing for an on-premise business or service provided the following conditions are complied with:
1. The manufacturing area shall not occupy more than forty-nine percent (49%) of the floor area.
 2. No more than ten (10) operators shall be employed.
- 14-504.2J Newspaper, radio and television stations.
- 14-504.2K Accessory structures and uses incidental and subordinate to the principal structure.
- 14-504.2L Temporary structures, subject to the provisions of § 14-608 of this Official Zoning Code.
- 14-504.3 **USES PERMITTED ON APPEAL (SPECIAL EXCEPTIONS)**
After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit as special exceptions:
- 14-504.3A Multi-family residential provided the following conditions are complied with:

1. The minimum lot area, width and yard requirements as required in the R-2 High Density Residential District of this Official Zoning Code shall be complied with.
2. The off-street parking requirements of § 14-301 of this Official Zoning Code shall be complied with.
3. The required standards of § 14-602 of this Official Zoning Code shall be complied with.

14-504.3B Automobile sales (new and used) and automobile rentals provided the following conditions are complied with:

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

14-504.3C Automobile repair shops provided the following conditions are complied with:

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

14-504.3D Agriculture supply provided the following conditions are complied with:

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

14-504.3E Self-service storage facilities (mini-warehouses) provided the following conditions are complied with:

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

14-504.3F Marine supply, including boat sales and service, provided the following conditions are complied with:

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

14-504.4 USES PROHIBITED

14-504.4A Outdoor storage of any type, except that in connection with and on the premise of active building and/or land developments and except that permitted under the provisions of § 14-604.6 of this Official Zoning Code.

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

14-504.5 MINIMUM LOT AREA, WIDTH AND YARD REQUIREMENTS
All buildings or structures, including accessory structures, hereafter constructed in the C-2 District shall be located so as to comply with the following requirements:

14-504.5A Minimum lot requirements None except as necessary to meet all other requirements.

14-504.5B Minimum depth of front yard 40 ft.

14-504.5C Minimum depth of rear yard 15 ft.

14-504.5D Minimum side yard on one side 15 ft.

14-504.5E Minimum side yard for street side corner lots 40 ft.

14-504.5F On lots adjacent to a residential district all buildings or structures shall be located so as to conform with the side and/or rear yard requirements of the adjacent residential district.

14-504.6 MAXIMUM BUILDING AREA
None except as necessary to meet all other requirements.

14-504.7 SCREENING REQUIREMENTS

Where a lot line is shared with an adjacent residential lot the owner of the commercial lot shall provide semi-opaque screening in conformance with § 14-601 of this Official Zoning Code along the entire shared lot line or lines so as to provide a pleasant buffer between the two (2) different but contiguous land uses.

14-504.8 PARKING REQUIREMENTS

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

14-504.9 ACCESS REQUIREMENTS

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

14-504.10 OFF-STREET LOADING AND UNLOADING SPACE REQUIREMENTS

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

14-504.11 MAXIMUM BUILDING HEIGHT

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

14-504.12 SIGN REQUIREMENTS

All signs and similar advertising structures in the C-2 District shall conform with the provisions of § 14-609 of the Official Zoning Code.

14-504.13 SITE PLAN REVIEW REQUIREMENTS

Uses in the C-2 District shall conform with the provisions of § 14-705 of this Official Zoning Code. (as added by Ord. #441, Sept. 2006)

14-505. I-1 Light Industrial District.**14-505.1 GENERAL DESCRIPTION**

The purpose of the I-1 District is to provide an area in which the principal use of land is for light manufacturing and assembly plants, processing, storage, warehousing, wholesaling, and distribution. It is the intent that uses shall be restricted to activities that are safe and not a nuisance due to dust, fumes, noise, odor, refuse matter, smoke, vibration, water-carried waste or other adverse effects on surrounding areas.

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

14-505.2 PERMITTED USES

- 14-505.2A Light industrial and manufacturing uses; all those permitted in the C-2 District and including the following types of establishments: apparel, appliance assembly, bakeries, beverage products, bottling machinery, dairy products, electronic devices and instruments, engineering, medical, and scientific instruments, excelsior, food products, furniture, glass and glassware, ice plant, industrial laundries, insulation products, jewelry products, laboratories, machine assembly, metal working machinery, motor vehicle and equipment assembly, musical instruments, office and computer equipment, optical instruments and lenses, paper products, pharmaceuticals, plastic products assembly, boat manufacturing and repair, sign manufacturing, textiles, textile machinery, tobacco products, toys, amusements, sporting and athletic goods, upholstering, watches and clocks, welding, and wood products, provided that any industrial or manufacturing use that may cause injurious or obnoxious noise, vibrations, smoke, gas fumes, odor, dust, fire hazard, or other objectionable conditions, shall be required to show that the proposed location, construction, and operation will not injure or disturb adjoining properties.
- 14-505.2B General office buildings.
- 14-505.2C Vocational learning and training centers, trade schools.
- 14-505.2D Day care facilities when located in connection with and on the same premises as permitted, principal uses and when used solely for the care of dependents of employees of said principal use.
- 14-505.2E Gasoline service stations, (meeting the provisions of §§ 14-604.1 and 14-604.6 of this Official Zoning Code) automobile tire repair, motorcycle repair.
- 14-505.2F General contractors and specialty contractors.
- 14-505.2G Building materials and supplies.
- 14-505.2H Transfer or storage terminal, truck terminal and freight handling, packing and crating services.
- 14-505.2I Nursery-wholesale.

- 14-505.2J Restaurants when primarily intended to serve the needs of the industrial community.
- 14-505.2K Industrial machinery and supplies sales, heavy equipment sales.
- 14-505.2L Warehousing, cold storage plant, distribution center, self-service storage facilities (meeting the provisions of § 14-604.5 of this Official Zoning Code).
- 14-505.2M Veterinarian hospitals and kennels.
- 14-505.2N Agriculture supplies and equipment sales and repairs.
- 14-505.2O Public utility structures, fire and police stations.
- 14-505.2P Accessory uses and structures.
- 14-505.2Q Temporary structures, subject to the provisions of § 14-608 of this Official Zoning Code.
- 14-505.3 USES PERMITTED ON APPEAL (SPECIAL EXCEPTIONS)
After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit as special exceptions:
- 14-505.3A Day care center provided that the following conditions are complied with:
1. Shall meet the minimum standards established by the Tennessee Department of Human Services.
 2. Outdoor play space shall be fenced or otherwise enclosed to a minimum height of four feet (4') on all sides.
- 14-505.3B Public parks and public recreational facilities meeting the following conditions:
1. A minimum lot area of one-half (½) acre with a minimum lot width of fifty feet (50') at the building setback line shall be provided.
 2. The minimum depth of the front yard shall be thirty-five feet (35') and the minimum depth of the side and rear yards shall be twenty-five feet (25'). The minimum side yard on the street side of corner lots shall be thirty-five feet (35').

3. The maximum lot coverage for all enclosed buildings shall be ten percent (10%).

14-505.3C Petroleum products dealers and wholesalers provided that the following conditions are complied with:

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

14-505.3D Outside storage of materials provided that the following conditions are complied with:

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

14-505.3E Correctional or holding facilities:

1. Shall not be located on property adjacent to any residential district.
2. Shall not have an adverse effect on any surrounding properties.
3. Shall meet minimum standards of all applicable federal, state, and municipal regulations for a facility of this nature.

14-505.4 USES PROHIBITED

14-505.4A Outside storage of unscreened materials.

14-505.4B Any use determined by the Building Inspector to be potentially noxious, dangerous or offensive to adjacent uses by reason of odor, smoke, noise, glare, fumes, gas, vibration, threat of fire or explosion, or other similar reasons to be incompatible with the character of the I-1 District.

14-505.4C Any other use or structure not specifically permitted or permitted on appeal.

14-505.5 MINIMUM LOT AREA, WIDTH AND YARD REQUIREMENTS

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

14-505.5A Minimum lot requirements None except as necessary to meet all other requirements.

14-505.5B Minimum depth of front yard 45 ft.

14-505.5C Minimum depth of rear yard 20 ft.

14-505.5D Minimum depth of side yard each side 20 ft.

14-505.5E On lots adjacent to a residential district, all rear and side yard setback requirements of the adjacent residential district, in greater than required in the industrial district, shall be provided:

14-505.6 MAXIMUM BUILDING AREA

None except as necessary to meet all other requirements.

14-505.7 SCREENING REQUIREMENTS

Where a lot line is shared with an adjoining residential lot the owner of the industrial lot shall provide opaque screening in conformance with § 14-601 of this Official Zoning Code along the entire shared lot line so as to provide a pleasant screen between the two (2) different but contiguous land uses.

14-505.8 PARKING REQUIREMENTS

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

14-505.9 ACCESS REQUIREMENTS

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

14-505.10 OFF-STREET LOADING AND UNLOADING SPACE REQUIREMENTS

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

14-505.11 MAXIMUM BUILDING HEIGHT

A building height of fifty feet (50') or four (4) stories may be permitted if automatic sprinkler systems and dry stand pipes with external fire

department connections are provided. No other structure shall exceed thirty-five feet (35') or three (3) stories in building height.

14-505.12 SIGN REQUIREMENTS

All signs and similar advertising structures in the I-1 District shall conform with the provisions of § 14-609 of the Official Zoning Code.

14-505.13 SITE PLAN REVIEW REQUIREMENTS

Uses in the I-1 District shall conform with the provisions of § 14-705 of this Official Zoning Code. (as added by Ord. #441, Sept. 2006, and amended by Ord. #450, March 2008)

14-506. I-2 Heavy Industrial District.

14-506.1 GENERAL DESCRIPTION

The purpose of the I-2 District is to provide an area in which the principal use of land is for heavy manufacturing and assembly plants and processing. It is the intent of this district to provide an area for industrial activities of an intensive nature by reason of volume of raw materials or freight, scale of operation, type of structure required, or other similar characteristics requiring locations relatively well segregated from non-industrial uses.

Within the I-2, Heavy Industrial District, as shown on the Official Town of Monterey Zoning Map, the following regulations shall apply:

14-506.2 PERMITTED USES

- 14-506.2A Light industrial and manufacturing uses: all those permitted in the I-1 Light Industrial District and subject to the same conditions or provisions, if any.
- 14-506.2B Gasoline service stations (meeting the provisions of §§ 14-604.1 and 14-604.6 of this Official Zoning Code), automobile tire repair, motorcycle repair.
- 14-506.2C General contractors and specialty contractors; building materials and supplies.
- 14-506.2D Transfer or storage terminal, truck terminal and freight handling, packing and crating services.

- 14-506.2E Warehousing cold storage plant, storage yard, distribution center, self-service storage facilities (meeting the provisions of § 14-604.5 of this Official Zoning Code).
- 14-506.2F Industrial machinery and supplies sales, heavy equipment sales.
- 14-506.2G Nursery wholesale.
- 14-506.2H Veterinarian hospitals and kennels.
- 14-506.2I Agriculture supplies and equipment sales and repairs.
- 14-506.2J Public utility structures, fire and police stations.
- 14-506.2K Accessory uses and structures.
- 14-506.2L Temporary structures, subject to the provisions of § 14-608 of this Official Zoning Code.
- 14-506.2M Day care facilities when located in connection with and on the same premises as permitted principal uses and when used solely for the care of dependents of employees of said principal use.
- 14-506.3 USES PERMITTED ON APPEAL (SPECIAL EXCEPTIONS)
After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit as special exceptions:
- 14-506.3A Extensive and heavy industrial and manufacturing uses; but limited to the following uses: abrasive products; asphaltic cement plants; cement and/or concrete plants; chemical and allied products; clay, pottery, terra cotta and tile products; grain milling; junkyards, hard surface floor coverings, kiln drying operations; leather goods, machine shop, paints and allied products; paper and allied products; petroleum products dealers and wholesalers, rubber and miscellaneous plastic products; saw mills; slaughtering of animals; provided the following conditions are complied with:
1. Shall not be located adjacent to any residential district.
 2. Shall not have an adverse affect on any surrounding properties.
 3. All federal, state or other permits for air pollution standards, ground water and emissions must be obtained and kept up-to-date.

4. Access shall be provided only from streets of a classification of no less than minor arterial classification or an industrial access road from a minor arterial.
5. Outside storage shall be fenced and shall be screened with opaque screening in conformance with § 14-601 of this Official Zoning Code.

14-506.3B Day care centers provided that the following conditions are complied with:

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

14-506.3C Outside storage of materials provided that the following conditions are complied with:

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

14-506.4 USES PROHIBITED

14-506.4A Outside storage of unscreened materials.

14-506.4B Any use determined by the Building Inspector to be potentially noxious, dangerous or offensive to adjacent uses by reason of odor, smoke, noise, glare, fumes, gas, vibration, threat of fire or explosion, or other similar reasons to be incompatible with the character of the I-2 District.

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

14-506.5 MINIMUM LOT AREA, WIDTH AND YARD REQUIREMENTS
All buildings or structures, including accessory structures, hereafter constructed in the I-2 District shall be located so as to comply with the following requirements:

14-506.5A Minimum lot requirements None except as necessary to meet all other requirements.

14-506.5B Minimum depth of front yard 45 ft.

14-506.5C Minimum depth of rear yard 50 ft.

14-506.5D Minimum depth of side yard each side 50 ft.

14-506.6 MAXIMUM BUILDING AREA

None, except as necessary to meet all other requirements.

14-506.7 SCREENING REQUIREMENTS

Where a lot line is shared with an adjoining residential lot, the owner of the industrial lot shall provide opaque screening in conformance with § 14-601 of this Official Zoning Code along the entire shared lot line so as to provide a pleasant screen between the two (2) different but contiguous land uses.

