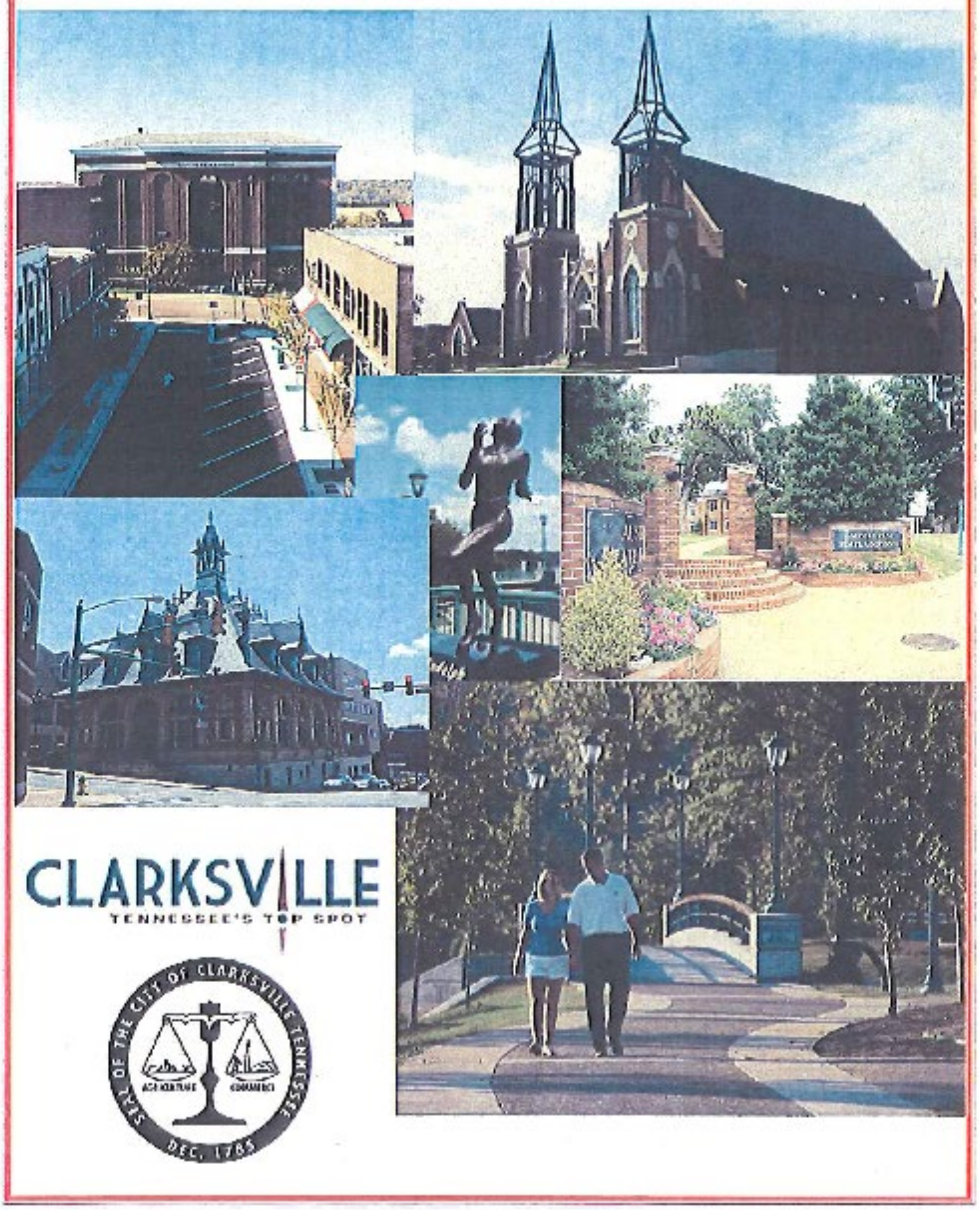
ZONING ORDINANCE



As Amended Through October 1, 2026

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CHAPTER 1: GENERAL PROVISIONS

1.1 TITLE

This Ordinance shall be known as "The Zoning Ordinance of the City of Clarksville, Tennessee", and may be cited and referred to as the "Clarksville Zoning Ordinance".

1.2 PURPOSE

This Zoning Ordinance is enacted pursuant to Title 13 of the Tennessee Code Annotated. In conjunction with this Ordinance an official zoning map assigns an appropriate zoning classification, and creates certain overlay districts to all properties to which this Ordinance is applicable. The regulations contained in this Ordinance are enacted for the purpose of promoting the public health, safety, convenience, order, and general welfare of the present and future citizens of the City of Clarksville. This Ordinance further establishes development standards which are designed to protect the value and integrity of neighboring properties, enhance the general character and appearance of the community, avoid excessive concentrations and wasteful scattering of population, and encourage the distribution of population and classifications of land use as will tend to facilitate adequate provisions for transportation, water supply, drainage, sanitation, recreation, and other public requirements.

1.3 EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after adoption by the Clarksville City Council. (November 10, 2010)

Prior to January 1, 2012, any owner of property shall have the right to utilize any use permitted based upon specific uses allowed under the zoning designation of said property immediately prior to the effective date of this Ordinance.

Any parcel of property rezoned after the effective date of this Ordinance shall comply with all provisions as specified herein.

1.4 APPLICABILITY

1.4.1 GENERAL

The provisions of this Zoning Ordinance shall apply to all land within the jurisdiction of the City of Clarksville, Tennessee. Except as hereinafter provided, no building shall be erected or structurally altered, nor shall any building or premises be used for any purpose other than permitted in the zoning district in which the building or premises is located. No land or lot area shall be so reduced or diminished that the yards or open spaces are less than prescribed herein, nor shall the lot area be reduced in any manner except in conformity with the area regulations hereby established for the district in which such building or use is located. No yard or other open space provided for

any building for the purpose of complying with these regulations shall be considered as providing a yard or other open space for any other building.

1.4.2 MINIMUM REQUIREMENTS

The requirements of this Zoning Ordinance shall be considered as the minimum requirements for the promotion of the public health, safety and general welfare.

1.4.3 NEW DEVELOPMENTS

Upon the effective date of this Zoning Ordinance or any subsequent amendment, any new building or other structure or any tract of land shall be used, constructed or developed only in accordance with all applicable provisions of this Zoning Ordinance.

1.4.4 EXISTING DEVELOPMENTS

Any existing use, lot, building or other structure legally established prior to the effective date of this Zoning Ordinance that does not comply with any of its provisions shall be subject to the regulations of the nonconforming provisions of this Zoning Ordinance stipulated in Chapter 10.

1.4.5 DIVISION OF A LOT, TRACT OR PARCEL

No recorded lot, tract or parcel shall be divided into two (2) or more lots, tracts or parcels unless such division results in the creation of lots, tracts or parcels each of which conforms to all of the applicable regulations of the district in which property is located. Except when a portion of a lot, tract of parcel is acquired for public purpose, no reduction in the size of a lot, tract or parcel below the minimum requirements of Chapters 1 through 11 of this Ordinance shall be permitted.

1.5 CONFLICTS

1.5.1 CONFLICTS WITH OTHER RESOLUTIONS, ORDINANCES, REGULATIONS AND LAWS

Where this Zoning Ordinance imposes a greater restriction on properties than that imposed by other resolutions, ordinances, regulations or laws, the provisions of this Ordinance shall govern. Where the provisions of any other statute, ordinance, or regulation impose greater restrictions than this Ordinance, said statute, ordinance or regulations shall govern.

1.5.2 CONFLICTS WITH PRIVATE AGREEMENTS

The City shall not be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

1.6 TRANSITIONAL REGULATIONS

1.6.1 PREVIOUSLY ISSUED PERMITS, VARIANCES AND USES PERMITTED ON REVIEW

Variances, exceptions, uses permitted on review or permits authorized before the effective date of this Zoning Ordinance may be continued, changed, extended, enlarged or structurally altered only as follows:

1. Any permit issued before the effective date of this Ordinance or subsequent amendment shall remain in effect provided that the permit is still valid, as determined by the issuing agency. Clearing, grading, the storage of building materials or the placement of temporary structures shall not constitute beginning construction.
2. If the development for which the building permit is issued prior to the effective date of this Ordinance fails to comply with the time frames for development established for the building permit, the building permit shall expire, and future development shall be subject to the requirements of this Ordinance.
3. Where no limitation as to the duration of the use was imposed at the time of authorization, the use may be continued. When the use was granted for a specific period of time, the applicable provisions of this Ordinance shall be applied upon expiration of that time.
4. In no event shall such use be changed except to a conforming use or to a nonconforming use as provided for in Chapter 10. A change of tenant or ownership shall not by itself constitute a change in use.

1.6.2 VIOLATIONS CONTINUE

Any violation of previous versions of this Ordinance shall continue to be a violation under this Ordinance and shall be subject to the penalties and enforcement set forth in this Ordinance or applicable law. Payment shall be required for any civil penalty assessed under the previous regulations, even if the original violation is no longer considered to be a violation under this Ordinance.

1.6.3 PROCESSING OF APPLICATIONS COMMENCED OR APPROVED UNDER PREVIOUS ORDINANCE

1. Pending Applications

   A. Any complete application that has been submitted or accepted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this Ordinance, shall be reviewed in accordance with the provisions of the Ordinance in effect on the date the application was deemed complete by the City.

   B. If the applicant fails to comply with any applicable required period for submittal or other procedural requirements, the application shall expire and subsequent applications shall be subject to the requirements of this Ordinance.

C. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.

D. An applicant with a pending application may waive review available under prior Ordinances through a written letter to the agency responsible for processing said application and request review under the provisions of this Ordinance.

2. Approved Projects. Approved Planned Unit Developments, site plans, or design review approvals that are valid on the effective date of this Ordinance shall remain valid until their expiration date, where applicable.

1.7 SEVERABILITY

If any court of competent jurisdiction invalidates any provision of this Ordinance, then such judgment shall not affect the validity and continued enforcement of any other provision of this Ordinance.

If any court of competent jurisdiction invalidates the application of any provision of this Ordinance to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other building, structure, or situation not specifically included in that judgment.

If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

CHAPTER 2: RULES OF INTERPRETATION AND DEFINITIONS

2.1 RULES OF INTERPRETATION

General. All provisions, terms, phrases, and expressions contained in this Ordinance shall be construed in order that the true intent and meaning of the Clarksville City Council may be fully carried out. When a specific subsection of these regulations gives a different meaning than the general definition provided in this chapter, the specific subsection's meaning and application of the term shall control.

Headings, Illustrations, and Text. In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

Lists and Examples. Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example", "including", and "as such", or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

Computation of Time. The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the city, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or holiday observed by the city.

1. "Day" means a calendar day unless working day is specified.
2. "Week" means seven calendar days.
3. "Month" means a calendar month.
4. "Year" means a calendar year, unless otherwise indicated.

Delegation of Authority. Any act authorized by this Ordinance to be carried out by a specific official of the City may be carried out by a professional-level designee of such official.

Technical and Non-Technical Terms. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Public Officials and Agencies. All public officials, bodies, and agencies to which references are made are those of the City of Clarksville, unless otherwise indicated.

Mandatory and Discretionary Terms. The words “shall”, “must”, and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive in nature.

Conjunctions. Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. “And” indicates that all connected items, conditions, provisions or events apply.
2. “Or” indicates that one or more of the connected items, conditions, provisions or events apply.
3. “Either or” indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.

Tenses, Plurals, and Gender. Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender and vice versa.

Fractions. When any requirement of this Ordinance results in a fraction of a dwelling unit or other measurement, that fraction if less than 0.5 shall be rounded down to the nearest whole number, and if equal to or greater than 0.5 shall be rounded up to the nearest whole number.

2.2 DEFINITIONS

For the purpose of Chapters 1 through 11of this Ordinance, certain terms used herein are herewith defined. When not inconsistent with the context, words used in the present tense include the future; words used in the singular include the plural; the word "person" includes a firm, partnership, or corporation as well as an individual; the word "lot" includes the word "plot," "parcel," or "site"; the word "building" includes the word "structure"; and the term "shall" is always mandatory and not directory; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

Access way: A paved area intended to provide ingress and egress of vehicular traffic from a public right-of-way to an off street parking area.

Accessory building: A building or structure the use of which is subordinate or incidental to that of the main building, structure, or use. Where an accessory building is an integral part of, or is joined to the main building, such accessory building shall be considered to be part of the main building.

Accessory use: A use customarily incidental, appropriate, and subordinate to the principal use of land or building and devoted exclusively to the main use of the premises.

Accessory structure: Shall represent a subordinate structure to the principal structure and shall not be used for human habitation with the exception of Guest Houses where permitted.

Acid Manufacture: An industrial facility or business that produces acid and/or acid based products by a designed process or as a byproduct of another industrial or manufacturing process.

Addition: (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Adhesive and Sealants Manufacture: An industrial facility or business that produces natural and/or synthetic adhesives and/or sealants.

Adult-oriented business establishment: An establishment defined in Section 5-1200 of the City Code and the provisions of Section 5-1200,as adopted on September 7, 2000, and as may be amended from time to time thereafter, are adopted and incorporated by reference herein.

Agricultural Arenas: Structures intended primarily or exclusively for support of an agricultural function

Agricultural Retail: A use primarily engaged in the sale or rental of farm tools and implements, feed, grain, tack, animal care products, and farm supplies. This definition excludes the sale of large implements, such as tractors and combines, but includes food sales and farm machinery repair services that are accessory to the principle use. This also includes the sale of products grown on site.

Agricultural Uses (Customary): This includes the growing of crops in the open, dairying, grazing, the raising and maintenance of poultry and other livestock, horticulture, viticulture, floriculture, apiculture, forests, and timber. Commercial and Industrial feed lots, the raising of fur-bearing animals, riding academy, livery or boarding stables, or dog kennels are not considered to be customary agricultural uses.

Agriculture use, accessory: Those structures or equipment which are normally required in the operation of agricultural uses.

Aircraft Parts Manufacture: An industrial facility or business that produces aircraft component parts, excluding manufacturing of liquid lubricants, fuels, etc.

Airplane Manufacture: An industrial facility or business that assembles components to produce airplanes.

Airports: Any area of land or water designed and set aside for the landing and takeoff of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

Airports, private: Any airport licensed by the State of Tennessee as a private airport, used primarily by the airport licensee, but available for use by others upon specific invitation of the licensee.

Airport elevation: Five hundred fifty (550) feet above mean sea level.

Airport hazard: Any structure, tree or use of land which obstructs the airspace required for or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.

Alcohol Distillery: Large scale production of alcoholic beverages in quantities exceeding 1,000 barrels per month, with one barrel holding 55 gallons, and may include as an accessory use tours, a taproom/tasting room, restaurant, or retail space for the consumption of alcohol made on-site and purchase of distillery related merchandise.

Alcohol Distillery, Micro: Small scale distillery limited to producing alcoholic beverages in quantities not to exceed 1,000 barrels per month, with one barrel holding 55 gallons, and may include as an accessory use tours, a taproom/tasting room, or retail space for the consumption of alcohol made on-site and purchase of distillery related merchandise. Food trucks may be permitted on-site to serve patrons of the distillery.

Alley: A public or private right-of-way that is primarily designed to serve as secondary access to the abutting property.

Alterations: Any change, addition, or removal affecting the structural or supporting members of a building such as bearing walls, columns, beams, girders, and joists.

Amateur *Radio Antenna:* A freestanding or building mounted structure, including any base, tower or pole, antenna, and appurtenances, intended for airway communication.

Ambulance Service (Private): A privately owned facility for the dispatch, storage, and maintenance of emergency medical care vehicles.

Amenity: means a natural or created feature that enhances the aesthetic quality, visual appeal, or makes more attractive or satisfying a particular property, place, or areas.

Animal Shelter: A facility used to house or contain stray, homeless, abandoned, rescued or unwanted animals.

Animal Slaughtering and Processing: A facility for the slaughtering and processing of animals and the refining of their byproducts.

Antique Shop/Dealer: A place offering antiques for sale. An antique, for purposes of this chapter, shall be a work of art, piece of furniture, decorative object, or the like, of or belonging to the past.

Apartment: A dwelling unit, including living, cooking and sanitary facilities, in a multiple dwelling. A building, or portion thereof, used or designed as a residence for three or more households living independently of each other, not transient in nature.

Apparel Shop: Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, and dress, hosiery, and millinery shops.

Appeal: means a request for a review of any provision of this section or a request for a variance.

Appliance Store: See Furniture and Appliance Store.

Aquarium: An establishment where aquatic collections of living organisms are kept and exhibited.

Area of shallow flooding: means a designated AO or AH zone on a community's flood insurance rate map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood-related erosion hazard: is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as zone E on the flood hazard boundary map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, zone E may be further refined.

Area of special flood hazard: is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AO, AH, A1-30, AE or A99.

Arena: A large open or enclosed space used for games or major events, and partly or completely surrounded by tiers of seats for spectators.

Art Gallery: An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This does not include libraries, museums, or non-commercial art galleries.

Asphalt Paving/Mixing Manufacture: An industrial facility used for the production of asphalt. The manufacturing process involves the combination of a number of aggregates, sand, and filler, in correct portions, heated and coated with a binder, usually bitumen. The finish product is also referred to as blacktop. Including administrative and or management facilities, the stock piling of bulk materials required for the process, and storage of and the maintenance of the required equipment for operation.

Assembly Hall/Civic Hall: A building or portion of a building in which facilities are provided for civic, educational, political, religious, or social purposes.

Assisted Living Facility: A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. A facility with a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis remains residential.

ATM (Automated Teller Machine): An automated device that performs banking or financial functions at a location remote from the controlling financial institution.

Auction House (No Livestock): A building, area, or areas within a building used for the public sale of goods, wares, merchandise, motor-vehicle, or equipment to the highest bidder.

Authorized agent or owner: Anyone who has written authority to speak for or make presentations on behalf of the owner of any property. An authorized agent shall be responsible for any information or data which he presents to the city.

Automobile Assembly: An industrial facility or business that assembles components to produce new automobiles.

Automobile Parking (Commercial): A publicly or privately owned short-term, parking facility for commuters.

Automobile Parts Manufacture: An industrial facility or business that produces automobile component parts, excluding manufacturing of liquid lubricants, fuels, etc.

Automobile Parts Sales (No Outside Storage or Display): The use of any land area for the display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles. All display and storage of materials shall be within a completely enclosed building.

Automobile Parts Sales (With Outside Storage): The use of any land area for the display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.

Automobile Rentals: Rental of automobiles and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease.

Automobile Repair Service, major: An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment, including paint, body and fender, and major engine and engine part overhaul, provided it is conducted within and completely enclosed building.

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

Automobile Sales: The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, rental, or lease of new motor vehicles, or used motor vehicles, and any warranty repair work and other repair service conducted as an accessory use and within a completely enclosed building.

Awning Manufacture (Cloth, Metal, and Wood): An industrial facility or business that produces awnings or components for awnings.

Bakery: An establishment primarily engaged in the sale of baked products for consumption on/off site. The products may be prepared either on or off site. Such use may include incidental food service. A bakery shall be considered a general retail use.

Banner: Any sign of lightweight fabric, plastic, or similar material capable of being attached to a building or structure. National, state, or municipal flags or the official flag of any institution or business shall not be considered banners.

Bar or Nightclub: A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and musical entertainment is permitted.

Barber: Any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

Barge Port: A facility for the docking, loading or unloading of barges or boats that transport freight.

Base flood: means the flood having a one percent chance of being equaled or exceeded in any given year.

Basement: A story partly or wholly underground. For purposes of height measurement a basement shall be counted as a story when one-half of its height is above the average ground elevation or when subdivided and used for commercial activities or dwelling purposes.

Beauty Shop: Any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation.

Bed and breakfast establishment: A residence that provides one (1) to five (5) rooms for paying guests on an overnight basis for periods not to exceed fourteen (14) days with one daily meal being available on the premises. A bed and breakfast establishment is allowable only in a building originally constructed as a single-family residence.

Billboard: See "Off-premise advertising sign."

Block: All property fronting upon one side of a street between intersecting and/or intercepting streets, or between a street and a right-of-way, waterway, dead-end of a street, or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street it intercepts.

Blockface: the buildings fronting along one side of a street between the two nearest intersecting streets; or where a street deadends, along one side of a street between the nearest intersecting street and the end of the deadend street.

Boat Dealers: A marine retail sales and service use in which boats are rented or sold.

Boat Repair and Service: An establishment primarily engaged in the repair or maintenance of boats, boat trailers, or mechanical equipment, provided that all servicing of boats is conducted within a completely enclosed building. Storage shall be limited to watercraft or accessories being serviced only.

Board: Clarksville Board of Zoning Appeals.

Boardinghouse: A residence or portion thereof which is used to accommodate, for compensation, boarders or roomers. Rest homes or homes for the aged shall be included in this definition.

Bond: Money or a form of monetary security issued to the City of Clarksville by an owner to insure that the required site work will be performed completely and correctly within a certain time frame. This bond shall be in the form of a cashier's check, letter of credit from a banking institution, certificate of deposit, or performance bond from an insurance company.

Bowling Alley: An establishment that devotes more than 50 (fifty) percent of its gross floor area to bowling lanes, equipment, and playing area.

Breakaway wall: means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Brewery, Micro: Also referred to as a micro-brewery. A Small-scale production of beer and/or malt beverages in quantities not to exceed twenty-five thousand (25,000) barrels annually, with one (1) barrel holding thirty-one (31) gallons, and may include as an accessory use tours, a taproom/tasting room, or retail space for the consumption of beer and/or malt beverages made on-site and purchase of brewery related merchandise.

Brewpub: Eating or drinking establishment that includes an accessory use for the production of beer and/or malt beverages not to exceed 25,000 barrels annually. On-site consumption of products and beverages produced on- or off-site are approved.

Building: for purposes of this section, means any structure built for support, shelter, or enclosure for any occupancy or storage. (See "structure")

Building Area: That portion of a lot occupied by the main building, including porches, carports, and other structures attached to the main building.

Building Contractor Supply: A facility that provides retail and/or wholesale sales of building materials, construction supplies, plumbing/electrical materials, and other similar items.

Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

Building, main or principal: A building in which is conducted or intended to be conducted the main or principal use of the lot on which the building is located.

Building Official: The person within the Building and Codes Department, which is determined by the City of Clarksville to have authority for enforcement of this Ordinance.

Building Permit: means the permit required under this Ordinance.

Building Setback Line: A line on private property, established by this zoning ordinance, to prohibit the location of buildings or structures between that line and street right-of-way line and/or property line.

Bus or Truck Service: Any building, structure, improvements, or land used for the repair and maintenance of buses, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work, oil change and lubrication, painting, tire service and sales.

Bus Station: Any premises for the storage or parking of motor driven buses and the loading and unloading of passengers.

Business Office (Excluding Medical): Any lawful commercial endeavor to engage in the purchase, sale, lease, or exchange of goods, and/or the provision of services.

Business School: University-level institution that confers degrees in Business Administration. It teaches topics such as accounting, finance, information systems, marketing, organizational behavior, strategy, human resource management, and quantitative methods.

Cabinet and Countertop Manufacture: An industrial facility or business that produces and/or assembles components to construct cabinets and/or countertops.

Cabinet and Countertop Sales (Retail): Establishments engaged in selling cabinetry and/or countertops to ultimate customers or consumers.

Cafe: An informal restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold.

Caliper: A standard trunk diameter measurement for nursery grown trees taken six (6) inches above the ground for up to and including four (4) inch caliper size, and twelve (12) inches above the ground for larger sizes.

Camera, Photographic Supply, Film Developing (Retail): Establishments engaged in selling cameras, camera equipment, photographic supplies, and the process of film development to ultimate customers or consumers.

Camping trailer or *Camper Trailer* is a portable unit permanently mounted on wheels and designed to be towed by another vehicle and set up at a destination to provide temporary living quarters for recreational, camping, or travel use. The term "fifth wheel" may also be used to describe a camping trailer.

Car Wash: The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Caretaker Residence: A single-family dwelling unit accessory to an agricultural, professional, commercial, or industrial use for occupancy by the owner/caretaker.

Carnival: A traveling or transportable group or aggregation of rides, shows, games, or concessions or any combination thereof.

Carpet and Upholstery Cleaning: An establishment engaged in the cleaning of residential, commercial, or industrial carpeting and/or upholstery.

Catering Services: An establishment that serves and provides food to be consumed off premises for public or private entertainment.

Cellular Phone Sales and Service: Establishments engaged in selling cellular phones, accessories, and/or cellular phone service products to ultimate customers or consumers.

Cement Manufacture: An industrial facility used for the production of cement. The manufacturing process involves the combination of materials, usually aggregates introduced to extreme heat to remove moisture, then crushed to produce a very fine dust like substance used to bind other aggregate materials. Including administrative and or management facilities, the stock piling of bulk materials required for the process, and storage of and the maintenance of the required equipment for operation.

Cemetery: Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries shall be included when operated within the boundary of such cemetery.

Ceramic Products Manufacture: An industrial facility or business that processes inorganic, non-metallic solid materials through a process that includes the introduction of high heat and subsequent cooling to produce products including but not limited to pottery, tile, semiconductors, etc

Certificate of compliance: Approval by the zoning administrator that a use, building or structure complies with the provisions of this Zoning Ordinance.

Check Cashing: A person or business that for compensation engages, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose.

Chemical Manufacture: An industrial facility or business that manufactures or processes materials and/or chemicals to create a chemical, biological transformation, and/or separation of materials.

Child care facility: A child care facility is a facility other than a family day care home which provides non-medical care to children under eighteen (18) years in age in need of personal services supervision or assistance on less than a twenty-four-hour basis. Child care facility does not include family day care homes.

Cigar Bar: an establishment that holds a valid license or permit for the on-premises consumption of alcoholic beverages, generates a portion of its total annual gross income from the on-site sale of cigars and the rental of humidors, does not knowingly sell products or services to a person who is less than 21 years of age, does not knowingly permit entrance to the premises to a person who is less than 21 years of age, and does not permit vaping or the smoking of products other than cigars on the premises.

Civic Hall: See Assembly Hall.

Clinic: See "medical facility."

Clothing Manufacture: An industrial facility or business that assembles textiles, usually on a large scale, to produce clothing.

Club, private: An organization catering exclusively to members or their guests, or premises and buildings for recreational entertainment or athletic purposes which are not conducted primarily for financial profit.

Coffee Shop: An informal restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold.

College or University: A post-secondary institution for higher learning that grants associate or bachelor degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. This may also include community colleges that grant associate or bachelor degrees or certificates of completion in business or technical fields.

Commercial Amusement (Indoor): A facility wholly enclosed in a building that offers entertainment or games of skill to the general public for a fee. This includes but is not limited to such facilities such as laser tag, billiard parlors, arcades or similar use(s).

Commercial Amusement (Outdoor): A facility that offers entertainment and/or games of skill to the general public for a fee wherein any portion of the activity takes place outdoors and including, but not limited to, a golf driving range, archery range, miniature golf course, batting cages, go-cart tracks, amusement parks, and other similar types of uses.

Commercial Stable: See Riding Academy.

Communication Studio: Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities.

Communication Tower: A tower, pole, or similar structure that supports a telecommunications antenna operated for commercial purpose above ground in a fixed location, freestanding, guyed, or on a building or other structures.

Concrete Mixing and Batching Plant: An industrial facility used for the production of concrete. The manufacturing process involves the combination of a number of aggregates, sand, water, fly ash and cement in correct portions, and mixed to produce concrete. Including administrative and or management facilities, the stock piling of bulk materials required for the process, and storage of the maintenance of and the required equipment for operation.

Consignment Store: A retail establishment engaged in selling used merchandise, such as clothing, furniture, books, shoes, or household appliances, on consignment.

Construction Contractor with Storage Yard: An unenclosed portion of the lot or parcel upon which a construction contractor maintains its principal office or a permanent business office. Designation of the lot or parcel as a contractor's storage yard would allow this area to be used to store and maintain construction equipment and other materials customarily used in the trade carried on by the construction contractor.

Construction Landfill: Land used or dedicated to building materials and other wastes associated with construction projects including but not limited to such materials as wood, concrete, drywall, masonry, roofing, siding, structural metal, wire, insulation, plastics, Styrofoam, twine, baling and strapping materials, cans, buckets, packaging materials, and containers.

Convenience Center: A lot or part thereof used primarily for the disposal of solid waste into temporary storage and compacted to reduce its volume where it is then transported to a sanitary landfill. Typical uses include temporary storage of glass, plastic, paper products, and other recyclable materials.

Convenience Store: A facility associated with the sale of gasoline products that also offers for sale prepackaged food items and tangible consumer goods, primarily for self-service by the consumer.

Convent: A housing facility where the residents are limited to members of a specific religious order.

Convention Center: A commercial facility used for assemblies or meetings of the members or representatives of groups, including exhibition space. This term does not include banquet halls, clubs, lodges, or other meeting facilities of private or nonprofit groups that are primarily used by group members.

Corner Lot: A lot abutting upon two or more public roads, permanent easements or travel easements at their intersection.

Correctional Facility: A facility for the detention, confinement, treatment or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. Such facilities include an adult detention center, juvenile delinquency center, jail, and prison.

Council: The City Council of Clarksville, Tennessee.

Country club: A chartered, nonprofit membership club, catering primarily to its membership, providing one or more of the following recreational and social activities: Golf, swimming, riding, outdoor recreation, clubhouse, locker room, pro shop, boating.

Crematory: An establishment containing properly installed, certified apparatus intended for use in the act of cremation.

Critical root zone (CRZ): A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is one foot of radial distance for every inch of tree DBH, with a minimum of eight (8) feet.

Cultural Center: A use providing for display, performance, or enjoyment of heritage, history, or the arts. This use includes but is not limited to: museums, arts performance venues, or interpretive sites, but does not include commercially-operated theatres.

Custom Manufacturing: An industrial facility or business primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving the use of hand tools, or the use of mechanical equipment.

Dairy Products Manufacture: An industrial facility or business that produces food products derived from the processing of milk.

DBH: Diameter-at-breast-height is the tree trunk diameter measured in inches at a height of four and one-half (4 1/2) feet above the ground.

Deciduous: Those plants that annually lose their foliage.

Demolition Landfill: Land used or dedicated to materials found in demolished buildings, roads, and other structures including but not limited to concrete, drywall, asphalt, wood, masonry, composition roofing, roofing, siding, structural metal, wire, insulation.

Detention Area: Area used for temporary storage and controlled release of stored storm water.

Development: means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Development Directory Sign: A freestanding sign identifying a shopping center, strip center/plaza, office park, commercial subdivision, or similar mixed use or commercial development, and listing individual businesses or tenants within the platted development. Each individual business or tenant must be located on a lot within the subdivision development in which the sign easement is recorded.

Development Permit: means any written approval or decision by the local authority under its land development regulations that gives authorization to undertake some category of development, including, but not limited to a building permit, grading permit, subdivision plat, variance, appeal, planned unit development and site plan.

Director of Planning: The director, or acting director, of the Clarksville-Montgomery County Regional Planning Commission and parties designated by the director, or acting director, of the Clarksville-Montgomery County Regional Planning Commission to act on their behalf.

District or Zoning District: Any section, sections, or divisions of the City of Clarksville for which the regulations governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are uniform.

Dormitory: A building containing sleeping quarters (rooms) for either transient or permanent occupancy generally associated with institutional activities.

Drip Line: A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Drive-in Commercial Uses: Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters, and similar uses.

Drive-Through Window Services: A building opening, including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service.

Driveway: An access-way to an off-street parking facility.

Driving Range: An area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, and which may include a snack-bar and pro-shop.

Drug Store: An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

Dry-Cleaning: See Laundromat/Dry-Cleaning.

Dwelling: A building or portion thereof used for residential occupancy.

Dwelling, Attached: A dwelling with two (2) or more party walls, or one party wall in the case of a dwelling at the end of a group of attached dwellings.

Dwelling, Semidetached: Two (2) dwellings with a single party wall common to both.

Dwelling, Single-family: A detached building so designed and arranged to provide sleeping, cooking, and kitchen accommodations and toilet facilities for occupancy by one family only, together with such domestic help as is necessary to service and maintain the premises and their occupants.

Dwelling, Two-and Three-Family: A building so designed and arranged to provide sleeping, cooking, and kitchen accommodations and toilet facilities for occupancy of two (2) or three (3) families, respectively.

Dwelling Unit: One or more rooms and a single kitchen designed as a unit for occupancy by one family only, for cooking, living, and sleeping purposes.

Electronic Message Center: Also known as Digital Message Board, LED Reader Board, or LED Sign (not including billboards) use monochrome light emitting diodes (LEDs) that can be changed, programmed, and arranged without altering the sign face or surface.

Electroplating Establishment: An establishment that allows the process of using electrical current to reduce cations of a desired material from a solution and coat a conductive object with a thin layer of the material, such as a metal. Electroplating is primarily used for depositing a layer of material to bestow a desired property (e.g., abrasion and wear resistance, corrosion protection, lubricity, aesthetic qualities, etc.) to a surface that otherwise lacks that property. Another application uses electroplating to build up thickness on undersized parts.

Easement: A grant of less than fee simple ownership by the property owner of the use of a portion of their property for a specific purpose.