14-506.8 PARKING REQUIREMENTS

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

14-506.9 ACCESS REQUIREMENTS

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

14-506.10 OFF-STREET LOADING AND UNLOADING SPACE REQUIREMENTS

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

14-506.11 MAXIMUM BUILDING HEIGHT

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

14-506.12 SIGN REQUIREMENTS

All signs and similar advertising structures in the I-2 District shall conform with the provisions of § 14-609 of the Official Zoning Code.

14-506.13 SITE PLAN REVIEW REQUIREMENTS

Uses in the I-2 District shall conform with the provisions of § 14-705 of this Official Zoning Code. (as added by Ord. #441, Sept. 2006)

14-507. R-R Rural-Residential Districts.**14-507.1 GENERAL DESCRIPTION**

The purpose of the R-R Districts is to provide areas for agriculture and agriculturally oriented uses and structures in a low density environment, having good access to schools, public water and sewer, and other community services, but well separated from other incompatible uses and activities.

Within the Rural-Residential Districts the following regulations shall apply:

14-507.2 PERMITTED USES

14-507.2A Farm homes, and single-family detached dwellings, excluding mobile homes.

14-507.2B Barns, greenhouses, and other structures as accessory buildings customary incidental to the aforementioned permitted uses.

14-507.2C Farms for the growing and storage of farm products such as nursery stock, vegetables, fruits, and grain.

14-507.2D Churches and other places of worship, and parish houses.

14-507.2E Essential utility services and facilities.

14-507.2F Temporary structures, subject to the provisions of § 14-608 of this Official Zoning Code.

14-507.3 USES PERMITTED ON APPEAL (SPECIAL EXCEPTIONS)

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

14-507.3A Public libraries, schools offering general education courses, golf courses, public parks, and other public recreational facilities, municipal, county, state, or federal uses, except general office buildings, public utilities, except storage and warehouse areas, cemeteries, and philanthropic institutions and clubs, except a club, the chief activity of which is customarily carried out as a business.

14-507.3B Bed and breakfast establishments by the family residing on the premises (see § 14-503.3A).

- 14-507.3C Customary Home Occupations, including professional offices (except medical or dental clinics), studios, in-home day care centers for no more than seven (7) children (§ 14-604.9), or other customary incidental home occupations. All home occupations subject to specific requirements in Article VI, section).
- 14-507.3D Telecommunication towers and stations as required in § 14-604.10A.
- 14-507.3E Campgrounds and RV Parks (subject to Board of Zoning Appeals approval of a site plan conforming with the applicable plot plan requirements in § 14-704 of this Official Zoning Code).
- 14-507.4 USES PROHIBITED
- 14-507.4A Mobile homes.
- 14-507.4B Any other use or structure not specifically permitted or permitted on appeal.
- 14-507.5 MINIMUM LOT AREA, WIDTH, AND YARD REQUIREMENTS
- 14-507.5A Minimum lot width at building line 75 ft.
- 14-507.5B Minimum depth of front yard:
 - a. Local Street 40 ft.
 - b. Collector Street 50 ft.
 - c. Arterial Street 60 ft.
- 14-507.5C Minimum depth of rear yard 30 ft.
- 14-507.5D Minimum width of side yard on each side:
 - a. One or two story building 25 ft.
 - b. Three story building 35 ft.
- 14-507.5E Minimum width of side yards on corner lots 40 ft.
- 14-507.6 LOCATION OF ACCESSORY BUILDINGS
 Accessory buildings shall meet the following provisions:
- 14-507.6A No accessory building shall be erected in any required front or side yard.

14-507.6B Accessory buildings shall not cover more than thirty percent (30%) of the required rear yard.

14-507.6C Minimum setback from other buildings 15 ft.

14-507.6D Minimum setback from all lot lines 5 ft.

14-507.6E Minimum setback for street side corner lots 40 ft.

14-507.6F Maximum height one story or 18 ft.

14-507.7 MAXIMUM BUILDING AREA

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

14-507.8 PARKING REQUIREMENTS

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

14-507.9 ACCESS REQUIREMENTS

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

14-507.10 MAXIMUM BUILDING HEIGHT

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

14-507.11 SIGN REQUIREMENTS

No billboards or similar off-premise advertising structures are allowed in the R-R District; all other signs and similar advertising structures shall conform with the provisions of § 14-609 of the Official Zoning Code.

14-507.12 PLOT PLAN OR SITE PLAN REQUIREMENTS

All development in the R-R District requiring building permits shall conform with the applicable plot plan requirements in § 14-704 of this Official Zoning Code. (as added by Ord. #441, Sept. 2006, and amended by Ord. #16-531, June 2016)

14-508. R-3 Residential District.

14-508.1 GENERAL DESCRIPTION

The purpose of the R-3 District is to provide a high density residential environment having good access to schools, public water and sewer, and

other community services, but well separated from other incompatible uses and activities.

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

14-508.2 PERMITTED USES

14-508.2A Single-family detached and two-family attached dwellings.

14-508.2B Accessory apartments for single-family detached dwellings when in conformance with the provisions of § 14-501.3A of this Official Zoning Code.

14-508.2C Multi-family dwellings and apartments; provided an application and site plan as required in § 14-602.1 of this Official Zoning Code are submitted to and approved by the Building Inspector and provided the development standards required in § 14-602.2 of this Official Zoning Code are complied with.

14-508.2D Accessory buildings or uses customarily incidental to aforementioned permitted uses. Such uses may include noncommercial gardens and greenhouses, tool sheds, unattached garages and carports, swimming pools (subject to the provisions of § 14-604.4 of this Official Zoning Code) and the like.

14-508.2E Television, radio, and satellite dish antennas when in compliance with the provisions of § 14-604.10 of this Official Zoning Code.

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

14-508.3 USES PERMITTED ON APPEAL (SPECIAL EXCEPTIONS)

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

14-508.3A Churches and other places of worship provided that the conditions specified in § 14-604.7 of this Official Zoning Code are complied with.

- 14-508.3B Schools offering general education courses provided that the conditions specified in § 14-604.8 of this Official Zoning Code are complied with.
- 14-508.3C Public parks and public recreational facilities provided that the conditions specified in § 14-502.3E of this Official Zoning Code are complied with.
- 14-508.3D Public utilities such as water, sewer, gas, electric, cable TV and telephone but limited to those facilities necessary to serve the immediate neighborhood and excluding general office buildings, warehouses, and storage areas. Opaque screening in conformance with § 14-601 of this Official Zoning Code shall be provided along all shared lot lines
- 14-508.3E Municipal uses such as fire or police substations provided that the conditions specified in § 14-502.3G of this Official Zoning Code are complied with.
- 14-508.3F Customary home occupations provided that the conditions specified in § 14-604.3 of this Official Zoning Code are complied with.
- 14-508.3G Parking lots. Where this district adjoins a commercial or industrial district without an intervening street, but with or without an intervening alley, off-street parking lots in connection with nearby commercial or industrial uses, provided that the conditions specified in § 14-502.3J of this Official Zoning Code are complied with.
- 14-508.4 USES PROHIBITED
- 14-508.4A Mobile Home Parks as well as Mobile homes on individual lots
- 14-508.4B Storage or long-term parking of commercial or industrial vehicles.
- 14-508.4C Outdoor storage of any type, except that in connection with and on the premise of active building and/or land development.
- 14-508.4D Any other use or structure not specifically permitted or permitted on appeal.
- 14-508.5 MINIMUM LOT AREA, WIDTH, AND YARD REQUIREMENTS

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

- 14-508.5A Minimum lot area single-family dwelling unit 5,000 sq. ft.
- 14-508.5B Each additional dwelling unit 1,500 sq. ft.
- 14-508.5C Minimum lot width at building line:
1. Single-family dwelling 60 ft.
 2. Two-family dwelling 80 ft.
 3. Multi-family dwelling 100 ft.
- 14-508.5D Minimum depth of front yard 35 ft.
- 14-508.5E Minimum depth of rear yard 15 ft.
- 14-508.5F Minimum interior side yard:
1. Single-family dwelling 10 ft.
 2. Two-family dwelling 15 ft.
 3. Multi-family dwelling 20 ft.
- 14-508.5G Minimum side yard for street side corner lots 25 ft.
- 14-508.6 LOCATION OF ACCESSORY BUILDINGS
Accessory buildings shall meet the following provisions:
- 14-508.6A No accessory building shall be erected in any required front or side yard.
- 14-508.6B Accessory buildings shall not cover more than twenty percent (20%) of the required rear yard.
- 14-508.6C Minimum setback from other buildings 10 ft.
- 14-508.6D Minimum setback from all lot lines 5 ft.
- 14-508.6E Minimum setback for street side corner lots 35 ft.
- 14-508.6F Minimum setback from alleyways 2 ft.
- 14-508.6F Maximum height 1 story or 18 ft.

14-508.7 MAXIMUM BUILDING AREA

On any lot the area occupied by all buildings, including accessory buildings, shall not exceed thirty percent (30%) of the total area of such lot. Usable open space provided for each dwelling unit of not less than two hundred (200) sq. ft.

14-508.8 PARKING REQUIREMENTS

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

14-508.9 ACCESS REQUIREMENTS

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

14-508.10 MAXIMUM BUILDING HEIGHT

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

14-508.11 SIGN REQUIREMENTS

No billboards or similar off-premise advertising structures are allowed in the R-3 District, all other signs or similar advertising structures shall conform to the provisions of the R-2 District requirements of § 14-609 of the Official Zoning Code.

14-508.12 PLOT PLAN OR SITE PLAN REQUIREMENTS

All developments in the R-3 District requiring building permits shall conform to the applicable plot plan requirements in § 14-704 of this Official Zoning Code or site plan requirements in § 14-705 of this Official Zoning Code. (as added by Ord. #15-527, Aug. 2015)

14-509. Planned Residential District (PRD).**14-509.1 GENERAL DESCRIPTION**

A Planned Residential Development is an apartment or townhouse complex, condominiums, or other special housing development, where two (2) or more housing units are grouped together in two (2) or more buildings, are either sold or rented, with or without accessory structures providing recreational, cultural or other activities for residents therein. Planned Residential Development can also include single-family site-built homes designed as "zero lot line" or "patio home" concept.

The PRD is intended to encourage flexibility and innovation in land use in residential developments. Through careful planning, such districts will provide for the best use of the site consistent with the goals of protecting

and embracing the natural environment. At the same time, it is intended that projects within any PRD provide a compatible blending with surrounding development, minimizing such negative impacts as land use conflicts, traffic congestion, and excessive demands on existing or proposed public facilities.

14-509.2 PERMITTED USES

14-509.2A Single-family detached and two-family attached dwellings.

14-509.2B Accessory apartments for single-family detached dwellings when in conformance with the provisions of § 14-501.3A of this Official Zoning Code.

14-509.2C Two-family dwellings; multi-family dwellings; condominiums; efficiency apartments.

14-509.2D Accessory buildings or uses customarily incidental to aforementioned permitted uses. Such uses may include noncommercial gardens and greenhouses, tool sheds, unattached garages and carports, swimming pools (subject to the provisions of § 14-604.4 of this Official Zoning Code), children's play areas, gazebos, and the like.

14-509.2E Public, private and parochial schools and childcare centers.

14-509.2F Recreational and community assembly facilities intended for the primary use and convenience of the residents within the PRD and their guests.

14-509.2G Public parks and recreational facilities, churches and similar places of worship.

14-509.3 USES PERMITTED ON REVIEW

Upon review and approval by the Monterey Planning Commission, neighborhood commercial activities may be permitted subject to the following conditions:

14-509.3A No commercial activities will be permitted within any PRD containing fewer than two hundred (200) dwelling units.

14-509.3B All commercial facilities must be designed as an integral part of the development; external advertising or other characteristics

which would alter the residential scenic quality, noise level, or traffic load shall not be permitted.

- 14-509.3C The commercial activities permitted within a PRD shall not in the aggregate exceed more than four percent (4%) of the total floor area within such development, provided further that the maximum floor area devoted to any single activity shall not exceed 3,000 square feet.
- 14-509.3D All commercial facilities authorized must be intended for the primary use and convenience of the residents within the PRD District and their guests.
- 14-509.4 USES PROHIBITED
- 14-509.4A Mobile Home Parks as well as mobile homes on individual lots.
- 14-509.4B Storage or long-term parking of commercial or industrial vehicles.
- 14-509.4C Outdoor storage of any type, except that in connection with and on the premise of active building and/or land development.
- 14-509.4D Any other use or structure not specifically permitted or permitted on appeal.
- 14-509.5 MINIMUM AREA REQUIREMENTS
No property considered for a PRD shall be less than five (5) acres in size. At the time of application for a PRD, the entire tract of land for which rezoning is requested shall be under the control of a single individual, partnership or corporation.
- 14-509.6 MAXIMUM DENSITY
The maximum number of dwelling units in any PRD shall be computed by multiplying the gross acreage to be developed by twenty-one (21), excluding any area to be developed as a church, school, child care center, or commercial use (as approved by the Planning Commission.)
- 14-509.7 Minimum Yard Requirements
- 14-509.7A Perimeter Yard Requirements
1. The required minimum front yard shall be seventy-five feet (75') unless a Screen/Buffer Yard as specified in § 14-601 is provided, in which case the minimum front yard shall be fifty feet (50').

2. The required minimum rear and side yards shall be fifty feet (50') unless a Screen/Buffer Yard as specified in § 14-601 of this Zoning Code is provided, in which case the minimum rear and side yards shall be thirty feet (30').

14-509.7B Interior Yard Requirements

1. The required minimum front yard off any interior street within a PRD shall be ten feet (10'). Provided, however, should a Final PRD Plan or Final Subdivision Plat depict a setback greater than the minimum, then the setback depicted on the Final Plan or Plat shall apply.
2. The required minimum rear and side yards, unless such yard is adjacent to the perimeter of the area zoned as PRD, shall be zero (0) except if the Final PRD Plan or Final Subdivision Plat depict a setback greater than the minimum, then the setback depicted on the Final Plan or Plat shall apply.
3. The spacing of all structures shall comply with § 14-509.8.
4. Fire hydrants shall be spaced so as to be at a point no further than five hundred feet (500') from the most remote point of any residential structure that is to be protected by the hydrant. In the case of non-residential, non-accessory structures, this maximum distance shall not exceed four hundred feet (400').

14-509.8 SPACING OF STRUCTURES

- A. The location of all structures shall be as shown on the Final PRD Plan.
- B. The proposed location of all structures shall not be detrimental to existing or prospective adjacent uses or to the existing or prospective development of the neighborhood.
- C. There shall be a minimum distance between detached structures as follows:
 - a. One and two stories -- 15 feet
 - b. Three stories -- 20 feet
- D. No individual residential structure shall extend more than two hundred feet (200') in length.

14-509.9 PARKING REQUIREMENTS

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

14-509.10 ACCESS REQUIREMENTS

Access to each single-family dwelling unit or to buildings containing multi-family dwelling units under individual ownership shall be provided via a public right-of-way or a private driveway owned by the individual in fee simple or in common ownership with the other residents of the PRD.

Access to buildings containing multi-family dwelling units not owned by their occupants shall be provided via a public right-of-way.

Access and circulation shall adequately provide for firefighting and emergency vehicles, furniture moving vans, garbage collection and deliveries.

14-509.11 MAXIMUM BUILDING HEIGHT

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

14-509.12 COMMON OPEN SPACE

1. Quantity of Common Open Space

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

2. Reduction in Common Open Space Requirement

The Planning Commission may permit a one (1) to one (1) reduction in the percentage of acreage set aside for use as common open space in a PRD District when all or a portion of the development is to be subdivided into lots for individual ownership. The reduction in the percentage shall not exceed the total land area preserved as yard areas within the individual lots.

3. Quality and Improvement of Common Open Space

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

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

- c. The development schedule, which is part of the Preliminary PRD Plan, must coordinate improvement of common open space with construction of residential dwellings so that such space becomes available as dwelling units are occupied.
 - d. The developer shall submit a Financial Guarantee in form of an irrevocable letter of credit, cash, or certified check as assurance that the buildings, structures, and improvements identified as common open space will be completed.
4. Maintenance of Common Open Space
All common open space shall be preserved for its intended purpose as expressed in the Final PRD Plan. The developer shall choose one or a combination of the following methods of administering common open space.
- a. Public dedication to the city of the common open space. This method is subject to formal acceptance by the city.
 - b. Establishment of an association or non-profit corporation of all individuals or corporations owning property within the PRD to insure maintenance of all common open space.
5. Pedestrian Circulation
A pedestrian circulation system is required. The system and its related walkways shall be separated as completely as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement. This separation shall include, when deemed necessary by the Planning Commission, pedestrian underpasses and overpasses in the vicinity of schools, playgrounds, residential uses, and other neighborhood uses that generate a considerable amount of pedestrian traffic. Sidewalks shall be constructed of concrete.

14-509.13 SIGN REQUIREMENTS

No billboards or similar off-premise advertising structures are allowed in the PRD, all other signs or similar advertising structures shall conform to the provisions of the R-2 District requirements of § 14-609 of the Official Zoning Code.

14-509.14 PLOT PLAN OR SITE PLAN REQUIREMENTS

All developments in the PRD requiring building permits shall conform to the applicable plot plan requirements in § 14-704 of this Official Zoning Code or site plan requirements in § 14-705 of this Official Zoning Code.

14-509.15 PROCESS FOR DEVELOPMENT AND APPROVAL

Summary: After a pre-application conference is held, the developer may proceed with drafting a Preliminary PRD Plan. The purpose of the Preliminary PRD Plan is to require enough information to illustrate the intent of the developer without necessitating considerable expense on his part. A recommendation for rezoning from the Planning Commission shall be made, based on the information presented in the Preliminary PRD Plan, to the City Council. After the Council has approved rezoning to PRD, then the developer will proceed with the development of a detailed Final PRD Plan. The Final PRD Plan is submitted to the Planning Commission for final approval.

After final approval is obtained, the developer will register the Final PRD Plan and proceed with construction. A Final Subdivision Plat, if applicable, will be approved and registered before transfer of units.

14-509.15A Pre-Application Conference

The developer is required to confer with the Planning Staff prior to submission of the Preliminary PRD Plan to the Planning Commission. The purpose of the conference is to exchange information and guidance concerning the process for approval and the provisions of the PRD Zoning District. Discussions will concern, but not be limited to, the site, the proposed development, the effect on community facilities, and the proposed schedule for planning and construction of the PRD.

14-509.15B Submission of the Preliminary PRD Plan

1. The Preliminary PRD Plan shall include a Schematic Map Plan and Written Statement.

The Schematic Map Plan shall be drawn to a scale of not less than one inch = one hundred feet (1" = 100') and shall include the following information:

- a. Location and name of proposed development.
- b. Location sketch map depicting relationship of PRD to area.
- c. Approximate North point, graphic scale, and date.
- d. Acreage of site.
- e. Existing zoning of site and area within three hundred feet (300') of site.
- f. Existing and proposed land uses, and approximate location, size and density of buildings and other structures, both existing and proposed.

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

The Written Statement shall include:

- a. Information about the physical characteristics of the surrounding area and developments within three hundred feet (300') of the site.
 - b. Types of structures and improvements as a means of explaining the general PRD character of the proposed PRD.
 - c. Expected Development Schedule, including approximate date when construction will begin; the approximate stages of the project and approximate starting dates for each stage; the rate of development; and the area and location of open space that will be provided with each stage.
 - d. Proposed covenants, grants of easement or other restrictions to be imposed upon the use of the land, including common open space areas, buildings, and other structures within the PRD.
 - e. Any other supportive information that cannot be shown graphically.
2. Two (2) copies of the Preliminary PRD Plan must be submitted to the Planning Commission. The Preliminary PRD Plan will not be accepted for consideration until all information described above has been submitted. The Preliminary PRD Plan will be taken for a minimum one-month study period for Planning Staff review for compliance with the provisions and requirements of this Zoning Code. The Planning Commission will take action on the Preliminary PRD Plan within sixty (60) days of formal acceptance of the application and plan for study. The Planning Commission will advertise by means of a legal notice, the date, time, and place of the meeting at which the

Planning Commission will consider approval of the Preliminary PRD Plan.

3. The Planning Commission shall submit the application and the Preliminary PRD Plan to the City Council, with its recommendations as to approval, disapproval, desirable changes and/or special conditions and safeguards.
4. Upon receipt of the Preliminary PRD Plan and the Planning Commission's recommendations, the City Council will set a date for the Public Hearing. After holding the Public Hearing and reviewing the Preliminary PRD Plan, the application for rezoning and the Planning Commission's recommendations, the City Council will consider enactment of the rezoning ordinance for the site of the proposed PRD.
5. No building permits may be issued and no final plat may be approved on land within the PRD site until the Planning Commission has approved the Final PRD Plan.
6. **Expiration of Preliminary PRD Plan**
Approval of the Preliminary PRD Plan will expire six (6) months after the effective date of the rezoning action of the City Council, if no Final PRD Plan has been submitted to and approved by the Planning Commission. Extensions, totaling no more than eighteen (18) months after the effective date of rezoning action by the City Council, may be granted by the Planning Commission upon written request by the developer, stating the reasons for needing the extension.

14-509.15C Submission of Final PRD Plan and Preliminary Subdivision Plat

1. In cases involving the proposed transfer of land within the PRD, a Preliminary Subdivision Plat will be required with the submission of the Final PRD Plan, which will be reviewed by the Planning Commission for compliance with the Preliminary PRD Plan and with the requirements of this Zoning Code. The Preliminary Subdivision Plat must conform to the requirements of the Subdivision Regulations.
2. The Final PRD Plan shall substantially conform to the Preliminary PRD Plan, and will be submitted for the entire PRD. The number of dwelling units shown on the Preliminary PRD Plan shall not be exceeded. The developer may choose to construct the PRD in stages or sections, each of which must be clearly identified on the Final PRD Plan.
3. The Planning Commission's approval of the Final PRD Plan and Preliminary Subdivision Plat is required before construction can begin. After receiving approval of the Final

PRD Plan from the Planning Commission, the developer is required to register the Final PRD Plan in the Office of the Putnam County Register.

4. The Final PRD Plan must include the following information:
 - a. Engineering drawings and maps drawn at a scale of not more than one inch = fifty feet (1" = 50').
 - b. Finished topography of the site, with contours of not more than five foot (5') vertical intervals.
 - c. Circulation diagram(s) indicating movement of vehicles, goods and pedestrians within the PRD area, and to and from existing thoroughfares. The following should also be included with the circulation plan:
 - 1) Street and sidewalk layout.
 - 2) Street widths of pavement and right-of-way.
 - 3) Street cross-sections.
 - 4) Any proposed special engineering features and/or traffic regulation devices.
 - d. Off-street parking and loading plan, with groundcoverage of parking areas indicated.
 - e. Areas to be conveyed, dedicated, or reserved for parks, parkways, and other public or semi-public open space uses and including any improvements which are to be deeded as part of the common use area.
 - f. Each building site and common open area, including the location, height and bulk of all buildings and structures, landscaping and other improvements. Also, the type, use and number of units for each structure, and elevation and perspective drawings of structures are required.
 - g. Proposed utilities including sewers, both sanitary and storm, gas lines, water lines, and electric lines showing connections to existing systems, and easements for such. Also, the locations of fire hydrants must be shown.
 - h. Location, function and ownership of all open spaces, except those open spaces included in fee-simple lots.
 - i. Final drafts of all proposed covenants and grants of easement, particularly those pertaining to common open space.
 - j. Computations of coverage by all buildings, structures, recreational facilities and parking lots within the PRD.
 - k. Development Schedule indicating:

- 1) The approximate date when construction of the project can be expected to begin.
 - 2) Outline of each phase or stage of the construction of the development, with a tabulation of proposed densities to be allocated to each stage.
 - 3) The approximate date when construction of each stage or phase can be expected to begin.
 - 4) The anticipated rate of development.
 - 5) The approximate dates when each stage in the development will be completed.
 - 6) The area, location and degree of development of common open space that will be provided at each stage.
5. Minor amendments to the Final PRD Plan may be submitted to the Planning Commission for review and approval. If the planning staff determines that the amendment is substantially different from the Preliminary PRD Plan and/or involves a change in the intent of the character of the PRD, then the amendment will require a Public Hearing to be held.
6. PRD Rezoning Repealed When Final PRD Plan Is Not Submitted
- When a Final PRO Plan is not submitted to and approved by the Planning Commission within eighteen (18) months after the effective date of the rezoning action of the City Council, said rezoning action shall be repealed.

14-509.15D Construction

1. Building permits shall not be issued before the Final PRD Plan has been approved and recorded.
2. If a subdivision plat is required, transfer of real property within the PRD is not permitted until a Final Subdivision Plat has been approved and recorded.
3. If construction of required improvements is to be carried out in phases or stages, then the Planning Commission may accept a Financial Guarantee in Lieu of Improvements, as specified in the Subdivision Regulations. The Financial Guarantee may be reduced to a Maintenance Bond upon the completion of each stage or phase.
4. The Maintenance Bond must be of sufficient amount and duration (not to exceed five (5) years) to cover the maintenance of the improvements of each phase or section

until the entire PRD is completed and/or responsibility of maintenance has been transferred.

14-509.15E Final Subdivision Plat

1. A Final Subdivision Plat, conforming to the Subdivision Regulations, must be submitted to the Planning Commission for review and approval by one of the following methods:
 - a. After completion of construction of all streets, utilities, and any other areas, buildings or structures to be dedicated to a public agency.
 - b. After submitting a Financial Guarantee, in an amount to be determined by the Planning Commission, to cover the cost of construction of any and all improvements to be dedicated to a public agency, such as streets and utilities.
2. The Final Subdivision Plat must be recorded in the Office of the Putnam County Register, before transfer of ownership of units in the PRD. (as added by Ord. #15-529, Jan. 2016)

CHAPTER 6

SUPPLEMENTARY REGULATIONS¹

SECTION

- 14-601. Screening requirements.
- 14-602. Multi-family housing.
- 14-603. Mobile home parks.
- 14-604. Special standards for certain uses.
- 14-605. Parking, storage, and use of major recreational equipment, vehicles and trucks.
- 14-606. Fences, walls, and hedges.
- 14-607. Front yard setback line exemptions.
- 14-608. Temporary structures.
- 14-609. General sign regulations.

14-601. Screening requirements. The following regulations shall apply for all uses requiring screening.

14-601.1 PLAN REQUIRED

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

14-601.2 DESCRIPTION OF SCREENS

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

¹For the purpose of the Official Zoning Code these supplementary regulations shall apply to specific, to several or to all districts. These regulations pertain to certain specific uses, authorize certain exemptions, or relate to unusual conditions.

than ten feet (10') wide. The portion of intermittent visual obstructions may contain deciduous plants. Suggested planting patterns that will achieve this standard are depicted on Illustration 1.

- 14-601.2B Semi-Opaque Screen -- A screen that is opaque from the ground to a height of three feet (3), with intermittent visual obstruction from above the opaque portion to a height of at least twenty feet (20'). The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet (10') wide. The zone of intermittent visual obstruction may contain deciduous plants. Suggested planting patterns which will achieve this standard are depicted on Illustration 2.
- 14-601.2C Broken Screen -- A screen composed of intermittent visual obstructions from the ground to a height of at least twenty feet (20'). The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The screen may contain deciduous plants. Suggested planting patterns which will achieve this standard are depicted on Illustration 3.
- 14-601.3 STANDARDS FOR SCREENING MATERIALS
- 14-601.3A When fences or walls are utilized in screening, they shall be constructed of materials compatible with the principal building.
- 14-601.3B When earthen berms are utilized in screening, they shall be seeded and/or sodded.