Emergency Services: Publicly owned safety and emergency services, such as, but not limited to, fire stations, police stations, and emergency medical and ambulance service.

Emergency Shelter: A structure designated by local officials as a place of safe refuge during a storm or other state of emergency.

Enameling and Painting Establishment: An establishment that uses the process of enameling or painting to change the outward characteristics of a surface.

Engraving Plant: A facility where engraving is the primary use. Engraving is the practice of incising a design onto a hard, usually flat surface, by cutting grooves into it.

Evergreen: Those plants that retain their foliage throughout the year.

Evergreen Screen: Plants that retain their foliage year round that are planted to provide a dense vegetative screen for purposes of visual mitigation between zoning districts or incompatible uses or structures.

Exception: means a waiver from the provisions of this section which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this section.

Existing Construction: any structure for which the "start of construction" commenced before the effective date of this Ordinance.

Existing Manufactured Home Park or Subdivision: means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this Ordinance.

Existing Structures: See Existing construction.

Expansion to an Existing Manufactured Home Park or Subdivision: means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Exterminating Company: An establishment where the primary focus is the extermination of common pests. Facility may include areas for the storage of pesticides, application equipment, vehicles, and accessories. All storage of chemicals must be contained in a completely enclosed building.

Fairgrounds: An area of land use including but not limited to: agricultural related buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, motorized contests of speed, rides, rodeos, sales and auctions, storage and theaters.

Family: One or more persons related by blood, marriage, or adoption, or a group of not more than five (5) persons unrelated by blood, marriage or adoption, occupying the premises and living as a single nonprofit housekeeping unit as distinguished from a group occupying a boarding or lodging house or similar dwelling for group use. A family shall be deemed to include domestic servants employed by the family.

Family Day Care Home: A home which regularly provides care, protection, and supervision of six (6) or fewer children, including children who reside at the home, in the providers' own home, for periods of less than twenty-four (24) hours a day, while the parents or guardians are away.

Farm/Garden Machinery and Equipment Sales and Repair: A facility that provides retail sales and service of machinery and equipment of items associated with an agricultural use.

Farm Worker Dwelling: Any living quarters, dwelling, boarding house, bunkhouse, or other housing accommodations, maintained exclusively for the occupancy of farm employees and their families in connection with any farm work or place where farm work is being performed.

Feed/Seed Store: An establishment engaged in retail sale of supplies directly related to the day-to-day activities of agricultural production.

Festival (Temporary): An event including the sale of ethnic specialty, regional, and gourmet foods, arts and crafts and live musical entertainment in an outdoor setting.

Financial Institution: An establishment where the principal businesses is the receipt, disbursement or exchange of funds and currencies, such as: banks, savings and loans, or credit unions.

Fish Farm: An area of land complete with an artificial pond(s) or natural pond(s) in which fish are reared and sold to consumers.

Flea Market: See Open Air Market.

Flood or flooding: means a general and temporary condition of partial or complete inundation of normally dry land areas from:

The overflow of inland or tidal waters;

The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Elevation Determination: means a determination by the administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

Flood Elevation Study: means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood Hazard Boundary Map (FHBM): means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood related erosion areas having special hazards have been designated as zone A, M, and/or E.

Flood Insurance Rate Map (FIRM): means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study: is the official report provided by the Federal Emergency.

Flood Prone Area: means any land area susceptible to being inundated by water from any source (see definition of "flooding").

Flood Protection System: means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodplain: means the relatively flat or lowland area adjoining a river, stream, watercourse, lake, or other body of standing water which has been or may be covered temporarily by floodwater. Unless otherwise stated, the floodplain is defined as the 100-year floodplain having a one percent chance of being equaled or exceeded in any given year.

Floodplain Management: means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Flood proofing: means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood-Related Erosion: means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

Flood-Related Erosion Area or Flood-Related Erosion Prone Area: means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

Flood-Related Erosion Area Management: means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

Floodway: means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor: means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor Area: The sum of the gross floor area for each of the several stories under roof, measured from the interior limits of walls of a building or structure.

Flour and Grain Mills: Any building or area of land dedicated to the grinding of grains and corn for the purpose of producing flour.

Florist: Retail business whose principal activity is the selling of plants and/or flowers which are not grown on the site and conducting business within an enclosed area.

Food Processing (excluding meat): Manufacturing establishments producing or processing foods for human consumption and certain related products, including;

Bakery products, sugar and confectionery products (except facilities that produce goods only for on-site sales with no wider distribution);

Dairy products processing;

Fats and oil products (not including rendering plants);

Fruit and vegetable canning, preserving, and related processing;

Grain mill products and by-products.

Footwear Manufacture: An industrial facility or business, usually on a large scale, that produces new garments that are to be worn on the feet.

Foundry: An establishment for producing castings in molten metal.

Fraternal Organizations: A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings and formal written membership requirements.

Fraternity or Sorority House: A building housing the members of a fraternity or sorority group living together under a cooperative arrangement as distinguished from a boarding or lodging house.

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

Freight Transportation Terminal: A facility for freight pick-up or distribution; may include intermodal distribution facilities for rail or shipping transport.

Frontage: All property on one side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or if the street has a dead end, then all of the property abutting the dead end and/or turnaround of the street.

Fuel/Petroleum Distribution: A facility for the storage of fuels or other volatile products and for their distribution to retail sales facilities or other bulk purchasers, regardless of ownership.

Funeral Home and Mortuary: A building or part thereof used for human funeral services. Such building shall be used for the preparation of the deceased for burial and display of the deceased. Other uses may include the storage of caskets, funeral urns, and other related funeral supplies, the storage of funeral vehicles, facilities for cremation and funeral chapel.

Functionally Dependent Use: means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Furniture and Appliance Store: A retail establishment where the primary purpose is the sale of furniture and appliances, large or small, where the general public is considered to be the end consumer.

Furniture Manufacture: An industrial facility or business, usually on a large scale, that produces furniture, including but not limited to, tables, chairs, sofas, beds, or other similar items.

Garage/Carport, Private: An accessory building or part of a main building for which the principal use is storage of privately owned vehicles.

Garage, Public or Repair: A building in which the principal operation involves a garage used for the storage, repair, servicing, or equipping of vehicles for profit.

Gasoline or Service Station: Any building, structure, or land used primarily for the dispensing or sale of fuels, oils, accessories, or minor maintenance and repair services but not including painting and major repairs.

Gift or Card Shop: A retail store that sells a wide variety of relatively small and inexpensive items.

Golf Course: A tract of land with a least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range, putt course, and shelters as accessory uses.

Governmental Operations: A building or structure owned, operated, or occupied by governmental agency to provide a governmental service to the public.

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

Grading Permit: means a permit issued to authorize excavation or fill to be performed under the provisions of the storm water management ordinance.

Grain Mill: See Flour and Grain Mill.

Greenway: A linear park, alternative transportation route, or open space conservation area that provides passive recreational opportunities, pedestrian and/or bicycle paths, and/or the conservation of open spaces or natural areas, as indicated in a greenway plan.

Grocery Store/Supermarket: Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.

Ground cover: A prostrate plant growing less than two (2) feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing.

Group Home/ Safe House: A dwelling unit or part thereof in which personal and financial services may be offered as well. Not to include assisted living, nursing homes and homeless shelters.

Guest House: An accessory area for the purpose of housing family members and guests of the occupants of the principal building, and which is never rented or offered for rent.

Gun Ranges (indoor): Any building where there are facilities which cater to the use of firearms.

Hazardous or Noxious Uses: All uses which involve the storage, sale, manufacture, processing or handling of materials or activities which are highly flammable, explosive, noxious, toxic, or inherently dangerous to humans, animals, land, crops, or property.

Health Club: A facility where members or nonmembers use equipment or space for the purpose of physical exercise.

Health Department: The Clarksville-Montgomery County Health Department.

Health Officer: The director of a city, county, or district health department having jurisdiction over the community in an area, or his duly authorized representative.

Heavy Equipment Sales: The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, rental, or lease of new or used movable or transportable vehicle or other apparatus commonly used in commercial, industrial, or other construction enterprises, such as but not limited to trucks, trailers, bulldozers, cranes, backhoes, rollers, loaders, lifts, having a gross weight of 2.5 tons or more, including any warranty repair work and other repair service conducted as an accessory use and within a completely enclosed building.

Heliport: An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

Helistop: A helicopter landing area for boarding and discharging the occupants of the craft. Maintenance or fueling is not permitted.

Historical Monuments and/or Structures: Any structure or building existing contemporaneously with and commonly associated with an outstanding event or period of history, and any structure or building in which the relics and/or mementos of such event or period are housed and preserved.

Historic Structure: means any structure that is:

> Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
>
> Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
>
> Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

By an approved state program as determined by the Secretary of the Interior, or

Directly by the Secretary of the Interior in states without approved programs.

Hobby Shop: An accessory use where the activity or interest pursued is for pleasure or relaxation and not as a main occupation and shall not be a commercial operation.

Home Improvement Sales: A facility engaged in the retail sale of various basic hardware lines, such as tools, building materials, builder's hardware, paint and glass, housewares and household appliances, garden supplies, nursery products and cutlery.

Home Occupation: See Subsection 5.2.7. An occupation carried on in a dwelling unit by the resident thereof; provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof.

Homeless Shelter: A facility providing temporary housing to indigent, needy, homeless, or transient persons, and may also provide ancillary services such as counseling, religious instruction, vocational training, etc.

Hospital: See Medical Facilities.

Hotel: An establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include, but shall not be limited to, conference and meeting rooms, kitchen facilities, restaurants, bar, and recreation facilities.

House Trailer: See "mobile home."

House Trailer Park: See "mobile home park."

Infill Development: the process of developing vacant or under-used parcel(s) within existing urban areas that are in an area that is already largely developed.

Ironworks Manufacturing (Ornamental): An industrial facility or business that fabricates iron or other similar metals to produce ornate fixtures including but not limited to fences, guardrails, art, etc.

Island: A raised planting area, in road and parking area design, usually curbed, and placed to guide traffic, separate lanes, limit paving (impervious surface), preserve existing vegetation and increase aesthetic quality.

Institution: A building or activity operated by either a profit or nonprofit corporation or establishment for public use.

Jewelry Store: A retail establishment that specializes in the sale of jewelry.

Junkyard: A lot, land, or structure, or part thereof, used primarily for the collecting storage, and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof.

Kennel, Breeding: An establishment where animals are kept for the purpose of breeding for compensation.

Kennel, Boarding: An establishment where pet animals are boarded for compensation.

Landing Strip: An airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by invited guests.

Landscape Ordinance: The sections of the zoning ordinance, which regulate landscape design, landscaping, and landscape installation and maintenance.

Landscape Plan: The preparation of graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features with plantings, ground and water forms, circulation, walks and other landscaping features to comply with the provisions of this Ordinance.

Landscape Strip: An area required by this section which is reserved for the installation and/or maintenance of plant materials.

Landscaping: The process or product of site development including grading, installation of plant materials, and seeding of turf or ground cover. Includes any combination of living plants, such as trees, shrubs, vines, ground covers or grass; natural features such as rock, stone, bark chips or shavings; and structural features, including but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences and benches.

Laundromat/Dry-Cleaning: A business that provides washing, drying, dry cleaning clothing and/or ironing machines for hire to be used by customers.

Laundry and Cleaning Plants: An industrial facility or business, usually on a large scale, that washes and/or cleans clothing, linens, or other textiles through the use of water, soaps, chemicals, and/or other processes.

Leasing/Sales Office: An establishment whose primary purpose is the sale or lease of real estate.

Levee: means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System: means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

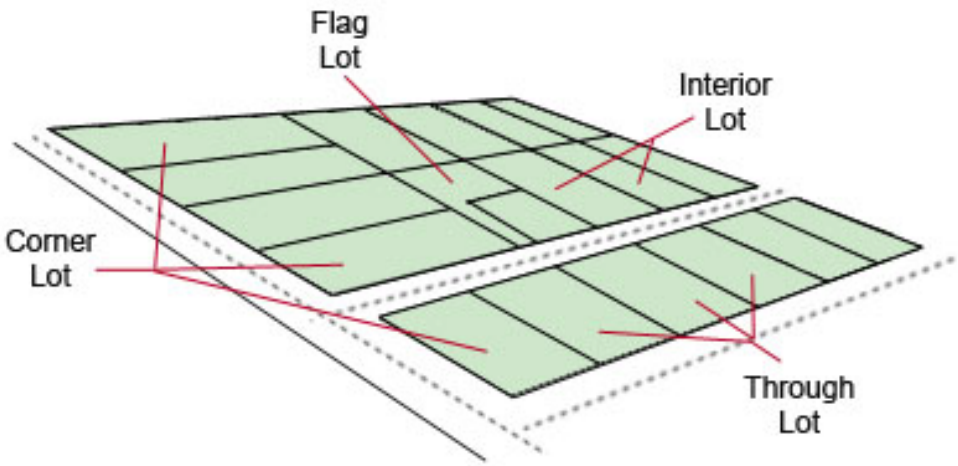
Liquor Sales: Any business selling general alcoholic beverages, for off-premises consumption. Liquor store does not include a business selling only beer and/ or wine for off-premises consumption.

Livestock: Animals raised for food or other products, or kept for use, especially farm animals such as meat and dairy cattle, pigs, and poultry.

Loading areas: An area which contains trash collection areas of dumpster type refuse containers, outdoor loading and unloading spaces, recycling bins, docks, outdoor shipping and receiving areas, outdoor bulk storage of materials or parts thereof, or outdoor repair areas of any service stations, safety equipment, inspection stations or dealers.

Lot: A parcel of land occupied or intended to be occupied by a building and its accessory buildings or by a dwelling or group of dwellings and their accessory buildings, together with such open spaces as are required under the provisions of Chapters 1 through 11 of this Ordinance. See Picture 2.1 below.

> *Lot, Corner:* A lot abutting upon two (2) or more streets at their intersection.
>
> Lot, Double Frontage, or Through Lot: A lot which is an interior lot extending from one street to another and abutting a street on two (2) ends.
>
> *Lot, Flag:* A lot/tract/parcel meeting the minimum frontage requirements and where access to a public or private right-of-way is provided by means of a long, narrow strip of property between abutting lots/tracts/parcels and where the building site is generally located to the rear of other lots/tracts/parcels fronting along the same right-of-way.
>
> *Lot, Interior*: A lot other than a corner lot fronting on a single right-of-way or easement.



Picture 2.1 Types of Lots

Lot Coverage: The percentage of the gross area of a lot, tract, or parcel of land which is covered by principal and accessory structures.

Lot of Record: A lot, tract or parcel legally existing as of the date on which this ordinance was adopted, which may not meet the applicable area, frontage, width, or depth requirements established by this Ordinance and/or previous Ordinances.

Lot Lines: The lines bounding a lot as defined herein.

> *Lot Line, Front:* The line separating the lot, tract or parcel from any public street, dedicated private easement or travel easement.
>
> *Lot Line, Rear:* The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line, not less than ten (10) feet long and wholly within the lot.
>
> *Lot Line, Side:* Any lot line other than a front or rear lot line as defined herein.

Lot Width: The width of a lot measured at the building setback line in a manor generally perpendicular with the side lot lines.

Low Profile Sign: Are signs which do not exceed three and one-half (3 1/2) feet in height. These signs may be placed up to the front property line, provided they are placed outside any street right-of-way and so as to not obstruct vision for moving traffic.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this section.

Lumber Mill: Manufacturing, processing, and sales involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes.

Machine Shop: Shops where lathes, presses, grinders, shapers, and other wood- and metal-working machines are used such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair shops; and overhaul shops.

Manufactured Home Sales: The selling of factory-built, single-family structure, that is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation.

Map: means the flood hazard boundary map (FHBM), flood boundary and floodway map (FBFM) or the flood insurance rate map (FIRM) for a community issued by the agency.

Marble Working and Finishing: An industrial facility or business, usually on a large scale, that processes, sculpts, and/or polishes marble or other stones capable of taking a high polish for a specified use.

Marina: A use involved in the operation of a marina including structures and activities normally integral to the operation of a marina, such as docking and/or the securing of watercraft, servicing, fueling, pumping-out, chartering, launching, and dry-storage of boats and boating equipment.

Meat/Fish Market: A retail establishment where the primary purpose is the sale to an end consumer of meat, poultry, and fish products.

Meat/Poultry Processing Plant: A building where live animals are killed and processed; and/or a building where meat, poultry, or eggs are cooked, smoked, or otherwise processed or packed but does not include a butcher shop or rendering plant.

Medical Appliance Sales: A retail establishment where the primary purpose is the sale to an end consumer of medical appliances and accessories to them.

Medical Facilities:

Convalescent, rest or nursing home: A health facility where persons are housed and furnished with meals and continuing nursing care.

Dental clinic, medical clinic, or mental health clinic: A facility for examination and treatment of human out-patients where patients are not kept overnight except under emergency conditions.

Dental office or doctor's office: Same as "dental or medical clinic."

Hospital: A public or proprietary facility providing, on an inpatient or outpatient basis, medical diagnosis, treatment, or other care of human ailments, not including clinics as herein defined.

Sanitarium or Sanatorium: An institution providing health facilities for inpatient medical treatment and recuperation.

Medical Helistop: See Helistop.

Medical Lab: An establishment that includes uses such as but not limited to medical research facilities, processing and testing of fluid samples, x-ray and ultrasound, etc.

Medical Office: Those uses concerned with the diagnosis, treatment, and care of human beings.

Medical Waste Facility: A facility used to process medical waste.

Merchandise Display Area: The area, measured in square feet, of the customer-facing surface of shelving, racks, display cases, counters, tables, wall displays, pegboards, or other fixtures used for the display of merchandise for sale. The area shall be measured by the width and height of the customer-facing display surface and shall include vertical, horizontal, and inclined display surfaces. Individual shelves, tiers, or levels shall be measured as separate customer-facing display surfaces when merchandise is displayed on each level.

Micro Brewery: See Brewery.

Mineral Extraction: The extraction of minerals, including solids, liquids, and gases. The term also includes quarrying; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the extraction site or as a part of the extractive activity.

Mini-Warehouse: See Self Service Storage (Mini).

Mobile Home: Also known as a manufactured home, is a portable or movable single wide manufactured home designed and constructed to permit long-term occupancy for dwelling purposes that is permanently mounted on a single chassis with or without a permanent foundation. A mobile home is at least 400 square feet and remains on a permanent chassis designed and built to Federal Housing Authority criteria.

Mobile Home Park: Any area, tract, site, or plot of land under single ownership, whereupon mobile home spaces are located and maintained and shall include all accessory buildings used or intended to be used in connection with the operation of a mobile home park.

Mobile Home Space: A plot of ground within a mobile home park or subdivision designed for the accommodation of one mobile home.

Mobile Home Subdivision: A mobile home subdivision is a subdivision intended for individual ownership of lots and designed for residential use of mobile homes exclusively.

Mobile Storage Unit: An establishment where the primary use is the delivery and pick up of mobile storage units. These can be picked up and delivered to another location or stored on-site and delivered at another time.

Monastery: A housing facility where the residents are limited to members of a specific religious order.

Mortuary: See Funeral Home.

Motel: A building or series of buildings in which lodging is offered for compensation, and which is distinguished from a hotel primarily by reason of providing direct independent access to, and adjoining parking for, each rental unit.

Motor home: is a vehicular unit designed to provide temporary living quarters for recreational, camping or travel use, built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.

Moving and Storage Company: An establishment whose primary purpose is the moving of end consumers from one location to another. Short term storage on-site can be provided as long as all storage is contained within a fully enclosed building. Storage and servicing of vehicles used in the moving process will also be included with this use.

Multi-Family: A dwelling or group of dwellings on one lot, containing separate living units for three or more families, having separate or joint entrances, and including apartments, row houses, and condominiums.

Multi-Media Production: Space in an outdoor or indoor area, building, part of a building, structure, or a defined area, that is used primarily for the creation of film, television, music video, multi-media, or other related activities.

New Construction: Any structure for which the "start of construction" commenced on or after the effective date of this Ordinance. The term also includes any subsequent improvements to such structure.

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this Ordinance.

Nightclub: See Bar or Nightclub

Nonconforming Use: The use of any building, structure, or land which was lawful at the time of the passage of the provisions of Chapters 1 through 11 of this Ordinance, or amendment thereto, but which is not now in conformance with the provisions of this Ordinance.

Nonprecision Instrument Runway: A runway other than an instrument runway.

Nursery: The retail handling of any article, substance, or commodity related to the planting, maintenance, or harvesting of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals, or other nursery goods and related products in small quantities to the consumer.

Nursing Home: A use providing bed care and inpatient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services.

Office Equipment Sales: A retail establishment whose primary focus is the sale of office equipment, furniture, and accessories to end consumers.

Off-Premise Advertising Sign: A sign that is used to advertise or inform by directing attention to a cause, event, campaign, business, profession, commodity, product, service, or entertainment which is conducted, sold, distributed, or offered elsewhere than upon the same premise as the off-premise sign, or which directs attention to any brand name or trade name product which may be incidentally available on the same premises as the off-premise sign; provided, however, that no sign containing a noncommercial message shall be deemed an off-premises advertising sign. Excluding Development Directory Signs.

On-Premise Low Profile Sign: See Low Profile Sign.

Open-Air Market: An outdoor commercial activity, not including shopping centers, individual retail operations, yard sales or garage sales, that is open to the general public and composed of three (3) or more semi-enclosed or outdoor stalls, rooms, stands, booths, tables or spaces used for the purpose of display and sale, exchange, or barter of merchandise and is further defined as an occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures. This definition does not apply to sales associated with events or festivals

as listed under Chapter 5, section 5-1102 of the Clarksville City Code or to events held on property owned by a governmental entity.

Open Space: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

Optical Goods Manufacture: An industrial facility or business, usually on a large scale, that produces products associated with optics, including but not limited to, eye glass lenses, telescopes, etc.

Orphanage: An institution for the housing and care of orphans.

Outpatient Clinic: A facility for examining and treating patients with medical problems on an outpatient basis, including ambulatory care or similar medical services that generally require a stay of less than twenty-four (24) hours.

Owner: Any individual, corporation, partnership or entity, which owns property that is subject to the provisions of this section and any individual, corporation, partnership or entity which succeeds to such ownership. The obligations of an owner under this section, including perpetual maintenance in accordance with an approved landscape plan, are binding on any successor owner.

Paper Products and Box Manufacture: An industrial facility or business, that produces paper and or paperboard, from both raw and recycled materials, and their conversion into products including but not limited to paper bags, boxes, envelopes, wallpaper, etc.

Park: Any public or private land available for recreational, educational, cultural, or aesthetic use.

Park and Ride Lot: Parking lots of structures designed to encourage transfer from private automobile to mass-transit or to encourage carpooling for purposes of commuting.

Parking Lot: An off-street facility including parking spaces along with adequate provisions for drives and aisles for maneuvering and providing access, and for entrance and exit, all laid out in a way to accommodate the parking of automobiles.

Parking Lot Island: An area of ground within the boundary of any parking lot, which has curbing adjacent to all paved areas. Parking lot islands are used for traffic control and as planting areas to screen and shade parking lots to minimize the detrimental environmental impacts of large paved areas.

Parking Space: An off-street space available for the parking of one motor vehicle, exclusive of passageways and driveways, and having direct access to a street or alley.

Parsonage: The permanent place of residence of the pastor or minister of a church.

Pawn Shop(s): An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.

Perimeter Lot: The exterior lots of the proposed development which adjoin the perimeter boundary of the subject tract or adjacent to the landscape buffer or the open space.

Personal Care Services: Assistance with meals, dressing, movement, bathing, or other personal needs or maintenance, or general supervision of the physical and mental well-being of a person who is incapable of maintaining a private, independent residence, or who is incapable of managing his person, whether or not a guardian has been appointed for such person.

Pet Cemetery: A parcel of land, buildings, and/or structures used for the interring of animal remains.

Pet Shops: A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, goats, sheep, and poultry.

Pharmacy: Any place where prescription drugs are dispensed.

Photography Studio: A workspace that provides space to take, develop, print and duplicate photographs.

Plants: A combination of vegetation in a designed, specific application which meets the purpose of this ordinance. Vegetation may include: trees, shrubs, groundcovers, vines and grasses. For purposes of this section it does not include flowers or weeds.

Planting Area: The area prepared for the purpose of accommodating the planting of plants.

Planting Yard: A planting area around the perimeter of a property separating the access way and vehicular use area from adjoining property and/or public right-of-way. Its purpose is to enhance the visual appearance of the site and to provide screening of the vehicular use area and certain other activities from the public right-of-way and abutting property.

Planning Commission: The Clarksville-Montgomery County Regional Planning Commission of Clarksville and Montgomery County.

Plastic Products (Molding, Casting, and Shaping): An industrial facility that produces products created from plastics.

Playground: A recreation area with play apparatus.

Playhouse: A freestanding structure, exclusively for the use of children.

Power Plant: Any plant facilities and equipment for the purposes of producing, generating, transmitting, delivering, or furnishing electricity for the production of power.

Precision Instrument Runway: A runway equipped or to be equipped with a precision electronic navigation aid or other air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.

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

Print/Copy Shop(s): A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, and facsimile sending and receiving, and including offset printing.

Printing and Publishing Plant: A commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing.

Processing Facility (Recyclables): A processing facility is a building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of materials for efficient shipment, or to an end user's specifications. Any facility that is larger than a large collection facility is included in this category.

Professional Office (Excluding Medical): An establishment where work is provided to others, predominately on the premises of the office, by someone trained and engaged in such work for a career; e.g., doctors, lawyers, accountants.

Public Street: For the purpose of this section, any public street or dedicated roadway easement.

Public Use: Any facility or use owned, operated, or maintained by a federal, state, or local governmental entity.

Public Utility: Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing, to the public, under regulations, electricity, gas, steam, telephone, telegraph, transportation, drainage, water, or sewer.

Racetrack: A facility used primarily for the sport of automobile racing. A racetrack may include seating, concession areas, suites, and parking facilities.

Railroad Station: A facility, either light or heavy rail, for the boarding of passengers and related ticketing sales and offices.

Railroad Yard: An area of land, a portion of which is covered by a system of tracks that provides for the making up of trains by one or more railroads or private industry concerns. Necessary functions of a rail yard include but are not limited to the classifying, switching, storing, assembling, distributing, consolidating, moving, repairing, weighing, or transferring of cars, trains, engines, locomotives, and rolling stock.

Recreational Campground: A campground with two (2) or more camping unit sites, accessible by vehicular traffic and provided with one (1) or more service buildings. These sites may have individual water, sewer, and electrical connections.

Recreational Center: A public or private center where the main purpose is to provide amusement generally associated with athletic functions in an indoor environment.

Recreational Facility, Private: Means a recreational facility for use solely by the residents and guests of a particular development and operated by a nonprofit organization.

Recreational Vehicles Park: A lot or parcel of land occupied or intended for occupancy by recreational vehicles or tents for travel, recreational, or vacation usage for short periods of stay.

Recycling Collection Facility: A center for the acceptance by donation, redemption, or purchase of recyclable materials from the public. Such a facility shall not use power processing equipment.

Recycling/Collection Facilities (Small): An establishment that exists only in conjunction with an existing principal facility. Small recycling sites shall not occupy more than one thousand (1,000) square feet of the parcel in which they are placed, and the collection containers shall not occupy more than two hundred (200) square feet. There shall be only one collection facility per parcel.

Recycling/Collection Facilities (Large): Large collection facilities are not required to operate in conjunction with an existing principal facility, and it may have a permanent building. The facility shall not occupy more than twenty thousand (20,000) square feet of the parcel of land in which it is placed; the containers shall not occupy more than one thousand (1,000) square feet of the facility.

Regulatory floodway: means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Religious Institution: A church or place of worship or religious assembly with related facilities such as the following in any combination: rectory or convent, private school, meeting hall, offices for administration of the institution, licensed child or adult daycare, playground, or cemetery; to include charitable work.

Repair Services: Establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops, or repair of musical instruments.

Research and Development Facility: Research, development, and testing laboratories that do not involve the mass manufacture, fabrication, processing, or sale of products. Such uses shall not violate any odor, dust, smoke, gas, noise, radiation, vibration, or similar pollution standard as specified herein.

Reservoir: A pond, lake, basin, or other space, either natural or created in whole or in part by engineered walls or structures, which is used for storage, regulation, and control of water for recreation, power, flood control, or drinking.

Residence for Handicapped (eight (8) or more): A multiple dwelling which is entirely accessible to physically handicapped persons, limited to persons who have a physical, sensory, or mental impairment which substantially limits one or more major life activities.

Residential Common Access Drive: An access way providing ingress, egress, and joint/cross access to a minimum of three (3) to a maximum of ten (10) parcels. In residential zoning districts, a residential common access drive is constructed within a residential common access easement.

Restaurant/Fast Food: Restaurants where most customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed.

Restaurant/Full-Service: An establishment where food and/or beverages are prepared, served, and consumed, and whose principal method of operation includes one or both of the following characteristics:

> Customers are normally provided with an individual menu and served their food and beverages by a restaurant employee at the same table or counter where the items are consumed;
>
> A cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

Retail: The sale of goods, wares, or merchandise directly to the ultimate consumer or to persons without a resale license, except where such sales are specifically classified, defined, or regulated as a separate use elsewhere in this Zoning Ordinance.

Retention area: The prevention of storm runoff from direct discharge into receiving waters. Examples include systems which discharge through percolation, ex filtration, filtered bleed-down and evaporation processes.

Riding Academy: An establishment where horses are boarded and cared for, and where instruction in riding, jumping, and showing is offered, and where horses may be hired for riding.

Riverine: means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Road: That portion of a public thoroughfare or right-of-way intended for use by motor vehicles.

Road or Street Right-of-Way Line: That line surveyed or approved by the appropriate government authority as the outer boundary of a road or street. Such line is identical to or contiguous with any property line abutting a road or street.

Roadside Stand, Agricultural: A farm structure used or intended to be used for the sale of only seasonal farm products.

Rock Quarries (Sand, Gravel, and Earth Excavations): A lot or land or part thereof used for the purpose of extracting stone, sand or gravel for sale and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

Rooming Houses: A dwelling other than a hotel, motel, or apartment house where lodging for three (3) or more persons not of the immediate family is provided for compensation and by prearrangement for definite time periods.

Runway: The paved surface of an airport landing strip.

Safe House: See Group Home/Safe House.

Sales Office: See Leasing/Sales Office.

Salvage Yard: See Junk Yard.

Sanitary Landfill: The burial of nonhazardous and non-medical farm, residential, institutional, commercial, or industrial waste.

Satellite Dish: A dish-like antenna used to link communications sites together by wireless transmission of voice or data.

School, (to include Elementary, Middle and High): An institution for the teaching of children or adults including primary and secondary schools and similar facilities.

School, Private: An institution of learning, including colleges and universities, that is not tax supported.

School, Public: An institution of learning that is supported from the public tax system.

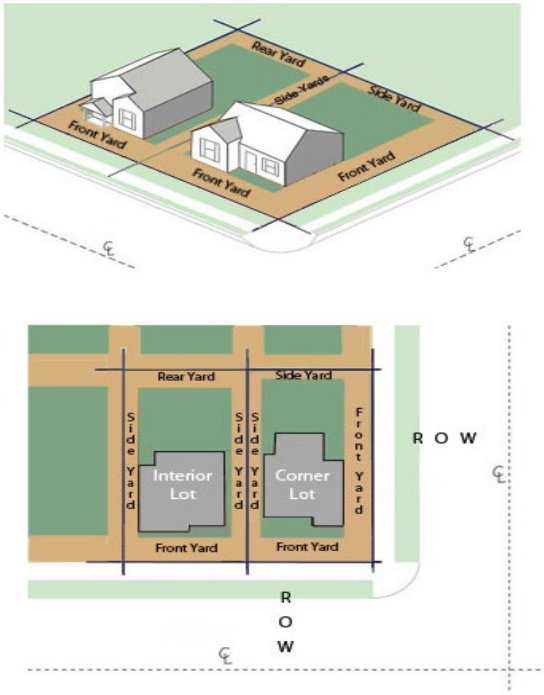
Seamstress/Dressmaker/Tailor Shop(s): A business, usually small in size that sews, alters, and/or creates garments.

Seed Store: See Feed/Seed Store.

Self-Service Storage (Mini): A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include refrigerated facilities.

Setback: The minimum distance by which any building or structure must be separated from a street right-of-way, easement, or property line. See Picture 2.2 below.

> *Setback, Front:* The minimum allowable distance from the street right-of-way or easement line.
>
> *Setback, Rear:* The minimum allowable distance from the rear property line.
>
> *Setback, Side:* The minimum allowable distance from the side property line.



Picture 2.2 Setback Illustrations

Sewer Pump Station: A facility where the primary purpose is the pumping of sewage further along the sewer system; may be an accessory to a structure or standalone feature.

Shared Driveway: An access way providing ingress, egress, and joint-cross access to two (2) residential single family parcels. In residential zoning districts, a shared driveway lies within a shared driveway easement. Shared driveways may not be platted off of but provide alternative access.

Sheet Metal Shop: An industrial facility or business involved in the process of working with metals to create individual parts or assemblies.

Shoe Repair: A business, usually small in size, that repairs footwear.