- 14-601.3C Trees and shrubbery shall be of a species common to Monterey shall be hardy, and proper care shall be taken in planting.
- 14-601.4 MAINTENANCE OF SCREENING
- 14-601.4A It shall be the obligation of the owner(s) of each building, structure or use on whose premises required screening is located to maintain said screening.
- 14-601.4B Failure to properly maintain required screening shall be a violation of this Official Zoning Code, punishable as a misdemeanor or under the provisions of the Town of Monterey Municipal Code. (1980 Code, § 11-601, as replaced by Ord. #441, Sept. 2006)

Illustration 1
Typical Opaque Screens



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



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



Tall evergreen trees, stagger planted, with branches touching ground.

Illustration 2
Typical Semi-Opaque Screens



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



Small trees planted 20 - 30 ft. on center on 3 ft. high earth berm.



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

Illustration 3
Typical Broken Screens



Small trees planted 30 ft. on center.



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



Large trees planted 40 ft. on center with assorted shrubbery.

14-602. Multi-family housing.**14-602.1 APPLICATION AND SITE PLAN REQUIRED**

To provide a maximum flexibility in design and to ensure a minimum standard of site development for multi-family housing developments of two (2) or more residential structures on a single lot or tract of land, not subdivided an application shall be submitted to the planning commission consisting of a site plan drawn to a scale no smaller than 1" = 50' setting forth therein the geographical location, boundaries, surrounding development, drainage, buildings and structures, parking facilities, points of access to public streets, easements, sanitation, facilities including the location and size of water and sewer lines, location of fire hydrants, and any other information as the planning commission may require.

14-602.2 REQUIRED STANDARDS FOR MULTI-FAMILY HOUSING DEVELOPMENTS

Multi-family housing developments of two (2) or more residential structures on a single lot or tract of land, not subdivided shall meet the following required standards for development:

14-602.2A Location.

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

14-602.2B Area Requirements

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

14-602.2C Design

1. Internal Streets
 - (a) The maximum grade on any street shall be twelve percent (12%) except that no more than three percent (3%) grade shall be permitted within fifty feet (50') of any intersection with a public street.
 - (b) Where feasible, all street intersections shall be at right angles.
2. Public Street Access

- (a) The minimum distance between access points along public street frontage shall be one-hundred feet (100').
- (b) The minimum distance between an access point and the nearest right-of-way line of a public street intersection shall be one-hundred feet (100').

14-602.2D Required Improvements

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

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

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

Service buildings housing laundry, sanitation, or other facilities for use by occupants shall be permanent structures complying with all applicable building codes. (1980 Code, § 11-602, as amended by Ord. #359, Jan. 1997, and Ord. #360, June 1997, and replaced by Ord. #441, Sept. 2006)

14-603. Mobile home parks.

14-603.1 GENERAL REQUIREMENTS

For the purpose of this Official Zoning Code the following regulations shall apply to all mobile home parks within the corporate limits of the Town of Monterey.

14-603.2 REQUIREMENTS FOR MOBILE HOME PARKS

14-603.2A License Required -- It shall be unlawful for any person or persons to maintain or operate within the corporate limits of the Town of Monterey any mobile home park unless such person or persons shall first obtain from Monterey City Hall a license therefor.

Said license shall not be transferable.

1. License Fees -- An annual license fee for each mobile home park shall be submitted to the Monterey City Hall.
2. Application for License -- An application for a mobile home park license shall be filed with Monterey City Hall upon forms provided by said office. Applications shall be in writing, signed by the applicant, filed in triplicate, and shall contain the following:
 - (a) Name and address of the applicant.
 - (b) Location and legal description of the mobile home park.
 - (c) Complete site plan of the proposed park, including plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home park. Said plan shall show compliance with the standards set forth in § 14-603.3C and shall be drawn to a scale showing at a minimum the number and arrangement of all plot spaces, setbacks, access to public streets, driveways, sidewalks, drainage, sanitation facilities including the location and size of water and sewer lines, fire hydrants, and refuse collection facilities. The plan shall also show any other planned facilities.
 - (d) Any further information as may be required by the Building Inspector to enable him to determine if the proposed mobile home park shall comply with all applicable provisions of this Official Zoning Code.

3. Review of Application for License

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

4. Posting of License

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

5. Register of Occupants

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

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

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

6. Revocation of License

The Building Inspector and/or Health Officer shall make periodic inspections of the park to assure compliance with this Official Zoning Code. In case of noncompliance with this Official Zoning Code, the Building Inspector and/or Health Officer shall serve warning to the licensee. Thereafter upon failure of the licensee to remove said violation, the Building Inspector and/or Health Officer shall

recommend to the Board of Mayor and Aldermen revocation of the offending parks' license. The Board shall hold a hearing on the matter and upon determination of noncompliance shall revoke said license. The license may be reissued if the circumstances leading to the revocation have been remedied and the park can be maintained and operated in full compliance with the law.

14-603.2C Standards for Mobile Home Parks

All mobile home parks shall comply with the following standards:

1. Age of Mobile Homes
 - (a) No mobile home may be set in the Town of Monterey more than five (5) years old and must meet all local building standards.

2. Drainage and Flood Hazard Requirements
 - (a) All mobile home parks shall be located on a well-drained site, property graded to insure rapid drainage and freedom from stagnant pools of water.

3. Individual Plot Size Requirements
 - (a) Individual plot spaces for mobile homes shall be clearly defined and mobile home parks provided so that the center line of pads are located not closer than forty feet (40') apart.
 - (b) Minimum plot width 40 ft.
 - (c) Minimum plot depth 100 ft.
 - (d) No more than seventy-five percent (75%) of the mobile home plot gross area shall be covered by the mobile home and its accessory structures.

4. Setback and Screening Requirements
 - (a) All mobile homes shall be parked so that there will be a minimum of twenty feet (20') between mobile homes or any attachment such as a garage or porch.
 - (b) The minimum front yard setback from the interior access drive shall be ten feet (10').
 - (c) No mobile home or any attachments shall be located closer than thirty feet (30') from the right-of-way of any public

street or highway or from any mobile home park property line.

- (d) A buffer strip of not less than ten feet (10') in width, separate from any individual plot space with semi-opaque screening in conformance with § 14-601 of this Official Zoning Code shall be provided along all property lines of the park except across ingress and egress points to public streets.

5. Public Utilities Requirements

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

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

6. Refuse: Storage, Collection and Disposal Requirements

Storage, collection, and disposal of refuse in mobile home parks shall be approved by the Sanitation Department of the Town of Monterey and shall be done in such a manner as to meet all applicable provisions of the Monterey Municipal Code.

7. Public Health, Sanitary and Anchoring Requirements

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

8. Fire Protection

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

9. Access Roads and Parking Requirements

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

10. Sidewalk Requirements

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

11. Additions to Mobile Homes Prohibited

No permanent additions of any kind shall be built onto, nor become a part of, any mobile home. (1980 Code, § 11-603, as amended by Ord. #359, Jan. 1997, Ord. #360, Jan. 1997, and Ord. #394, Oct. 2001, and replaced by Ord. #441, Sept. 2006)

14-604. Special standards for certain uses. To accomplish the purposes of this Official Zoning Code, special consideration is hereby given to certain uses. These uses shall comply with the following requirements in addition to those of the zoning district in which they may be located.

14-604.1 GASOLINE SERVICE STATIONS

The following regulations shall apply to all gasoline service stations:

- 14-604.1A All buildings shall comply with all required setbacks in the applicable zoning district.
- 14-604.1B All gasoline pumps and canopies shall not be located closer than twenty feet (20') to any street right-of-way line.
- 14-604.1C When other uses are combined with a gasoline service station, such as video rental, deli, or grocery, additional parking, based on the other uses, shall be provided.

14-604.2 CEMETERIES

The following regulations shall apply to all cemeteries:

- 14-604.2A The site proposed for a cemetery shall not interfere with the development of a system of streets and in addition shall have direct access to a thoroughfare.
- 14-604.2B Any new cemetery shall be located on a site containing not less than twenty (20) acres.
- 14-604.2C All structures and facilities including but not limited to mausoleums, graves, burial lots, monuments, and maintenance buildings shall be set back at least thirty feet (30') from any property line or street right-of-way.
- 14-604.2D All required yards shall be landscaped and maintained.
- 14-604.2E Proposals for cemeteries shall be approved by the planning commission.

14-604.3 CUSTOMARY HOME OCCUPATIONS

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

- 14-604.3A A customary home occupation is a gainful occupation or profession conducted by members of a family residing full-time on the

premises and conducted entirely within the principal dwelling unit.

- 14-604.3B No more than twenty-five percent (25%) of the total habitable floor area of the dwelling shall be devoted to such use.
- 14-604.3C Shall be conducted entirely within the principal dwelling unit and no alterations to any buildings shall indicate from the exterior that the building is being utilized for any purpose other than a residential unit, including permitted accessory buildings.
- 14-604.3D No stock in trade shall be displayed and no equipment or materials used in the occupation shall be stored outside the dwelling.
- 14-604.3E Only one (1) person, not a resident of the premises, shall be employed.
- 14-604.3F Neither retail nor manufacturing business shall be permitted.
- 14-604.3G No outdoor repair work shall be permitted.
- 14-604.3H Additional off-street parking shall be provided for the non-resident employee and for the parking of anticipated clients. Required parking shall not be permitted in any front yard.
- 14-604.3I All structures used for customary home occupations shall be in conformance with the sign requirements as established in § 14-609 of the Official Zoning Code.
- 14-604.3J Special approval shall not be transferable to another owner.

14-604.4 SWIMMING POOLS

The following regulations shall apply to all private swimming pools:

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

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

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

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

14-604.6 SERVICING, STORAGE, REPAIR OR SALES OF MOTOR VEHICLES

The following regulations shall apply to all motor vehicles, garages, sales lots, service stations, and similar structures and uses involved in the servicing, storage, repair or sales of motor vehicles:

- 14-604.6A No public street, parking area, sidewalk, or way shall be used for the storage or parking of motor vehicles in connection with the activities of such establishments, except for normal parking by individual private owners or operators of such vehicles.
- 14-604.6B No operation in connection with such establishments shall be carried on in such a manner which impedes free flow of vehicular or pedestrian traffic in normal courses on public ways.
- 14-604.6C No motor vehicle shall be parked in such a manner as to block visibility at intersecting streets.

- 14-604.6D No repair of motor vehicles or parts thereof shall be made outside of garages, service stations, body shops, or other buildings used for such purposes (except such minor repairs as are normally completed while the customer waits at the premises).
- 14-604.6E All motor vehicles being handled or stored in an area visible from a public street or way shall be maintained in such condition that they can be moved under their own power.
- 14-604.6F Motor vehicles unable to be moved under their own power may be temporarily stored (sixty (60) days or less) in completely enclosed storage yards. These yards shall be provided with opaque screening as provided in § 14-601 of this Official Zoning Code in such a manner that no vehicle or portion thereof is visible from any street or public way, or from ground level of any adjacent property. The storage yard shall be located on the same premises as the motor vehicle repair or service establishment. The maximum number of vehicles allowed in any storage yard is ten (10).
- 14-604.6G It shall be the responsibility of the owner or operator of any motor vehicle repair or service establishment to keep accurate and verifiable records as to the date any vehicle being stored in a storage yard is placed on said yard. Failure to keep such records will create the presumption that the vehicle or vehicles stored on the yard have been there in excess of sixty (60) days and are in violation of this Official Zoning Code.
- 14-604.7 CHURCHES AND OTHER PLACES OF WORSHIP
The following regulations shall apply to all permitted churches and other places of worship:
- 14-604.7A A minimum lot area of two (2) acres with a minimum lot width of two-hundred feet (200') at the building setback line shall be provided.
- 14-604.7B The minimum depth of the front yard shall be seventy-five feet (75'), and the minimum depth of the side and rear yards shall be fifty feet (50'). The minimum side yard on street side of corner lots shall be seventy-five feet (75').
- 14-604.7C The maximum lot coverage for the principal structure and all accessory structures shall be thirty percent (30%).

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

14-604.8 SCHOOLS

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

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

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

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

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

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

14-604.9 DAY CARE HOMES

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

14-604.9A The child day care use will be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.

14-604.9B Outdoor play space shall not be permitted within the front yard area and shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas or land unsuited for children's play space.

14-604.9C There shall be a fence with the minimum height of four (4) feet surrounding the play space.

- 14-604.9D Operator of a child day care home must be the owner and reside on subject property.
- 14-604.9E Child day care homes, nurseries or kindergartens shall be located within the main structure on the lot and shall not utilize more than fifty percent (50%) of the gross floor area of the main structure.
- 14-604.9F Special approval shall not be transferable to another owner.
- 14-604.10 TELEVISION, RADIO, AND SATELLITE DISH ANTENNAS
The following regulations shall apply to all permitted television, radio, and satellite dish antennas:
- 14-604.10A All ground mounted television, radio and satellite dish antennas shall be located in the rear yard only and no dish antenna shall be more than ten feet (10') in diameter.
- 14-604.10B All installations must comply with all accessory use yard, height, bulk, and setback requirements specified within the district.
- 14-604.10C Antennas that are roof-mounted shall not extend higher than ten feet (10') above the peak of the roof. No roof-mounted dish antenna shall exceed twenty-four inches (24") in diameter.
- 14-604.10D All installations shall be located to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties.
- 14-604.10E All installations shall employ (to the extent possible) materials and colors that blend with the surroundings.
- 14-604.10F Antennas shall be installed and maintained in compliance with the requirements of the municipality's building codes.
- 14-604.10G No television or radio antenna shall exceed forty-five feet (45') in height.
- 14-604.11 WIRELESS COMMUNICATION FACILITIES AND ANTENNAE ARRAYS

SECTION 2 APPLICABILITY

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

- a. Pre-existing towers and pre-existing antennas shall not be required to meet this ordinance, other than the requirements of state and federal regulations.
- b. The requirements set forth in this ordinance shall govern the location of towers that exceed, and antennas that are installed at a height in excess of, the height limitations for commercial and industrial zoning districts.
- c. Antennas or towers located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antenna or tower has been reviewed and approved by the governing authority.

SECTION 3 REQUIREMENTS

Each applicant for an antenna and/or tower shall provide to Monterey City Hall and the Planning Commission, prior to Council consideration, the following:

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

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

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

- ✓ Unwillingness of the owner to share the facility.

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

Site Plan Shall be submitted to Monterey City Hall and approved by the Building Inspector prior to the issuance of a permit. The following standards shall be used in the design of the facilities:

- Setbacks

The minimum setbacks on all sides shall be equal to the height of the tower plus an additional twenty feet (20'), including any antennas or appurtenances, as measured from ground level. This setback shall be considered a fall zone. The fall zone setback requirement may be reduced or waived provided it can be demonstrated in a report prepared by a professional engineer licensed in the State of Tennessee that the communication tower will collapse if it falls and it is determined by administrative review that the tower does not pose a safety threat to adjacent property owners in the event of collapse. In such cases, the setback shall be equal to the distance specified in the engineer report of a minimum of fifty feet (50'), whichever is greater. In addition, no communication tower shall be located closer than one-hundred feet (100') from an existing residential structure. Setbacks shall be measured from the base of the tower, or guy-wire supports for lattice towers, to the property line. For ground structure associated with the tower and located at the same site the minimum setback on all sides shall be fifty feet (50').
- Landscaping and Screening

The visual impacts of the facility shall be mitigated from nearby viewers by provision of an opaque screen as defined in Chapter 6, Supplementary Regulations, § 14-601.2A, within a landscaped strip no less than four feet (4') wide located outside the perimeter fence. Sites may be exempted from these requirements provided the Building Inspector finds the vegetation or topography of the site provides a natural buffer.
- Perimeter Fencing

A chain-link fence or solid wall not less than eight feet (8') in height consisting of at least six feet (6') of material plus two feet (2') of barbed wire on the top of fence measured from finished grade of site shall be

provided around the facility. Access to the facility shall be limited to a locked gate.

- Lighting
All artificial lighting deemed necessary or required by federal regulations shall be shielded and oriented inward within the facility so as not to project on the surrounding properties.
- Visual Effects
All towers shall either maintain galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.
- Standards
All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate towers or antenna arrays. If such standards and/or regulations are changed, the owners of the towers and/or antennas shall bring towers and/or antennas into compliance with revised standards within six (6) months of the effective date of such standards and/or regulations unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance shall constitute grounds for removal of the tower or antenna at the owner's expense.
- Removal of Obsolete or Unused Facilities
All obsolete or unused communication facilities shall be removed by the property owner within six (6) months of cessation of use. The applicant shall submit an executed Removal Agreement to ensure compliance with this requirement.
- Facility Changes
Any changes to antenna, reception, or transmitting devices shall require review in the same manner as the existing facility was originally approved.
- Signs and Advertising
The use of any portion of a tower for signs or advertising purposes including banners, streamers, etc. is prohibited except as needed for warning or identification.

- Equipment Storage
Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on site unless repairs are being made.
- Maintenance
Adequate inspection and maintenance shall be performed to insure the structural integrity of the facility and to prevent deteriorious conditions from occurring on the site. An annual report regarding the structural integrity of the facility shall be prepared by a professional engineer licensed by the State of Tennessee and submitted to Monterey City Hall.
- Road Access
All access roads, including necessary drainage facilities, shall be constructed to meet the street construction specifications of the Monterey Subdivision Regulations, except if allowed to be reduced by administrative review of the Public Works Director or other applicable city official.

14-604.12 Columbaria

A columbarium is defined as an indoor or outdoor wall containing niches. A niche is defined as a recessed compartment designed to hold urns. Columbaria may be an entire building, a room, a wall along a corridor or a series of special alcoves or halls in a mausoleum, chapel, or other buildings located in a cemetery or on other dedicated property. Niches come in many sizes with a selection of fronts such as glass, marble, bronze, granite or mosaic. Glass fronts may be clear, tinted, frosted or etched. Some columbarium niches are designed for specific size urns while others may contain a double size space for two urns or even larger niches for multiple urns. Some clear glass fronted niches allow meaningful memorabilia to be placed inside along with the urn. The following regulations shall apply to all columbaria:

14-604.12A Columbaria are considered accessory uses at cemeteries

14-604.12B Indoor or enclosed columbaria are subject to meeting the minimum yard requirements of a principal building or structure within the zoning district. A columbarium within any residential zoning district shall be located only within in a structure enclosed on all sides.

14-604.12C Columbaria used as an accessory to a church or similar place of worship shall upon discontinuance of the religious assembly use, be relocated in compliance with all applicable State laws.

- 14-604.12D Landscaping shall be provided at a ratio of two (2) square feet of landscaping for each square foot of columbarium area.
- 14-604.12E Outdoor columbaria shall not exceed forty-two inches (42") in height.
- 14-604.12F Outdoor columbaria shall be set back no less than fifty feet (50') from adjacent property.
- 14-604.12G Columbaria shall be prohibited in all residential districts, except as allowed at cemeteries and churches. (1980 Code, § 11-604, as replaced by Ord. #441, Sept. 2006, and amended by Ord. #15-528, Aug. 2015)

14-605. Parking, storage, and use of major recreational equipment, vehicles, and trucks.

14-605.1

In the R-R, R-1 and R-2 Residential Districts no vehicles or trailers of any kind or type without current license plates shall be parked or stored only in a completely enclosed building.

14-605.2

In the R-R, R-1, and R-2 Districts, no major recreational equipment (including boats and boat trailers, travel trailers, partial travel trailer units, and the like, and equipment used for transporting such) shall be parked or stored in any front yard or in any required side yard except for periods not to exceed twenty-four (24) hours during loading and unloading. No such recreational equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

14-605.3

In R-R, R-1, and R-2 Districts, no truck of a rated capacity of greater than three-fourths (3/4) ton nor any parcel or other truck painted with any sign nor any other vehicle or heavy equipment may be parked on any lot or in the public right-of-way adjacent to any lot overnight nor stored or parked while loading or unloading for periods in excess of twenty-four (24) hours except in an enclosed building. (1980 Code, § 11-605, as replaced by Ord. #441, Sept. 2006)

14-606. Fences, walls and hedges. Notwithstanding other provisions of this Official Zoning Code, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or

hedge along the sides or front edge of any front yard shall cause any impairment to vision or create safety hazards at any street intersection. (1980 Code, § 11-606, as amended by Ord. #340, Feb. 1995, and Ord. #361, Jan. 1997, and replaced by Ord. #441, Sept. 2006)

14-607. Front yard setback line exemptions. The setback requirement of this Official Zoning Code for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one-hundred feet (100') on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one-hundred feet (100'). In residential districts, however, the setback shall in no case be less than thirty feet (30') from the center line of the street. (1980 Code, § 11-607, as replaced by Ord. #441, Sept. 2006)

14-608. Temporary uses.

The regulations contained in this section are necessary to govern the operation of certain transitory or seasonal uses, non-permanent in nature.

- 14-608.A. Application for a Temporary Use Permit shall be made to the Town of Monterey and shall contain the following information:
1. A site plan for the proposed temporary use.
 2. A description of the proposed use.
 3. Sufficient information to determine the yard requirements, setbacks, sanitary facilities, and availability of parking space to service the proposed use.
- 14-608.B. The following uses are deemed to be temporary uses and shall also be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:
1. Christmas Tree Sale - In any district, a Temporary Use Permit may be issued for the display and open-lot sales of Christmas trees, but such permit shall be issued for a period of not longer than thirty (30) days.
 2. Festivals / Street Fairs / Non-profit Fundraising Events / Non-vending Organizations - In any non-residential district, a Temporary Use Permit may be issued for Festivals / Street Fairs / Nonprofit Fundraising Events / Non-vending Organizations, but such permit shall be issued for a period of not longer than five (5) days. The local event coordinator, board, or designated representative organizing these events must come before the Monterey Municipal Planning

Commission to obtain approval for the event and authorization to issue permits to participants within said event.

3. Fourth of July Fireworks Sale - In any Commercial District, a Temporary Use Permit may be issued for the display and open tent sales of Fireworks for not longer than twenty-one (21) days prior and not longer than seven days following the Fourth of July Holiday, but such permit shall be issued for a period of not longer than thirty (30) days.
4. Tent Sales - In any Commercial District, a Temporary Use Permit may be issued for an on premise tent sale for any business. No tents shall be located within any required front, side or rear yard. No Tent shall impede ingress/egress or be placed in a way to prohibit access to any fire lane. Tent sales shall be limited to no more than fourteen (14) consecutive days and shall be limited to no more than three (3) sales per calendar year on any individual lot or parcel. There shall be a minimum of thirty (30) consecutive days between tent sales on any individual lot or parcel.
5. Outdoor Display and Sales Areas - At any Commercial Retail Establishment in any Commercial District, a Temporary Use Permit may be issued for outdoor display and sales areas. The number of required off-street parking spaces shall not be reduced by any outdoor display or sales area. No outdoor display or sales area shall be located within any required front, side or rear yard. This provision shall not apply to any legally located and permitted vehicle sales establishment. No outdoor display or sales area shall impede ingress/egress or be placed in a way to prohibit access to any fire lane.
6. Temporary Buildings - In any district, a Temporary Use Permit may be issued for a contractor's temporary office and equipment sheds incidental to a construction project. Such office or shed shall not contain sleeping or cooking accommodations. Such permit shall be valid for not more than one year but may be renewed a maximum of two (2) one (1) year extensions. However, such office or shed shall be removed upon completion of the construction project or upon expiration of Temporary Use Permit, whichever occurs sooner.
7. Real Estate Sales Office - In any district, a Temporary Use Permit may be issued for a temporary real estate sales office in any new subdivision which has been approved in accordance with the provisions of the Ordinance regulating

subdivisions. Such office shall contain no sleeping or cooking accommodations. Such permit shall be valid for not more than one (1) year, but, may be renewed a maximum of three (3) one (1) year extensions. Such office shall be removed upon completion of the development of the subdivision or upon expiration of the Temporary Use Permit, whichever occurs sooner.

8. Religious/Non-profit Tent Use - In any district, a Temporary Use Permit may be issued for a tent or other temporary structure to house religious/non-profit activities, but such permit shall be valid for not more than thirty (30) days during any calendar year.
9. Portable Storage Container - In any Residential or Commercial District, a Temporary Use Permit shall be required for a portable storage container and issued subject to the following requirements:
 - A. The use of a portable storage container shall be limited to no more than sixty (60) consecutive days in any year. In the event the owner of the property suffers a catastrophic loss due to fire, flood or other physical calamity occurring on the property in question, the Temporary Use Permit may be extended for additional two week periods upon a showing of need. There shall be no more than three (3) extensions of any Temporary Use Permit. An exception to this shall be made if the portable storage container is being used as temporary storage when work requiring a building or demolition permit is being done to structures or buildings on the property. In such cases, the use of the portable storage container shall not exceed the period for which the building or demolition permit has been issued.
 - B. Portable storage containers shall not be placed in a public right-of-way, or located so as to interfere with traffic visibility.
 - C. Portable storage containers shall not be placed in the front yard of the main building, unless there is a physical hardship or characteristic of the property that will not allow the placement of the container in any other location.
10. Additional Temporary Uses - In addition to the temporary uses and structures listed above, a temporary use permit may be issued by the Town of Monterey, after the Monterey Planning Commission has reviewed and approved the

request, for other temporary uses and structures that are substantially similar to a temporary use or structure listed above and not intended to become permanent. Additionally, a permit may be issued if the planning commission determines that such use or structure is not incompatible with the surrounding land uses and proper care has been taken to protect surrounding development, traffic patterns, and the environment, as well as applicable licenses or permits required by state law or deemed necessary by the Monterey Municipal Planning Commission for the health and welfare of the community. Such permit may be valid for not more than one (1) year, but may be renewed a maximum of two (2) one (1) year extensions.

All existing Temporary Structures at the time of the signing of this Ordinance will be considered "Fathered In," and will be allowed to continue to operate inside the Monterey City Limits, as long as their permits are current. (1980 Code, § 11-608, as amended by Ord. #340, Feb. 1995, and replaced by Ord. #441, Sept. 2006, and Ord. #12-512, April 2014)

14-609. General sign regulations. These provisions are established as a reasonable and impartial method of regulating signs and similar advertising structures in order to insure light, air, and open space, to reduce hazards at intersections, to protect property values of the entire city, and to enhance the aesthetics of the community. In addition to regulations indicated for individual districts elsewhere in this zoning ordinance, the following regulations apply in groups of districts or generally in all districts as specified.

14-609A. Sign Permit Required

For all signs allowed in any residential, commercial or industrial zoning district as shown on the Official Zoning Map of the Town of Monterey, Tennessee or with any residential, commercial or industrial use, the following regulations unless otherwise noted herein shall apply:

14-609A.1 An application for a sign permit shall be submitted to Monterey City Hall on forms furnished by the office and approved prior to the erection, relocation, major alteration or modification or any sign located in the Town of Monterey.