Shoe Store: Retail business whose principal activity is the selling of footwear and conducting business within an enclosed area.

Shopping Center: A group of commercial establishments, planned and developed with off-street parking provided on the property.

Shrub, Large: An upright plant growing ten (10) feet to twenty (20) feet in height at maturity planted for ornamental or screening purposes.

Shrub, Medium: A plant growing five (5) feet to nine (9) feet in height at maturity planted for ornamental or screening purposes.

Shrub, Small: A plant growing to less than five (5) feet in height at maturity planted for ornamental or screening purposes.

Sight Triangle: Area at the intersection of the road right-of-way and an access point to property where driver visibility must be maintained as required in this section. (See subsection (m) of this section for further explanations).

Sign: Any structure which displays or includes any letter, word, model, banner, flag, streamer/pennant, insignia, or representation used as, or which is in the nature of announcement, direction or advertisement. The word "sign" includes billboards or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit, school, or religion.

Sign face: The surface of a sign upon which the message is displayed. For a multi-sided sign, each side displaying a message shall be considered a separate sign face.

Sign, Height:

Sign, Sidewalk: A sign with two faces that are adjoined at the top and displayed at an angle, or of similar design, which is not permanently anchored or secured.

Skating Rink: An establishment that provides facilities for participant skating.

Smoke Shop: A retail establishment primarily engaged (>25% of customer facing merchandise display area) in the sale of tobacco products, electronic smoking devices (including e-cigarettes, vape pens, and related accessories), hemp-derived edible cannabinoid products, and smoking paraphernalia (e.g., pipes, rolling papers). This includes, but is not limited to, businesses commonly known as tobacco stores, vape shops, or retailers of nicotine delivery products, but excludes establishments where such sales are incidental (<25% of customer facing merchandise display area) (e.g., convenience stores, grocery stores).

Solar Panel: A photovoltaic module or photovoltaic panel, used to collect light energy from the sun.

Sorority House: See "Fraternity."

Soup Kitchen: A food service use that provides free meals for consumption on site.

Special hazard area: means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as zone A, AO, A1-30, AE, A99, or AH.

Stadium: A large building with tiers of seats for spectators at sporting or other recreational events.

Start of Construction: includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date.

State Coordinating Agency: (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office designated by the governor of the state or by state statute at the request of the administrator to assist in the implementation of the National Flood Insurance Program in that state.

Stock Yard: Services involving the temporary keeping of livestock for slaughter, market, or shipping. Typical uses include stockyards and animal sales in auction yards.

Stone Cutting or Crushing: A lot or land or part thereof used for the purpose of cutting or crushing stone including on-site storage of materials associated with the process.

Stone Monument Sales: Establishments primarily engaged in buying or selling monuments and tombstones.

Storage (of Cement, Sand, and Gravel): On-site storage of any soil, sand, gravel, clay, or mud, in a concentrated state.

Storage of Used Lumber and Building Materials: Storage of lumber and used building materials.

Storage Shed (Residential): A use or structure subordinate to the principal use of a lot, or of a principal building on the same lot, and serving a purpose clearly incidental to a permitted principal use of the lot or of the building and which accessory use or structure is compatible with the principal permitted uses or structures authorized under zoning regulations applicable to the property.

Storm Shelter: A shelter in or adjacent to a house, used for protection from severe weather.

Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Story Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds of the floor area is finished for use. A half-story containing independent apartments or living quarters shall be counted as a full story.

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

Street: A thoroughfare which affords a principal means of access to abutting property and which has been accepted by the city as a public street.

Strip Center/Plaza: An arrangement of stores, restaurants, service outlets, or offices under one (1) or many ownerships or management providing shared off-street parking, vehicular use areas and public access.

Structure: An artificial combination of materials built, erected, attached, or maintained upon the realty by its own weight or otherwise; also including platforms, radio or television towers, swimming pools, and display signs of any height.

Studios (Art, Dance, Music, Health, Massage, Reducing): A workshop for an artist, musician, or employee to perform tasks.

Substantial Damage: means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial Improvement: means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

> Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
>
> Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Substantially Improved Existing Manufactured Home Parks or Subdivisions: is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Swimming Pool: A structure, whether above or below grade level, designed to hold water and to be used for recreational purposes.

Swimming Pool/Bath House, family: A swimming pool used and intended to be used solely by the owner, operator, or lessee thereof and his family and by guests invited to use it without payment of any fee or consideration. An accessory building to the principle use to be used coinciding with the presence of a pool.

Taproom / Tasting Room: An accessory use to the production facilities of a winery, distillery (large and micro), brewery, or micro-brewery that allows for the purchase, sampling, and on-site consumption of beer and other alcoholic beverages made on-site.

Tattoo Parlor: Any room or space where tattooing is performed for compensation. Tattooing means a placement in human tissue of any indelible design, letter, scroll, figure, symbol, or other mark placed with the aid of needles or other instruments; or any design, letter, scroll, figure, or symbol done by scarring upon or under the skin.

Taxi Cab Business: A service that offers transportation in passenger automobiles and vans to persons including those who are handicapped in return for remuneration. The business may include facilities for servicing and repairing the taxicabs or vans.

Taxidermy: The business of preparing, stuffing, and mounting the skins of animals.

Temporary Building: Structures that are needed or are in place for only short periods of time.

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

Temporary Uses: Uses that are needed or are in place for only short periods of time.

Tent: *Any temporary structure or enclosure, the roof of which or one-half or more of the sides are constructed of silk, cotton, canvas, fabric, or a similar pliable material.*

Theater, Drive-in: An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures on a paid admission basis, to patrons seated in automobiles.

Theater, Indoor: A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

Tire Recapping: A place where the principle purpose is the retreading or recapping of tires.

Tobacco Processing or Treatment: A facility that receives freshly harvested and/or cured tobacco and processes it through varying phases of production including but not limited to its preparation for consumption and/or distribution.

Tobacco Processing or Treatment: A building where the treatment or process of tobacco is performed to convert the tobacco into a marketable product.

Tourist home: A dwelling in which overnight accommodations are offered or provided for transient guests for compensation.

Tow-in Lots: A lot to which any motorized vehicle is towed and stored for a specified storage fee, and no substantial work is performed on such vehicle.

Townhouses: A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation, not transient in nature.

Trailer Coach, House or Home: See "mobile home."

Transient: Any visitor or person who owns, rents, or uses a lodging or dwelling unit, or portion thereof, for less than 30 days and whose permanent address for legal purposes is not the lodging or dwelling unit occupied by the visitor.

Travel Easement: The right granted by the owner of land to another party, by deed, or prescription, to allow access across one parcel of land to another.

Travel Lanes: That part of the roadway provided for the movement of vehicles, exclusive of shoulders and auxiliary lands.

Tree, Ornamental or Understory: A small to medium tree, growing fifteen (15) feet to forty (40) feet at maturity often used for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage. Understory trees must be used for planting under or near overhead utility lines.

Tree Preservation Plan: A plan to preserve existing trees on a site for the purpose of receiving tree credits.

Tree Protection Zone: The area around a tree corresponding to the drip line or ten (10) feet, whichever is greater, in all directions from the trunk.

Tree, Shade or Canopy: A large tree growing to over forty (40) feet in height at maturity, usually deciduous, planted to provide canopy cover shade.

Truck Service: See Bus or Truck Service.

University: See College.

Upholstery Cleaning: See Carpet and Upholstery Cleaning.

Use: A use is the purpose for which land or building and structures thereon are designed, arranged, or intended to be used, occupied, or maintained.

Usable Road Frontage: The portion of the lot, tract or parcel of land that abuts a public right-of-way, dedicated permanent easement or travel easement from which vehicular access shall be obtained.

Utility Substations: Any aboveground structure, except an antenna or utility pole and associated appurtenances, which a provider constructs, erects, or places on a site, and is attached or affixed to something having a permanent location on or under the ground which is used to provide its services to customers.

Variance: A modification of the strict application of the provisions of Chapters 1 through 11 of this Title where owing to special conditions a literal enforcement will result in unnecessary hardship, as determined by the T.C.A. Section 13-7-207 in accord with procedures specified herein.

Vehicular Use Areas: All areas subject to vehicular traffic including access ways, driveways, loading areas, service areas, bicycle lanes and parking stalls for all types of vehicles. This definition does not include covered parking structures or underground parking lots.

Vendor or Open-Air Market Vendor: All persons or other forms of business entities of every type and character operating among collections of other open-air market vendors for sales to the public of new and used merchandise in collected marketing centers for sales from stalls, booths, tables, benches and other similar displays or marketing configurations and arrangements.

Veterinary Clinic: A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment.

Vines: A woody plant that has a spreading pattern of growth. Vines may be used on the ground, on walls and on trellises.

Violation: means the failure of a structure or other development to be fully compliant with the provisions of this Ordinance.

Vocational School: A school established to provide for the teaching of industrial, clerical, managerial, or artistic skills.

Warehouse: A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

Wash out area: Area where construction machinery may have concrete, or other material that may be harmful to trees, washed out or off the equipment. This area should be away from and not drain toward any existing trees.

Waste Transfer Station: A place or facility where non-hazardous waste materials are taken from a collection vehicle, temporarily stored or stockpiled, and ultimately placed in a transportation unit for movement to another facility.

Waste Water Treatment Plant: A facility which operates a sewerage system and sewage treatment facilities that collect, treat, and dispose of human waste.

Water Pump Station: A structure for supplying water from a common source or sources.

Water Tank: A structure for the storing of water for use within the water supply system.

Water Taxi Station: Primary support and ancillary facilities for water-borne transportation (e.g. commuter ferries, water taxis, hovercraft) or short term excursions (e.g. charter boats, mini-cruises, sight-seeing, gambling, dining, and entertainment on the water) including but not limited to: passenger terminals and berthing areas, storage, employee or passenger parking, administrative functions, ship servicing area, layover berths fueling stations, and other boat or passenger services.

Water Treatment Plant: Systems or structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, reservoirs, and distribution mains. To also include facilities within the system that can alter the physical, chemical, or bacteriological quality of the water.

Welding Shop: An industrial facility or business involved in fabrication or sculptural process of joining metals or thermoplastics by heating the materials, molten fillers, or other process to bond the materials together.

Wholesale Distribution: The display, storage, and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment.

Windmill: A machine for harnessing the energy of the wind using sails mounted on a rotating shaft.

Winery: An agricultural processing plant used for the commercial purpose of processing grapes, other fruit products, or vegetables to produce wine or similar spirits. Processing includes wholesale sales, crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the winery and warehousing. Retail sales and tasting facilities of wine and related promotional items may be permitted as part of the winery operations.

Work Shop: A facility used by an individual to perform a specified task.

Wrecker Services: A business involved in towing or transporting wrecked and/or disabled vehicles from one location to another. Vehicles may be stored on-site for a specified storage fee, and no substantial work is performed on such vehicles.

Yard: A ground area unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in Chapters 1 through 11 of this Ordinance.

Yard, Front: An open area extending across the full width of the lot between the front lot line and the nearest line of the main buildings, other than for a permitted accessory.

Yard, Rear: An open area extending across the full width of the lot between the rear lot line and the nearest line of the main building.

Yard Side: An open area between the side of the lot and the nearest line of the principal building and extending from the front yard to the rear, or in the absence of either of such yards, to the front or rear lot line, as the case may be. On a corner lot, the side yard adjacent to any street shall be considered a front yard.

Zoning Board: See "Board of Zoning Appeals."

Zoo: An area, building, or structures which contain wild animals on exhibition for viewing by the public.

CHAPTER 3: ZONE DISTRICTS, USE TABLES

3.1 GENERAL PROVISIONS

The boundaries of zoning and overlay districts established by this Ordinance shall be depicted on the Official Zoning Map of the City of Clarksville, dated November 10, 2010, hereinafter referred to as the "zoning map", and is incorporated into the provisions of this Ordinance. The official zoning map shall be maintained by the Regional Planning Commission Office. In the case of a question concerning the designation of zoning or overlay districts thereon, or the boundaries of the districts, the districts and their boundaries shall be delineated according to previously adopted Ordinances delineating those districts and boundaries, and those ordinances are of record in the offices of the City Clerk and the Regional Planning Commission.

1. **Centerlines.** Unless otherwise shown, the zone district boundaries shall be, where applicable, the center lines of streets, alleys, railroad lines, streams, rivers, or other watercourses, platted lot lines or other property lines.
2. **Uncertainties.** In a case of uncertainty, the location of a district boundary shall be determined by the Board of Zoning Appeals.
3. **Zoning and Overlay District Lines.** Unless specified otherwise by the amending Ordinance, zoning and overlay district boundaries indicated on the official zoning map that approximately follow platted lot lines or deeded property lines shall be interpreted as being coincident with those lines.
4. **Administrative Mapping Errors.** When it is determined that due to an administrative error, the official zoning map either depicts a zoning district or overlay district boundary which encompasses property that was never intended to be included within that district or fails to depict property which was intended to be included within that district boundary, and such determination is supported by official documentation, the Regional Planning Commission shall modify the official zoning map to accurately reflect the proper zone district or overlay district boundary.

The boundary lines of zones affected by vacation of streets or other rights-of-way shall remain at the center lines of the street or right-of-way unless the vacation conflicts with a new property line established by the vacation, in which case the zone boundary line shall follow the new property line so established.

Areas and territories incorporated into the City of Clarksville are and will retain the zoning classification assigned to these areas by the Board of County Commissioners of Montgomery County, Tennessee, until and unless rezoned by Ordinance of the City of Clarksville.

The Clarksville-Montgomery County Regional Planning Commission created pursuant to Section 13-3-101, Tennessee Code Annotated, is hereby designated as the City's Planning Commission.

No proposed plat of any new subdivision of land shall hereafter be considered for approval by the Clarksville-Montgomery County Regional Planning Commission unless the lots within the plat equal or exceed the minimum requirements specified in this Ordinance.

3.2 ESTABLISHMENT OF ZONING DISTRICTS

For the purpose of this Ordinance, the City of Clarksville is hereby divided into land use zoning districts, as follows:

AG Agricultural District

AGC Agricultural Commercial District

E-1 Single-Family Estate District

R-1 Single-Family Residential District

R-1A Single-Family Residential District

RM-1 Single-Family and Mobile Home Residential District

R-2 Single-Family Residential District

R-2A Single-Family Residential District

R-2D Two-Family Residential District

R-3 Three-Family Residential District

R-4 Multiple-Family Residential District

R-5 Residential District

R-6 Single-Family Residential District

PUD Planned Unit Development Residential District

MHP Mobile Home Park District

MLUD Mixed Land Use District

IC Institutional/Civic District

O-1 Office District

OP Office/Professional District

CBD Central Business District

C-1 Neighborhood Commercial District

C-2 General Commercial District

C-3 Regional Shopping Center District

C-4 Highway Interchange District

C-5 Highway and Arterial Commercial District

M-1 Light Industrial District

M-2 General Industrial District

3.3 ZONING DISTRICTS DESCRIBED

3.3.1 AG-AGRICULTURAL DISTRICT

The purpose of the AG Agricultural District is to provide for the proper utilization of those lands best suited for the production of agricultural products such as field crops, livestock, and other conventional agricultural activities. This district is also appropriate within environmentally sensitive areas such as floodplains and steep slopes. Low density residential uses are allowed in areas where adequate infrastructure is available to support such development.

3.3.2 AGC-AGRICULTURAL COMMERCIAL DISTRICT

The purpose of the AGC Agricultural Commercial District is to provide for the proper utilization of those lands suited for commercial purposes in a rural agricultural setting. This district is not intended to permit major commercial establishments, but rather individual proprietary stores or uses that are convenient and compatible to the surrounding area.

3.3.3 E-1 - SINGLE-FAMILY RESIDENTIAL DISTRICT

The purpose of the E-1 Single-Family Estate District is to provide for low-density detached residential development on large lots containing one acre or more in order to ensure compatibility of new development with surrounding large-lot neighborhoods. Its purpose is also to provide for the protection of environmentally sensitive areas such as floodplains and steep slopes.

3.3.4 R-1 – SINGLE-FAMILY RESIDENTIAL DISTRICT

This district is intended to provide for Single-Family Residential areas with relatively low population densities. Additional uses, permitted upon review of the Board of Zoning Appeals, include uses and facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment.

3.3.5 R-1A & R-2 – SINGLE FAMILY RESIDENTIAL DISTRICTS

These districts are intended to permit the development and maintenance of low to medium-density single-family residences and appropriate accessory uses in areas that have suitable physical characteristics, where adequate infrastructure is or can be made available, and have adequate street access. Sufficient urban services and facilities, including sanitary sewer, should be available or provided concurrent with development.

3.3.6 R-2A – SINGLE FAMILY RESIDENTIAL DISTRICT

The purpose of the R-2A Single Family Residential District is to provide infill opportunities around the city as well as small-scale suburban development in pockets of undeveloped or redeveloping land where adequate infrastructure is or can be made available, and has adequate

street access. Sufficient urban services and facilities, including sanitary sewer, should be available or provided concurrently with development.

3.3.7 RM-1 – SINGLE FAMILY AND MOBILE HOME RESIDENTIAL DISTRICT

The RM-1 Single-Family and Mobile Home Residential District is intended to provide for platted single-family or mobile home residential subdivisions, as regulated by the Clarksville-Montgomery County Subdivision Regulations. It is further intended to enable either conventional construction or mobile home residents to establish themselves into traditional subdivisions. This district is not intended to provide for mobile homes on individual, unplatted parcels of land.

3.3.8 R-2D – TWO-FAMILY RESIDENTIAL DISTRICT

The R-2D Two-Family Residential District is intended to permit the development of medium density, two-family duplexes, on individual lots, in areas where maintaining a mixture of housing types is desirable.

3.3.9 R-3 – MODERATE DENSITY RESIDENTIAL DISTRICT

The R-3 Moderate Density Residential District is intended to provide for residential areas of moderate density from small lot single-family, two-family, and three-family housing on individual lots, in areas where maintaining a mixture of housing types is desirable.

3.3.10 R-4 – MULTIPLE FAMILY RESIDENTIAL DISTRICT

The R-4 Multiple-Family Residential District is intended to promote and encourage the establishment and maintenance of a suitable environment for urban residence in areas, which by location and character are appropriate for occupancy, by high density multiple-family dwellings and related facilities. At the same time, this district is intended to provide standards for this type of residential development to prevent overcrowding, traffic congestion, and overloading of public utilities. This district is intended to be utilized on higher classifications of streets close to mass transit, retail services, and/or employment opportunities.

3.3.11 R-5 – RESIDENTIAL DISTRICT

The R-5 Residential District is designed to provide for the development of townhouses, row houses, or other common wall residential buildings in a manner which is attractive, efficient, and compatible with surrounding development. In order to encourage owner occupancy, it is also the intent of this district that the underlying real estate be divided into smaller parcels so that each unit can, along with the units underlying property, be individually sold and owned on a “fee simple” basis as condominiums. Additional common open space will be owned and maintained by the individual unit owners within the development.

3.3.12 – R-6 - SINGLE FAMILY DISTRICT

The purpose of the R-6 Single Family Infill District is to provide for high-density detached residential development. This district should have access to existing infrastructure and other residential-supportive uses such as, mass transit and retail services. All properties, lots, tracts or parcels in this district shall have frontage on a dedicated public right-of-way and access to public sanitary sewers and a public potable water supply. This district is limited to geographical areas within the city of Clarksville where tracts of land exist in areas suitable for redevelopment or have environmental constraints. The district will allow for the protection of surrounding residential uses and residential zoned properties from potential negative impacts the high-density uses create by increasing the vitality of the neighborhood through revitalization and encouraging high quality design and flexibility. This district will allow more housing opportunities and choices, and enhance an area's unique identity and development potential.

3.3.13 PUD – PLANNED UNIT DEVELOPMENT DISTRICT

The purpose of the PUD Planned Unit Development District is to provide the framework for creating more desirable living environments. This is accomplished by applying, through a professionally prepared comprehensive development plan, flexible and diverse standards to land development. The intent of the planned unit development district is to encourage new and improved techniques which will result in superior living arrangements with lasting value. It is further intended that such a concept will promote economic development and maintenance of land and street and utility networks, while utilizing building groupings that provide for privacy, usable and attractive open spaces, safe circulation of vehicles and pedestrians, and the general well-being of inhabitants.

3.3.14 MHP – MOBILE HOME PARK DISTRICT

The purpose of the MHP Mobile Home Park District and the regulations and standards contained herein are to establish a zoning category which will permit mobile homes to be located in mobile home parks specifically designed and set aside therefore and to ensure that mobile home parks develop in locations and in accordance with specific design criteria to assure harmonious development both within the mobile home park and with other zone districts.

3.3.15 MLUD – MIXED LAND USE DISTRICT

The purpose of the MLUD Mixed Land Use District is to create pedestrian oriented neighborhoods, to increase opportunities for infill housing, and to encourage new housing with retail, office, restaurants and public entertainment that is less automobile dependent. The district is intended to promote flexibility in design and planned diversification in relationships between the location of, and types of uses and structures. This is accomplished by applying a professionally prepared comprehensive development plan, and to promote the advantages of site planning for community development through the efficient use of land, facilitating a more economic arrangement of buildings, circulation systems, land uses, and utilities.

3.3.16 IC – INSTITUTIONAL/CIVIC DISTRICT

The purpose of the IC Institutional/Civic District is to accommodate cultural, civic, educational, quasi-public, medical and institutional uses as well as recreational facilities, and governmental operations that may have a substantial land use impact or traffic-generating potential. The district is intended to preserve the character and quality of surrounding neighborhoods with development that is compatible in scale, appearance, and other relevant features, with surrounding development.

3.3.17 O-1 – OFFICE DISTRICT

The purpose of the O-1 Office District is to provide areas for general, professional and business offices and related activities at various scales and levels of intensity. These areas may provide neighborhood services immediately adjacent to residential areas or for uses of greater intensity located along major street corridors.

3.3.18 OP – OFFICE/PROFESSIONAL DISTRICT

The purpose of the OP Office/Professional District is to provide a low intensity office and professional area for appropriate locations, and a transitional zone between residential and more intense commercial areas. Permitted uses are those which tend to attract small numbers of people and generate lower volumes of traffic. Less building bulk is permitted and more open space is required.

3.3.19 CBD – CENTRAL BUSINESS DISTRICT

The CBD Central Business District, with complementary office and related uses, forms the center for commercial, residential, financial, professional, governmental, and cultural activities. Pedestrian-oriented uses are encouraged, while uses related to automobiles and vehicular traffic are discouraged.

3.3.20 C-1 – NEIGHBORHOOD COMMERCIAL DISTRICT

The C-1 Neighborhood Commercial District is intended to provide areas for groups of small establishments designed and intended to serve the frequent trade or service needs of residents within convenient traveling distance. This district is not intended to permit major commercial or service establishments, but rather individual clustered proprietary stores that are convenient and compatible to the surrounding residential neighborhood.

3.3.21 C-2 – GENERAL COMMERCIAL DISTRICT

The C-2 General Commercial District is for personal and business services, general and professional offices, multiple family dwellings (including apartments and townhouses) and general retail business. Districts in this category are intended to include areas where commercial development has displaced or is displacing residential development, or is moving in on vacant lands. This section is designed to guide future change so as to preserve the carrying capacity of the streets and to provide for off-street parking and loading. It is not the intent of this district to

encourage the extension of existing strip commercial areas, but rather to provide concentrations of general commercial activities.

3.3.22 C-3 – REGIONAL SHOPPING CENTER DISTRICT

The C-3 Regional Shopping Center District is intended to provide for a unified grouping in one or more buildings of retail shops and stores that provide goods and services for more than one neighborhood. Such a center is to be developed as a unit with adequate off-street parking for customers and employees, and with appropriate landscaping and screening materials.

3.3.23 C-4 – HIGHWAY INTERCHANGE DISTRICT

The C-4 Highway Interchange District is designed to provide highway-oriented services at interstate highway interchanges, while avoiding traffic conflicts and incompatible land use mixtures often associated with this type of commercial development. The regulations for this district are intended to encourage development compatible with surrounding districts, with suitable, landscaping and parking areas. The district is intended primarily for automobile and other vehicular service establishments, transient sleeping accommodations, and eating and drinking establishments.

3.3.24 – C-5 HIGHWAY AND ARTERIAL COMMERCIAL DISTRICT

The C-5 Highway and Arterial Commercial District is intended to provide areas in which the principal use of land is devoted to commercial establishments which cater specifically to motor-vehicle-oriented trade. It is further intended to provide appropriate space and sufficient depth from the street to provide for the orderly development and concentration of appropriate highway and arterial commercial uses at suitable locations, and to encourage the clustered development of such uses to minimize traffic hazards and interference with other uses in the vicinity, rather than to encourage the spread of strip commercial development.

3.3.25 – M-1 LIGHT INDUSTRIAL DISTRICT

The M-1 Light Industrial District is established to provide areas 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 permitted uses are conducted so that most of the noise, odor, dust, and glare of each operation is confined within an enclosed building. These industries may require direct access to rail or street transportation routes; however, the size and volume of the raw materials and finished products involved should not produce the volume of freight generated by uses of the heavy industrial district. These regulations are intended to prevent friction between uses within the district and also between adjoining commercial or residential uses.

3.3.26 – M-2 GENERAL INDUSTRIAL DISTRICT

The M-2 General Industrial District is established to provide areas in which the principal use of the land is for manufacturing, and other heavy industrial uses that could possibly have an adverse

effect on surrounding property. Such uses are not properly associated with nor compatible with residential, institutional, retail business, or light industrial uses. As such, these uses are intended to be confined to a specific location or area where their existence will not adversely affect surrounding uses.

3.4 LAND USE TABLES

3.4.1 EXLANATION OF LAND USE TABLES

The symbols shown below are utilized in the following land use tables in conjunction with the zone districts established by this Ordinance and the land uses associated with those districts.

P - Permitted by right. These uses are permitted by right subject to compliance with all other applicable provisions of this Ordinance.

PC - Permitted with conditions. These uses are permitted subject to compliance with Section 5.1 and with all other applicable provisions of this Ordinance.

PR - Permitted on review. These uses are permitted subject to compliance with Section 5.2 and with all other applicable provisions of this Ordinance.

A - Accessory uses. These uses are permitted subject to compliance with Section 5.3 and with all other applicable provisions of this Ordinance.

3.4.2 PROHIBITED USES

A cell vacant of any of the symbols listed in Section 3.4.1 indicated that the listed use is prohibited within the corresponding zone district.

3.4.3 USES NOT LISTED IN TABLES

The Building Official, in consultation with the Regional Planning Commission, is authorized to determine the appropriate placement of any new use or use not listed in the Land Use Table according to the most comparable land use classification established by this Ordinance.

3.4.4 AGRICULTURAL USES

Uses	Agricultural		Residential														Inst-Civic	Office		Commercial						Industrial	
	AG	AGC	E1	R1	R1A	R2	R2A	R2D	R3	R4	R5	RM1	R6	PUD	MLUD	MHP	IC	O-1	OP	CBD	C1	C2	C3	C4	C5	M1	M2
Agricultural Arenas		P																									
Agricultural Retail	PC	P																									
Agricultural uses (Customary)	PC	P	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Fish Farm	PC	P																									
Riding Academy/Commercial Stable	PC	P																									
Roadside Stands	PC	P	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Stock Yard		PR																									

Table 3.4.4

P = Permitted

PC = Permitted with Conditions

PR = Permitted on Review

A = Accessory

3.4.5 COMMERCIAL USES

Uses	Agricultural			Residential												Inst.-Civic	Office		Commercial						Industrial	
	AG	AGC	E1	R1	R1A	R2	R2A	R2D	R3	R4	R5	RM1	R6	PUD	MLUD	MHP	IC	O1	OP	CBD	C1	C2	C3	C4	C5	M1	M2
Adult Oriented Establishment																									PC		
Alcohol Distillery, Micro		PC												P	P					P		P	P	P	P	PR	
Animal Shelter		PC																							PC	PC	PC
Antique Shop/Dealers															P					P	P	P	P		P		
Apparel Shop															P					P	P	P	P		P		
Art Gallery															P					P	P	P	P		P		
Assembly/Civic Hall		P												A	PR		PR			PR		P	P	P	P		
ATM															P		P	P	P	P	P	P	P	P	P	P	P
Auction House (No livestock)																				P		P	P		P		
Automobile Parking (Commercial)															P		P	P		P		P	P	P	P	P	P
Automobile Parts Sales (No Outside Storage or Display)																				P		P	P	P	P		
Automobile Parts Sales (With Outside Storage or Display)																								P	P		
Automobile Rentals																								P	P		
Automotive Repair Service, Major																								P	P		
Automobile Repair Service, Minor																						P		P	P		
Automobile Sales																									P		

Table 3.4.5

P = Permitted

PC = Permitted with Conditions

PR = Permitted on Review

A = Accessory

3.4.5 COMMERCIAL USES, CONTINUED

Uses	Agricultural		Residential														Inst.-Civic	Office		Commercial						Industrial	
	AG	AGC	E1	R1	R1A	R2	R2A	R2D	R3	R4	R5	RM1	R6	PUD	MLUD	MHP	IC	O1	OP	CBD	C1	C2	C3	C4	C5	M1	M2
Bakery-Retail															P					P	P	P	P	P	P		
Bar or Nightclub															P					P		P	P	P	P		
Barber and Beauty Shops															P					P	P	P	P	A	P		
Boat Dealers																									P		
Boat Repair and Service																								P	P		
Brewery, Micro		PC												P	P					P		P	P	P	P	PR	
Brewpub														P	P					P		P	P	P	P		
Building Contractor Supply/Showroom																						P			P	P	P
Bus and Truck Service																								P	P	P	
Cabinet and Counter Top Sales (Retail)																						P	P		P	P	
Café/Coffee Shop														A	P		A			P	P	P	P	P	P		
Camera, Photographic Supply, Film Developing (Retail)															P					P	P	P	P		P		
Car Wash																						P		P	P		
Carpet and Upholstery Cleaning																						P			P		
Catering Service															P					P	P	P	P	P	P		
Cellular Phone Sales and Service															P					P		P	P	P	P		

Table 3.4.5

P = Permitted

PC = Permitted with Conditions

PR = Permitted on Review

A = Accessory

3.4.5 COMMERCIAL USES, CONTINUED

Uses	Agricultural		Residential														Inst.-Civic	Office		Commercial						Industrial	
	AG	AGC	E1	R1	R1A	R2	R2A	R2D	R3	R4	R5	RM1	R6	PUD	MLUD	MHP	IC	O1	OP	CBD	C1	C2	C3	C4	C5	M1	M2
Check Cashing															P					P		P			P		
Child Care Facility										PR				A	PR		PR	PR		PR	P	P	P		P	PC	PC
Cigar Bar																				P		P	P	P	P		
Consignment Store																				P	P	P	P		P		
Convenience Store															PC					P	P	P	P	P	P		
Crematory																				P		P			P		
Drive-Through Window Service																					PC	PC	PC	PC	PC		
Drug Store															P					P	P	P	P	P	P		
Exterminating Company		P																				P			P		
Farm/Garden Machinery and Equipment Sales and Repair		P																							P		
Feed/Seed Store		P																				P			P		
Flea/Open Air Market		PC																							PC		
Florist (Retail)															P		A			P	P	P	P	A	P		
Funeral Home and Mortuary																				P		P			P		
Furniture and Appliance Store															P					P		P	P		P		
Gift or Card Shop														A	P		A			P	P	P	P	A	P		
Grocery Store/Supermarket															P					P	PC	P	P	P	P		
Heavy Equipment Sales		P																							P	P	P

Table 3.4.5

P = Permitted

PC = Permitted with Conditions

PR = Permitted on Review

A = Accessory

3.4.5 COMMERCIAL USES, CONTINUED

Uses	Agricultural		Residential														Inst.-Civic	Office		Commercial						Industrial	
	AG	AGC	E1	R1	R1A	R2	R2A	R2D	R3	R4	R5	RM1	R6	PUD	MLUD	MHP	IC	O1	OP	CBD	C1	C2	C3	C4	C5	M1	M2
Home Improvement Sales																						P	P		P		
Hotel/Motel																				P				P	P		
Jewelry Store															P		A			P	P	P	P	A	P		
Kennel, Breeding		P																				PC			P		
Kennel, Boarding		P																				PC		PC	P		
Laundromat/Dry-Cleaning															P					P	P	P	P	P	P		
Liquor Sales															P					P	P	P	P	P	P		
Manufactured Home Sales																									P	P	
Meat/Fish Market															P					P	PC	P	P		P		
Mobile Storage Unit																									P	P	P
Multi-Media Production																		P		P		P	P		P		
Nursery		P																				P	A		P		
Office Equipment Sales															P					P		P	P		P		
Pawn Shops															P					P		P			P		
Personal Care Services															P		A			P	P	P	P	A	P		
Pet Shops															P					P	P	P	P		P		
Pharmacy															P		A	P		P	P	P	P	P	P		
Photographic Studio															P			P	P	P		P	P		P		
Print/Copy Shop															P					P		P	P		P		
Repair Services															PC					P	P	P	P		P		
Restaurant/Fast Food															PC		A			PC	P	P	P	P	P	A	A