14-609B. The application for a sign permit shall contain the following information:

1. Name, address and telephone number of applicant.

2. Location of building, structure or lot to which or upon which the sign is to be located.
3. Affidavit from property owner, if different from sign owner, indicating approval for sign location.
4. Name of person, firm, corporation or association that will be erecting the sign.
5. Evidence of liability insurance policy or bond responsibility for sign erection.
6. Brief description, sketch or drawing of the proposed sign, including all dimensions and estimated cost.
7. Evidence of setback compliance for all freestanding sign structures. Determination of setbacks shall be as specified for the established zoning districts in title 14 of the Monterey Municipal Zoning Ordinance.
8. Engineered drawings for any sign exceeding twenty feet (20') in height or one hundred fifty (150) square feet in sign face area. Engineered drawings may be required for other signs if determined as necessary by the town's Building Inspector.
9. Evidence of receipt of Electrical Inspection Permit for any sign requiring electrical power (issued by Volunteer Energy) and evidence of such sign being approved and stamped by Underwriters Laboratory (UL number shall be provided).
10. A sign permit fee shall be submitted to the Town of Monterey with the application for the sign permit. The permit fee shall be based on the square footage of sign face area, per sign face, as follows:
 - a. On-Premise Signs: No fee required.
 - b. Off-Premise Signs:
 - i. Less than 100 square feet of sign face area: \$0.50 per square foot with a minimum fee of \$15.00
 - ii. 100 to 250 square feet of sign face area: \$1.00 per square foot
 - iii. Greater than 250 square feet of sign face area: \$2.00 per square foot

For applications involving multiple signs, the permit fee shall be calculated separately for each sign.

An annual inspection fee for all Off-Premise Signs and Billboards shall be levied by the Town of Monterey in the amount of fifty dollars (\$50.00). An invoice for annual inspections will be distributed to all off-premise sign owners within the Town of Monterey on July 1 of each year

beginning one (1) year after the sign was initially permitted and installed. The annual inspection will determine that continued maintenance and safety standards are met. Annual inspection fees shall be paid to the Town of Monterey within sixty (60) days of receipt of invoice. Failure to pay the annual fee within the allotted time will result in violation of this municipal code and any such sign shall be considered an illegal sign subject to conditions of § 14-609H.

11. Sign permits shall become null and void six (6) months from the date of issuance if the work authorized under the sign permit has not been commenced by that time.
12. Inspections Required
Inspections by the Town Building Inspector shall be completed on all footers and upon completion of the final installation of a sign. A minimum notification of twenty-four (24) hours shall be provided to the Town's Building Inspector prior to any required inspection. The State Electrical Inspector shall inspect signs requiring electricity.
13. Certificate of Approval Required
No sign shall be considered in compliance with these regulations until such time as a Certificate of Approval has been issued. A Certificate of Approval shall be issued on the date that the final inspection of the sign is completed and approved by the Town's Building Inspector.

14-609C. General Regulations for all Districts

For all zoning districts as shown on the Official Zoning Map of the Town of Monterey, Tennessee the following regulations for signs and similar advertising structures shall apply:

- (a) No sign shall be located in such a manner so as to obstruct free or clear vision, or otherwise cause hazards for vehicular or pedestrian traffic by reason of location, shape, illumination or color.
- (b) No sign shall be erected, replaced or relocated so as to prevent free use of any required door, window, fire escape, emergency exit or standpipe.
- (c) No sign shall be located on, or attached to, any public property except public signs authorized by the Town of Monterey or the State of Tennessee.
- (d) No sign shall be located on or overhanging any public rights-of-way, except for certain signs specifically permitted in the C-1 Limited Commercial District.

- (e) Setbacks for all signs shall be measured from the leading edge of the sign as determined by the Town's Building Inspector.
- (f) No sign shall be painted or attached to any trees, rocks, utility poles, guy wires, street name signs, warning and regulatory signs, and the like.
- (g) No sign shall have blinking, flashing, or fluttering lights or other illuminating device which has a changing light intensity, brightness, or color. Signs or portions of signs designed primarily for the display of time and temperature and on premise message centers are specifically excluded from the provisions of this paragraph.
- (h) No sign shall be placed in such a manner as to impede visibility between a height of two feet (2') and ten feet (10') above street level of intersecting streets at their point of intersection in an area defined by the street lines adjoining the corner lot and a line joining points along said street lines fifty feet (50') from the point of intersection.
- (i) All signs designed or equipped to be connected to electricity in any way shall be approved and stamped by Underwriters Laboratory, and shall not be connected to any source of electrical power until such connection meets all applicable city and state codes.
- (j) All signs shall be erected, replaced, or relocated in accordance with the Town of Monterey Municipal Code.
- (k) Vehicle or trailer signs—The following provisions shall apply for all vehicle or trailer signs:
 1. The parking or placing of a vehicle or trailer sign on a public right-of-way, public property or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise as an off-premise sign is prohibited.
 2. No vehicle or trailer sign shall be parked or placed off or away from the premise that owns it, except during the normal course of business, such as deliveries, picking up merchandise, or service calls.
 3. When a vehicle or trailer sign is parked or placed on the premise that owns it such signs shall be parked or placed in a designated parking space.
 4. This section is not intended to prohibit signs that are placed on a vehicle to advertise the sale or lease of that vehicle or to prohibit signs placed on business vehicles also utilized for personal use, including personal vehicles with magnets, decals, or painted graphics.

14-609D. Signs Allowed in all Districts

The following signs do not require sign permits and are allowed in all zoning districts:

- (a) Signs established by, or by order of, any governmental agency.
- (b) Directional signs for parking and loading areas, entrance and exit signs not exceeding twelve (12) square feet in area nor three feet (3') in height, however, no such signs shall have the effect of obstructing ingress and egress visibility.
- (c) Real estate signs during the time the property on which the sign is located is listed for sale, lease or auction. Such signs shall not exceed nine (9) square feet in sign face area or any individual lot of record located in any residential district and shall not exceed thirty-two (32) square feet in any non-residential district. Such signs shall be removed within fourteen (14) days after the transaction is completed. Off-premise real estate signs, including directional and open house signs, are permitted for one seven (7) consecutive day period during any twelve (12) consecutive month period. Auction signs shall be permitted when in compliance with the provisions of § 11.213.5(n) of this Municipal Code.
- (d) Political signs displayed on private property with the consent of the owner for a time period of sixty (60) days prior to a general election or primary election. Such signs shall not exceed nine (9) square feet in sign face area in any residential district nor thirty-two (32) square feet in any non-residential district. Such signs shall be removed seven (7) days after the completion of said primary or general election. The owner of the property on which the sign is located shall be responsible for its removal and shall be subject to the penalty and remedy provisions of §§ 11-705 and 11-706 of this Municipal Code for failure to comply with the provisions herein stated. These provisions shall not restrict the use of legal off-premise billboards as political signs.
- (e) Construction signs, not exceeding thirty-two (32) square feet in sign face area, from the date of issuance of a building permit to a date thirty (30) days after the final inspection on the building project.
- (f) Signs denoting the future home of or future location of a particular use or structure, not exceeding thirty-two (32) square feet of sign face area, for a period of ninety (90) days prior to the issuance of a building permit through the building permit period. Such signs shall be immediately removed if no building permit is issued within ninety (90) days of the sign being erected.
- (g) Garage or yard sale signs, not exceeding six (6) square feet in sign face area, for a period of five (5) days prior to and during a garage

sale or yard sale. Such signs shall be removed within twenty-four (24) hours after the sale is completed.

- (h) On-premise promotional signs for new subdivisions limited to one (1) sign per subdivision. Such signs shall not exceed thirty-two (32) square feet in sign face area and shall be removed when eighty percent (80%) of the subdivision lots have been sold.

14-609E. Signs Allowed in Residential Districts

In R-R, R-1 and R-2 Residential Districts, as shown on the Official Zoning Map of the Town of Monterey, Tennessee, the following regulations for signs and similar advertising structures shall apply:

- (a) Nameplates indicating name, address, house numbers, announcement of boarders or roomers are allowed but shall not exceed two (2) square feet in sign area. No more than one (1) such sign per lot or parcel shall be allowed.
- (b) Signs posted on property relating to private parking, trespassing, or dangerous animals are allowed but shall not exceed two (2) square feet in sign area. No more than two (2) such signs per lot or parcel shall be allowed.
- (c) For multi-family complexes, apartment buildings, and mobile home parks, identification signs not exceeding sixteen (16) square feet in sign area are allowed.
- (d) Signs announcing customary home occupations are prohibited, unless granted by the Town of Monterey Board of Zoning Appeals.
- (e) Church, school, childcare, or public building bulletin boards or identification signs are allowed but shall not exceed fifty (50) square feet in sign area.
- (f) No sign shall be placed closer than ten feet (10') to any property right-of-way line.
- (g) For a subdivision consisting of ten (10) or more lots or a multi-family development consisting of eight (8) or more dwelling units, two (2) permanent signs identifying the development of each major vehicular entrance are allowed, provided that the location and setback requirements of the Monterey Subdivision Regulations are complied with, and provided that such signs do not exceed eight feet (8') in height and sixty-four (64) square feet in area.
- (h) For existing nonconforming commercial or industrial uses located in residential districts, on-premise business signs are allowed provided the provisions of districts, on-premise business signs are allowed provided the provisions of § 14-609 of this Municipal Code are complied with.
- (i) Flashing or intermittent illumination is prohibited.
- (j) Mobile or portable signs are prohibited.

- (k) Billboards and similar off-premise signs are prohibited.

14-609F. Signs Allowed in Commercial and Industrial Districts

In the C-1 and C-2 and I-1 and I-2 Districts, as shown on the Official Zoning Map of the Town of Monterey, Tennessee, the following regulations for signs and similar advertising structures shall apply:

- (a) All signs allowed in Residential Districts, subject to the same regulations, are allowed.
- (b) Each commercial and industrial premise with less than four hundred feet (400') of frontage on any one (1) public street, regardless of the number of commercial or industrial establishments on such premise, shall be allowed one (1) on-premise freestanding business sign structure per public street frontage, but in no case shall more than two (2) freestanding sign structures be permitted on any premise regardless of the number of street frontages.
- (c) Each commercial and industrial premise with greater than four hundred feet (400') of frontage on any one (1) public street, regardless of the number of commercial or industrial establishments on such premise, shall be allowed two (2) on-premise freestanding business sign structures per public street frontage, but in no case shall more than three (3) freestanding sign structures be permitted on any premise regardless of the number of street frontages.
- (d) The following provisions shall apply for all on-premise freestanding signs:
 - 1. For commercial and industrial premises with fifty feet (50') or less frontage on a public street or located in the C-1 Limited Business District the maximum sign face area of any freestanding sign shall not exceed fifty (50) square feet.
 - 2. For commercial and industrial premises with greater than fifty feet (50') but less than one hundred feet (100') of frontage on a public street the maximum sign face area of any freestanding sign shall not exceed one hundred (100) square feet in total sign face area.
 - 3. For commercial and industrial premises with one hundred feet (100') or greater of frontage on a public street the maximum sign face area of any freestanding sign shall not exceed two hundred fifty (250) square feet of total sign face area.
 - 4. In cases where a commercial or industrial premise is allowed two (2) freestanding signs, the aggregate sign face

area of both signs shall not exceed four hundred (400) square feet. In cases where a commercial or industrial premise is allowed three (3) freestanding signs, the aggregate sign face area of all signs shall not exceed five hundred (500) square feet.

5. No on-premise freestanding sign shall be located closer than one hundred feet (100') from any other on-premise freestanding sign located on the same premise as measured in a radius from the center of the sign base.
6. No part of any on-premise freestanding sign shall be placed closer than twenty-five feet (25') from any other on-premise located on a different premise or any off-premise freestanding sign as measured from the center of the sign base.
7. No on-premise sign between the height of two feet (2') and eight feet (8') above street level shall be located closer than fifteen feet (15') to the right-of-way of any public street.
8. No on-premise sign with a support structure, pole or pole cover of a width greater than two feet (2') shall be placed closer than fifteen feet (15') to the right-of-way of any public street.
9. No on-premise sign shall be located closer than five feet (5') to the right-of-way of any public street.
10. No part of any on-premise freestanding sign located in the C-1 Limited Business District shall be higher than twenty feet (20') from street level at a point nearest the sign.
11. No part of any on-premise freestanding sign located in the C-1 and C-2, I-1 and I-2 Districts shall be higher than thirty-five feet (35') from street level at a point nearest the sign; except that for any lot or parcel located within five hundred feet (500') of the closest right-of-way of Interstate 40 and located in the C-1 or C-2 districts, the maximum height shall be one hundred feet (100') from street level at a point nearest the on-premise freestanding sign.

- (e) Each commercial or industrial establishment shall be allowed wall signs for on-premise advertising on each outside wall provided that such signs in total shall not exceed fifty percent (50%) of the area of the face of the wall upon which the sign is erected, or portion of the wall occupied by the commercial or industrial establishment, whichever is less, and further provided that if more than one (1) outside wall is utilized for signs then no mansard roof sign shall be allowed.

- (f) Each commercial or industrial establishment shall be allowed one (1) mansard sign for on-premise advertising provided that only one (1) outside wall is used to place signs. No mansard sign shall exceed twenty-five percent (25%) of the area of the face of the building upon which it is erected, or portion of the face of the building occupied by the commercial or industrial establishment. Where mansard and wall signs are used in combination they shall not in total exceed fifty percent (50%) of the face of the building.
- (g) No sign attached to the building shall be allowed to extend above the highest portion of the roof or facade.
- (h) Each commercial or industrial establishment shall be allowed one (1) projecting sign provided that such sign shall not exceed twenty (20) square feet in sign face area and shall not extend above any portion of the roof of the building occupied.
- (i) Each commercial or industrial establishment shall be allowed fascia signs provided that such signs do not exceed two feet (2') in height and do not extend above the highest portion of the roof.
- (j) Awning, canopy, marquee and under-awning signs are permitted for commercial and industrial establishments. Under-awning signs shall not exceed four (4) square feet in sign face area and shall be placed at least seven feet (7') above the sidewalk or ground level so as to not constitute a hazard or impediment to pedestrians.
- (k) For structures located in the C-1 Limited Business District directly abutting the public right-of-way, awning, canopy, or marquee signs overhanging the public right-of-way are allowed provided that no such sign shall be closer than two feet (2') to any street pavement line and provided that no such sign shall obstruct free or clear vision or otherwise cause hazards for vehicular or pedestrian traffic.
- (l) Mobile or portable signs are permitted only in the C-2 District and only under the following terms and conditions:
 - 1. Only one (1) mobile or portable sign shall be allowed per premise.
 - 2. Mobile or portable signs shall only be allowed for two (2) periods, not to exceed fourteen (14) days each, during any calendar year (January 1--December 31).
 - 3. A special permit is required for any mobile or portable sign.
- (m) Banners and other temporary on-premise signs are permitted only under the following terms and conditions:
 - 1. No freestanding banners or other temporary on-premise freestanding signs shall be permitted.