Table 3.4.5

P = Permitted

PC = Permitted with Conditions

PR = Permitted on Review

A = Accessory

3.4.5 COMMERCIAL USES, CONTINUED

Uses	Agricultural		Residential														Inst.-Civic	Office		Commercial						Industrial	
	AG	AGC	E1	R1	R1A	R2	R2A	R2D	R3	R4	R5	RM1	R6	PUD	MLUD	MHP	IC	O1	OP	CBD	C1	C2	C3	C4	C5	M1	M2
Restaurant/Full Service															P		A			P	P	P	P	P	P	A	A
Retail														A	P		A	A		P	PC	P	P	P	P	PC	PC
Seamstress/ Dressmaker/ Tailor															P					P	P	P	P		P		
Self Service Storage/Mini																									P	P	P
Shoe Repair															P					P	P	P	P		P		
Shoe Store															P					P	P	P	P		P		
Smoke Shop																									PC		
Stone Monument Sales																									P		
Tattoo Parlor															P					P		P			P		
Taxi Cab Business																				P				P	P		
Taxidermy		P																				P			P		
Tire Recapping																									PC	P	P
Tow-In-Lots																									PC	PC	PC
Winery	PC	P																						P	P	P	
Wrecker Service																								PC	PC	PC	PC

Table 3.4.5

P = Permitted

PC = Permitted with Conditions

PR = Permitted on Review

A = Accessory

3.4.6 EDUCATIONAL USES

Uses	Agricultural		Residential														Inst.-Civic	Office		Commercial						Industrial	
	AG	AGC	E1	R1	R1A	R2	R2A	R2D	R3	R4	R5	RM1	R6	PUD	MLUD	MHP	IC	O1	OP	CBD	C1	C2	C3	C4	C5	M1	M2
Business School															P		P	P		P		P			P		
College or University															P		P			P							
Elementary, Middle & High School	PR		PR	PR	PR	PR	PR	PR	PR	PR	PR			P	P		P	P		P	P	P			P		
Dormitory															A		A			P							
Fraternal Organizations															A		A			P							
Fraternity/Sorority House										PR					A		PR			PR							
Vocational School															P		P	P		P		P			P	P	P

Table 3.4.6

P = Permitted

PC = Permitted with Conditions

PR = Permitted on Review

A = Accessory

3.4.7 INDUSTRIAL USES

Uses	Agricultural		Residential														Inst.-Civic	Office		Commercial						Industrial	
	AG	AGC	E1	R1	R1A	R2	R2A	R2D	R3	R4	R5	RM1	R6	PUD	MLUD	MHP	IC	O1	OP	CBD	C1	C2	C3	C4	C5	M1	M2
Acid Manufacture																											PR
Adhesives and Sealants Manufacture																											P
Aircraft Parts Manufacture																										PC	P
Airplane Manufacture																											P
Alcohol Distillery, Large		PC																								PR	PR
Animal Slaughtering and Processing																											PR
Asphalt Paving /Mixing Manufacture																											P
Automobile Assembly																											P
Automobile Parts Manufacture																										PC	P
Awning Manufacture, Cloth, Metal and Wood																										PC	P
Barge Port																											P
Brewery		PC																								PR	PR
Cabinet and Countertop Manufacturing																										PC	P
Cement Manufacture																											PR

Table 3.4.7

P = Permitted

PC = Permitted with Conditions

PR = Permitted on Review

A = Accessory

3.4.7 INDUSTRIAL USES, CONTINUED

Uses	Agricultural		Residential														Inst.-Civic	Office		Commercial						Industrial	
	AG	AGC	E1	R1	R1A	R2	R2A	R2D	R3	R4	R5	RM1	R6	PUD	MLUD	MHP	IC	O1	OP	CBD	C1	C2	C3	C4	C5	M1	M2
Ceramic Products Manufacture																											P
Chemicals Manufacture																											PR
Clothing Manufacture																										PC	P
Concrete Mixing and Batching Plant																											P
Construction Contractor with Storage Yard																										PC	P
Custom Manufacturing																										PC	P
Dairy Products Manufacture																											P
Electro Plating																										PC	P
Enameling and Painting																										PC	P
Engraving Plant																										PC	P
Flour and Grain Mills		PC																									P
Food Processing (Excluding Meat)																										PC	P
Footwear Manufacture																										PC	P
Foundry																											PR
Freight Transportation																								P	P	P	P
Fuel/Petroleum Distribution																											PR
Furniture Manufacturing																										PC	P

Table 3.4.7

P = Permitted

PC = Permitted with Conditions

PR = Permitted on Review

A = Accessory

3.4.7 INDUSTRIAL USES, CONTINUED

Uses	Agricultural		Residential														Inst.-Civic	Office		Commercial						Industrial	
	AG	AGC	E1	R1	R1A	R2	R2A	R2D	R3	R4	R5	RM1	R6	PUD	MLUD	MHP	IC	O1	OP	CBD	C1	C2	C3	C4	C5	M1	M2
Ironworks Manufacturing (Ornamental)																										PC	P
Laundry and Cleaning Plants																										PC	P
Lumber Mill																											P
Machine Shop																										PC	P
Marble Working and Finishing																										PC	P
Meat/Poultry Processing Plant																											PR
Mineral Extraction																											PR
Moving and Storage Company																										P	P
Optical Goods Manufacture																										PC	P
Paper Products and Box Manufacture																										PC	P
Plastic Products Molding, Casting and Shaping																										PC	P
Printing and Publishing Plant																										PC	P
Railroad Yard																										P	P
Research and Development Facility																										PR	P
Rock Quarries, Sand, Gravel and Earth Excavations																											PR
Salvage and Junk Yard																											PR

Table 3.4.7

P = Permitted

PC = Permitted with Conditions

PR = Permitted on Review

A = Accessory

3.4.7 INDUSTRIAL USES, CONTINUED

Uses	Agricultural		Residential														Inst.-Civic	Office		Commercial						Industrial	
	AG	AGC	E1	R1	R1A	R2	R2A	R2D	R3	R4	R5	RM1	R6	PUD	MLUD	MHP	IC	O1	OP	CBD	C1	C2	C3	C4	C5	M1	M2
Sheet Metal Shop																										PC	P
Stone Cutting or Crushing																											PR
Storage of Cement, Sands and Gravel																										PR	P
Storage of Used Lumber and Building Materials																										PR	P
Tobacco Processing or Treatment																											P
Warehouse																									P	P	P
Welding Shop																										PC	P
Wholesale Distribution																										PR	P

Table 3.4.7

P = Permitted

PC = Permitted with Conditions

PR = Permitted on Review

A = Accessory

3.4.8 INSTITUTIONAL USES

Uses	Agricultural		Residential														Inst.-Civic	Office		Commercial						Industrial	
	AG	AGC	E1	R1	R1A	R2	R2A	R2D	R3	R4	R5	RM1	R6	PUD	MLUD	MHP	IC	O1	OP	CBD	C1	C2	C3	C4	C5	M1	M2
Correctional Facility																	PR										
Cultural Center															P		P			P							
Group Home/Safe House										P					PR		P			PR		P			P		
Governmental Operations	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P
Homeless Shelter																	P			PR		PR		PR	PR	PR	PR
Monastery/Convent										P							P			P							
Orphanage										P							P			P							
Religious Institution	PR	P	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR		P	P		P	P	PR	P	P	P	P	P	P	P	
Soup Kitchen																	P			PR				PR	PR		

Table 3.4.8

P = Permitted

PC = Permitted with Conditions

PR = Permitted on Review

A = Accessory

3.4.9 MEDICAL USES

Uses	Agricultural		Residential														Inst.-Civic	Office		Commercial						Industrial	
	AG	AGC	E1	R1	R1A	R2	R2A	R2D	R3	R4	R5	RM1	R6	PUD	MLUD	MHP	IC	O1	OP	CBD	C1	C2	C3	C4	C5	M1	M2
Ambulance Service (Private)	**P**	**P**																**P**				**P**	**P**	**P**	**P**	**P**	**P**
Assisted Living Facility										**P**					**P**		**P**			**P**		**P**			**P**		
Hospital																	**P**					**P**		**P**	**P**		
Medical Appliance Sales															**P**					**P**		**P**	**P**		**P**		
Medical Office															**P**		**P**	**P**	**PC**	**P**	**P**	**P**	**P**	**P**	**P**		
Medical Lab															**P**		**P**	**P**	**PC**	**P**		**P**	**P**		**P**		
Nursing Home																	**P**					**P**			**P**		
Outpatient Clinic															**P**		**P**	**P**		**P**		**P**	**P**	**P**	**P**		
Residence For Handicapped (8 or more)										**P**							**P**			**P**							
Veterinary Clinic		**P**																**PC**	**PC**	**PC**	**P**	**P**	**P**	**P**	**P**		

Table 3.4.9

P = Permitted

PC = Permitted with Conditions

PR = Permitted on Review

A = Accessory

3.4.10 OFFICE USES

Uses	Agricultural		Residential														Inst.-Civic	Office		Commercial						Industrial	
	AG	AGC	E1	R1	R1A	R2	R2A	R2D	R3	R4	R5	RM1	R6	PUD	MLUD	MHP	IC	O1	OP	CBD	C1	C2	C3	C4	C5	M1	M2
Financial Institution															PC			P	P	P	P	P	P	P	P		
Leasing/Sales Office	PC		PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	A	PC	PC	PC		P	P	P	P	P	P		P	P	P
Professional and Business Office (excluding Medical)															P			P	P	P	P	P	P		P	PC	PC

Table 3.4.10

P = Permitted

PC = Permitted with Conditions

PR = Permitted on Review

A = Accessory

3.4.11 RECREATION AND ENTERTAINMENT USES

Uses	Agricultural		Residential														Inst.-Civic	Office		Commercial						Industrial	
	AG	AGC	E1	R1	R1A	R2	R2A	R2D	R3	R4	R5	RM1	R6	PUD	MLUD	MHP	IC	O1	OP	CBD	C1	C2	C3	C4	C5	M1	M2
Aquarium																	P			P				P	P		
Bowling Alley																				P					P		
Club, Private Membership														P	P					P		P	P	P	P		
Commercial Amusement (Indoor)															PC					P			P	P	P		
Commercial Amusement (Outside)																								P	P		
Country Club	PC		PC	PC	PC	PC	PC	PC	PC	PC	PC	PC		P	P	PC								PC	PC		
Driving Range																								P	P		
Fairground	PR	PR																							P		
Festival (Temporary)	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Golf Course	PC		PC	PC	PC	PC	PC	PC	PC	PC	PC			P	P	PC								PC	PC		
Greenway	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Gun Range (Indoor)																						PR			PR		
Health Club										A	A			A	P	A	P	A		P		P			P		
Marina		P												A	P										P		

Table 3.4.11

P = Permitted

PC = Permitted with Conditions

PR = Permitted on Review

A = Accessory

3.4.11 RECREATION AND ENTERTAINMENT USES, CONTINUED

Uses	Agricultural		Residential														Inst.-Civic	Office		Commercial						Industrial	
	AG	AGC	E1	R1	R1A	R2	R2A	R2D	R3	R4	R5	RM1	R6	PUD	MLUD	MHP	IC	O1	OP	CBD	C1	C2	C3	C4	C5	M1	M 2
Park and Playground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Racetrack		PR																							PR		
Recreational Campground	PR	P																									
Recreation Center										A	A			A	P	A	P	A		P					P		
Recreational Vehicles Park										PC														P	P		
Skating Rink																				P					P		
Stadium/Arena/Convention Center																				P				P	P		
Studios – Art, Dance, Music, Health, Massage	PR		PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR		P	PR	P			P	P	P	P		P		
Swimming Pools	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	P			A				A	P		
Swimming Pool/Bath House (Private Family)	A		A	A	A	A	A	A	A	A	A	A	A	A	A	A				A							
Theater, Drive-In																									PC		
Theater, Indoor																				P			P		P		
Zoo		PR																						P	P		

Table 3.4.11

P = Permitted

PC = Permitted with Conditions

PR = Permitted on Review

A = Accessory

3.4.12 RESIDENTIAL USES

Uses	Agricultural		Residential														Inst.-Civic	Office		Commercial						Industrial	
	AG	AGC	E1	R1	R1A	R2	R2A	R2D	R3	R4	R5	RM1	R6	PUD	MLUD	MHP	IC	O1	OP	CBD	C1	C2	C3	C4	C5	M1	M2
Bed and Breakfast	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC			PC														
Caretaker Residence	PC	PC																PC	P	PC	PC	PC	PC		PC	PC	PC
Family Day Care	PR		PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR											
Farm Worker Dwelling	PC		PC	PC																							
Garage/Carport	A		A	A	A	A	A	A	A	A	A	A	A	A	A	A			A	A							
Guest House	PR		PR	PR	PR	PR	PR				PR	PR	PR	PR	PR												
Hobby/Work Shop	A		A	A	A	A	A												A	A							
Home Occupation	PR		PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR			PR	PR							
Mobile Home Dwelling												P				P											
Mobile Home Park																P											
Multi-Family										P				P	P					PC		PC					
Parsonage	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			A	A							
Playhouses	A		A	A	A	A	A	A	A	A	A	A	A	A	A	A			A	A							
Single Family	P		P	P	P	P	P	PC	P	PC	P	P	P	P	P				P	PC							
Storage Shed (Residential)	A		A	A	A	A	A	A	A	A	A	A	A	A	A	A			A	A							
Tourist Home	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC			PC														
Townhouses										P	PC			P	P					PC		PC					
Two-Family								P	PC	PC				P	P					PC							
Three-Family									PC	P				P	P					PC							

Table 3.4.12

P = Permitted

PC = Permitted with Conditions

PR = Permitted on Review

A = Accessory

3.4.13 TRANSPORTATION USES

Uses	Agricultural		Residential														Inst.-Civic	Office		Commercial						Industrial	
	AG	AGC	E1	R1	R1A	R2	R2A	R2D	R3	R4	R5	RM1	R6	PUD	MLUD	MHP	IC	O1	OP	CBD	C1	C2	C3	C4	C5	M1	M2
Airports/Heliports (Public and Private)	PR																								PR	PR	PR
Bus Station																				P				P	P		
Helistop																	PR					PR		PR	PR	PR	PR
Landing Strip (Private)	PR	PR																									
Medical Helistop																	A					A		A	A		
Park and Ride Lot		P																						P	P	P	P
Railroad Station																				P				P	P		
Water Taxi Station																				P					P		

Table 3.4.13

P = Permitted

PC = Permitted with Conditions

PR = Permitted on Review

A = Accessory

3.4.14 UTILITY USES

Uses	Agricultural		Residential														Inst.-Civic	Office		Commercial						Industrial	
	AG	AGC	E1	R1	R1A	R2	R2A	R2D	R3	R4	R5	RM1	R6	PUD	MLUD	MHP	IC	O1	OP	CBD	C1	C2	C3	C4	C5	M1	M2
Power Plant																										P	P
Reservoir/Water Tank	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC	PC	PC	PC	PC	P	P	P	P	P	P
Solar Panels	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Utility Substations	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC	PC	PC	PC	PC	P	P	P	P	P	P
Waste Water Treatment	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR		PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR
Water Treatment Plant	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR		PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR
Water/Sewer Pump Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Windmills	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

Table 3.4.14

P = Permitted

PC = Permitted with Conditions

PR = Permitted on Review

A = Accessory

3.4.15 WASTE MANAGEMENT USES

Uses	Agricultural		Residential														Inst.-Civic	Office		Commercial						Industrial	
	AG	AGC	E1	R1	R1A	R2	R2A	R2D	R3	R4	R5	RM1	R6	PUD	MLUD	MHP	IC	O1	OP	CBD	C1	C2	C3	C4	C5	M1	M2
Convenience Center	PR	PR																							PR	P	P
Construction/Demolition Landfill																											PR
Medical Waste Facility																											PR
Processing Facility (Recyclables)																											P
Recycling/Collection Facilities (Small)		PC													PC						PC	PC	PC	PC	PC	PC	PC
Recycling/Collection Facilities (Large)		PC																								PC	PC
Sanitary Landfill																											PR
Waste Transfer Station																										PR	PR

Table 3.4.15

P = Permitted

PC = Permitted with Conditions

PR = Permitted on Review

A = Accessory

3.4.16 OTHER USES

Uses	Agricultural		Residential														Inst.-Civic	Office		Commercial						Industrial	
	AG	AGC	E1	R1	R1A	R2	R2A	R2D	R3	R4	R5	RM1	R6	PUD	MLUD	MHP	IC	O1	OP	CBD	C1	C2	C3	C4	C5	M1	M2
Amateur Radio	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Cell Centers																									P	P	P
Cemetery/Pet Cemetery	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC		
Communication Studios																		P		P	P	P	P	P	P		
Communication Towers	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Emergency Services	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR
Emergency Shelter	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A	A	A	A
Satellite Dishes	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Signs	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Temporary Building/Uses	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Tents	PC	PC																		PC	PC	PC	PC	PC	PC	PC	PC

Table 3.4.16

P = Permitted

PC = Permitted with Conditions

PR = Permitted on Review

A = Accessory

CHAPTER 4: DISTRICT BULK REGULATIONS AND EXCEPTIONS

Tables 4.1 through 4.8 establish site development standards by zone district and apply uniformly to all uses within the same zone district classification.

All applicable development shall comply with the standards established within this table unless otherwise expressly stated, or unless a different standard is required by an applicable overlay district.

TABLE 4.1 -- AGRICULTURE

ZONING	AG	AGC
Minimum/Maximum Area For New Zone District	N/A	N/A
Minimum Lot Area (See Section 4.1.3 For Exceptions		
• Dwelling and Accessories Thereto	1.5 acres (1)	N/A
• Other Principal Uses	1.5 acres	1.5 acres
Minimum Lot Width (At The Front Setback Line)		
• Dwellings and Accessories Thereto	120 feet	N/A
• Other Principal Uses	150 feet	120 feet
Minimum Frontage Requirement		
• All Uses (See Section 4.2)	50 feet	50 feet
Minimum Front Yard Setbacks (See Section 4.1.1 For Exceptions)		
• All Uses	40 feet	40 feet
Minimum Side Yard Setbacks (See Section 4.1.1. For Exceptions)		
• Dwellings (T = The Total for Both Side Yard Setbacks)	20 feet	20 feet
• Unattached Accessory Uses	20 feet	20 feet
• Other Principal Uses	20 feet	20 feet
Minimum Rear Yard Setbacks (See Section 4.1.1 For Exceptions)		
• Principal Uses	40 feet	40 feet
• Unattached Accessory Uses	10 feet	10 feet
Maximum Lot Coverage (All Combined Uses)	25 percent	40 percent
Maximum Height of Structures (See Section 4.1.2 for Exceptions		
• All Uses	35 feet (2)	35 feet (2)
Site Plan Required (See Section 5.10 For Site Plan Requirements)	No	Yes

NOTES:

(1) Only one (1) residential building per lot, except where a guest house is allowed;

(2) Unattached buildings of accessory use shall be no higher than principal structure or twenty-five (25) feet, whichever is greater.

TABLE 4.2 -- SINGLE FAMILY RESIDENTIAL

ZONING	E-1	R-1	R-1A	R-2	R-2A (7)
Minimum/Maximum Area For New Zone District	N/A	N/A	N/A	N/A	N/A
Minimum Lot Area (See Section 4.1.3 For Exceptions					
• Dwelling and Accessories Thereto	1 acre (1)	15,000 sq. ft. (1)	12,000 sq. ft. (1)	9,000 sq. ft. (1)	5,000 sq. ft. (1)
• Other Principal Uses	1.5 acres	1 acre	1 acre	30,000 sq. ft.	30,000 sq. ft.
Minimum Lot Width (At The Front Setback Line)					
• Dwellings and Accessories Thereto	120 feet	90 feet	80 feet	60 feet	40 feet
• Other Principal Uses	150 feet	150 feet	150 feet	120 feet	120 feet
Minimum Frontage Requirement					
• All Uses (See Section 4.2)	50 feet	25 feet	25 feet	25 feet	25 feet
Minimum Front Yard Setbacks (See Section 4.1.1 For Exceptions)					
• All Uses	40 feet	40 feet	40 feet	40 feet	30 feet
Minimum Side Yard Setbacks (See Section 4.1.1. For Exceptions)					
• Dwellings (T = The Total for Both Side Yard Setbacks)	20 feet	10 feet T=30 feet (3)	10 feet T=20 feet (3)	8 feet T=16 feet (3)	5 feet T=10 feet (3)
• Unattached Accessory Uses	10 feet	10 feet	10 feet	10 feet	5 feet
• Other Principal Uses	35 feet	25 feet	25 feet	20 feet	10 feet
Minimum Rear Yard Setbacks (See Section 4.1.1 For Exceptions)					
• Principal Uses	40 feet	25 feet	25 feet	25 feet	20 feet
• Unattached Accessory Uses	10 feet	10 feet	10 feet	10 feet	10 feet
Maximum Lot Coverage (All Combined Uses)	25 percent	40 percent	40 percent	40 percent	50 percent
Maximum Height of Structures (See Section 4.1.2 for Exceptions					
• All Uses	35 feet (2)	35 feet (2)	35 feet (2)	35 feet (2)	35 feet (2)
Site Plan Required (See Section 5.10 For Site Plan Requirements)	No	No	No	No	No

NOTES:

(1) Only one (1) residential building per lot, except where a guest house is allowed;
(2) Unattached buildings of accessory use shall be no higher than principal structure or twenty-five (25) feet, whichever is greater;
(3) To facilitate the use of side/rear entry garages, side yard setbacks can be reduced to a minimum of five (5) feet on one (1) side with the total required of the two sides being maintained.
(7) Sidewalks and/or curbing along street frontage may be required at the discretion of the Clarksville Street Department

TABLE 4.3 – SINGLE, TWO, THREE AND MULTI-FAMILY RESIDENTIAL

ZONING	R-2D (7)	R-3 (7)	R-4	R-5	R-6 (6)
Minimum/Maximum Area For New Zone District	N/A	N/A	2 acres minimum	2 acres minimum	N/A
Minimum Lot Area (See Section 4.1.3 For Exceptions					
• Dwelling and Accessories Thereto	10,000 sq. ft. (1)	3,500 sq. ft. (1)	11,000 sq. ft. (4)	5,500 sq. ft. (4)	2,500 sq. ft. (1), (4)
• Other Principal Uses	30,000 sq. ft.	30,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.	
Minimum Lot Width (At The Front Setback Line)					
• Dwellings and Accessories Thereto	50 feet	30 feet	90 feet	90 feet	25 feet
• Other Principal Uses	120 feet	100 feet	100 feet	100 feet	
Minimum Frontage Requirement					
• All Uses (See Section 4.2)	25 feet	20 feet	25 feet	25 feet	20 feet
Minimum Front Yard Setbacks (See Section 4.1.1 For Exceptions)					
• All Uses	20 feet	20 feet	40 feet	40 feet	20 feet
Minimum Side Yard Setbacks (See Section 4.1.1. For Exceptions)					
• Dwellings (T = The Total for Both Side Yard Setbacks)	5 feet	5 feet	10 feet	10 feet For the tract (5)	5 feet T=10 for both sides
• Unattached Accessory Uses	10 feet	10 feet	10 feet	10 feet	5 feet
• Other Principal Uses	25 feet	25 feet	25 feet	25 feet	10 feet
Minimum Rear Yard Setbacks (See Section 4.1.1 For Exceptions)					
• Principal Uses	20 feet	20 feet	25 feet	25 feet	20 feet
• Unattached Accessory Uses	10 feet	10 feet	10 feet	10 feet	10 feet
Maximum Lot Coverage (All Combined Uses)	50 percent	60 percent	50 percent	50 percent	60 percent
Maximum Height of Structures (See Section 4.1.2 for Exceptions					
• All Uses	35 feet (2)	35 feet (2)	N/A	N/A	45 feet
Site Plan Required (See Section 5.10 For Site Plan Requirements)	No	Yes	Yes	Yes	No

NOTES:

(1) Only one (1) residential building per lot, except where a guest house is allowed;
(2) Unattached buildings of accessory use shall be no higher than principal structure or twenty-five (25) feet, whichever is greater;
(3) To facilitate the use of side/rear entry garages, side yard setbacks can be reduced to a minimum of five (5) feet on one (1) side with the total required of the two sides being maintained;
(4) Maximum density of sixteen (16) units per acre is allowed;
(5) Plus one (1) additional foot for each five (5) feet of height for any structure exceeding thirty-five (35) feet in height.
(6) Sidewalks along street frontage are mandatory
(7) Sidewalks and/or curbing along street frontage may be required at the discretion of the Clarksville Street Department

TABLE 4.4 – MOBILE HOMES

ZONING	RM-1	MHP
Minimum/Maximum Area For New Zone District		5 acres minimum
Minimum Lot Area (See Section 4.1.3 For Exceptions		
• Dwelling and Accessories Thereto	12,500 sq. ft.(1)	See Section 5.5
• Other Principal Uses	12,500 sq. ft.	See Section 5.5
Minimum Lot Width (At The Front Setback Line)		
• Dwellings and Accessories Thereto	90 feet	See Section 5.5
• Other Principal Uses	90 feet	See Section 5.5
Minimum Frontage Requirement		
• All Uses (See Section 4.2)	25 feet	See Section 5.5
Minimum Front Yard Setbacks (See Section 4.1.1 For Exceptions)		
• All Uses	40 feet	See Section 5.5
Minimum Side Yard Setbacks (See Section 4.1.1. For Exceptions)		
• Dwellings (T = The Total for Both Side Yard Setbacks)	10 feet T=30 feet (3)	See Section 5.5
• Unattached Accessory Uses	10 feet	See Section 5.5
• Other Principal Uses	20 feet	See Section 5.5
Minimum Rear Yard Setbacks (See Section 4.1.1 For Exceptions)		
• Principal Uses	25 feet	See Section 5.5
• Unattached Accessory Uses	10 feet	See Section 5.5
Maximum Lot Coverage (All Combined Uses)	40 percent	See Section 5.5
Maximum Height of Structures (See Section 4.1.2 for Exceptions		
• All Uses	20 feet (2)	See Section 5.5
Site Plan Required (See Section 5.10 For Site Plan Requirements)	No	Yes

NOTES:

(1) Only one (1) residential building per lot, except where a guest house is allowed;
(2) Unattached buildings of accessory use shall be no higher than principal structure or twenty-five (25) feet, whichever is greater;
(3) To facilitate the use of side/rear entry garages, side yard setbacks can be reduced to a minimum of five (5) feet on one (1) side with the total required of the two sides being maintained.

TABLE 4.5 -- PUD AND MLUD

ZONING	PUD	MLUD
Minimum/Maximum Area For New Zone District	1 acre minimum	N/A
Minimum Lot Area (See Section 4.1.3 For Exceptions		
• Dwelling and Accessories Thereto	N/A	N/A
• Other Principal Uses	N/A	N/A
Minimum Lot Width (At The Front Setback Line)		
• Dwellings and Accessories Thereto	N/A	N/A
• Other Principal Uses	N/A	N/A
Minimum Frontage Requirement		
• All Uses (See Section 4.2)	25 feet	25 feet
Minimum Front Yard Setbacks (See Section 4.1.1 For Exceptions)		
• All Uses	20 feet	30 feet
Minimum Side Yard Setbacks (See Section 4.1.1. For Exceptions)		
• Dwellings (T = The Total for Both Side Yard Setbacks)	5 feet for subject tract	15 feet for subject tract
• Unattached Accessory Uses	5 feet	N/A
• Other Principal Uses	5 feet	N/A
Minimum Rear Yard Setbacks (See Section 4.1.1 For Exceptions)		
• Principal Uses	10 feet	25 feet for subject tract
• Unattached Accessory Uses	10 feet	N/A
Maximum Lot Coverage (All Combined Uses)	N/A	N/A
Maximum Height of Structures (See Section 4.1.2 for Exceptions		
• All Uses	See Section 5.6	N/A
Site Plan Required (See Section 5.10 For Site Plan Requirements)	Yes	Yes
NOTES: (1) Only one (1) residential building per lot, except where a guest house is allowed; (2) Unattached buildings of accessory use shall be no higher than principal structure or twenty-five (25) feet, whichever is greater; (3) To facilitate the use of side/rear entry garages, side yard setbacks can be reduced to a minimum of five (5) feet on one (1) side with the total required of the two sides being maintained.		

TABLE 4.6 -- INSTITUTIONAL, OFFICE AND CENTRAL BUSINESS DISTRICT

ZONING	IC	O-1	OP	CBD
Minimum/Maximum Area For New Zone District	1 acre minimum	1 acre minimum	N/A	N/A
Minimum Lot Area (See Section 4.1.3 For Exceptions				
• Dwelling and Accessories Thereto	N/A	N/A	N/A	N/A
• Other Principal Uses	N/A	N/A	N/A	N/A
Minimum Lot Width (At The Front Setback Line)				
• Dwellings and Accessories Thereto	N/A	N/A	75 feet	N/A
• Other Principal Uses	N/A	N/A	N/A	N/A
Minimum Frontage Requirement				
• All Uses (See Section 4.2)	15 feet	15 feet	15 feet	15 feet
Minimum Front Yard Setbacks (See Section 4.1.1 For Exceptions)				
• All Uses	40 feet	40 feet	40 feet	See Section 4.1.1
Minimum Side Yard Setbacks (See Section 4.1.1. For Exceptions)				
• All Uses	15 feet (1)	15 feet (1)	15 feet (1)	N/A
Minimum Rear Yard Setbacks (See Section 4.1.1 For Exceptions)				
• All Uses	25 feet	25 feet	25 feet	N/A (2)
Maximum Lot Coverage (All Combined Uses)	40 percent	40 percent	40 percent	N/A
Maximum Height of Structures (See Section 4.1.2 for Exceptions				
• All Uses	35 feet	35 feet	35 feet	75 feet
Site Plan Required (See Section 5.10 For Site Plan Requirements)	Yes	Yes	Yes	Yes
NOTES: (1) Twenty (20) feet minimum setback if adjoining a residential district; (2) Twenty-five (25) feet adjoining a residential district.				

TABLE 4.7 -- COMMERCIAL

ZONING	C-1	C-2	C-3	C-4	C-5
Minimum/Maximum Area For New Zone District	2 acres maximum	N/A	2 acres minimum	2 acres minimum	N/A
Minimum Lot Area (See Section 4.1.3 For Exceptions					
• All Uses	5,000 sq. ft.	N/A (3)	N/A	10,000 sq. ft.	10,000 sq. ft.
Minimum Lot Width (At The Front Setback Line)					
• All Uses	50 feet	N/A	N/A	N/A	75 feet
Minimum Frontage Requirement					
• All Uses (See Section 4.2)	15 feet	15 feet	15 feet	15 feet	15 feet
Minimum Front Yard Setbacks (See Section 4.1.1 For Exceptions)					
• All Uses	40 feet	40 feet	50 feet	50 feet	50 feet
Minimum Side Yard Setbacks (See Section 4.1.1. For Exceptions)					
• All Uses	N/A (1)	N/A (1)	N/A (2)	25 feet (2)	15 feet (1)
Minimum Rear Yard Setbacks (See Section 4.1.1 For Exceptions)					
• All Uses	25 feet	25 feet	25 feet	30 feet (2)	25 feet
Maximum Lot Coverage (All Combined Uses)	60 percent	N/A	40 percent	40 percent	40 percent
Maximum Height of Structures (See Section 4.1.2 for Exceptions					
• All Uses	35 feet	55 feet	45 feet	N/A	35 feet
Site Plan Required (See Section 5.10 For Site Plan Requirements)	Yes	Yes	Yes	Yes	Yes

NOTES:

(1) Twenty-five (25) feet adjoining a residential district;
(2) Forty (40) feet if adjoining a residential district.
(3) Maximum density of sixteen (16) dwelling units per gross acre for the tract ignoring any portion of the tract (lot or parcel) coverage used for non-residential purposes. The dwellings units may be in the same or separate structures as non-residential uses.

TABLE 4.8 -- INDUSTRIAL

ZONING	M-1	M-2
Minimum/Maximum Area For New Zone District	1 acre minimum	10 acres minimum
Minimum Lot Area (See Section 4.1.3 For Exceptions)		
• All Uses	N/A	N/A
Minimum Lot Width (At The Front Setback Line)		
• All Uses	N/A	N/A
Minimum Frontage Requirement		
• All Uses	15 feet	15 feet
Minimum Front Yard Setbacks (See Section 4.1.1 For Exceptions)		
• All Uses	40 feet	40 feet
Minimum Side Yard Setbacks (See Section 4.1.1. For Exceptions)		
• All Uses	15 feet (2)	50 feet (3)
Minimum Rear Yard Setbacks (See Section 4.1.1 For Exceptions)		
• All Uses	20 feet (1)	30 feet (2 and 4)
Maximum Lot Coverage (All Combined Uses)	N/A	N/A
Maximum Height of Structures (See Section 4.1.2 for Exceptions		
• All Uses	60 feet	70 feet
Site Plan Required (See Section 5.10 For Site Plan Requirements)	Yes	Yes
NOTES: (1) Twenty-five (25) feet if adjoining a residential district; (2) None required if abutting a railroad or spur; (3) Twenty-five (25) feet required for office buildings; (4) Fifty (50) feet if adjoining a residential district.		

4.1 EXCEPTIONS FOR DISTRICT BULK REGULATIONS

4.1.1 BUILDING SETBACK EXCEPTIONS

Exceptions for All Zoning Districts:

The following requirements are intended to provide exceptions to and supplement the specific bulk regulations set forth in Chapter 4 herein:

1. No yard, open space, or lot area required for a building or structure shall, during its life, be occupied by, or counted as open space for, any other building or structure.
2. The following shall be allowed to project or be constructed in any required yard or beyond the building setback line subject to the limitations set forth hereunder.

    A. Awnings and canopies, not to exceed three (3) feet.
    B. Bay windows and chimneys, not to exceed four (4) feet.
    C. Fences, walls, hedges, subject to the regulations as set forth herein.
    D. Flagpoles.
    E. Landscape features, planting boxes, and recreational equipment.
    F. Overhanging roof, eaves, gutters, cornices, or other architectural features, not to exceed three (3) feet. Open fire escapes may extend into any required yard not more than six (6) feet.
    G. Porches and steps not to exceed six (6) feet.
    H. Benches, shelters, or other similar equipment or facilities utilized in conjunction with a public transportation system.
    I. Utility poles and boxes, fire hydrants, pump shelters, and other similar and related utility structures.
    J. Gasoline pumps, to include canopy coverings, may be placed no less than fifteen (15) feet from the street right-of-way. All other required side and rear yard requirements must be met. Gasoline canopies shall be placed at least ten (10) feet above grade.

3. The following regulations provide for the maximum safety of persons and for prevention of obstructions to vision at street intersections:
    A. On a corner lot, within the area formed by the center line of intersection or intercepting streets, and a line joining points on the center lines at a distance from their intersection as provided below, there shall be no fence, wall, structure and/or vegetation, which materially impedes vision, higher than three and one-half (3 1/2) feet, except in case of a retaining wall, nor any obstruction to vision between the height of three and one-half (3 1/2) feet and a height of ten (10) feet above the average elevation of the existing surfaces of each street at the center line thereof:
        I. In all residential districts, one hundred (100) feet.
        II. In all other districts, except in the Central Business District, eighty (80) feet.
        III. Specific sight triangle standards regulating the placement of required landscape plantings are described in Chapter 7, Landscape, Buffering and Screening Requirements.

B. In any required front yard, except as provided in paragraph (A) above, no fence, wall, hedge, or yard ornament shall be permitted which materially impedes vision across such yard above the height of three and one-half (3 1/2) feet.

4. The following is to clarify certain conditions pertaining to the use of lots and access points.
   A. In residential districts, if the majority of buildings on a block face have a front yard greater or lesser in depth than the district required, new buildings may be erected closer to or farther from the street line than the minimum setback as established by the majority of existing buildings; but this regulation shall not require a front yard of greater than fifty (50) feet.
   B. Double frontage or through lots shall provide the required front yard setbacks along both streets.
   C. Corner lots shall have additional width sufficient to provide equal building setback lines from front and side streets. However, residentially zoned corner lots shall provide any increased front yard setback required along state or federal highways, but may provide the normal front yard setback as stated within their respective sections from intersecting local streets. All buildings located on corner lots shall provide a front and side yard setback only.
   D. Accessory buildings shall not be located in any required yard.
   E. Except where greater front yard setbacks are specified in other chapters of this Ordinance, all new structures shall be set back from all government maintained roads and highways a minimum distance as follows, the term "structures" being defined elsewhere:
      I. Where property adjoins a state or federal highway, the setback shall be at least one hundred (100) feet from the center line of the existing right-of-way, or at least fifty (50) feet from the existing near right-of-way line, whichever provides the greater setback from the highway.
      II. With the exception of the CBD, MLUD and the PUD districts, where property adjoins a road maintained solely by the City, the setback shall be at least sixty (60) feet from the center line of the existing City right-of-way, or at least forty (40) feet from the existing near right-of-way line, whichever provides the greater setback from the City maintained road or highway. Front yard setbacks in the CBD, MLUD and PUD shall be controlled by setbacks as stated within their respective sections.
      III. With the exception of highways or roads as described in Subparagraphs (I) and (II) above, in R-1 Single Family Residential Districts, R-1A Single Family Residential Districts, RM-1 Single Family Mobile Home Residential Districts, R-2 and R-2A Single Family Residential Districts, the following setbacks shall apply: Structures on property which adjoin a highway or road which has been dedicated through the subdivision process and approved by the Regional Planning Commission shall have a front yard minimum setback line of thirty (30) feet from the existing near right-of-way line.
   F. During any public function, festival, street fair or other similar celebration conducted pursuant to Section 5-1002 of the City Code, that area of any government-maintained road or highway which has been closed to traffic for the event shall not be included in calculating the setbacks required by this title.

Additionally, setback requirements off of Riverside Drive shall not apply during any such function held at McGregor Park or any other portion of the River Walk; provided, however, that no structure shall be located in such proximity to Riverside Drive so as to create a safety hazard.

G. Greater setbacks may be required in order to meet the requirements of Chapter 7, Landscape, Buffering and Screening Requirements. In such cases, the greater of the two will prevail and take precedence.

H. If right-of-way (ROW) is dedicated through the Subdivision process that would increase the setbacks (MBSL) of adjacent lots, tracts, and parcels, the front and side street MBSL of those existing properties shall remain the same as they were prior to the ROW dedication for the purpose of site plan or building permit. Any subdivision of the existing adjacent lots, tracts, and parcels shall require full compliance with Chapter 4 District Bulk Regulations and Exceptions as outlined in the Clarksville Zoning Ordinance or Montgomery County Zoning Resolution.

Central Business District Exceptions:

1. Front yard:

   A. On parcels where structures existed prior to January 22, 1999, structures may be built to the front property line or to the near edge of any existing sidewalk which fronted the property on the above date, whichever provides for the greater setback.

   B. On parcels where structures did not exist prior to January 22, 1999, the front setback shall be the greater of the following:

      I. The front property line.

      II. The near edge of any existing sidewalk, or

      III. Eight (8) feet from the top of the vertical face of the street side of any existing curb, or if curbs do not exist, from the near edge of existing street pavement.

R-2A Dense Single Family District Additional Exceptions:

Exceptions in addition to those applicable to all Zoning Districts:

1. If rear access is provided with two (2) off-street parking spaces, the front yard setback may be reduced to ten (10) feet provided yard intrusions listed above do not encroach into the sidewalk or public utility and drainage easements.
2. Where the intersection is controlled by a stop sign or traffic signal, the City Street Department may reduce the clear sight distance vision triangle requirements for the front yard and street side yard.

R-6 Single Family District Additional Exceptions:

Exceptions in addition to those applicable to all Zoning Districts:

1. If rear access is provided with two (2) off-street parking spaces, the front yard setback may be reduced to zero (0) provided yard intrusions listed above do not encroach into the sidewalk or public utility and drainage easements.
2. Where the intersection is controlled by a stop sign or traffic signal, the City Street Department may reduce the clear sight distance vision triangle requirements for the front yard and street side yard.

4.1.2 HEIGHT EXCEPTIONS

The following requirements are intended to provide exceptions or qualify and supplement the specific regulations set forth in this Ordinance. None of these exceptions, however, shall apply in the Airport Overlay District.

1. In measuring heights, a basement or attic shall be counted as a story.
2. The following structures or parts thereof are hereby exempt from the height limitations set forth in the zoning districts:
    A. Agricultural buildings, barns, silos, windmills, but not including dwellings.
    B. Chimneys, smokestacks, spires, flagpoles, ventilators, skylights, derricks, conveyors, and cooling towers.
    C. Cellular towers, radio and television antennae and towers, observation towers, and power transmission towers directly related or accessory to governmental operations or commercial businesses and broadcasting or television stations.
    D. Water tanks and standpipes.
    E. Other similar and necessary mechanical appurtenances pertaining to and necessary to the permitted uses of the districts in which they are located.
3. Churches, schools, hospitals, sanitariums, and other public buildings may exceed the height limitations of the district if the minimum depth of the front, side, and rear yards required in the district is increased one (1) foot for each two (2) feet by which the height of such public or semipublic structure exceeds the prescribed height limit
4. Notwithstanding the exceptions provided in this section, height regulations contained in the airport district must be complied with by all structures and buildings.
5. Exceptions to the height limitations required in the various zone districts may be granted by the Board of Zoning Appeals upon formal review and approval of specific design plans.

4.1.3 AREA REQUIREMENTS FOR LOTS WITHOUT SANITARY SEWER

For those areas not served by a sanitary sewer system, the lot area requirements shall be determined by the Division of Ground Water, but in no case shall be less than the minimum area required in the district in which it is located.

4.2 MINIMUM FRONTAGE REQUIREMENTS

4.2.1 MINIMUM FRONTAGE REQUIREMENTS

1. No Building shall be erected on any lot unless one of the following criteria are met:
    A. The street giving access to the lot has received the legal status of a public street prior to that time;
    B. The street corresponds in its location and lines with a street as shown on a subdivision plat approved by the Clarksville-Montgomery County Regional Planning Commission, or a street plat made and adopted by the Regional Planning Commission;
    C. The lot fronts along an acceptable easement (permanent, travel, or residential common access) which conforms to all rules, regulations and specifications applicable to said easement as controlled by the Subdivision Regulations for Clarksville and Montgomery County. Such easements shall have access to an existing public street and shall have been approved by the Regional Planning Commission. For single family residential lots utilizing a shared driveway easement a recorded easement with attached visual depiction will be required for permitting.;
    D. Travel Easements may be utilized within the following zoning classifications: IC, O-1, C-1, C-2, C-3, C-4, C-5, M-1, M-2, and R-4. The travel easement shall be platted and approved by the Regional Planning Commission in accordance with the adopted Subdivision Regulations for Clarksville and Montgomery County.
        I. The Planning Commission staff shall consider such factors as circulation (vehicular and pedestrian), access, ingress and egress, parking, as well as maintenance of said easement and other subdivision and zoning requirements of any lots(s) affected by said easement(s). The Planning Director shall have the authorization to determine whether such travel easement may be utilized within a development.
        II. The parcels involved in the easement agreement shall be served internally by a common parking lot, no parking shall be allowed in said easement.
        III. Site plan shall be submitted prior to, or concurrently with the platting of lots being served by said travel easement.
        IV. All travel easements shall have direct usable access to a public right-of-way.
2. The above required frontage shall be usable as driveway access to the lot.
3. The required minimum road frontage width shall be maintained the entire distance from the road/access point to the building site of each lot.

4.3 FIRE RATING FOR EXTERIOR WALLS

Exterior walls of any structure used for residential purposes, located within eight (8) feet or less from any property line, shall have a water/fire resistant gypsum wall board of a minimum 5/8" Type X (or equivalent) on the outside of the exterior wall. This wall board will serve as an underlayment for the exterior siding material. Homes that have continuous exterior soffits shall have the wall board run continuous to the roof deck with fire blocking and be sealed against the deck to prevent the movement of air into the attic space. Gable end vents are prohibited. All other

ventilation requirements shall meet the current adopted Building Code. These requirements apply notwithstanding any provision of the current adopted Building Code to the contrary. Variances from this Section shall not be granted by the Board of Zoning Appeals.

CHAPTER 5: LAND USE DEVELOPMENT STANDARDS AND PROCEDURES

5.1 STANDARDS FOR USES PERMITTED WITH CONDITIONS (PC)

Uses Permitted with Conditions are designated on the Zoning District Land Use Table as (PC). The following sections will provide criteria for uses permitted with conditions in each zone. The criteria may be reviewed through several processes including but not limited to Site Review, Staff Level Review, and/or review by the Building Official. Once approved through the appropriate process, and a determination has been made that the proposal meets all other requirements of this Ordinance, then the use shall be deemed permitted.

5.1.1 AGRICULTURAL USES PERMITTED WITH CONDITIONS (PC)

Subject to the procedures outlined in Chapter 5.1: Procedures For Uses Permitted With Conditions, the applicant also must meet the following requirements:

Agricultural Retail:

1. Only farm products grown on the premises and other related products may be offered for sale. The joint use of farm stands by multiple producers is allowed.
2. The retail activity shall be subordinate to the agricultural activity on-site.
3. Adequate parking shall be provided on the site which the retail activity is being conducted.

Agricultural Uses (Customary);

1. No part of any building and/or structure in which animals are housed shall be closer than two hundred (200) feet from any property line.
2. All livestock shall be enclosed by appropriate fencing.
3. Beekeeping activities shall be conducted in accordance and in compliance with state law of general application, to include regulations promulgated by the Tennessee Department of Agriculture, including the "Honey Bee Best Management Policy and Practices" issued by the Tennessee Department of Agriculture (Apiary Section) as may be amended from time to time.

Fish Farm:

1. On-site consumption of products raised or produced on the farm is prohibited.
2. One structure not to exceed fifteen hundred (1500) square feet is permitted for this use.
3. Adequate parking shall be provided on the site.

Riding Academy/Commercial Stable:

1. No part of any riding ring, building and/or structure in which animals are housed shall be closer than two hundred (200) feet from any property line.
2. All horses shall be enclosed by appropriate fencing.
3. A minimum of five (5) acres shall be required.

Roadside Stands:

1. Roadside stands offering for sale farm products grown on the premises and other related products are allowed, provided that adequate parking spaces are provided and no traffic hazards are created.

5.1.2 COMMERCIAL USES PERMITTED WITH CONDITIONS (PC)

Subject to the procedures outlined in Chapter 5.1: Procedures For Uses Permitted With Conditions, the applicant also must meet the following requirements:

Adult Oriented Establishments:

1. Adult-oriented business establishments, as defined in Section 2.2 of this Ordinance shall be subject to the following additional restrictions:
   A. No adult-oriented establishment shall be operated or maintained in the city within fifteen hundred (1,500) feet, measured from property line to property line, of a school, church, public recreation facility, or day care facility.
   B. No adult-oriented establishment shall be operated or maintained in the city within one thousand (1,000) feet, measured from property line to property line, of a boundary of a zoning district which allows residential uses or a lot devoted to residential use.
   C. No adult-oriented business establishment shall be operated or maintained in the city within one thousand (1,000) feet, measured from property line to property line, of another adult-oriented business establishment.

Animal Shelter:

1. All animals shall be kept inside soundproof air-conditioned buildings.
2. No outdoor kennels are permitted.
3. No part of any building or structure in which animals are housed shall be closer than two-hundred and fifty (250) feet from any residential zone district or district permitting residential uses.

Child Care Facility: (Industrial)

1. To serve employees of the industrial uses located on the lot or within an Industrial Park.
2. In industrial zone districts where the property in question is adjacent to a residential district or district allowing residential uses, the side and rear yard setback requirements of the adjoining zone district shall apply.

Convenience Store:

1. Gas pumps are prohibited within this zoning district.

Drive-Through Window Service:

1. Drive-Through lane shall be designed so that it does not restrict the flow of traffic entering or within the parking lot.
2. Adequate automobile stacking spaces are required on site and shall be arranged so that no vehicle stacking area shall cause automobiles to queue within public rights-of-way.
3. Drive-Through windows and lanes shall be located to the side or rear of the structure.

Flea/Open Air Markets:

1. Each open-air market shall provide bathroom facilities in accordance with the most recent adopted Standard Plumbing Code for mercantile occupancies. (Calculations shall be made using the gross square footage of the sales area as designated on the site plan.)
2. Permanent bathroom facilities shall be provided.
3. No person, including but not limited to open-air market promoter, operator, owner, employee, manager or vendor, shall be allowed to camp or reside overnight with or without a recreational vehicle, tent, vehicle or other structure at an open-air market, except that the owner may allow no more than two (2) overnight security personnel who may be either the owner or agent of the owner.
4. All sales areas shall be permanently covered by a roof and completely floored by a concrete floor of minimum thickness of four (4) inches, except that sales shall be allowed from sheds, stalls, or booths which have been approved by the Building and Codes Department and meet the minimum requirements of the standard codes. All such structures shall require building permits and inspections by the city, the same as for other construction. No sales shall take place outside the designated sales area.
5. All open-air markets shall be conducted entirely within an area, which is screened, by natural objects, plantings, fences, or other appropriate means. Screening shall be a minimum of seven (7) feet in height.
6. All signs must be permitted in accordance with the Zoning Ordinance of the City of Clarksville.
7. All temporary tents and shelters shall require placement permits and inspections.
8. All booths and stalls shall meet the minimum setbacks as set forth in the Zoning Ordinance, except that the Board of Zoning Appeals can approve variances where applicable.

Grocery Store/Supermarket:

1. Grocery stores up to three thousand (3,000) square feet including specialty food stores such as bakery goods, delicatessens, meat markets, and quick shops are allowed.

Kennel, Breeding:

1. All animals shall be kept inside soundproof air-conditioned buildings.
2. No outdoor kennels are permitted.
3. No part of any building or structure in which animals are housed shall be closer than two-hundred and fifty (250) feet from any residential zone district or district permitting residential uses.

Kennel, Boarding:

1. All animals shall be kept inside soundproof air-conditioned buildings.
2. Outdoor runs are permitted.
3. No part of any building or structure in which animals are housed shall be closer than two-hundred and fifty (250) feet from any residential zone district or district permitting residential uses.

Meat/Fish Market:

1. Each establishment shall be limited to three thousand (3,000) square feet.

Repair Services:

1. Engine repair is prohibited within this zoning district.

Restaurant/Fast Food:

1. Drive through windows are prohibited within this zoning district.

Retail: (Neighborhood Commercial District C-1)

1. Retail establishments containing up to five thousand (5,000) square feet are allowed.

Retail: (Light and General Industrial District M-1 and M-2)

1. Retail establishments are allowed for the sale of goods that are manufactured on the premises and the work is done within the building located on the premises.

Smoke Shop:

1. No person, firm, or corporation shall locate a Smoke Shop closer than one thousand (1,000) feet to a school, park, or religious institution, said distance to be measured along a direct line from the closest point on the building of the smoke shop to the closest point of the property of a school, park, or religious institution.
2. No Smoke Shop may be located closer than 1,500 feet from another legally existing Smoke Shop, said distance to be measured along a direct line between each building.
3. Any Smoke Shop legally existing and operating on October 1, 2026 shall be exempt from the above restrictions unless the business relocates.

Tire Recapping:

1. This use shall be so conducted that noise, vibration, dust, odor, and all other objectionable factors shall be reduced to the extent that there will be no annoyance to persons outside the premises.
2. Such use shall not be located within fifty (50) feet of any residential zone district or district permitting residential uses.
3. All storage and work shall be conducted within an enclosed building.

Tow-in Lots:

1. Such vehicles shall not be stored on the lot for more than ninety (90) days: All unclaimed vehicles will be granted additional storage time with applicable documentation from the state, and the owner or operator of the facility shall maintain a register listing the owner of each vehicle, date of arrival and date of departure, and description (year, make, VIN). The register shall at all times be kept open for the inspection and examination by authorized persons such as police, insurance investigators, and city officials.
2. Location: If a Tow-in Lot is located adjacent to a residential single family zone (not including across a street) the required fencing must be setback at least 25 feet from the property line unless the vehicles are stored inside an enclosed building then required building setbacks for that zone must be followed. In addition, an appropriate landscape buffer from commercial zoning to single family zoning must be installed.
3. Dismantling or demolition of said vehicles for the salvage of parts is not permitted on the lot. Repair of vehicles with towing liens is allowed on the lot.
4. The storage and parking lot for all such vehicles shall be screened from off-site view by placement in an enclosed building or behind a wall or fence at least six (6) feet in height. Barbed wire may be added to the top of such fencing, pursuant to Section 10-203 of the City Code. Any chain link fence used to satisfy the requirements of this subsection shall contain slats of at least one-fourth (1/4) inch thick, which shall be installed over no less than two-thirds 2/3 of the surface area of the fence. Slats shall be made of plastic, vinyl, or metal. Natural objects such as trees or other plantings may also be used to satisfy the screening requirements, as shown on an approved Landscape Plan. Fences and screening shall be maintained in good condition. Up to one hundred twenty-eight (128) square feet of fence area in a single location may remain unscreened for security purposes.

5. Site plan approval and an approved landscape plan by the RPC will be required before any permit is applied for at the Building and Codes Department.

Wrecker Service:

1. Storage of vehicles. Such vehicles shall not be stored on the lot for more than ninety (90) days and then all unclaimed vehicles will be granted additional storage time with applicable documentation from the state. The owner or operator of the facility shall maintain a register listing the owner of each vehicle, date of arrival and date of departure, and description (year, make, and VIN). The register shall at all times be kept open for the inspection and examination by authorized persons, such as police, insurance investigators, and city officials. Dismantling or demolition of said vehicles for the salvage of parts is not permitted on the lot.
2. Location. This use shall not be located within five hundred (500) feet from any residential zone district or district permitting residential use. Towing lot fences shall be covered to protect the appearance of the neighborhood / community.
3. Screening. All outdoor storage shall be conducted entirely within an area which is screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main traveled public rights-of-way, or they shall otherwise be removed from sight.
4. Storage outside such screening is expressly prohibited. Such screening shall be properly maintained and in good condition.
5. Dismantling or demolition of vehicles for the salvage of parts is not permitted on the lot. Repair of vehicles with towing liens is allowed on the lot.

Winery:

1. The following activities are permitted with this use:
    A. Growing and harvesting grapes and other products suitable for wine processing and bottling of grapes and grape products produced on the premises is allowed.
    B. Processing and bottling of grapes and grape products produced off premise is prohibited.
    C. Sale of wine produced on the premises for off premise consumption.
    D. Sale of merchandise related to wine or the winery.
    E. Wine tasting involving serving wine to the public for the purpose of sampling the wine produced on the premises.
    F. Special events such as weddings, dances, and other social occasions associated with the winery.

5.1.3 INDUSTRIAL USES PERMITTED WITH CONDITIONS (PC)

Subject to the procedures outlined in Chapter 5.1: Procedures For Uses Permitted With Conditions, the applicant also must meet the following requirements:

Aircraft Parts Manufacture:

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

Alcohol Distillery, Small:

1. Consumption of alcoholic beverage not produced on site shall be prohibited.
2. The following activities are permitted with this use:
    A. Growing, harvesting and other products suitable for processing and bottling products produced on the premises are allowed.
    B. Processing and bottling of products produced off premise is prohibited.
    C. Sale of alcohol produced on the premises for off premise consumption.
    D. Sale of merchandise related to alcohol or the distillery.
    E. Tastings involving serving to the public for the purpose of sampling the alcohol produced on the premises.
    F. Special events such as weddings, dances, and other social occasions associated with the distillery.
3. Structures related to manufacturing/storage of components and/or finished product shall be setback a minimum of two-hundred (200) feet from any side and/or rear property line.

Automobile Parts Manufacture:

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

Awning Manufacture, Cloth, Metal and Wood:

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.

3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

Brewery, Micro:

1. Consumption of alcoholic beverage not produced on site shall be prohibited.
2. The following activities are permitted with this use:
    A. Growing, harvesting and other products suitable for processing and bottling products produced on the premises are allowed.
    B. Processing and bottling of products produced off premise is prohibited.
    C. Sale of alcohol produced on the premises for off premise consumption.
    D. Sale of merchandise related to alcohol or the distillery.
    E. Tastings involving serving to the public for the purpose of sampling the alcohol produced on the premises.
    F. Special events such as weddings, dances, and other social occasions associated with the distillery.
3. Structures related to manufacturing/storage of components and/or finished product shall be setback a minimum of two-hundred (200) feet from any side and/or rear property line.

Cabinet and Countertop Manufacturing:

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

Clothing Manufacture:

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

Construction Contractor with Storage Yard:

1. Screening. All outdoor storage in construction storage yards shall be conducted entirely within an area which is screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main traveled roads or way of the system, or they shall otherwise be removed from sight.
2. Storage outside such screening is expressly prohibited.
3. Such screening shall be properly maintained in good condition.

Custom Manufacturing:

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

Electro Plating Establishment:

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

Enameling and Painting Establishment:

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

Engraving Plant:

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

Flour and Grain Mills:

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. Structures shall be setback a minimum of two hundred (200) feet from all property lines.

Food Processing:

1. Only uses defined in Chapter 2.2 shall be allowed.
2. Prohibited uses are meat or poultry processing and slaughtering of animals.

Footwear Manufacture:

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

Furniture Manufacturing:

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

Ironworks Manufacturing (Ornamental):

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

Laundry and Cleaning Plants:

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

Machine Shop:

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.

2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

Marble Working and Finishing:

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

Optical Goods Manufacture:

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

Paper Products and Box Manufacture:

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

Plastic Products Molding, Casting and Shaping:

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

Printing and Publishing Plant:

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.

3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

Sheet Metal Shop:

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

Welding Shop:

1. The manufacturing, fabricating, processing, or assembling processes shall not create any danger to health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat, and/or glare.
2. All storage and work shall be conducted within an enclosed building.
3. Unless specifically authorized no items shall be displayed outside for sale, lease, gift and/or promotional purposes.

5.1.4 MEDICAL USES PERMITTED WITH CONDITIONS (PC)

Subject to the procedures outlined in Chapter 5.1: Procedures For Uses Permitted With Conditions, the applicant also must meet the following requirements:

Medical Lab:

1. Only diagnostic and medical laboratories or research facilities that perform studies and/or research on non-toxic or non-combustible materials are permitted.

Medical Office:

1. No more than two (2) medical offices per lot are permitted.

Veterinary Clinic: (Central Business District CBD)

1. Boarding kennels are prohibited.
2. All animals shall be kept inside soundproof air-conditioned buildings.
3. No outdoor kennels or runs are permitted.

Veterinary Clinic: (Office District O-1 and Office/Professional District OP)

1. No more than thirty (30) percent of the gross floor area of the veterinary clinic shall be used as a boarding kennel.
2. All animals shall be kept inside soundproof air-conditioned buildings.

3. No outdoor kennels or runs are permitted.
4. No part of any building or structure in which animals are housed shall be closer than fifty (50) feet from any existing residence located on an adjacent parcel.

5.1.5 OFFICE USES PERMITTED WITH CONDITIONS (PC)

Subject to the procedures outlined in Chapter 5.1: Procedures For Uses Permitted With Conditions, the applicant also must meet the following requirements:

Financial Institution:

1. Drive through windows are prohibited within this zoning district.

Leasing/Sales Office:

1. Residential sales and leasing are permitted as a temporary use in a dwelling, a model home, or temporary building located in the same subdivision or development where the dwellings are to be located and offered for sale or lease.
2. The sales use is permitted until the issuance of the last occupancy permit within the subdivision or development.

Professional and Business Office (excluding Medical):

1. Offices shall be permitted to support the industrial use that is located on the site.

5.1.6 RECREATION AND ENTERTAINMENT USES PERMITTED WITH CONDITIONS (PC)

Subject to the procedures outlined in Chapter 5.1: Procedures For Uses Permitted With Conditions, the applicant also must meet the following requirements:

Commercial Amusement (Indoor):

1. Where any building or outdoor storage area and/or display, excluding passenger car parking lots, abuts a residential zone district or district permitting residential use, there shall be a minimum setback of one hundred (100) feet from the common property line.
2. All activities shall be operated within an enclosed building.
3. The hours of operation shall be limited to between 8:00 a.m. to 12 Midnight, seven (7) days a week.

Country Club:

1. The minimum acreage for a country club shall be twenty five (25) acres.
2. Where any building or outdoor storage area abuts a residential zone district or district permitting residential use, there shall be a minimum setback of one hundred (100) feet from the common property line for such building or storage.
3. Driving ranges shall be permitted.

Festival (Temporary):

1. Open-air activities, temporary and permanent structures associated with the festival shall not be located closer than one hundred (100) feet from any residential zone district or district permitting residential use.
2. The activity shall have duration of no more than ten (10) days in a month, and be limited to four (4) events per year.
3. Activities shall be limited to between the hours of 8:00 A.M. to 10:00 P.M.
4. Adequate off street parking shall be required.
5. State, County, and/or City sponsored festivals shall be exempt from these provisions.

Golf Course (public and private):

1. The minimum acreage for a golf course shall be twenty five (25) acres.
2. Driving ranges shall be permitted.
3. The setback for the driving range boundaries shall be a minimum of one hundred (100) feet from all property lines.
4. Lighting shall be directed downward to include shielded hoods and shall not cast light pollution on adjacent properties.

Recreational Vehicle Park

1. A portion of any Mobile Home Park greater than 5 acres in the R4 zone in good standing and conducting business as of November 10, 2010 may designate an area not to exceed 20 percent of the total approved amount of units, or in the case of undeveloped land not more than 20 percent of the total land area of the Mobile Home Park may be set aside for the purpose of short term to long term personal recreational vehicle use (not storage). The undeveloped land is not to be developed with a density of more than 12 recreational vehicle pads per acre.
2. Standards:
    A. Minimum Spacing: at least 15 feet separation between recreational vehicles and/or mobile homes and 20 feet separation from any permanent structures is required.
    B. Setbacks: Each recreational vehicle park and mobile home park area shall have a minimum side and rear yard setback of 25 feet where no individual spaces may exist.
    C. Maximum height: 15 feet per unit with permanent structures permitted up to 30 feet
    D. Landscaping: All recreational vehicle parks are required to install and maintain a minimum 4 foot tall visual screen consisting of any combination of a wall, solid fence, or evergreen hedge around the perimeter of the recreational vehicle park area.
    E. A docking pad of dust free material shall be provided for each rented pad.
    F. Off Street Parking: There shall be one off street parking space per recreational vehicle pad
    G. Internal setbacks: recreational vehicles shall be a minimum 15 feet off the edge of pavement of internal roads.
    H. Each recreational vehicle space shall be provided with a connection to a sanitary sewer line or system approved by Clarksville Gas and Water.
    I. Common area having a minimum of 100 square feet for each recreational vehicle space shall be consolidated into usable area.
3. Overnight or long term idling or use of generators shall be prohibited.

4. Length of Stay: No camping trailer or motor home may occupy a single pad for greater than 180 days.
5. Application for permit which shall include:
    A. The location and legal description of the proposed recreational vehicle area;
    B. A site plan and specifications of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park/recreational vehicle park;
    C. The proposed use of buildings shown on the site;
    D. The location and size of all recreational vehicle and mobile homes spaces;
    E. The location of all points of entry and exit for vehicles and internal circulation pattern;
    F. The location of all landscaping to be provided;
    G. The location of all lighting to be provided;
    H. The location of all walls and fences and the indication of their height and materials of construction;
    I. The location of all off-street parking facilities;
    J. Such other architectural and engineering data as may be required to permit the Health Officer, Board of Zoning Appeals, and Building Inspector to determine if the provisions of this section are being complied with.
    K. Additions or Alterations: Any additions or alterations to existing mobile home parks outside of the provision of recreational vehicle park uses defined in this chapter shall be in conformity with the provisions of Chapters 1 through 11 of this Ordinance.
    L. Supervision. The owner of permittee, or a duly authorized attendant or caretaker, shall be in charge at all times to keep the mobile home park, its facilities and equipment in a clean, orderly, sanitary condition. The attendant or caretaker shall be answerable, with the licensee or permittee, for the violation of any provision of Chapters 1 through 11 of this Ordinance to which the licensee or permittee is subject.
    M. Maintenance of Register: Every mobile home park owner or operator shall maintain a register containing a record of all mobile homes and recreational vehicles and their occupants using the park. Such register shall be available to any authorized person inspecting the park. Such register shall contain:
    N. the names and addresses of all mobile home occupants residing in the park;
    O. the make, model and license number of each mobile home or recreational vehicle; and
    P. the date of arrival and departure of each mobile home or recreational vehicle.
    Q. Revocation of Permit: The Building and Codes Official may revoke any permit to maintain and operate a mobile home park or recreational vehicle park when the permittee has been found guilty by a court of competent jurisdiction of violating any provision of Chapters 1 through 11 of this Ordinance or Sections 68-126-101 through 68-126-412, Tennessee Code Annotated. After such conviction, the permit may be reissued if the circumstances leading to convicting have been remedied and the park is being maintained in full compliance with the law.

Theater, Drive-In

1. The minimum lot area shall be ten (10) acres.
2. Where any building or outdoor storage area and/or display, excluding passenger car parking lots, abuts a residential zone district or district permitting residential use, there shall be a minimum setback of one hundred (100) feet from the common property line.
3. The hours of operation shall be limited to between 8:00 a.m. to 12 Midnight, seven (7) days a week.
4. The movie screen placement shall meet the following requirements:
   A. Shall not be visible to the motoring public;
   B. Shall not create light pollution unto adjacent property owner(s);

5.1.7 RESIDENTIAL USES PERMITTED WITH CONDITIONS (PC)

Subject to the procedures outlined in Chapter 5.1: Procedures For Uses Permitted With Conditions, the applicant also must meet the following requirements:

Bed and Breakfast:

1. The only required meal to be provided to guests shall be breakfast, and it shall only be served to guests taking lodging in the establishment.
2. Individual rooms which are rented shall not contain cooking facilities.
3. The owner or manager must reside on the premises or on an immediately adjacent parcel of property.
4. The bed and breakfast establishment shall not create noise, light or traffic conditions detrimental to neighboring properties.
5. No exterior alterations to the residential structure shall be made that will change its character as a residential structure.
6. Off-street parking shall be provided, however no off-street parking is permitted in the front yard area.
7. Off-street parking spaces shall be one (1) for each guest/rental room in addition to the spaces required for the dwelling.
8. Screening shall be required of off-street parking areas to minimize any detrimental impact to adjoining properties.
9. No bed and breakfast establishment shall be permitted within two hundred fifty (250) feet of another bed and breakfast establishment measured from property line to property line.