2. Each individual establishment shall be allowed one (1) banner or other temporary on-premise sign attached to a wall, fascia, mansard, roof, canopy or awning.
 3. No individual banner or other temporary on-premise sign shall exceed one hundred (100) square feet in sign face area.
 4. All banners and other temporary on-premise signs shall be well maintained. Any damaged signs shall be immediately repaired, replaced or removed.
- (n) For events of public interest, no more than four (4) temporary off-premise signs shall be allowed, provided that no such sign shall exceed thirty-two (32) square feet in area and provided that such signs shall not be erected more than fourteen (14) consecutive days prior to the scheduled event and provided that such signs shall be removed within three (3) consecutive days following the event.
- (o) Billboards and similar off-premise signs are prohibited in the C-1 and I-1 Districts.
- (p) All other billboards and similar off-premise signs shall be permitted only in the C-2 District under the following terms and conditions:
1. No off-premise sign shall be located within fifteen hundred feet (1,500') of any other off-premise sign on the same side of the street as measured along a line parallel to such street; this spacing does not prohibit back to back signs on the same structure.
 2. No off-premise sign shall be located within five hundred feet (500') of any other off-premise sign on the opposite side of the street or on a different street as measured in a radius from the center of the sign base; this spacing does not prohibit back to back signs on the same structure.
 3. No off-premise sign shall be erected or placed closer than three hundred feet (300') from the nearest property line of any property that is zoned residential and has frontage on the same side of the street as the off-premise sign.
 4. No off-premise sign shall be located closer than one hundred feet (100') from any street intersection as measured from the leading edge of the sign.
 5. No off-premise sign shall be located closer than twenty-five feet (25') from any on-premise sign as measured from the center of the sign base.
 6. No off-premise sign shall have a display surface area exceeding three hundred (300) square feet.

7. No off-premise sign shall exceed fifty feet (50') in height as measured from the uppermost portion of the display surface area to the finished grade at street level.
8. The sign face shall consist of a single panel and only one (1) side or face shall be used in determining the display surface area.
9. Back-to-back panels of the same shape and dimensions are allowed when the panels are mounted parallel to one another or are placed at an angle between panels not exceeding forty-five (45) degrees. No display surface area shall be allowed between back-to-back panels.
10. No multiple panels, stacked or side-by-side panels are permitted.
11. All off-premise signs shall be of monopole type construction. No off-premise sign shall be attached to the walls or roofs of any building.
12. No portable signs are allowed for off-premise advertising.
13. No off-premise sign between the height of two feet (2') and eight feet (8') above street level shall be located closer than fifteen feet (15') to the right-of-way of any public street.
14. No off-premise sign shall be located closer than five feet (5') to the right-of-way of any public street.

14-609G Sign Maintenance

For all signs and similar advertising structures, including any existing conforming or nonconforming signs, the following regulations shall apply:

- (a) All signs, support structures, braces, guys, anchors, and electrical equipment shall be kept in safe repair and shall be well maintained.
- (b) All signs and support structures shall be maintained in such a manner so as to allow a clear and unobstructed view of traffic when approaching an intersection or exiting or entering private property.
- (c) The area around all signs shall be properly maintained, clear of brush, trees and other obstacles so as to make signs readily visible.
- (d) All burned out bulbs or damaged panels shall be promptly replaced.
- (e) All sign copy shall be maintained securely to the sign face and all missing copy shall be replaced.
- (f) Any sign or similar advertising structure failing to meet the requirements of this section shall be repaired or removed within thirty (30) days after receipt of notification from the Town's Building Inspector.

14-609H. Removal of Abandoned, Illegal, Nonconforming or Obsolete Signs.
The following provisions shall apply for the removal of abandoned, illegal nonconforming, or obsolete signs:

- (a) Abandoned or obsolete signs or sign structures, including any nonconforming on-premise or off-premise sign or sign structure, shall be removed within ninety (90) days of written notification by the Town's Building Inspector.
- (b) Any sign that is declared to be an illegal sign, one that is erected or placed in violation of this Municipal Code or other applicable code, shall be removed immediately.
- (c) When fifty percent (50%) or more of the sign structure of any nonconforming sign is removed, (including poles, cabinet or support structure), the sign structure shall only be replaced so as to comply with all applicable provisions of this Municipal Code.
- (d) Any sign or sign structure found by the Town's Building Inspector to present an immediate danger to the public shall be immediately repaired or removed.
- (e) Any obsolete sign panel or sign copy which identifies, describes, directs attention to, or gives directions for locating any business or establishment no longer in operation, or advertises any product no longer being marketed shall be removed within thirty (30) days after becoming obsolete. Covering obsolete sign panels or sign copy with any material is specifically prohibited.
- (f) Freestanding sign structures used in conjunction with a building or portion of a building that is vacant shall be considered as abandoned upon one (1) year of the building or portion of the building becoming vacant and shall be removed.
- (g) The owner or lessee of the property on which the sign is located shall be responsible for its removal and shall be subject to the general penalties clause of this Municipal Code for failure to comply with the provisions stated herein.
- (h) All nonconforming signs which existed lawfully at the time of the enactment of the Official Municipal Code shall be allowed to remain and shall be considered as having nonconforming use status. Mobile or portable signs shall not have nonconforming use status. (as added by Ord. #441, Sept. 2006, and amended by Ord. #12-507, July 2012, Ord. #12-510, Oct. 2012, and Ord. #14-518, May 2014)

CHAPTER 7

ADMINISTRATION AND ENFORCEMENT

SECTION

- 14-701. Building inspector.
- 14-702. Application of official zoning code.
- 14-703. Building permits required.
- 14-704. Plot plan required.
- 14-705. Site plan required.
- 14-706. Certificate of occupancy required.
- 14-707. Board of zoning appeals--establishment and procedure.
- 14-708. Board of zoning appeals--powers and duties.
- 14-709. Amendments to zoning ordinance.
- 14-710. Penalties.
- 14-711. Remedies.
- 14-712. Validity.

14-701. Building inspector. The provisions of this Official Zoning Code shall be administered and enforced by a Building Inspector as designated by the Monterey Board of Mayor and Aldermen. The Building Inspector may be provided with the assistance of such other persons as the Monterey Board of Mayor and Aldermen may direct

14-701.1 DUTIES OF THE BUILDING INSPECTOR

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

- 14-701.1A Issue all building permits and make and maintain records thereof;
- 14-701.1B Issue all certificates of occupancy and make and maintain records thereof;
- 14-701.1C Issue and renew, where applicable and appropriate, all temporary use permits and make and maintain records thereof;
- 14-701.1D Maintain and keep current zoning maps, and records of amendments thereto;
- 14-701.1E Conduct inspections as prescribed by this Official Zoning Code, and such other inspections as are necessary to ensure compliance with the various provisions of this Official Zoning Code;

14-701.1F Receive, file and forward to the planning commission and the staff planner all applications and site plans for applicable uses, and all applications for amendments to this Official Zoning Code;

14-701.1G Receive, file and forward to the Board of Zoning Appeals and the staff planner all applications for special exceptions, variances or other matters, on which the Board is required to review under the provisions of this Official Zoning Code.

14-701.2 POWERS OF THE BUILDING INSPECTOR

The Building Inspector shall have the following powers:

14-701.2A The power to grant building permits and certificate of occupancy permits;

14-701.2B The power to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Official Zoning Code;

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

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

14-701.3 RIGHT OF ENTRY UPON LAND

The Building Inspector or persons engaged by him to perform tests or other duties may enter upon any land within the jurisdiction of the city for the purpose of performing tests, making examinations, or surveys, and placing or removing public notices as may be required by this Official Zoning Code. (1980 Code, § 11-701, as replaced by Ord. #441, Sept. 2006)

14-702. Application of official zoning code. Except as otherwise provided, no structure or land shall after the effective date of the Official Zoning Code be used and no structure or part thereof shall be erected, made addition to, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of the Official Zoning Code shall be considered minimum requirements adopted for the promotion of public health, safety, convenience, order, prosperity, and general welfare of the community. Where other ordinances or regulations impose greater restrictions than those specified

herein, compliance with such other ordinances or regulations is mandatory. (1980 Code, § 11-702, as replaced by Ord. #441, Sept. 2006)

14-703. Building permits required.

14-703.1

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

14-703.2

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

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

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

14-703.4 **EXPIRATION OF BUILDING PERMIT**

Building permits shall be void one-hundred eighty (180) days from the date of issue unless substantial progress on the project has been made by that time. (1980 Code, § 11-703, as replaced by Ord. #441, Sept. 2006)

14-704. Plot plan required. The Building Inspector shall require that every application for a building permit for excavation, construction, moving, or addition for or of a single or two-family dwelling (including mobile homes located on individual lots) shall be accompanied by a plot plan.

14-704.1 **REQUIRED CONTENTS OF PLOT PLAN**

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

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

- 14-704.1B The shape, size, and location of all buildings or other structures to be erected, altered or moved, and of any building or other structure already on the lot.
- 14-704.1C The existing and intended use of the lot and of all such buildings or other structures upon it, including the number of dwelling units the building is intended to accommodate.
- 14-704.1D Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Official Zoning Code are being observed.

14-704.2 REVIEW OF PLOT PLAN

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

14-704.3 APPROVAL OF PLOT PLAN

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

14-704.4 DISAPPROVAL OF PLOT PLAN

If the proposed development is found not to be in conformity with the provisions of this Official Zoning Code, a building permit shall not be issued and the Building Inspector shall state in writing on the application the cause for such disapproval. (1980 Code, § 11-704, as replaced by Ord. #441, Sept. 2006)

14-705. Site plan required. The Building Inspector shall require that every application for a building permit for excavation, construction, moving or addition, except for single and two-family dwellings, shall be accompanied by a site plan or plat of the proposed development.

14-705.1 REQUIRED CONTENTS OF SITE PLAN

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

- 14-705.1A Actual shape, location, and dimensions of the lot to be built upon.

- 14-705.1B Topography of existing and finished grades.
- 14-705.1C Shape, size, and location of all buildings or other structures to be erected, added to, or moved and of any buildings or other structures already on the lot.
- 14-705.1D Existing and intended use of all such buildings or other structures.
- 14-705.1E Location and design of off-street parking, points of access, off-street loading areas and of pedestrian circulation.
- 14-705.1F Location and size of nearest water line, sewer line, fire hydrant, and any other public utilities.
- 14-705.1G Plans for the provisions of water service, fire hydrants, sewer service and any other public utilities.
- 14-705.1H Minimum required front, side and rear yard setback lines.
- 14-705.1I All easements with dimensions and designated as to type (examples: public utilities, drainage and public access).
- 14-705.1J Plans for storm water drainage.
- 14-705.1K All identified floodable areas; if applicable.
- 14-705.1L Location and dimensions of all signs.
- 14-705.1M Location and type of landscape screening, if applicable.
- 14-705.1N Any other information concerning the lot or adjoining lots as may be necessary for determining whether the provisions of the Official Zoning Code are observed.

14-705.2 REVIEW OF SITE PLANS

All site plans or plats shall be reviewed by the Building Inspector and the staff planner, and by the appropriate Municipal Department heads (including streets, water and wastewater, electric, fire and police) if deemed necessary due to the nature or extent of the proposed development. A period of up to ten (10) working days shall be allowed for the review of the site plan.

14-705.3 APPROVAL OF SITE PLANS

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

14-705.4 DISAPPROVAL OF SITE PLANS

If the proposed development is found not to be in conformity with the provisions of this Official Zoning Code, a building permit shall not be issued and the Building Inspector shall state in writing on the application the cause for such disapproval. (1980 Code, § 11-705, as replaced by Ord. #441, Sept. 2006)

14-706. Certificate of occupancy required.**14-706.1**

No land or building or other structure or part thereof hereafter erected, moved, added to, or changed in its use shall be used until the Building Inspector shall have issued a certificate of occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of the Official Zoning Code.

14-706.2

Within seven (7) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof, and to issue a certificate of occupancy, if the building or premises or part thereof is found to conform with the provisions of the Official Zoning Code, or; if such certificate is refused, to state the refusal in writing with the cause for such refusal. (1980 Code, § 11-706, as replaced by Ord. #441, Sept. 2006)

14-707. Board of zoning appeals--establishment and procedure.**14-707.1 ESTABLISHMENT AND APPOINTMENT**

A Board of Zoning Appeals is hereby established in accordance with Tennessee Code Annotated, §§ 13-7-205 through 13-7-207. As permitted by Tennessee Code Annotated, § 13-7-205, the seven (7) appointed members of the Monterey Municipal Planning Commission is hereby designated as the Monterey Board of Zoning Appeals. Members shall be appointed by the Mayor and confirmed by a majority vote of the Board of Mayor and Aldermen. The term of membership shall be five (5) years except that the initial individual appointments to the board shall be for terms of one (1), two (2), three (3), four (4) and five (5) years respectively.

Vacancies shall be filled for any unexpired term by the Mayor in confirmation by the Board of Mayor and Aldermen.