Caretaker Residence:

1. The residence shall be a single-family unit, secondary and accessory to the existing principle use.
2. The residence shall be for purposes of care and protection of the persons, property, plants, animals, equipment, or other circumstances on site or on contiguous lots under the same ownership.
3. Only one (1) caretaker residence is permitted.
4. Occupancy shall be by owners or employees of the owner.

5. In office, commercial and industrial zone districts, the caretaker unit shall be located above or behind the principal uses.

Farm Worker Dwelling:

1. Farm employee housing shall not exceed one (1) dwelling unit per one hundred (100) acres on a single parcel, excluding any house on the site occupied by the owner.

Multi-Family, Single Family, Two and Three Family Residential Uses and Townhouses In the Central Business District:

1. Purpose.
   A. Residential use is permitted for the purpose of aiding in the revitalization of the Central Business District by encouraging the development of underutilized properties and buildings.
   B. It is further the purpose of this section to promote the development of needed residential units in a manner that creates decent, safe, and suitable living environments.
   C. It is the purpose of this section to promote additional demand for CBD services and facilities through creation of nearby user population.
2. CBD residential setback standards. The requirements of Chapter 4 shall apply.
3. Off-street parking. Provisions of off-street parking shall be encouraged but not mandated. Applicants shall show evidence of lease or ownership agreements for the parking spaces as required in Chapter 6.
4. General provisions.
   A. Refuse storage, collection, and disposal shall be in conformity with all applicable laws and regulations.
   B. All new construction, reconstruction, and remodeling shall conform to all building, housing, and fire codes as adopted by the City of Clarksville.
5. Application for permits.
   A. The application for a permit shall be filed with and issued by the Building and Codes Department. Each application shall be accompanied by three (3) copies of all plans and specifications drawn to a scale no smaller than one-fourth inch equals one foot.
   B. Such copies shall be reviewed and approved by the Building Official and shall contain, at a minimum, the following:
      I. The location of the units and legal description of the proposed residential lot.
      II. Plans and specifications for all buildings, improvements, and facilities constructed, remodeled, or to be constructed or remodeled on the proposed site.
      III. The proposed use of all areas on the site and within the buildings.
      IV. The location of all parking spaces associated with the development.
      V. Plans for storage and disposal of all immediate and future solid waste as generated by the development.
      VI. Any other such architectural and engineering data as may be required to permit the Building Official or his appointed designee and the Fire

Prevention Officer to determine if the provisions of this section are being followed.

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

Multi-Family and Townhouses in the C-2 District:

1. For multi-family dwellings, the following conditions shall be met:

   A. Multi-family dwellings may be located in the same or separate structures as non-residential uses.
   B. Single-family detached structures are permitted provided they are located on a common lot, tract or parcel in a horizontal property regime. Off-street parking and primary access to such single-family detached structures shall be to the side or rear of the dwellings.

2. See Section 6.1.2.B for a possible variance for off-street parking for mixed-use development with multi-family dwellings in the same or separate structures on the same tract, parcel or lot.
3. Sidewalks along street frontages are mandatory

Single Family:

1. Any single-family dwelling that was legally in existence, in an R-2D or R-4 District, prior to November 10, 2010, may be replaced or enlarged on the same lot, parcel or tract of land.
2. A single-family dwelling may be placed on any lot of record, in an R-2D or R-4 District, that was legally in existence prior to November 10, 2010.

Tourist Home:

1. Individual rooms which are rented shall not contain cooking facilities.
2. The owner or manager must reside on the premises or on an immediately adjacent parcel of property.
3. The tourist home establishment shall not create noise, light or traffic conditions detrimental to neighboring properties.
4. No exterior alterations to the residential structure shall be made that will change its character as a residential structure.
5. Off-street parking shall be provided, however no off-street parking is permitted in the front yard area.
6. Off-street parking spaces shall be one (1) for each guest/rental room in addition to the spaces required for the dwelling.
7. Screening shall be required of off-street parking areas to minimize any detrimental impact to adjoining properties.
8. No tourist home establishment shall be permitted within two hundred fifty (250) feet of another tourist home establishment measured from property line to property line.

Townhouses (R-5):

1. A minimum of fifteen (15) percent of the acreage within the R-5 project shall be set aside for use as common open space.
2. Improvement of common open space must be coordinated with construction of residential buildings within the development so that such space becomes available as dwelling units are occupied.
3. An association of all individuals owning property within the development shall be established, prior to the sale of any units, to ensure the maintenance of all common open space.
4. The title to all residential property owners within the development shall include an undivided fee simple estate in all common open space.
5. Open space must be deeded to the homeowners association of the development and the developer shall provide the following recorded documentation before final plat approval or before the release of a site plan for building permits:

    A. That the homeowners association will be responsible for liability insurance, local taxes, and maintenance of recreational, drainage structures, or other facilities pertaining to the open space.
    B. Restrictive covenants shall require mandatory membership in the homeowners association, and include as a minimum the following provisions:
        I. Responsibility for paying a pro-rated share of the cost of the homeowner's association operation.
        II. Agreement that the assessment levied by the association can become a lien on the property if not paid.
        III. Agreement that the association shall be able to adjust the assessment to meet the changing needs.
        IV. Guarantee of permanent unrestricted right to utilize lands and facilities owned by the association.

6. In the event of dissolution of the homeowners association for any reason whether administrative or otherwise, responsibility for maintenance of all common areas shall become that of the individual lot owners within the development on a pro-rated basis based on the number of units within the development, or if the restrictive covenants so provide, any one or more owners within the development, may reform the homeowners association and assess each lot or parcel equally for the amount necessary to maintain said open space. In the event of failure of either of the above remedies the City may, upon giving proper notice to each property owner, bring such open space into compliance, and place a lien on all lot or unit owners within the development for their pro-rata share of the cost, plus any administrative fees. In the event of failure of the association to pay any taxes assessed to the common areas, such taxes shall attach to each lot within the subdivision on a pro-rata basis based on the number of lots or units within the development.

Two Family and Three Family in R-3 and R-4:

1. Any two family dwelling that was legally permitted, in an R-3 or R-4 District, prior to October 1, 2023, may be replaced or enlarged on the same lot, parcel or tract of land.
2. Minimum lot size in R-3 for two and three family dwellings shall be the following:
    1. 10,000 square feet in order to be used for a two family dwelling
    2. 12,000 square feet in order to be used for a three family dwelling
3. Minimum lot width in R-3 for two and three family dwellings shall be the following:
    1. 65 feet at the building setback line for a two family dwelling
    2. 80 feet at the building setback line for a three family dwelling
4. Minimum lot size in R-4 for two and three family dwellings shall be the following:
    1. 9,000 square feet in order to be used for a two family dwelling
    2. 10,500 square feet in order to be used for a three family dwelling
5. Minimum lot width in R-4 for two and three family dwellings shall be the following:
    1. 50 feet at the building setback line for a two family dwelling
    2. 50 feet at the building setback line for a three family dwelling"
6. A Site Plan for a three family dwelling must be submitted to the Regional Planning Commission for review prior to building permit approval.

5.1.8 UTILITY USES PERMITTED WITH CONDITIONS (PC)

Subject to the procedures outlined in Chapter 5.1: Procedures For Uses Permitted With Conditions, the applicant also must meet the following requirements:

Reservoir/Water Tank:

1. The minimum lot area shall not be less than ten (10) acres.
2. No reservoir shall be located closer than five hundred (500) feet to any residential zone district or district permitting residential uses.
3. All water tanks shall be set back from all property lines by a distance that is equal to the height of the water tank. Such setback shall be recorded as a fall zone easement with the Montgomery County Register of Deeds Office.
4. Retention/detention shall be approved by the City Street Department.

Utility Substations (Private):

1. No utility substation shall be located closer than one hundred (100) feet to any residential zone district or district permitting residential uses. This distance standard shall not apply to service boxes or meter boxes serving individual customers.

5.1.9 WASTE MANAGEMENT USES PERMITTED WITH CONDITIONS (PC)

Subject to the procedures outlined in Chapter 5.1: Procedures For Uses Permitted With Conditions, the applicant also must meet the following requirements:

Recycling/Collection Facilities (Small):

1. Shall be operated only in conjunction with an existing principal facility. Small recycling collection facility sites shall not occupy more than one thousand (1,000) square feet of the parcel on which they are placed, and the collection containers shall not occupy more than two hundred (200) square feet. There shall be only one (1) collection facility per parcel of land.
2. Permit; inspection; violation. No small collection facility shall be established until a small recycling collection facility placement permit has been issued by the Building and Codes Department. Subsequent to issuing the placement permit the Building and Codes Department shall inspect the facility to insure compliance with this section. Any person, firm, corporation, or agent, who violates any provision of this section, or fails to comply herewith, or with any of the requirements thereof, shall be guilty of a misdemeanor.
3. Operation requirements. A small recycling collection facility shall meet the following requirements to operate:
    A. Small recycling collection facility shall be set back at least ten (10) feet from any street right-of-way line and shall not obstruct pedestrian or vehicular circulation.
    B. Side and rear yard setback requirements shall be those that are provided for the zoning district in which the facility is located.
    C. Facilities shall accept only glass, metals, plastic containers, papers, and/or other similar items which may be used for re-manufacturing or reprocessing of similar materials.
    D. Containers must be covered and secured from unauthorized entry or removal of materials.
    E. Facility shall be maintained free of litter and any other undesirable materials on a daily basis.
    F. Containers shall be clearly marked to identify the type of material which may be deposited in each container. A notice shall be posted stating that no material shall be left outside the collection containers.
    G. The facility shall be clearly marked to identify the name and phone number of the party responsible for maintaining the facility and ensuring compliance with all established requirements.
    H. The hours of operation shall be clearly posted.
    I. Occupation of parking spaces by the facility and by an attendant shall not reduce the number of available parking spaces below the minimum number required for the primary use.
    J. Maximum signage for the facility shall be ten (10) square feet and used for advertising or directional purposes only. The location of any signs must be approved by the Building and Codes Department.
    K. Power processing equipment shall not be used.

Recycling/Collection Facilities (Large):

1. A large collection facility is not required to operate in conjunction with an existing principal facility, and it may have a permanent building. A large collection facility site shall not occupy more than twenty thousand (20,000) square feet of the parcel on which it is placed, and the containers shall not occupy more than one thousand (1,000) square feet.
2. Permit; inspection; violation. No large recycling collection facility shall be established until a large recycling collection facility placement permit has been issued by the Building and Codes Department. Subsequent to issuing the placement permit the Building and Codes Department shall inspect the facility to insure compliance with this section. Any person, firm, corporation, or agent, who violates any provision of this section, or fails to comply herewith, or with any of the requirements thereof, shall be guilty of a misdemeanor.
3. Operation requirements. A large collection facility shall meet the following requirements to operate:

    A. Facility shall be screened from the public right-of-way by operating in an enclosed building or within an area enclosed by a fence at least six (6) feet in height.
    B. Facility shall be located at least five hundred (500) feet from any residential zone district or district permitting residential use.
    C. Setback requirements shall be those that are provided for the zoning district in which the facility is located.
    D. All storage of materials shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition.
    E. Site shall be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis.
    F. An area for adequate traffic circulation and off-street short term parking shall be provided.
    G. Containers shall be clearly marked to identify the type of material that may be deposited.
    H. Facility shall be clearly marked to identify the name and phone number of the party responsible for maintaining the facility and ensuring compliance with all established requirements.
    I. The hours of operation shall be clearly posted.
    J. Notice shall be posted that no materials shall be left outside the collection containers or enclosures.
    K. Signs shall be as regulated in Chapter 8.
    L. Power processing equipment shall not be used.

5.1.10 OTHER USES PERMITTED WITH CONDITIONS (PC)

Subject to the procedures outlined in Chapter 5.1: Procedures For Uses Permitted With Conditions, the applicant also must meet the following requirements:

Cemetery/Pet Cemetery:

1. Private family cemeteries and cemeteries related to religious institution shall have a minimum of one (1) acre.
2. No cemetery or pet cemetery shall be established on a site containing less than ten (10) acres.
3. The following accessory uses shall be permitted: mausoleums, mortuaries, chapels and maintenance buildings not to exceed two thousand (2,000) square feet and shall not be located closer than fifty (50) feet from any property line or street right-of-way.
4. All graves or burial lots shall not be located closer than twenty-five (25) feet from any property line or street right-of-way.
5. All cemeteries shall have access to one public street right-of-way, the minimum road frontage requirement shall be controlled by the road frontage requirements within the respective zone districts.
6. All required yards shall be landscaped and maintained.

Communication Towers:

1. Pursuant to Tennessee Code Annotated Sections 13-24-301 through 13-24-303, communication stations, including towers and operating equipment, which furnish utility services to the public are allowed in any zone district and shall adhere to the standards contained herein.

    A. **Applicability.** This section shall apply to any new structure as well as any existing structure to which the height is proposed to be increased.
    B. **Location.** To the extent feasible, co-location of antennas on existing towers and other suitable structures should first be sought. If co-location is not feasible, the applicant shall provide such structure and technical information and other justifications as are necessary to document the reasons why co-location is not a viable option. Further, the applicant shall provide a list of all existing structures considered as alternatives to the proposed location, and shall provide a written explanation why the alternatives considered were either unacceptable or infeasible due to technical, physical or financial considerations.
    C. **Structure Masking**. Communication towers of two hundred (200) feet or less in height shall be of monopole structural design. Further, the applicant shall demonstrate for such towers that, through location, construction or masking (disguising or concealing), the proposed facility will have minimum visual impact upon the appearance of adjacent properties and the views and vistas of adjacent residential neighborhoods while remaining viable options for future co-location of communication towers.

D. **Construction.** All towers shall be constructed in accordance with standards contained in applicable state and/or local building codes and the applicable standards for towers and antennas published by the Electronic Industries Association ("EIA"), as may be revised. Each application for a building permit shall be accompanied by a certification by a professional engineer licensed in the State of Tennessee and competent in such design, attesting to the fact that all applicable standards have been met.

E. **Site plan required.** A site plan meeting the requirements of Section 5.10 shall be submitted to and approved by the Regional Planning Commission prior to the issuance of a building permit. The planning director may require any other documentation or information deemed necessary to complete the permit application.

F. **Setbacks.** Within or adjacent to zone districts which do not permit residential uses, communication towers shall be set back from all property lines by a distance equal to the tallest remaining vertical section above the lowest engineered failure point on the proposed structure, or the height of the tower, whichever is less. Provided, however, the minimum fall zone setback for any tower is fifty (50) feet. For purposes of these regulations, the engineered failure point is that location(s) on the tower that is designed to fail when overstressed beyond the structural parameters of the tower design. This failure point will cause the overstressed portion of the structure to fall in upon itself in such a way as to reduce the remaining stress on the structure to such a level that results in no further failures of the tower structure. The lowest engineered failure point is described such that if the tower should collapse, the tallest remaining vertical section of the structure shall be equal to the setback from the abutting property lines. A letter stamped by a licensed Professional Engineer evidencing the design and fall zone parameters of the proposed tower shall satisfy the requirements determining the minimum fall zone setback distance. Within or adjacent to zone districts which permit residential uses, towers shall be set back from all property lines by a distance that is equal to the height of the tower. Guys and accessory buildings shall satisfy minimum setback requirements of the applicable zone district. The above required setback shall be recorded as a fall zone easement with the Montgomery County Register of Deeds Office prior to a building permit being issued. Towers may be erected where the height of the tower is greater than the distance to any property line. In such case, said owner shall obtain a fall zone easement from the adjacent property owner(s) and the easement shall be recorded with the Montgomery County Register of Deeds Office prior to a building permit being issued. No structures other than those accessory to communication towers are allowed to be constructed within any fall zone setback area.

G. **Compliance documentation.** All applications for permits to build towers in the City of Clarksville must be accompanied with a "Determination of No Hazard" from the Federal Aviation Administration, as well as all required Federal Communications Commission permit information, and any other documentation as required herein. All structures regulated herein shall be subject to the height restrictions and requirements of the AP Airport Overlay District, and applications for permits must contain documentations from the manager of Outlaw Field and from the manager of

the Fort Campbell Air Traffic Control Division that such structures do not constitute a hazard to their airport facilities.

H. **Screening.** The entire site containing the tower and equipment shall be enclosed with a fence not less than six (6) feet in height. Access gates will be locked at all times when the site is not occupied. All tower sites shall be provided with continuous, solid screening around the outside of the required fencing, and it shall be of such plant material as will provide a year-round evergreen screening. Screening, as required herein, shall not be less than six (6) feet in height at the time of planting, and shall be permanently maintained.

I. **Lighting.** Any outside lighting shall be arranged so as to minimize glare and reflection on adjacent properties and public streets. All towers that require marking or lighting shall be done in compliance with Federal Aviation Administration regulations, but no tower shall be lighted from dusk to dawn by any form of white flashing light, unless required by the Federal Aviation Administration.

J. **Removal of abandoned towers.** All towers permitted under the requirements of these regulations that are not operated for telecommunications purposes for a continuous twelve-month period shall be considered abandoned, and the owner of such tower shall remove said tower within ninety (90) days of receiving notice from the building official. Failure to do so shall be deemed a violation of these regulations. The owner of the tower may appeal the decision of the building official to the Board of Zoning Appeals. At such hearing the owner shall be required to show just cause why the tower should not be considered abandoned and subject to removal.

K. **Exclusions.** Satellite dishes, and television antenna which are not attached to a tower that provides utility services to the public shall be exempt from the provisions of this section.

Any communication device which is proposed to be attached to an existing municipal or utility district water tank shall be exempt from the setback and screening requirements of this section.

Signs:

1. Refer to Chapter 8 of this Ordinance.

Temporary Building/Uses:

1. The regulations contained in this section are necessary to govern the operation of certain transitory or seasonal uses, nonpermanent in nature.
2. Application for a temporary use permit shall be made to the Building Official and shall contain the following information:
   A. A survey or legal description of the property to be used, rented, or leased for a temporary use, including sufficient information to specifically identify the property;
   B. A description of the proposed use; and
   C. Sufficient information to determine the yard requirements, setbacks, sanitary facilities, and availability of parking space to service the proposed use.

3. The following uses are classified as temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:

    A. Carnival or Circus. As regulated by City Ordinance; provided, however, that the erection of temporary structures in conjunction with public functions, festivals, street fairs or other similar celebrations being conducted pursuant to Section 5-1002 of the City Code shall be in accordance with regulations imposed by the agency designated in Section 5-1002,(a)(2) of the City Code.
    B. Christmas Tree Sale. In any commercial or industrial 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 forty-five (45) days.
    C. Contractor's Office/Equipment Sheds. In any district, a temporary use permit may be issued for a contractor's temporary office and equipment sheds incidental to a construction project. The time period for which a temporary building/unit can be located on site shall not exceed one of the following:
        I. Office or shed shall be removed upon completion of the construction project, or;
        II. The office or shed shall be removed after twelve (12) months, regardless of the completion of the construction project; if construction project is not complete the permit may be extended after determination of the Building and Codes Department.
    D. 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. Such office may be temporarily contained in a dwelling unit or in a portable unit such as a modular home. Such use shall be discontinued after all real property in the subdivision has been sold.
    E. Religious Tent Meeting. A temporary use permit may be issued for a tent or other temporary structure to house religious meetings. The permit shall be valid for not more than thirty (30) days, renewal shall be limited to once per calendar quarter.
    F. Seasonal Sale of Farm Products. In any district a temporary use permit may be issued for the sale of farm products grown on the premises. The sales space shall be of portable or sectional construction, and shall not exceed an area of three hundred (300) square feet and the stands shall be removed when not in use. A permit shall be valid for not more than four (4) months per year. A temporary structure used for this purpose shall be set back from all public rights-of-way a distance of not less than fifteen (15) feet.
    G. Fireworks, See Section 10-217 of the City Code.

Tents:

1. Tents shall be of a temporary nature, as for the protection of surplus goods, for the housing of seasonal farm produce sales, or as temporary uses incidental to an established business or industry.

5.2 PROCEDURE AND STANDARDS FOR USES PERMITTED ON REVIEW (PR)

PROCEDURES FOR USES PERMITTED ON REVIEW:

A. The Board of Zoning Appeals is authorized to hear and decide upon uses permitted on review by this Ordinance, to decide such questions as are involved in determining whether uses permitted on review should be granted, and to grant uses permitted on review with such conditions and safeguards as are appropriate under this section; or to deny uses permitted on review when not in harmony with the purpose and intent of this Ordinance.

B. A use permitted on review shall not be granted by the Board of Zoning Appeals unless and until:
   1. An application shall be filed with the director of the Building and Codes Department or his/her designee for review. Such application shall show the location and intended use of the site, the names of the property owners and any other material pertinent to the request which the board or the director of the Building and Codes department may require.
   2. A public hearing shall be held as provided for in this Ordinance.
   3. In the exercise of its approval, the board may impose such conditions upon the proposed uses of buildings or land as it may deem necessary, based upon information presented at the hearing, to prevent or minimize any adverse effects of the proposed use upon, and to insure the compatibility of such uses with, other property in the vicinity.
   4. The board may establish expiration dates for any use; establish hours of operation; require greater setbacks; require adequate screening and buffering; and impose other reasonable conditions as necessitated by the general criteria listed below in order to protect the public health, safety, and welfare on any use permitted on review as a condition of approval.

C. General criteria. General criteria are hereby established which shall apply to all applications for uses permitted on review. A use permitted on review shall not be granted by the Board of Zoning Appeals unless and until the following determinations have been made:
   1. The proposed use is compatible with, and will not adversely affect, adjacent properties and other properties in the area.
   2. Adequate public facilities, such as highways, streets, parking spaces, drainage structures, fire protection, and water and sewer services, are available to accommodate the proposed use.
   3. The proposed use will not adversely affect the safety of vehicular and pedestrian circulation in the area.
   4. The proposed use shall provide off-street parking and loading facilities as required by the parking requirements of this Ordinance.
   5. The proposed use shall reasonably protect persons and property from erosion, flooding, fire, noise, vibration, glare, odor, or similar hazards.
   6. The proposed use is so designed, located, and proposed to be operated that the health, safety, and welfare of persons in the neighborhood will be protected.

7. The request is within the provisions of uses permitted on review as set forth in this section.
8. The proposed use conforms to all applicable provisions of this Ordinance for the zone district in which it is to be located.

5.2.1 STANDARDS FOR AGRICULTURAL USES PERMITTED ON REVIEW (PR)

Subject to the procedures outlined in Chapter 5.2: Procedures For Uses Permitted On Review, the applicant also must meet the following requirements:

Stockyard:

1. No building or facility to be used for the keeping of poultry or livestock shall be located within two hundred (200) feet from any property line.
2. Minimum lot size is five (5) acres.
3. No slaughtering or dressing of any poultry or livestock is permitted.

5.2.2 STANDARDS FOR COMMERCIAL USES PERMITTED ON REVIEW (PR)

Subject to the procedures outlined in Chapter 5.2: Procedures For Uses Permitted On Review, the applicant also must meet the following requirements:

Alcohol Distillery, Micro:

1. For all uses within an Alcohol Distillery, Micro (production space, tasting room, taproom, retail space), a location map and scaled site plan should clearly show the following:
    - Site and building dimensions.
    - Interior functions (production, assembly, and retail) and square footage of each. Spaces designated for commercial functions should be accessory to the production purposes of the site and should not exceed 25% of the gross floor area.
    - Any outdoor seating and assembly areas.
    - Outdoor seating and assembly areas must be fenced from surrounding properties.
    - Parking per Chapter 6 parking provisions based on the square footage of each use. Parking must be provided on-site. Outdoor seating areas must be included in the parking calculations, if shared parking is utilized, a shared parking agreement, signed by all participating parties, must be included.
2. Taproom/Tasting Room shall be in the same property as the distillery, micro.
3. The Board of Zoning Appeals shall consider the appropriateness of the site for an alcohol distillery, micro in context to the other surrounding land uses and zoning to minimize nuisance, hazards, or public health, safety, and welfare concerns.

Assembly/Civic Hall:

1. Hours of operation shall be determined by the Board of Zoning Appeals.
2. No part of any building or structure shall be closer than two-hundred (200) feet from any residential zone district or district permitting residential uses.

Brewery, Micro:

1. For all uses within a Brewery, Micro (production space, tasting room, taproom, retail space), a location map and scaled site plan should clearly show the following:
    - Site and building dimensions.
    - Interior functions (production, assembly, and retail) and square footage of each. Spaces designated for commercial functions should be accessory to the production purposes of the site and should not exceed 50% of the gross floor area.
    - Any outdoor seating and assembly areas.
    - Outdoor seating and assembly areas must be fenced from surrounding properties.
    - Parking per Chapter 6 parking provisions based on the square footage of each use. Parking must be provided on-site. Outdoor seating areas must be included in the parking calculations, if shared parking is utilized, a shared parking agreement, signed by all participating parties, must be included.
2. Taproom/Tasting Room shall be in the same building as the micro-brewery.
3. The Board of Zoning Appeals shall consider the appropriateness of the site for a brewery, micro in context to the other surrounding land uses and zoning to minimize nuisance, hazards, or public health, safety, and welfare concerns.

Child Care Facility:

1. The required lot size, yard, and bulk regulations of the district shall apply. No variances shall be permitted for lots on which such use is to be located.
2. All public utilities and sanitary sewers shall be available to the site.
3. The facility shall meet the requirements of the Tennessee Department of Human Services pertaining to day care.
4. If special passenger loading and unloading facilities are to be provided on the same lot for vehicles to pick up or deliver children, then such facilities shall provide for driveways that do not require vehicles to back out onto a public street.

5.2.3 STANDARDS FOR EDUCATIONAL USES PERMITTED ON REVIEW (PR)

Subject to the procedures outlined in Chapter 5.2: Procedures For Uses Permitted On Review, the applicant also must meet the following requirements:

Elementary, Middle and High Schools:

1. Elementary and middle school structures and outdoor activity grounds which abut a residential zone district or district permitting residential use, shall have a minimum setback of fifty (50) feet.
2. High school structures and outdoor activity grounds which abut a residential zone district or district permitting residential use, shall have a minimum setback of one hundred (100) feet.

Fraternity/Sorority Houses:

1. Applications for fraternity and sorority houses shall be accompanied by a floor plan which depicts the proposed layout of the facility including the location and square footage of any area devoted to sleeping rooms.
2. Areas for outdoor recreational use or outdoor group activities shall be screened or fenced in such a manner as to provide an effective buffer for adjacent residential uses.
3. Parking areas shall not be permitted in the front yard.
4. The Board of Zoning Appeals may place limits upon the number of students who may reside upon the premises.
5. In order to assure compatibility of the fraternity and/or sorority house with the surrounding neighborhood, the Board of Zoning Appeals may place restrictions upon the hours of the day/night during which outdoor recreational activities or other outdoor group activities may be conducted on the site.

5.2.4 STANDARDS FOR INDUSTRIAL USES PERMITTED ON REVIEW (PR)

Subject to the procedures outlined in Chapter 5.2: Procedures For Uses Permitted On Review, the applicant also must meet the following requirements:

Acid Manufacture:

1. No outdoor storage shall be permitted.
2. Where the site abuts a zoning district that allows residential uses, the building wall facing the residential district shall not have any service door openings or loading docks oriented toward the zoning district.

Alcohol Distillery, Large:

1. For all uses within an Alcohol Distillery, Large (production space, tasting room, taproom, retail space, restaurant), a location map and a scaled site plan should clearly show the following:

- Site and building dimensions
- Interior functions (production, assembly, and retail) and square footage of each. Spaces designated for commercial functions should be accessory to the production purposes of the site and should not exceed 25% of the gross floor area.
- Any outdoor seating and assembly areas must be fenced from surrounding properties.
- Parking per Chapter 6 parking provisions based on the square footage of each use. Parking must be provided on-site. Outdoor seating areas must be included in the parking calculations, if shared parking is utilized, a shared parking agreement, signed by all participating parties, must be included.

2. Taproom/Tasting Room shall be on the same property as the distillery
3. The Board of Zoning Appeals shall consider the appropriateness of the site for a distillery in context to the other surrounding land uses and zoning.

Animal Slaughtering Processing:

1. No outdoor storage of any animal, animal waste or by products shall be allowed.
2. All buildings used for handling, processing and/or storage of any animal material shall be located a minimum of two hundred (200) feet from all property lines and one thousand (1,000) feet from any zoning district that allows residential uses.
3. Where the site abuts a zoning district that allows residential uses, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the zoning district.
4. Slaughter of animals, including poultry killing or dressing facilities shall not be allowed closer than one thousand (1,000) feet from a residential zone district or a district permitting residential uses.

Brewery:

1. For all uses within a Brewery (production space, tasting room, taproom, retail space, restaurant), a location map and a scaled site plan should clearly show the following:

    - Site and building dimensions
    - Interior functions (production, assembly, and retail) and square footage of each. Spaces designated for commercial functions should be accessory to the production purposes of the site and should not exceed 25% of the gross floor area.
    - Any outdoor seating and assembly areas must be fenced from surrounding properties.
    - Parking per Chapter 6 parking provisions based on the square footage of each use. Parking must be provided on-site. Outdoor seating areas must be included in the parking calculations, if shared parking is utilized, a shared parking agreement, signed by all participating parties, must be included.

2. Taproom/Tasting Room shall be on the same property as the brewery
3. The Board of Zoning Appeals shall consider the appropriateness of the site for a brewery in context to the other surrounding land uses and zoning.

Cement Manufacture:

1. Where the site abuts a residential zone district or district permitting residential use, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the residential zone district.

Chemicals Manufacture:

1. No outdoor storage shall be permitted.
2. Where the site abuts a zoning district that allows residential uses, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the zoning district.

Foundry:

1. Where the site abuts a zoning district that allows residential uses, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the zoning district.

Fuel/Petroleum Distribution:

1. Where the site abuts a zoning district that allows residential uses, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the zoning district.

Meat/Poultry Processing Plant:

1. No outdoor storage shall be permitted.
2. Where the site abuts a zoning district that allows residential uses, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the zoning district.

Mineral Extraction, Rock Quarries, Sand, Gravel, and Earth Excavations:

The Board of Zoning Appeals may approve accessory uses to the mineral extraction activity including, but not limited to, rock crushing, mineral screening, and any combination of uses necessary to extract and process minerals. Such accessory activities shall be located within the perimeter of operation. The applicant must also meet the following requirements:

1. An earthen berm may supplement the required landscape screening. All screening shall be maintained in good condition at all times.
2. Areas of hazardous equipment and quarry pits shall be completely enclosed by fencing.
3. The operation shall minimize disturbances and adverse impacts on surrounding lands using best available current technology.

4. Blasting shall only occur between seven a.m. and five p.m. Monday through Friday and may be further restricted to minimize disturbance to surrounding properties.
5. Reclamation/Closure Plan. The application shall include plans for the final contours of the site after the operation is terminated so as to render the land suitable for a use consistent with the Land Use Plan for the City of Clarksville.

Research and Development Facility:

1. No outdoor storage shall be permitted.
2. All buildings used for handling, processing and/or storage of any hazardous material shall be located a minimum of one hundred (100) feet from all property lines and one thousand (1,000) feet from any zoning district that allows residential uses.
3. The applicant shall demonstrate the capability to comply with all applicable Federal, State and Local Regulations.

Salvage and Junk Yards:

Because of the nature and character of their operation, automobile wrecking and salvage yards, junkyards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic, and health hazards and may adversely affect property values by their general appearance. The applicant also must meet the following requirements:

1. All salvage yards must be licensed. An application to establish a salvage yard within the City of Clarksville shall be filed with the Regional Planning Commission and approved by the Board of Zoning Appeals. For the purpose of this section, junkyards, automobile wrecking yards, and other similar operations shall be known as "salvage yards."
2. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than five hundred (500) feet from any zoning district that allows residential uses.
3. All storage of three (3) or more unlicensed abandoned vehicles and salvaged vehicles must be in an approved and licensed salvage yard.
4. All abandoned and junked motor vehicles and other similar large salvage articles that can be seen from any public right-of-way shall be moved to a licensed salvage yard.
5. All outdoor storage of salvage yards or junk yards shall be conducted entirely within an area which is screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main traveled roads or way of the system, or they will otherwise be removed from sight.
6. Storage outside screened areas is expressly prohibited. Such screening shall be properly maintained and in good condition.
7. All persons operating or intending to operate salvage yards must apply to and submit a Site Plan to the Regional Planning Commission for review and approval.

Stone Cutting or Crushing:

1. Where the site abuts a residential zone district or district permitting residential use, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the residential zone district.

Storage of Cement, Sands and Gravel:

1. Where the site abuts a residential zone district or district permitting residential use, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the residential zone district.
2. The gross floor area shall be limited to twenty-five thousand (25,000) square feet.

Storage of Used Lumber and Building Materials:

1. Where the site abuts a residential zone district or district permitting residential use, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the residential zone district.
2. The gross floor area shall be limited to twenty-five thousand (25,000) square feet.