14-707.2 CONFLICT OF INTEREST

Any member of the Board of Zoning Appeals who shall have direct or an indirect interest in any property which is the subject matter of or affected by a decision of the Board shall be disqualified from participating in the discussion, decision, and proceedings of the Board in connection therewith. The burden for revealing any such conflict rests with individual members of the Board. Failure to reveal any such conflict shall constitute grounds for immediate removal from the Board for cause.

14-707.3 PROCEEDINGS OF THE BOARD OF ZONING APPEALS

14-707.3A The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Official Zoning Code. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

14-707.3B The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed with official records of the Board.

14-707.4 HEARINGS AND APPEALS

14-707.4A An appeal to the Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department board, or bureau affected by any decision of the Building Inspector, based in whole or in part upon the provision of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof.

14-707.4B The Building Inspector shall transmit to the Board all papers constituting the record upon which the appeal was taken. The Board shall fix a reasonable time for the hearing of the appeal, give due notice to the parties of interest, and decide the same

within a reasonable time. Upon the hearing, any person, or party may appear in person, by agent, or by attorney.

14-707.5 **LIABILITY OF MEMBERS OF THE BOARD OF ZONING APPEALS AND THE BUILDING INSPECTOR**

Any member of the Board of Zoning Appeals, the Building Inspector, or other employee charged with the enforcement of this Official Zoning Code acting for the Town of Monterey in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability and shall be held harmless by the Town of Monterey of any damage that may accrue to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any Board member, the Building Inspector, or employees charged with the enforcement of any provision of this Official Zoning Code shall be defended by legal representative furnished by the Town of Monterey until the final termination of such proceedings. (as added by Ord. #441, Sept. 2006, and amended by Ord. #11-497, July 2011)

14-708. Board of zoning appeals--powers and duties. The Monterey Board of Zoning Appeals shall have the following powers and duties:

14-708.1 **ADMINISTRATIVE REVIEW OR INTERPRETATION**

The Board of Zoning Appeals shall interpret the Official Zoning Code or Zoning Map and pass upon disputed questions of lot lines or district boundary lines or similar questions as they arise in the administration of this Official Zoning Code. The Board of Zoning Appeals shall also hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Building Inspector or any other administrative official in carrying out or enforcing any provision of this Official Zoning Code, or in his interpretation of the zoning map.

14-708.1A Application Required -- An application shall be filed with the Board of Zoning Appeals. Said application shall specify the grounds for requesting the administrative review or interpretation.

14-708.1B Application Fee Required -- A non-refundable fee of twenty-five dollars (\$25.00) shall be paid to the Town of Monterey with each application for a request for an administrative review or interpretation from the Board of Zoning Appeals to defray costs of notices, the hearing and any miscellaneous expenses.

14-708.1C Public Hearing and Notice Required -- A public hearing for the purpose of soliciting public comments concerning the application

shall be held and public notice of reasonable time shall be given in advance of said hearing. Notice of the public hearing shall be published once in a newspaper of general circulation prior to the hearing and due public notice shall be given to the parties in interest.

14-708.2 **SPECIAL EXCEPTIONS (USES PERMITTED ON APPEAL)**

The Board of Zoning Appeals may hear and decide only such special exceptions as it is specifically authorized to pass on by the terms of the "Uses Permitted on Appeals" Sections of this Official Zoning Code; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this Official Zoning Code; or to deny special exceptions when not in harmony with the purpose and intent of this Official Zoning Code.

14-708.2A Application Required -- An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended use of the site, the names of the property owners, existing land uses of all adjacent properties, and any other material pertinent to the request which the Board of Zoning Appeals may require.

14-708.2B Application Fee Required -- A nonrefundable fee of twenty-five dollars (\$25.00) shall be paid to the Town of Monterey with each application for a request for a special exception from the Board of Zoning Appeals to defray costs of notices, the hearing, and any miscellaneous expenses.

14-708.2C Public Hearing and Notice Required -- A public hearing for the purpose of soliciting public comments concerning the application shall be held and public notice of reasonable time shall be given in advance of said hearing. Notice of the public hearing shall be published once in a newspaper of general circulation prior to the hearing and due notice shall be given to the parties in interest.

14-708.2D General Provisions Governing Special Exceptions -- Before any special exception shall be issued, the Board of Zoning Appeals shall certify compliance with the specific rules governing individual exceptions and that satisfactory provision and arrangement has been made concerning the following general requirements:

1. It is so designed, located and proposed to be operated so that the public health, safety, and welfare will be protected;

2. It will not adversely affect other property in the area in which it is located;
3. It is within the provision of "Uses Permitted on Appeal" as set forth in this Official Zoning Code; and
4. It conforms to all applicable provisions of this Official Zoning Code for the district in which it is to be located.

14-708.2E Conditions and Safeguards -- In granting any special exception, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Official Zoning Code. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Official Zoning Code.

14-708.2F Validity of Plans -- All approved plans, conditions, restrictions, and rules made a part of the approval of the Board of Zoning Appeals shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.

14-708.2G Time Limit Prescribed -- The Board of Zoning Appeals shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both, however, in no case shall more than one (1) year pass before the action is begun. Failure to begin or complete, or both, such action within the prescribed time limit shall void the special exception.

14-708.3 VARIANCES

The Board of Zoning Appeals has the authority to hear and decide applications for variances from the terms of this Official Zoning Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Official Zoning Code would result in unnecessary hardship. In exercising its powers, the Board of Zoning Appeals may, so long as such action is in conformity with the terms of this Official Zoning Code, reverse, affirm, or modify the order, requirement, decision, or determination as set forth in the regulations of this Official Zoning Code, and to that end shall have the powers of the administrative official from whom the appeal is taken.

14-708.3A Application Required -- An application shall be filed with the Board of Zoning Appeals for consideration. Said application shall show the location and intended variance of the site, the names of the property owners, existing land uses of all adjacent properties, and any other material pertinent to the request which the Board of Zoning Appeals may require.

- 14-708.3B Application Fee Required -- A nonrefundable fee of twenty-five dollars (\$25.00) shall be paid to the Town of Monterey with each application for a request for a variance by the Board of Zoning Appeals to defray costs of notices, the hearing and any miscellaneous expenses.
- 14-708.3C Public Hearing and Notice Required -- A public hearing for the purpose of soliciting public comments concerning the application shall be held and public notice of reasonable time shall be given in advance of said hearing. Notice of the public hearing shall be published once in a newspaper of general circulation prior to the hearing and due notice shall be given to the parties in interest.
- 14-708.3D General Standards for Variances -- In granting a variance, the Board of Zoning Appeals shall ascertain that the following criteria are met:
1. The particular physical surroundings, shape, or topographic conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Official Zoning Code were carried out;
 2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;
 3. The variance will not authorize in a zoning district activities other than those permitted by this Official Zoning Code;
 4. Financial returns only shall not be considered as a basis for granting a variance;
 5. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this Official Zoning Code;
 6. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Official Zoning Code to other lands, structures, or buildings in the same district;
 7. That variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
 8. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which property is located; and
 9. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase

the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

- 14-708.3E Non-Conformity Does Not Constitute Grounds for Granting a Variance -- No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
- 14-708.3F Prohibition of Use Variances -- Under no circumstances shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this Official Zoning Code in the district involved, or any use expressly or by implication prohibited by the terms of this Official Zoning Code in said district.
- 14-708.3G Conditions and Restrictions -- The Board may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the provisions set out in this Official Zoning Code to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this Official Zoning Code. Violations of such conditions and restrictions, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Official Zoning Code.
- 14-708.3H Time Limit Prescribed -- The Board of Zoning Appeals shall prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both, however, in no case shall more than one (1) year pass before the action is begun. Failure to begin or complete, or both, such action within the prescribed time limit shall void the variance.
- 14-708.3I Variance Appeals -- Any person or agency aggrieved by a decision of the Board of Zoning Appeals on a variance may appeal by certiorari to a court of competent jurisdiction. The judgment and findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this chapter shall be final and subject to review only for illegality or want of jurisdiction. (as added by Ord. #441, Sept. 2006)

14-709. Amendments to zoning ordinance.**14-709.1 PROCEDURE**

The regulations, the number, or boundaries of districts established by the Official Zoning Code may be amended, supplemented, changed, modified, or repealed by the Board of Mayor and Aldermen after holding a public hearing, fifteen (15) days notice of which has been given in the local newspaper; but in accordance with Tennessee Code Annotated, § 13-7-204, no amendment shall become effective unless it is first submitted to and approved by the Monterey Municipal Planning Commission, or if disapproved, shall receive a majority vote of the entire Board of Mayor and Aldermen.

14-709.2 APPLICATION AND FEE

14-709.2A Any person desiring to bring a request for an amendment to the Official Zoning Code shall first submit an application for such a request. Said application shall state the purpose of the amendment and any other information or material pertinent to the request which the planning commission or Board of Mayor and Aldermen may require.

14-709.2B A nonrefundable fee of twenty-five dollars (\$25.00) shall be paid to the Town of Monterey with each application requesting an amendment to the Official Zoning Code to defray costs of notices, public hearings, and any miscellaneous expenses. (as added by Ord. #441, Sept. 2006)

14-710. Penalties. Any person violating any provisions of this Official Zoning Code shall be guilty of a misdemeanor, punishable as other misdemeanors as provided by law. (as added by Ord. #441, Sept. 2006)

14-711. Remedies. In case any building or other structure is erected, constructed, added to, moved or converted, or any building, structure, or land is used in violation of the Official Zoning Code, the Building Inspector or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or appropriate action or proceeding to prevent such unlawful erected, construction, addition, conversion, moving, or use; or to correct or abate such violation; or to prevent occupancy of such building structure or land. (as added by Ord. #441, Sept. 2006)

14-712. Validity. Should any section, clause, or provision of this Official Zoning Code be declared by a court of competent jurisdiction to be

unconstitutional or invalid, this judgment shall not affect the validity of the Official Zoning Code as a whole or any other part other than the part judged invalid. (as added by Ord. #441, Sept. 2006)

CHAPTER 8

[REPEALED AND RESERVED FOR FUTURE USE]¹

¹§§ 14-801--14-806 were repealed and Chapter 8 reserved by Ord. #441, Sept. 2006.

CHAPTER 9

[REPEALED AND RESERVED FOR FUTURE USE]¹

¹§§ 14-901--14-907 were repealed and Chapter 9 reserved by Ord. #441, Sept. 2006.

CHAPTER 10

[REPEALED]¹

¹§§ 14-1001--14-1004 were repealed by Ord. #441, Sept. 2006.

CHAPTER 11

BOARD OF ZONING APPEALS

SECTION

- 14-1101. Creation and appointment.
- 14-1102. Procedure.
- 14-1103. Appeals: how taken.
- 14-1104. Powers.
- 14-1105. Fees.

14-1101. Creation and appointment. A board of zoning appeals is hereby established in accordance with Tennessee Code Annotated, §§ 13-07-205, 13-7-208, and 13-7-207. The board of zoning appeals shall consist of three (3) members, at least one (1) of whom shall be a member of the Monterey Municipal Planning Commission. They shall be nominated by the mayor and appointment confirmed by a majority vote of the board of mayor and aldermen. The term of membership shall be three (3) years except that the initial individual appointments to the board shall be terms of one (1), two (2), and three (3) years. Any vacancy shall be filled for the unexpired term by nomination by the mayor, and confirmation by the board of mayor and aldermen. (as added by Ord. #368, July 1998)

14-1102. 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 other action thereon which shall be a public record. (as added by Ord. #368, July 1998)

14-1103. Appeals: how taken. An appeal to the board of zoning appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by any decision of the zoning compliance officer based in whole or in part upon the provisions of chapters 2 through 11 of this title. Such appeal shall be taken by filing an application with the board of zoning appeals, specifying the grounds thereof.

The zoning compliance officer shall transmit to the board all papers constituting the record upon which the action appealed was taken. The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties of interest, and decide the same within a reasonable time. At the hearing any person or party may appear and be heard in person, by agent, or by attorney. (as added by Ord. #368, July 1998)

14-1104. Powers. The board of zoning appeals shall have the following powers and duties:

(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 zoning compliance officer or other administrative official in the carrying out or enforcement of any provision of chapters 2 through 10 of this title, and to interpret the zoning map and ordinance.

(2) Special exceptions. To hear and decide applications for special exceptions upon which the board of zoning appeals is specifically authorized to pass.

(3) Variance. To hear and decide applications for variance from the terms of chapters 2 through 10 of this title, but shall grant variances only where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property which at the time of the adoption of the provisions of chapters 2 through 10 of this title was a lot of record, or where by reason of exceptional topographic conditions or other extraordinary or exceptional situations or conditions of a piece of property the strict application of the provisions of chapters 2 through 10 of this title would result in practical difficulties to or undue hardship upon the owner of such property; provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of chapters 2 through 10 of this title.

(a) In granting a variance the board of zoning appeals may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of chapters 2 through 10 of this title.

(b) Before any variance is granted it shall be shown that special circumstances attached to the property do not generally apply to other property in the neighborhood. (as added by Ord. #368, July 1998)

14-1105. Fee. Fees of twenty-five dollars (\$25) shall be paid when submitting an application to zoning compliance officer or office manager, said fee to defray costs of notices, the hearing, and any other miscellaneous expenses. (as added by Ord. #368, July 1998)

CHAPTER 12**MUNICIPAL FLOODPLAIN ZONING ORDINANCE****SECTION**

14-1201. Municipal floodplain zoning.

14-1201. Municipal floodplain zoning. The Town of Monterey, Tennessee wishes to maintain eligibility in the National Flood Insurance Program (NFIP). The municipal floodplain zoning ordinance (and any amendments) may be examined in its entirety in the office of the recorder. (as added by Ord. #10-485, January 2011)