Wholesale Distribution:

1. No outdoor storage shall be permitted.
2. Where the site abuts a residential zone district or district permitting residential use, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the residential zone district.

5.2.5 STANDARDS FOR INSTITUTIONAL USES PERMITTED ON REVIEW (PR)

Subject to the procedures outlined in Chapter 5.2: Procedures For Uses Permitted On Review.

Correctional Facility:

1. All buildings and outdoor security areas shall be setback a minimum of five hundred (500) feet from all common property lines.

Group Home:

1. All structures shall not be located within one thousand (1,000) feet of any school, park, church, playground, or day care center.
2. The compatibility of the proposed use shall be consistent with surrounding uses.
3. The facility and program must secure and maintain all licenses and/or approvals as required by the state.
4. All residents shall be supervised.

5. The subject property must be situated in close proximity to, and have convenient access to, public transportation, shopping, health care providers, and other services and facilities frequently utilized by the residents of the property.
6. The Board of Zoning Appeals shall determine the maximum number of dwellings units or occupancy rooms or suites permitted within the proposed development.
7. The facility shall provide adequate off-street parking and the appearance shall conform with the character of surrounding uses.

Homeless Shelter:

1. Ownership: The host agency shall submit documentation that it owns or has a leasehold interest in the subject building.
2. A Homeless Shelter is a non-traditional living arrangement and therefore provides less privacy and more complex living arrangements than traditional homes:

    A. No shelter shall be permitted within three hundred (300) feet, measured from near property line to near property line, of a licensed child daycare facility or any public or private pre-school or school.
    B. With the exception of Central Business District, no homeless shelter shall be located within five hundred (500) feet, measured from near property line to near property line, of any zoning district where residential uses are permitted.

3. The building must be sufficient in size to accommodate the residents and must have necessary on site facilities including but not limited to the following:

    A. Adequate water supply;
    B. Sanitary sewer and toilets in the number required to meet capacity guidelines;
    C. Hand washing facilities by the toilets and by any food areas;
    D. Refuse receptacles and;
    E. Kitchen facilities for food preparation.

4. The Board of Zoning Appeals and the Fire Marshall shall establish the maximum capacity limit for each shelter on a case by case basis.
5. The subject property must be situated in close proximity to, and have convenient access to, public transportation.
6. Code of Conduct: The host agency shall ensure that the homeless shelter has an enforceable code of conduct. A copy of the code of conduct shall be submitted to the Board of Zoning Appeals at the time of application and shall include, at a minimum, the following:

    A. Drugs – possession or use of illegal drugs is not permitted;
    B. Alcohol – no alcohol is permitted;
    C. Weapons – no weapons are permitted;
    D. Knives – all knives with blades over 3 and ½ inches must be turned in to the on-duty responsible person for safekeeping;
    E. Violence – no violence is permitted;

F. Fires – no open flames are permitted. An exception may be made for propane heating or other similar appliance if approved by the Fire Marshal;
G. Trespassing – no trespassing onto private property in the surrounding neighborhood is permitted;
H. Loitering – no loitering in the surrounding neighborhood is permitted;
I. Littering – no littering on the homeless shelter site or in the surrounding neighborhood is permitted.

Religious Institution:

1. All site lighting shall be directed inward onto the site, to include shielded hoods. No light shall spill onto adjacent properties.
2. Hours of operation shall be determined and approved by the Board of Zoning Appeals.
3. All activities and/or accessory uses shall be specified by the applicant and approved by the Board of Zoning Appeals.
4. Adequate parking shall be provided on-site and the parking shall be designed and be of such size that no vehicle is required to back into a public street to obtain egress/ingress.

Soup Kitchen:

1. No soup kitchen shall be permitted within three hundred (300) feet, measured from near property line to near property line, of a licensed child daycare facility or any public or private pre-school or school.
2. With the exception of Central Business District, no soup kitchen shall be located within one thousand (1,000) feet, measured from near property line to near property line, of any zoning district where residential uses are permitted.
3. The Board of Zoning Appeals shall determine the hours of operation on a case by case basis, to include holiday schedules.
4. The subject property must be situated in close proximity to, and have convenient access to, public transportation.
5. Code of Conduct: The host agency shall ensure that the soup kitchen has an enforceable code of conduct. A copy of the code of conduct shall be submitted to the Board of Zoning Appeals at the time of application and shall include, at a minimum, the following:
   A. Drugs – possession or use of illegal drugs is not permitted;
   B. Alcohol – no alcohol is permitted;
   C. Weapons – no weapons are permitted;
   D. Knives – all knives with blades over 3 and ½ inches must be turned in to the on-duty responsible person for safekeeping;
   E. Violence – no violence is permitted;
   F. Fires – no open flames are permitted. An exception may be made for propane heating or other similar appliance if approved by the Fire Marshal;
   G. Trespassing – no trespassing into private property in the surrounding neighborhood is permitted;
   H. Loitering – no loitering in the surrounding neighborhood is permitted;
   I. Littering – no littering on the site or in the surrounding neighborhood is permitted.

5.2.6 STANDARDS FOR RECREATION AND ENTERTAINMENT USES PERMITTED ON REVIEW (PR)

Subject to the procedures outlined in Chapter 5.2: Procedures For Uses Permitted On Review, the applicant also must meet the following requirements:

Fairground:

1. The minimum lot area shall be twenty five (25) acres.
2. Where any building or outdoor storage area and/or display, excluding passenger car parking lots, abuts a residential zone district or district permitting residential use, there shall be a minimum setback of one hundred (100) feet from the common property line.
3. Up to eighty percent (80 %) of the required off-street parking is permitted to remain as green space. Gravel shall be prohibited.
4. The hours of operation shall be limited to between 8:00 a.m. to 12 Midnight, seven (7) days a week.

Gun Range, Indoor:

1. Indoor ranges must be housed in a building furnished with electricity and built of impenetrable walls, floors and ceilings.
2. Where any building, excluding parking lots, abuts a zoning district where residential uses are permitted, there shall be a minimum setback of two hundred (200) feet from all common property lines.
3. All Federal, state or local statutes, ordinances and/or regulations must be complied with.
4. Specifications on building materials require an independent set of plans, detailing such specific requirements as grade of concrete used in walls, floors or walkways, steel reinforcing, ceiling materials, treated lumber, doors, joists, roof pitch, roofing materials, dimensions, backstop steel, electrical panels and wiring, plumbing fixtures, etc.
5. The shooting of firearms shall be conducted within a completely enclosed building.

Racetrack:

1. The minimum lot size shall not be less than twenty five (25) acres.
2. Where the track and related facilities, excluding passenger car parking lot, abut a residential zone district or district permitting residential use, there shall be a minimum setback of five hundred (500) feet.
3. The hours of operation shall be limited to between 8:00 a.m. To 12 Midnight, seven (7) days a week.
4. A traffic study shall be required.

Recreational Campground

1. The owner shall submit to the Board of Zoning Appeals a site plan of the proposed camp, drawn to a scale no smaller than one inch equals fifty feet (1” = 50’) and showing:

A. Name of actual owner
B. Location of the tract
C. Tract boundaries and acreage
D. The number and general location of the trailer, tent sites
E. Type and location of sewage disposal facilities and water supply
F. Restrooms and shower facilities
G. Garbage and refuse collection points

2. There shall be no more than ten (10) trailer/RV or tent sites per acre. There shall be at least twenty-five (25) feet between all trailers with their tow vehicle and any other trailer or tow vehicle. There shall be at least twenty (20) feet between all tents.
3. There shall not be more than one (1) sign for each recreational campground.
4. No trailer or tent may be located within any front, side or rear yard setback.
5. There may be one (1) small food market located on the site. It shall have no more than one thousand (1,000) square feet in floor area and be in business to serve the transients of the camp.
6. There may be one (1) structure containing a launderette and/or dry cleaning establishment. This building shall be located on the site and shall contain no more than six hundred (600) square feet in floor area. Such building shall be heated, lighted, side walled and covered.
7. All travel trailer camps shall comply with the requirements of the Tennessee Trailer Court Act, T.C.A. Section 53-3201 through 53-3220, regarding water supply, sewage disposal facilities, refuse storage, collection and disposal.
8. A greenbelt planting strip, not less than fifteen (15) feet in width, is located along the property lines, except in those areas where such a strip would create a traffic hazard. This planting strip shall contain the following: One (1) row of evergreen trees spaced not more than fifteen (15) feet apart, at least eight (8) feet tall, and with a two (2) inch diameter. A sight obscuring fence that is at least six (6) feet high may be substituted for fifty (50%) of the required plantings.
9. Trailer/tent sites may not be occupied for more than twenty-one (21) days.

Studios - Art, Dance, Music, Health, Massage:

For these zone districts which allow these uses as Permitted on Review, see Section 5.2.7 for Home Occupation Conditions.

Zoo:

1. The minimum lot area shall be twenty five (25) acres.
2. Where any building or outdoor storage area and/or display, excluding passenger car parking lots, abuts a residential zone district or district permitting residential use, there shall be a minimum setback of one hundred (100) feet from the common property line.
3. The hours of operation shall be limited to between 8:00 a.m. to 12 Midnight, seven (7) days a week.

5.2.7 STANDARDS FOR RESIDENTIAL USES PERMITTED ON REVIEW (PR)

Subject to the procedures outlined in Chapter 5.2: Procedures For Uses Permitted On Review, the applicant also must meet the following requirements:

Family Day Care:

1. The required lot size, yard, and bulk regulations of the district shall apply. No variances shall be permitted for lots on which such use is to be located.
2. All public utilities and sanitary sewer shall be available and connected to the site.
3. The facility shall meet the requirements of the Tennessee Department of Human Services pertaining to day care.
4. Fencing, screening, and landscaping shall be provided as required by the building department to protect the surrounding area.
5. A plan shall be submitted to the Building and Codes Department in conjunction with the application for review.

Guest House:

1. Guest House shall be an accessory use to the single-family dwelling located on the same parcel of land.
2. The primary single-family dwelling shall be owner occupied, and must meet all the regulations of the zoning district.
3. There shall be free and clear access between the housekeeping units.
4. Only one (1) meter per utility may be installed to service both units.
5. A maximum of twenty-five (25) percent of the gross floor area, excluding garage and utility space, may be used for the guest quarters.
6. The guest house must be occupied by a guest of the occupants or family member.
7. The Board of Zoning Appeals shall approve all floor plans, and adequate off-street parking shall be provided on site.
8. The guest house shall not be rented or offered for rent.

Home Occupations:

1. Customary home occupations shall only be conducted by the property owner(s) residing on the premises and conducted entirely within the dwelling.
2. The maximum number of clients, patients, or customers that may be served on the property where the home occupation is based shall be established by the Board of Zoning Appeals.
3. The home occupation shall not occupy more than thirty (30%) percent of the total floor area of the principal structure (dwelling unit).
4. The home occupation shall not be advertised by signs or any exhibit whatsoever that would indicate that the dwelling unit is being utilized for any purpose other than a residence. There shall be no alteration of the residential building which would change its character as a residential dwelling or would make obvious that such activities are being conducted there.

5. Machinery that causes objectionable noise, odor, vibration, interferes with radio, telephone or television reception or produces other obnoxious effects to neighboring properties is prohibited and shall be approved by the Board of Zoning Appeals.
6. The storage of any materials on the premise associated with the home occupations shall be stored in the floor area designated for said occupation or within an approved vehicle associated with the said use. Any storage of flammable or hazardous materials shall comply with the standards adopted by the most recent version of the Standard Fire Prevention Code.
7. Vehicles associated with the home occupation shall be limited to one (1) with a maximum axle load capacity of one and one-half tons. Any delivery vehicles delivering materials or products associated with the use shall be limited to a two (2) axle vehicle. No traffic shall be generated by such use in greater volumes than would normally be expected in a residential neighborhood.
8. Hours of operation shall be determined by the Board of Zoning Appeals.
9. The Board of Zoning Appeals is granted the authority to deny any proposed home occupation or to place additional conditions upon a home occupation to ensure that the residential character and quality of the neighborhood is maintained.
10. The following occupations are typical as customary home occupations:

    A. Antique sales;
    B. Artist, sculptor, and similar occupations of art;
    C. Dressmaker, milliner, seamstress, tailor, interior decorator;
    D. Professional office or a realtor, lawyer, engineer, architect, photographer, or accountant.
    E. Individual teaching, instruction or tutoring;
    F. Any other similar use which the Board of Zoning Appeals deems to be a customary home occupation.

11. Prohibited: Dancing institutions and band instrument instructions in groups, tea rooms, tourist homes, convalescent homes, mortuary establishments, animal hospitals, stores, and trades, or business of any kind not included herein or authorized by the Board of Zoning Appeals.

5.2.8 STANDARDS FOR TRANSPORTATION USES PERMITTED ON REVIEW (PR)

Subject to the procedures outlined in Chapter 5.2: Procedures For Uses Permitted On Review, the applicant also must meet the following requirements:

Airports and Heliports, (Public and Private):

1. All facilities, excluding passenger car parking lots, shall be setback a minimum of five hundred (500) feet from all common property lines that adjoin zoning districts that allow residential uses.
2. All site lighting shall be directed inward onto the site, to include shielded hoods. No light shall spill onto adjacent properties.

3. Traffic Impact Study shall be required and shall demonstrate that the traffic generated will use only streets that function at, or better than, a level of service (LOS) D.
4. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard "D" shall be applied along common property lines.

Helistop:

1. To the greatest extent feasible, a helistop pad should be located adjacent to the flight corridor established by the FAA (Federal Aviation Administration).
2. In zone districts allowing hospitals and nursing homes, a helistop shall be permitted only as an accessory use.
3. A helistop pad shall not be located closer than five hundred (500) feet to any residential property line.
4. All helistop shall be made of dustless material and shall be enclosed by fencing to trap on-site debris.

Landing Strip (private):

1. The landing strip shall have a minimum of five (5) acres.
2. Outdoor lighting is prohibited.
3. Landing Strips shall be setback a minimum of two hundred (200) feet from all property lines.
4. The following documents shall be submitted with the Board of Zoning Appeals application:

    A. Approval from the Federal Aviation Administration;
    B. Statement from Fort Campbell Air Traffic Control Division that the landing strip will not constitute a hazard to their airport facilities.

5.2.9 STANDARDS FOR UTILITY USES PERMITTED ON REVIEW (PR)

Subject to the procedures outlined in Chapter 5.2: Procedures For Uses Permitted On Review, the applicant also must meet the following requirements:

Waste Water Treatment Plant:

1. The minimum lot area shall be ten (10) acres.
2. The facility, excluding passenger parking lots, shall not be located within one thousand (1,000) feet of any zoning district where residential uses are permitted.
3. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard "D" shall be applied along common property lines.

Water Treatment Plant:

1. The minimum lot area shall be ten (10) acres.
2. The facility, excluding passenger parking lots, shall not be located within one hundred (100) feet of any zoning district where residential uses are permitted.

3. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard "D" shall be applied along common property lines.

5.2.10 STANDARDS FOR WASTE MANAGEMENT USES PERMITTED ON REVIEW (PR)

Subject to the procedures outlined in Chapter 5.2: Procedures For Uses Permitted On Review, the applicant also must meet the following requirements:

Convenience Center:

1. The minimum lot area shall be one (1) acre.
2. No structure shall be located closer than fifty (50) feet from any zoning district that allows residential uses.
3. A minimum six (6) foot high opaque fence shall surround and secure the perimeter of the convenience center when closed for business.
4. Only the acceptance of household garbage from the public shall be accepted at the center.
5. Open storage of waste or recyclable materials is prohibited.
6. The facility shall be a manned operation in order to prevent rummaging and scavenging at the facility.
7. Hours of operation and plan of operation to keep the facility neat and orderly shall be submitted to and approved by the Board of Zoning Appeals.
8. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard "D" shall be applied along common property lines.

Construction/Demolition Landfill:

1. The minimum lot area shall be one hundred (100) acres.
2. The landfill area, all buildings, structures, storage containers and areas, and vehicle loading/unloading areas shall be located a minimum of one hundred (100) feet from any property line, five hundred (500) feet from any zoning district that allows residential uses, and the facility shall not be located less than two thousand (2,000) feet from all property lines of any school or park.
3. A traffic impact study will be required.

Medical Waste Facility:

1. No outdoor storage shall be permitted.
2. Where the site abuts a zoning district that allows residential uses, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the zoning district.

Sanitary Landfill:

1. The minimum lot area shall be one hundred (100) acres.
2. The landfill area, all buildings, structures, storage containers and areas, and vehicle loading/unloading areas shall be located a minimum of one hundred (100) feet from all property lines,
3. All buildings, structures, storage containers and areas, and vehicle loading/unloading areas shall be located a minimum of five hundred (500) feet from any zoning district that allows residential uses.
4. The facility shall not be located less than two thousand (2,000) feet from the property line of any school or park.
5. A traffic impact study will be required.

Waste Transfer Station:

1. The minimum lot size shall be ten (10) acres.
2. All buildings, structures, storage containers and areas, and vehicle loading/unloading areas shall be located a minimum of one hundred fifty (150) feet away from any zoning district that allows residential uses.
3. The entire facility shall be enclosed by a chain-link type fence at least eight (8) feet in height. The fence shall be patrolled each day to remove all windblown debris captured by the fence.
4. All loading, unloading, compacting, sorting, processing or storage shall take place within a completely enclosed building.

5.2.11 STANDARDS FOR OTHER USES PERMITTED ON REVIEW (PR)

Subject to the procedures outlined in Chapter 5.2: Procedures For Uses Permitted On Review, the applicant also must meet the following requirements:

Emergency Services:

1. The minimum lot area shall be one (1) acre.
2. Facilities for the provision of emergency services, excluding passenger parking lots, shall be located no less than fifty (50) feet from any zoning district where residential uses are permitted.

5.3 STANDARDS FOR ACCESSORY USES (A)

Accessory Uses are designated on the Zoning District Land Use Table as (A). The following sections will provide criteria for Accessory Uses with conditions in each zone. While not all accessory uses have land use development standards, those listed in this article have unique characteristics that warrant minimum restrictions on use. The criteria may be reviewed through several processes including but not limited to Site Review, Staff Level Review, and/or review by the Building Official. Once approved through the appropriate process and a determination has been made that the proposal meets all other requirements of this Ordinance, then the use shall be deemed permitted.

5.3.1 AGRICULTURAL ACCESSORY USES (A)

Subject to the procedures outlined in Chapter 5.3: Procedures For Accessory Uses, the applicant also must meet the following requirements:

Agricultural Uses (Customary):

1. No part of any building and/or structure in which animals are housed shall be closer than two hundred (200) feet from any property line.
2. All livestock shall be enclosed by appropriate fencing.
3. Beekeeping activities shall be conducted in accordance and in compliance with state law of general application, to include regulations promulgated by the Tennessee Department of Agriculture, including the "Honey Bee Best Management Policy and Practices" issued by the Tennessee Department of Agriculture (Apiary Section) as may be amended from time to time.

5.3.2 COMMERCIAL ACCESSORY USES (A)

Subject to the procedures outlined in Chapter 5.3: Procedures For Accessory Uses, the applicant also must meet the following requirements:

Barber and Beauty Shops:

1. This use shall be located within the same building as the principle use.
2. The leasable floor area for the accessory use shall be accessible only from inside the principle use.
3. There shall be no signage advertising the service(s) to the general public on the exterior of the principle use.

Cafe/Coffee Shop:

1. This use shall be located within the same building as the principle use.
2. The leasable floor area for the accessory use shall be accessible only from inside the principle use.
3. There shall be no signage advertising the service(s) to the general public on the exterior of the principle use.

Candy, Cigars and Tobacco (Retail):

1. This use shall be located within the same building as the principle use.
2. The leasable floor area for the accessory use shall be accessible only from inside the principle use.
3. There shall be no signage advertising the service(s) to the general public on the exterior of the principle use.

Florist (Retail):

1. This use shall be located within the same building as the principle use.
2. The leasable floor area for the accessory use shall be accessible only from inside the principle use.

3. There shall be no signage advertising the service(s) to the general public on the exterior of the principle use.

Gift or Card Shop:

1. This use shall be located within the same building as the principle use.
2. The leasable floor area for the accessory use shall be accessible only from inside the principle use.
3. There shall be no signage advertising the service(s) to the general public on the exterior of the principle use.

Jewelry Store:

1. This use shall be located within the same building as the principle use.
2. The leasable floor area for the accessory use shall be accessible only from inside the principle use.
3. There shall be no signage advertising the service(s) to the general public on the exterior of the principle use.

Nursery:

1. This use shall be located on the same parcel as the principle use.
2. This use shall be a secondary use to the principle use.

Personal Care Services:

1. This use shall be located within the same building as the principle use.
2. The leasable floor area for the accessory use shall be accessible only from inside the principle use.
3. There shall be no signage advertising the service(s) to the general public on the exterior of the principle use.

Pharmacy:

1. This use shall be located within the same building as the principle use.
2. This use shall be accessory to a medical use.
3. The leasable floor area for the accessory use shall be accessible only from inside the principle use.
4. There shall be no signage advertising the service(s) to the general public on the exterior of the principle use.

Restaurant/Fast Food:

1. This use shall be located within the same building as the principle use.
2. The leasable floor area for the accessory use shall be accessible only from inside the principle use.
3. There shall be no signage advertising the service(s) to the general public on the exterior of the principle use.

Restaurant/Full Service:

1. This use shall be located within the same building as the principle use.
2. The leasable floor area for the accessory use shall be accessible only from inside the principle use.
3. There shall be no signage advertising the service(s) to the general public on the exterior of the principle use.

Retail:

1. This use shall be located within the same building as the principle use.
2. The leasable floor area for the accessory use shall be accessible only from inside the principle use.
3. There shall be no signage advertising the service(s) to the general public on the exterior of the principle use.

5.3.3 EDUCATIONAL ACCESSORY USES (A)

Subject to the procedures outlined in Chapter 5.3: Procedures For Accessory Uses, the applicant also must meet the following requirements:

Dormitory:

1. This use shall be accessory to a college or university.

Fraternal Organizations:

1. This use shall be accessory to a college or university.

Fraternity/Sorority Houses:

1. This use shall be accessory to a college or university.

5.3.4 RECREATIONAL AND ENTERTAINMENT ACCESSORY USES (A)

Subject to the procedures outlined in Chapter 5.3: Procedures For Accessory Uses, the applicant also must meet the following requirements:

Health Club:

1. This use shall be accessory to the residential or office use.

Recreation Center:

1. This use shall be accessory to the residential or office use.

Swimming Pools:

1. This use shall be accessory to the principal use.

Swimming Pools/Bath House (private family):

1. This use shall be accessory to the principal use.

5.3.5 RESIDENTIAL ACCESSORY USES (A)

Subject to the procedures outlined in Chapter 5.3: Procedures For Accessory Uses, the applicant also must meet the following requirements:

Garage/Carport:

1. This use shall be accessory to the residential use and shall be located on the same parcel of land.

Hobby/Work Shop:

1. The hobby/work shop shall be considered an accessory use to the residence and shall be located on the same parcel of land.
2. The hobby/work shop shall be conducted in a dwelling unit or accessory building by one or more occupants of the dwelling unit.
3. No clients or patrons shall be served on the site in which the hobby/work shop is located.
4. The use of mechanical or electrical equipment shall be permitted in connection with the hobby/work shop:
   A. Equipment shall be used purely for domestic or household purposes;
   B. Equipment shall be located within the dwelling unit or accessory building and cannot be seen;
   C. Equipment shall not interfere with radio and television reception on neighboring properties.
5. The storage of materials or goods shall be permitted in connection with the hobby/work shop provided such storage complies with the following standards:
   A. All materials or goods shall be stored completely within the dwelling unit or accessory building;
6. Offensive noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable effects shall not be permitted.
7. The Hobby/Work shop shall not be a commercial operation.

Parsonage:

1. The parsonage shall be considered an accessory use to the religious institution in which it serves.

Playhouses:

1. Playhouses shall be an accessory use to the residential use and shall be located on the same parcel of land.

Storage Shed (Residential):

1. Storage sheds shall be an accessory to the residential use and shall be located on the same parcel of land.

5.3.6 TRANSPORTATION ACCESSORY USES (A)

Subject to the procedures outlined in Chapter 5.3: Procedures For Accessory Uses, the applicant also must meet the following requirements:

Medical Helistop:

1. Medical helistop shall be accessory to hospitals, medical offices, and nursing homes.

5.3.7 UTILITY ACCESSORY USES (A)

Subject to the procedures outlined in Chapter 5.3: Procedures For Accessory Uses, the applicant also must meet the following requirements:

Solar Panel:

1. The structure(s) shall meet all required setbacks.
2. The structure(s) shall only be used to serve the property on which the structure is located.

Windmill:

1. The structure(s) shall meet all required setbacks.
2. The structure(s) shall only be used to serve the property on which the structure is located.

5.3.8 OTHER ACCESSORY USES (A)

Subject to the procedures outlined in Chapter 5.3: Procedures For Accessory Uses, the applicant also must meet the following requirements:

Amateur Radio Antenna:

1. In all zone districts, transmission and reception antennae may be attached to a single tower accessory to any. The following restrictions shall apply:

A. Antennae may be mounted on a single tower or pole, or attached to the structure or accessory structure provided only one such support or attachment shall be permitted per lot. Guy wires shall not extend beyond the property boundary;
B. The maximum height of antennae shall be sixty (60) feet, as measured from finished grade at the base of the support structure;
C. The tower or pole support shall be located to the rear of the structure and the tower or pole shall be set back from all property lines a distance equal to the height of the entire structure, including antennae.

Emergency Shelters:

1. Emergency shelters are permitted as an accessory use and structure in any district, subject to the building setbacks and yard requirements of the district established therein. These shelters may contain or be contained in other structures or may be used with any principal or accessory use permitted in the use district.

Satellite Dishes:

1. In all zone districts, a single satellite antenna shall be permitted only as an accessory use. A ground-mounted antenna exceeding three and one-half (3 1/2) feet in diameter shall be located behind the rear wall of the residence, shall comply with all minimum required setbacks and shall not exceed sixteen (16) feet in height from grade.

5.4 STANDARDS AND PROCEDURES FOR MIXED LAND USE DISTRICTS (MLUD)

1. **Ownership.** No tract of land may receive final approval as a mixed land use development without being under single ownership. The developer of an approved mixed land use development plan may divide and transfer parts of the development. The transferee shall complete each part, and shall use and maintain it in strict conformance with the adopted final development plan.
2. **Required Mixture of Uses.** A residential component shall be required in the MLUD. The residential component may include, but is not limited to, single-unit dwellings, duplexes, townhouses, condominiums, and apartments. A minimum of 20 (twenty) percent of the total building square footage of the mixed use development shall be used for residential purposes.

   A maximum of 80 (eighty) percent of the total building square footage of the mixed use development may be occupied by a single use type (residential, retail, office, civic, etc.)

   Percentages of uses must be maintained throughout individual phases of development or construction.

3. **Off-Street Parking.** Off-street parking shall be in accordance with Section 6.1 of this Ordinance, unless regulated by other Overlay District Guidelines, in which case the guidelines of the overlay district shall apply.
4. **Off-Street Loading and Unloading**. Off-street loading and unloading shall be in accordance with Section 6.3 of this Ordinance.
5. **Landscaping.** Landscaping shall be provided in accordance with Chapter 7 of this Ordinance. Landscape buffering requirements along the perimeter of a MLUD development shall be determined by the planning staff. Buffering requirements shall be based upon the use(s) proposed along the perimeter of the MLUD development and the adjacent zone district. The buffer yard matrix shall be used as a guide in this determination.
6. **Staging.** Each stage within a MLUD shall be so planned and so related to existing surroundings and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the mixed land use development or its surroundings at any stage of the development.
   A. Staging by the developer. The developer can elect to develop the site in successive stages in a manner indicated in the final mixed use plan; however, each stage must be substantially complete within itself.
   B. Staging by the Regional Planning Commission. The Regional Planning Commission may recommend that the developer be required to develop the site in stages if public facilities are not adequate to service the entire development initially.
7. **Failure to Begin MLUD.** If no construction has begun or no use established in the MLUD within three (3) years from the date of approval of the final MLUD plan, the Regional Planning Commission may require the landowner to appear before it and to present evidence substantiating that he has not abandoned the project and possesses the willingness and ability to continue its development. In the event the Regional Planning Commission

finds that conditions which supported approval of the final planned unit development plan have changed so as to raise reasonable questions regarding the landowner's and/or developers ability to continue with the plan, it may withdraw its approval of the plan. Should the Regional Planning Commission withdraw its approval of the plan, a report of this action shall be sent immediately to the City Council. At its discretion and for good cause shown, the Regional Planning Commission may extend the period for initiation of the development, but at least annually it must again require the landowner to demonstrate that he has not abandoned the project.

8. **Enforcement of the Development Schedule.** The construction and provision which are shown on the final MLUD plan must proceed at no slower rate than the construction of dwelling units. From time to time the Regional Planning Commission shall compare the actual development accomplished with the approved schedule for development.

5.5 STANDARDS AND PROCEDURES FOR MOBILE HOME PARKS (MHP)

A. **Location**.
   A. The location of mobile home parks, as defined herein, shall be approved by the Board of Zoning Appeals.
   B. Mobile home parks are permitted to be located in the MHP Mobile Home Park District.
   C. The boundary of the park must be at least fifty (50) feet from any permanent residential building located outside the park, separated therefrom by a natural or artificial buffer zone of at least twenty-five (25) feet.

B. **Mobile Home Park Standards.** The following property development standards shall apply for all mobile home parks hereinafter established or altered:
   A. No parcel of land containing less than five (5) acres and less than fifteen (15) mobile home spaces, available at the time of first occupancy, shall be used for a mobile home park; however, the plans submitted for approval, as required under application for permit, shall be designed for a minimum of twenty-five (25) mobile home units.
   B. There shall be not less than four thousand (4,000) square feet of lot area for each space provided on the site. This space ratio shall not include access roads, automobile parking, accessory building space, and recreation area.
   C. Yards:

      I. Each mobile home park shall have a front yard setback as required in Subsection 4.1.1, extending for the full width of the parcel devoted to that use, and cannot be used for individual spaces.
      II. Each mobile home park shall have a minimum side and rear yard setback of twenty-five (25) feet around the perimeter of the parcel devoted to that use, and cannot be used for individual spaces.

D. No building or structure erected or stationed in the park shall have a height greater than one (1) story or fifteen (15) feet, except a management office, which may have a maximum height of thirty (30) feet.
E. A mobile home park shall be entirely enclosed, exclusive of driveways, at its external boundaries by a solid wall, fence, or evergreen hedge not less than four (4) feet in height.
F. Each mobile home park shall be permitted to display on each street frontage, one identifying sign of a maximum size of twelve (12) square feet. The sign shall contain only the name and address of the mobile home park and may be lighted by indirect lighting only.
G. Each mobile home space shall be of sufficient size that, in addition to the mobile home, the following areas shall be provided.
    I. Each mobile home space shall be at least forty (40) feet wide and one hundred (100) feet deep, and such space shall be clearly defined by permanent markers.
    II. There shall be a front yard setback of at least fifteen (15) feet from all access roads within the mobile home park.
    III. Mobile homes shall be so harbored on each space that there shall be at least fifteen (15) feet clearance between mobile homes or any attachments thereto. No mobile home shall be located closer than twenty (20) feet from any other building within the park.
    IV. There shall be at least two (2) paved off-street parking space for each mobile home space which shall be on the same site or located in grouped parking bays specifically designed for such purpose close to the site served.
    V. Each mobile home space shall be provided with a paved patio or wooden deck of at least one hundred (100) square feet, exclusive of any other walkways or parking spaces; and may provide a metal storage locker or locker fabricated of some suitable material such as concrete blocks or brick, but shall not contain wood siding. Storage lockers may be located in locker compounds established in the rear of the mobile home spaces. Such lockers shall be located at least ten (10) feet from any mobile home.
    VI. A docking pad containing a minimum of four (4) inches of compacted gravel, or other suitable pavement material, shall be provided for each mobile home space.
    VII. All mobile homes shall be properly secured to withstand severe weather conditions.

3. **General Provisions.**
    A. There shall be established and maintained within each park additional automobile parking areas for the use of guests. The number of parking spaces within the area shall be equal to one (1) for every four (4) mobile home sites.
    B. Access roads within a mobile home park shall be paved to a width of not less than twenty-eight (28) feet.
    C. Walkways shall be provided from the mobile home spaces to service buildings and shall be in compliance with ADA (American with Disabilities Act).
    D. Each mobile home space shall be provided with a connection to a sanitary sewer line or to a sewer system approved by the Clarksville Gas and Water Department.

E. There shall be provided a park and recreation area having a minimum of one hundred fifty (150) square feet for each mobile home space. Areas shall be consolidated into usable areas.
F. Each mobile home park shall be provided with a management office located on the premises and such service buildings as necessary to provide facilities for mail distribution, maintenance materials and equipment.
G. Prefabricated portable attachments or awnings may be attached to or become a part of any mobile home. No permanent addition of any kind shall be built onto, nor become a part of any mobile home. Complete skirting of mobile homes may be required by the park owner, but such skirting shall not permanently attach the mobile home to the ground.
H. Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within the mobile home park, except for customary home occupations as regulated in Subsection 5.2.7 and with the permission of the Board of Zoning Appeals.

4. **Application for Permits.**
   A. An application for a permit to establish a mobile home park shall be as regulated hereunder and as in Sections 68-126-101 through 68-126-412, Tennessee Code Annotated.
   B. The mobile home park shall be reviewed by the Regional Planning Commission and shall comply with the provisions and submission requirements of Section 5.10 of this Ordinance.
   C. The following additional information shall also be submitted:

      I. The location and legal description of the proposed mobile home park;
      II. Plans and specifications of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park;
      III. The proposed use of buildings shown on the site;
      IV. The location and size of all mobile homes spaces;
      V. The location of all points of entry and exit for vehicles and internal circulation pattern;
      VI. The location of all landscaping to be provided;
      VII. The location of all lighting to be provided;
      VIII. The location of all walls and fences and the indication of their height and materials of construction;
      IX. The location of all off-street parking facilities;
      X. Such other architectural and engineering data as may be required to permit the Health Officer, Board of Zoning Appeals, and Building Inspector to determine if the provisions of this section are being complied with.

   D. A time schedule for development shall be prepared with shall demonstrate the applicant's readiness and ability to provide the proposed services. The time shall be for a period of not more than one year.

5. **Additions or Alterations.**
    A. Any additions or alterations to existing mobile home parks or parks hereinafter established shall be in conformity with the provisions of Chapters 1 through 11 of this Ordinance.
6. **Conformance.**
    A. Every mobile home park in existence upon the effective date of the provisions of Chapters 1 through 11 of this Ordinance may be maintained and operated for an indefinite period without being subject to the provisions hereof; provided, however, that such parks comply with the applicable health regulations and specifications in force and as regulated by Sections 68-126-101 through 68-126-412, Tennessee Code Annotated. Failure to make the existing park conform fully to such provisions and specifications shall be due cause for the revocation of permit.
    B. All mobile home parks created or established after the effective date of Chapters 1 through 11 of this Ordinance shall conform to the specifications and requirements as set forth herein.
7. **Supervision**.
    A. The owner of permittee, or a duly authorized attendant or caretaker, shall be in charge at all times to keep the mobile home park, its facilities and equipment in a clean, orderly, sanitary condition. The attendant or caretaker shall be answerable, with the licensee or permittee, for the violation of any provision of Chapters 1 through 11 of this Ordinance to which the licensee or permittee is subject.
8. **Maintenance of Register**.
    A. Every mobile home park owner or operator shall maintain a register containing a record of all mobile homes and occupants using the park. Such register shall be available to any authorized person inspecting the park. Such register shall contain:
        A. the names and addresses of all mobile home occupants residing in the park,
        B. the make, model and license number of each mobile home, and
        C. The dates of arrival and departure of each mobile home.
9. **Revocation of Permit.**
    A. The Building and Codes Official may revoke any permit to maintain and operate a park when the permittee has been found guilty by a court of competent jurisdiction of violating any provision of Chapters 1 through 11 of this Ordinance or Sections 68-126-101 through 68-126-412, Tennessee Code Annotated. After such conviction, the permit may be reissued if the circumstances leading to convicting have been remedied and the park is being maintained in full compliance with the law.

5.6 STANDARDS AND PROCEDURES FOR PLANNED UNIT DEVELOPMENTS (PUD)

1. **Types**

   A. The requirements for both PUDs and MXU-PUDs are generally the same, unless specifically called out for MXU-PUDs.

   B. **PUD:** The Planned Unit Development is primarily residential with some opportunity for other compatible uses. The purpose of the PUD is to encourage a variety of housing types and to use land efficiently through a professionally prepared master planned community.

   C. **MXU-PUD:** The purpose of the Mixed-Use PUD is to create pedestrian oriented neighborhoods by encouraging a variety of infill housing choices, with retail, office, restaurants, and public facilities or institutions, that are less automobile dependent. The MXU-PUD is intended to promote flexibility in design standards and diversification of complimentary land uses. This is accomplished by applying a professionally prepared development plan, and to promote the efficient use of land, facilitating a more economic arrangement of buildings, circulation systems, land uses, and utilities.

2. **PUD Approval Process:**

   A. **Pre-application conference:** The developer must schedule and attend a pre-application meeting with RPC and other reviewing agencies prior to formally applying. Pre-application meetings shall be scheduled with staff as needed. The purpose of the pre-application meeting is to prepare a development plan for public hearing with the RPC and appropriate elected body. This discussion shall concern, but not be limited to the following:

      I. Site:
         a. Location and Size of development
         b. Floodways and locations of structures
         c. Existing zoning
         d. Surrounding type of development, land use, and zoning
         e. General topography and physiographic characteristics

      II. Development:
         a. Density and/or mixture of uses
         b. Parking areas
         c. Open space
         d. Proposed landscaping or other treatments
         e. Proposed access, street layout, and pedestrian circulation

      III. Community facility consideration:
         a. General statement of the effects of the proposed development on schools, fire, and police services, etc.
         b. Proximity and adequacy of utilities, major traffic arteries, etc.

IV. Development phasing schedule: Estimated time span for construction of the proposed development including any phasing.

B. **Preliminary Application:** After the developer meets with RPC staff for the required pre-application conference, the Preliminary application may be made in the form of a zoning request per the requirements in Chapter 11 Section 4.

I. **Application Submittal:** A developer shall make an initial application for approval of a PUD by filing the required application and fourteen (14) copies or digital submission of the preliminary plan with the RPC by the deadline. The RPC shall forward one of these copies to the appropriate departments or entities, all of whom shall submit any recommendations in writing to the RPC prior to the initial hearing on the preliminary plan.

II. **Regional Planning Commission Action**: The RPC shall forward the plan to the City Council along with a written report recommending approval or disapproval of the plan and the proposed zoning amendment. The RPC recommendation shall refer, but not be limited to, the following conditions:

a. That the PUD is consistent with the comprehensive plan;

b. That the property adjacent to the area included in the plan will not be adversely affected;

c. That the plan is consistent with the intent and purpose of this section to promote public health, safety, morals, and general welfare;

d. That there is a need for such development in the proposed location;

III. **Governing Body Action:** Upon receipt of the written report prepared in accordance with Subparagraph II above, the Governing Body shall consider the report, the preliminary PUD plan, and other such data as may be required. Prior to the enactment of any amendment to the zoning map, a required public hearing shall be held. The RPC report must be made available to the public at least three (3) days prior to the public hearing.

a. Within one-hundred (100) days after the public hearing, the Governing Body shall either approve the plan and grant the necessary rezoning, or disapprove the plan. Failure of the Governing Body to act within this time period shall be deemed to be a denial.

IV. No building permits may be issued and no final plat may be approved on land within the PUD district until the final PUD plan has been approved by the RPC.

C. **Final application:**

I. Within twenty four (24) months following the approval of the preliminary plan, the applicant shall file with the RPC a final plan containing in final form the information required. At its discretion and for good cause shown, the RPC may extend the time period for filing the final plan.

D. **Relationship to the Subdivision Regulations** In any instance where land is to be subdivided or streets are to be dedicated, the following procedure will be utilized.

I. **Preliminary Plat:** At the time application is made for approval of a final PUD Development Plan, application shall also be made for preliminary approval of a subdivision plan. Both the final PUD plan and preliminary plat will be considered by the RPC concurrently.

II. **Final Plats:** final plats are permitted on any portion of an approved Development Plan.

E. **Final Approval: Regional Planning Commission Action**

Within the time period as specified within the requirements of TCA, the RPC shall either approve or disapprove the final PUD and preliminary subdivision plat.

The RPC may approve the final plan if it finds:

I. The final plan is in substantial compliance with the preliminary plan; and

II. That the final plan complies with all other standards for review which were not considered when the preliminary plan was approved.

In the event the RPC finds that conditions which supported approval of the preliminary plan have changed so as to raise reasonable question regarding the developer's ability to continue with the plan, it may withdraw its approval of the plan; a report of this action shall be sent immediately to the Governing Body along with a recommendation that the PUD district be changed back to the original zone classification.

In accordance with the schedule presented in the preliminary plan, the developer may elect to seek final approval of only a geographic section or sections of the land included within the total development.

F. **Changes and Modifications:**

I. A final PUD, approved by the RPC, is the sole basis for granting minor modifications for site reviews or final plats for any portion of the final development plan.

II. Major changes to the PUD, after it has been adopted by the Governing Body, shall be considered the same as a new application and shall be made in accordance with the procedures specified in this ordinance.

Major modification may include but are not limited to the following:

a. An increase in gross density of greater than 10%,
b. Alteration of exterior boundaries, properties, or acreage,
c. Significant adjustments to major roadway alignments, or
d. Significant adjustments to the types and intensity of proposed uses.

III. Minor changes in PUDs may be approved by the RPC Director provided that such changes:

a. Density changes less than +/- 10%,

b. Minor adjustments to the boundaries of the use districts in an MXU-PUD,
c. Minor shifts in location of buildings and parking, or
d. Minor adjustments to alignments of major roadways and changes to local streets, utility easements, and public open spaces.

G. **Filing of an approved Final Plan:** Upon approval of a final plan, the plan and all maps, covenants, and other portions thereof shall be filed with the following agencies:

I. The County Register of Deeds,

II. The Regional Planning Commission,

III. The City Building Official.

H. **Failure to begin PUD development:** If no construction has begun or no use established in the PUD three (3) years from the date of approval of the final PUD plan, the RPC may require the landowner to appear before it and to present evidence substantiating that he has not abandoned the project and possesses the willingness and ability to continue its development. At its discretion and for good cause shown, the RPC may extend the time period for completing the PUD plan. In the event the RPC finds that conditions which supported approval of the PUD plan have changed so as to raise reasonable question regarding the developer's ability to continue with the plan, it may withdraw its approval of the plan; a report of this action shall be sent immediately to the City Council along with a recommendation that the PUD district be changed back to the original zone classification.

If site preparation commences and permits are secured within three (3) years then the vesting period shall be extended an additional two (2) years to commence construction from the date of the expiration of the (3) year period. Per TCA 13-3-413, developments with two (2) or more phases shall each have a separate vesting period as described in the development plan.

I. **Enforcement of the development schedule**: The construction and provision of all common open spaces and public and recreation facilities which are shown on the final plan must proceed according to the approved phasing plan. From time to time the RPC shall compare the actual development accomplished with the approved schedule for development. If the RPC finds that the construction of dwelling units or other commercial structures is different than the approved final phasing plan, the RPC may take any of the following actions:

I. Cease approval of any additional final plats.

II. Instruct the City of Clarksville Building Official to discontinue issuance of building permits and/or certificates of occupancy.

III. In any instance where the above actions are taken, the RPC shall gain assurance that the relationship between the construction of dwellings or other structures of a commercial nature and the provision of common open spaces and public and recreational facilities is brought into adequate balance prior to the continuance of construction.

3. **PUD and MXU-PUD Submittal Requirements**

A. **Eligibility and Minimum Requirements**

I. **Consistency with The Comprehensive Plan:** No PUD shall be approved unless the final development plan is found to be consistent with goals and objectives of the long-range comprehensive plan.

II. **Ownership:** No tract of land may receive final approval as a residential planned unit development without being under single ownership. Unless otherwise provided as a condition of approval, the developer of an approved planned unit development may divide and transfer parts of the development prior to completion. The transferee shall complete each part, and shall use and maintain it in strict conformance with the adopted final planned unit development plan.

III. **Minimum Requirements:**

Upgrades to infrastructure may be incurred at the developer's expense to provide adequate infrastructure and services to the MXU-PUD.

	PUD (City Only)	MXU-PUD
Minimum Requirements		
Min acres	1 acre	5 acres
Max acres	25 acres	NA
Min density	5 dwelling units per gross acre	5 dwelling units per gross acre
Max density	40 dwelling units per gross acre	40 dwelling units per gross acre
Mixture of Uses	Residential Minimum 80% of building square footage*	Maximum single use 80% of land area
Utilities and Services		
Fire	NA	Must demonstrate adequate fire protection
Transportation	Traffic Assessment Required at Preliminary PUD when peak hour trips exceeds 100 trips. A Traffic Study may be required at Final PUD as required by the Street Department.	Traffic Impact Study Required
Water and Sewer	Public Water and Sewer required.	Public Water and Sewer required. A statement from the utility provider that they can service the development.

** = Accessory Uses (neighborhood commercial, assembly, office) shall not exceed 20% gross building square footage and 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 level shall not be permitted.*

B. General Provisions

I. Separation of Structures:

a. The proposed location of all structures shall not be detrimental to existing or prospective adjacent dwellings or to the existing or prospective development of surrounding neighborhoods.

b. There shall be a minimum distance between detached structures as follows:

   i. Ten (10) feet for three (3) stories.

   ii. Twenty (20) feet for four (4) stories.

   iii. Four (4) additional feet for each story above four (4) stories.

c. In no instance shall any one structure extend more than two hundred (200) feet in length without being separated by breezeway or open space break of at least sixteen (16) feet at the ground floor level.

d. For structures exceeding three (3) stories or thirty-five (35) feet in height, the RPC shall be consulted concerning the location and proper spacing for these units.

e. No more than twelve (12) single-family attached dwellings (townhouses) may be attached to one another. Each townhouse unit must be a minimum of sixteen (16) feet wide.

II. Height of Buildings:

a. Any structure which exceeds thirty-five (35) feet or three (3) stories in height must be approved by the RPC.

III. Perimeter Treatments and Landscaping:

a. At the perimeter of any residential area, buildings shall generally be designed to harmonize in scale, setback, and mass with adjacent buildings outside the boundary of the PUD. The setbacks and heights of structures bordering the PUD shall be a guide for the setbacks of buildings at the perimeter.

b. The structures must be placed so that the privacy of the occupants of adjacent low-rise dwellings is not invaded by the location of high-rise structures.

c. If topographical or other barriers do not provide adequate privacy for existing residential uses adjacent to the PUD, the RPC may impose any of the following:

   i. Structures located on the perimeter must be set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses.

   ii. Structures located on the perimeter must be permanently screened in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses.

   iii. The rear lot of residential structures that front a state, arterial, or collector road must provide adequate screening from the roadway.

iv. Structures on the perimeter must step down to no more than one story above adjacent structures.

d. The pattern of existing streets and pedestrian connections shall be continued from and to existing developments. Stubouts should be provided for future connectivity to adjacent developments. Stubouts must be provided on dedicated public roads only to allow for eventual through traffic.

e. Landscaping shall be provided in accordance with Chapter 7 of this Ordinance. Landscape buffering requirements along the perimeter of a PUD development shall be determined by the RPC staff. Buffering requirements shall be based upon the use(s) proposed along the perimeter of the PUD development and the adjacent zone district. The buffer yard matrix shall be used as a guide in this determination.

IV. **Uses**

a. Refer to the use table (Chapter 3) for accessory uses in a PUD

b. The following uses are not permitted in an MXU-PUD:
   i. Adult Oriented Establishments
   ii. Automobile Parts Sales (With Outdoor Display)
   iii. Automobile Rentals
   iv. Automobile Repair Service, Major
   v. Automobile Sales
   vi. Boat Dealers
   vii. Boat Repair and Service
   viii. Building Contractor Supply
   ix. Bus and Truck Service
   x. Crematory
   xi. Farm / Garden Machinery and Equipment Sales and Repair
   xii. Heavy Equipment Sales
   xiii. Kennel, Breeding
   xiv. Kennel, Boarding
   xv. Manufactured Home Sales
   xvi. Self Storage/Mini
   xvii. Tire Recapping
   xviii. Tow-in-lots
   xix. Wrecker Services
   xx. Freight Transportation

V. **Open Space.**

a. **Quantity of open space:**

Open Space Requirements

	PUD	MXU-PUD
Minimum Acres of Open Space	15% of Gross Acreage	<10 Acre Site: 15% of Gross Acreage >10 Acre Site: 20% of Gross Acreage
Provision of active open space and amenities subject to the approval of the RPC	5% reduction*	5% reduction*
Within ¼ mile of a public park and connected via trail or sidewalk	5% reduction*	NA

*- *only one 5% reduction may be used in a PUD*

b. In any instance where it can be established by the landowner that the percent open space requirement would preclude the development of a proposed PUD, this requirement may be varied by the RPC. However, any such variance granted must be for the express purpose of alleviating any hardship and any reduction actually granted must not go beyond that which is needed to alleviate the hardship.

VI. **Quality and improvement of common open space**

a. Common open space must be for amenity or recreational purposes.

b. Existing natural areas worthy of preservation, may count towards up to half of the required open space and where possible shall include passive recreational amenities (trails, boardwalks, benches, gazebos, etc.).

c. Open space must be set aside according to the phasing plan so that it becomes available as dwelling units are occupied.

d. Certificates of Occupancy will be held until the open space is available according to the phasing plan.

VII. **Maintenance of common open space**:

a. The developer shall choose one or a combination of the following methods of administering open space:

i. Public dedication to the City of the open space. This method is subject to formal acceptance by the subject Parks and Recreation Department and the appropriate elected body.

ii. Establishment of an association or nonprofit corporation of all individuals or corporations owning property within the PUD to ensure the maintenance of all open space.

b. All privately owned open space shall continue to conform to its intended use through the inclusion in all deeds or appropriate restrictions. The deed restrictions shall run with the land.

c. If the developer elects to administer common open space through an association or nonprofit corporation, the organization shall conform to the following requirements:

d. The developer must establish the association or nonprofit corporation prior to the sale of any lots.

e. Membership in the association or nonprofit corporation shall be mandatory for all residential property owners within the PUD.

f. If the developer elects an association or nonprofit corporation as a method of administering common open space, the title to all residential property owners shall include an undivided fee simple estate in all open space.

g. A copy of the association documents or restrictive covenants shall be provided to the RPC prior to final approval.

VIII. **Streets, Access, and Pedestrian Circulation**

a. **Access:** Access to each dwelling unit shall be provided via a public right-of-way or private vehicular or pedestrian way owned by the individual lot owner in fee simple or in common ownership with the other residents of the PUD. Private roads are to be allowed within the PUD if they are approved by the City Street Department. Private roads shall not be permitted along the perimeter of the PUD unless approved by the RPC. Access and circulation shall adequately provide for fire-fighting and police equipment, furniture moving vans, fuel trucks, refuse collection, and deliveries. Multiple curb cuts are discouraged along state, collector, or arterial connections.

b. **Stubouts** must be located on publicly dedicated streets. Streets should continue the grid pattern of existing streets or provide stubouts for future connections.

c. **Pedestrian circulation:** There shall be constructed sidewalks or an equivalent paved internal pedestrian circulation system. All sidewalks shall meet American with Disabilities Act (ADA) requirements. The pedestrian circulation system shall be reasonably insulated from the vehicular street system in order to provide separation of pedestrian and vehicular movement. This shall include, when deemed necessary by the RPC, pedestrian underpasses and overpasses in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses which generate considerable pedestrian traffic.

IX. **Off-Street Parking:**

a. Parking for residential uses shall be provided per the table below.

Residential Parking Requirements

Residential Uses	1 Bedroom	2 Bedroom	3 Bedroom	4 or more Bedrooms
Single-Family and Duplexes	2	2	2	3
Multi-family Units (Triplex, Quadplex, Attached Townhomes, and Apartment Buildings)	1.25	1.75	2	3

i. Garage parking spaces (attached or detached) may be counted toward the overall parking rate for a project of 0.5 spaces per enclosed garage parking space.
ii. Four (4) seats in the main auditorium of churches and other public buildings.
iii. Parking spaces for parks, playgrounds, community buildings, or activities as required by the RPC according to the design of the PUD.
iv. Leasing offices shall provide one space for every worker at the largest shift and an additional 10% of the required parking for guests and deliveries.
v. Parking for commercial and nonresidential uses shall be provided per the parking requirements in Chapter 6 of the Zoning Ordinance.
vi. On-street parking adjacent to the use may count as 1:1 ratio for parking requirements

b. Certain uses within an MXU-PUD may use the following parking discounts for use districts vertical or adjacent to each other:

Parking Discounts

	Residential	Lodging	Office	Retail	Institutional
Residential	0%	10%	30%	20%	30%
Lodging	10%	0%	40%	30%	20%
Office	30%	40%	0%	20%	40%
Retail	20%	30%	20%	0%	30%
Institutional	30%	20%	40%	30%	0%

IX. **Site Improvements**

a. **Utilities:**

i. Underground utilities shall be a requirement in connection with a PUD. Whenever more than one dwelling unit is contained within a building and ownership of the separate dwelling units will be in fee simple or in any ownership other than joint ownership, separate services such as water, power, and sanitary sewer shall be provided to each dwelling unit.

b. **Sanitary sewers:**

i. Each PUD must be connected to a public sanitary sewer system.

ii. All principal sanitary sewer lines shall be located within the street right-of-way or public easements.

iii. Storm sewers: Storm drainage structures shall be constructed in accordance with standard plans and specifications furnished in the subdivision regulations.

c. **Fire hydrants:**

i. Fire hydrants shall be in a location approved by the Clarksville Fire Department.

d. **Stormwater Regulations:**

i. For City stormwater regulations refer to the City Street Department.

X. **Phasing:**

a. Each phase within a PUD shall be planned with consideration of existing surroundings and available facilities and services so that it will not have an adverse impact on the PUD or its surroundings.

b. Phasing shall be determined at the pre application meeting between the developer and RPC Staff. The RPC may require the site to develop in specific phases if public facilities are not adequate to service the entire development initially.

c. Each stage must be substantially complete within itself before moving onto the next phase.

d. For MXU-PUDs the phasing plan must consider the mixture of uses and allocation of open space and public facilities. Before the final phase of any MXU-PUD commences the proposed percentages of each land use district must be complete per the phasing plan.

4. **Preliminary plan requirements:**

   A. PUD Preliminary Plan requirements:

   I. The developer of a PUD planned unit development shall submit a preliminary PUD plan in the form of a rezoning request to the RPC for its review and recommendation to the appropriate elected body.

   II. The preliminary PUD plan shall contain a schematic plan and written statement that will depict the intent and character of the development.

   III. The preliminary plan shall be prepared by a qualified design team combining at least two (2) of the following professionals: A registered land surveyor, or civil engineer and one of the following: architect, landscape architect, or urban planner.

   IV. **The schematic plan** must cover all property which is to be included in the total proposed development and should be sufficiently detailed to allow for effective review. Detailed site plans are not necessary at this stage of the application process, and residential and other areas may be shown schematically. Maps which are a part of the preliminary plan shall contain as a minimum the following information:

      a. Name of the proposed development, name and address of the landowner, and name and address of the designers of the development.
      b. Location, accessibility, and existing zoning of the proposed site
      c. Tabulation of total number of acres in the proposed development and percentage designated for various uses.
      d. The physical characteristics, type of development, and land use of the surrounding area.
      e. Adjacent streets and proposed points of access.
      f. Density and character of the proposed development.
      g. Expected development phasing schedule
      h. Existing topographic character of the land and existing natural features.
      i. Property lines and names of adjacent owners.
      j. Location and description of any existing utilities or easements in the area encompassed by the proposed development.
      k. Existing and proposed land uses and the approximate location of buildings and other structures.
      l. Proposed street layout, access points, and pedestrian circulation
      m. Public uses, including schools, parks, playgrounds, and other open spaces.
      n. North arrow and graphic scale.

   V. **The written statement**, in addition to providing necessary information, affords the developer an opportunity to express their intentions and to elaborate on his plan. The written statement may offer any additional supportive information which the applicant was unable to present graphically.; however, it shall contain as a minimum the following information: It shall include.

      a. An explanation of the character of the PUD and the manner in which it has been planned to take advantage of the regulations.
      b. How the R-PUD is a benefit to the community and enhances the surrounding land uses.

c. Statement of present ownership.
d. Expected development schedule.
e. Substance of proposed covenants, grants, or easements or other restrictions to be imposed upon the use of the land.

B. Preliminary Plan Requirements for MXU-PUD Only

The preliminary MXU-PUD development plan shall be submitted to the RPC for its review and recommendation to the appropriate elected body. The preliminary development plan shall contain a:

a. A schematic plan, and

b. A pattern language document which will inform the approving agencies and the general public.

The preliminary development plan shall be prepared by a qualified design team consisting of, a registered land surveyor, or civil engineer and one of the following: an architect, landscape architect, or urban planner.

I. **Schematic Layout Plan:**
a. Gross Density (du/acre) Overall Plan
b. Title Bar: location, scale bar, north arrow, project title, name and address of landowner, name and address of MXU-PUD designers
c. Use Districts: commercial, residential, institutional, open spaces, mixed use, with the size and percentage of total acreage, gross density, and maximum building heights for each. Naming of use districts is subject to the development team.
d. Proposed points of access and stub roads
e. Major Streets and Pedestrian Network
f. Major Structures, Open Spaces, and Parking
g. Surrounding type of development, land use and zoning
h. Perimeter Treatments (buffers, landscaping, setbacks, pedestrian and street connections, building heights and stepdowns)
i. Floodplains and topography
j. Existing utilities and major easements
k. Property lines
l. Other information as required by the Planning Commission Staff.

II. **Pattern Language Document:**

a. A pattern language document affords the developer an opportunity to express her or his intentions and to further elaborate on the plan. The pattern language statement may include any additional supportive information the developer was unable to communicate graphically and will become the basis for the final MXU-PUD development plan for RPC staff site review of any current and subsequent phases of development.

b. The document shall at a minimum contain the following:

c. **Summary**

i. General description of character and intent of MXU-PUD

ii. Existing zoning

iii. Statement of present ownership

iv. Anticipated development schedule or phasing plan

v. Statement of responsibility for drainage, open space, and road maintenance (public and private)

d. **Use Districts**

i. Lot sizes Min/Max

ii. Setbacks Min/Max (rear, side, front)

iii. Land Use Tables

iv. Parking Table

v. Percent Building Frontage on primary street (70% min), on secondary street (30%)

vi. Gross density

e. **Building Typology for each use district**

i. Residential Examples: single-family, small lot, townhomes, cottage courts, courtyard apartments, triplex, quadplex or greater

ii. Commercial Examples: Village Center, Town Center, Vertical Mixed Use, Town Square, Green Spaces, Institutions

iii. Design Standards: Detailed design standards may also be including for each use district

f. **Structures: spacing, height, and location**

i. Structures shall provide building frontage along the primary street of not less than 70% with parking to the side or rear. Structures on corner lots must provide building frontage of not less than 30% along the side or secondary street(s).

ii. Structure height shall be set by the Pattern Language Document and Parameter requirements. The proposed heights of structures shall be reviewed by the RPC in order to establish:

iii. That proper fire protection is provided

iv. That the location and spacing of the structures is adequate to provide proper light and air

v. That the privacy of the occupants of adjacent low rise structures is not invaded by the location of taller multi-story structures

g. **Perimeter and Transitions**

i. Building Heights

ii. Buffers

iii. Landscaping
iv. Vehicular and Pedestrian Connections

h. **Streets and Pedestrian Network Typology Hierarchy:**

i. Scaled cross sections with overall ROW, travel lane, sidewalk, and planting strip widths.

ii. A street hierarchy table must be established to promote the efficient flow of traffic and pedestrians to various uses within and adjacent to the site. The following table is a guide for street design in the MXU-PUD. Other complete street typologies may be considered including "ITE: walkable Urban Thoroughfares" and "NACTO Urban Street Design Guide" upon approval by the streets department.

iii. Typologies must be approved by the City of Clarksville Street Department.

Complete Streets Typology - *Example*

	Collector	Sub-collector	Local Street	Alley
Average Daily Trips	750 or more	750 -1500	Less than 250	NA
Right-of-way	71-88 feet	48-72 feet	35 to 50 feet	20 feet
Auto Travel Lanes	Two or three 12 foot lanes	Two 10 feet lanes	Two 10 foot lanes	Two 9 feet lanes for two-way traffic, or one 10 foot lane for one-way traffic
Bicycle lanes	6' with on-street parking	4' lanes with no on-street parking or 6' with on-street parking	4' lanes with no on-street parking	None
On-street Parking	9'	8'	8'	NA
Curb and Gutter	6" full face (or rolled curb at intersections)	6" full face (or rolled curb at intersections)	6" full face	NA
Sidewalks	8' min	5' min	4' min	NA
Planting Strips	6' min	4' min	4' min	NA

Note: Table adapted from Massachusetts Smart Growth Toolkit, TND Model Ordinance

Collector. This street provides access to commercial or mixed-use buildings, but it is also part of the [city/town]'s major street network. On-street parking, whether diagonal or parallel, helps to slow traffic. Additional parking is provided in lots to the side or rear of buildings

Sub-collector. This street provides primary access to individual residential properties and connects streets of lower and higher function. Design speed is 25 mph.

Local Street. This street provides primary access to individual residential properties. Traffic volumes are relatively low, with a design speed of 20 mph.

Alley. These streets provide secondary access to residential properties where street frontages are narrow, where the street is designed with a narrow width to provide limited on-street parking, or where alley access development is desired to increase residential densities. Alleys may also provide delivery access or alternate parking access to commercial properties

The following parking discounts may be applied for mixed use areas (vertical or adjacent uses) within the MXU-PUD.

Parking Discounts

	Residential	Lodging	Office	Retail	Institutional
Residential	0%	10%	30%	20%	30%
Lodging	10%	0%	40%	30%	20%
Office	30%	40%	0%	20%	40%
Retail	20%	30%	20%	0%	30%
Institutional	30%	20%	40%	30%	0%

C. **Final PUD Plan:** Upon approval of the City Council, the developer may then complete a final PUD plan for review by the RPC. The final PUD plan shall conform to the preliminary PUD plan and shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development, or portion thereof, and shall include, but not be limited to, all of the following:

Final PUD plan drawings at a scale no smaller than one inch equals 50 feet that includes:

I. Anticipated finished topography of the area involved (contours at vertical intervals of not more than five (5) feet).
II. Circulation plan indicating the proposed movement of vehicles, goods, and pedestrians within the R-PUD and to and from existing thoroughfares. This shall specifically include:
III. Specifications for proposed streets;

IV. A plan of any sidewalks or proposed pedestrian ways;
V. Any special engineering features and traffic regulation devices needed to facilitate or ensure the safety of the circulation pattern
VI. Off-street parking and loading plan showing ground coverage of parking areas.
VII. Areas proposed to be conveyed, dedicated, or reserved for parks, parkways, and other public or semipublic open space uses including any improvements which are to be deeded as part of any common use area
VIII. Information regarding the physical characteristics of the surrounding area and development within one hundred (100) feet.
IX. Plot plan for each building site and common open space, showing the location of all buildings, structures, and improvements, and indicating the open spaces around buildings and structures.
X. Plan for proposed utilities including sanitary sewers, storm sewers, gas lines, water lines, and electric lines and showing proposed connections to existing utility systems.
XI. Plan showing the use, height, bulk, and location of all buildings and other structures. Any drawings used to meet this requirement need not be the result of final architectural decisions and need not be in detail.
XII. Generalized land use map and a tabulation of land area to be devoted to various uses and activities.
XIII. Tabulation of proposed densities to be allocated to various parts of the area to be developed. This tabulation is to be both in numbers of dwelling units and in projected population.
XIV. Plan which indicates location, function, and ownership of all open spaces, except those open spaces included in fee simple lots.
XV. Drafts of all proposed covenants and grants of easement (particularly those pertaining to common open space).

5.7 RESERVED

5.8 STANDARDS AND PROCEDURES FOR C-3 SHOPPING CENTER DISTRICTS

1. Special district requirements. Permitted uses shall be located in a unified shopping center which shall have at least one store having not less than ten thousand (10,000) square feet of gross floor area.
2. Administrative procedures for shopping center development.
    A. For any proposed shopping center or proposed expansion of any existing center in a C-3 zone, the developer shall submit site plans of the proposed development to the planning commission, which shall be in adequate detail to determine compliance with the provisions of this section, and which shall show the arrangement of buildings, types of shops and stores, design landscaping and circulation pattern of the off-street parking area, landscaped yards, ornamental screening, service courts, utility and drainage easements, and the relationship of the shopping center development to adjacent areas which it may affect. Reasonable additional requirements may be made by the planning commission or staff for the protection of adjoining property or for avoidance of traffic congestion.
    B. Any deviation from the plans submitted or any expansion of a proposed or existing shopping center in the C-3 zone shall be submitted to the planning commission to ensure compliance with the requirements, purpose, and intent of this district. No building permit shall be issued for any construction which is not in conformity with the approved plan. Any deviation from the plans submitted shall constitute a violation of the building permit authorizing construction or expansion of the shopping center.

5.9 STANDARDS AND PROCEDURES FOR RESIDENTIAL CLUSTER DEVELOPMENTS

The intent of this Section is (a) to facilitate the development of tracts with environmental constraints at densities comparable to tracts without environmental limitations, and/or (b) to permit greater flexibility for creative design and/or (c) to achieve superior scenic quality and recreational opportunities close to home, by providing for residential subdivisions which incorporate permanent local open space accessible to all residential lots within the subject tract. It is the intent of this Section to allow the use of cluster development techniques in the E-1, R-1, R-lA, and R-2 single family residential zoning classifications. These provisions allow individual lot and yard requirements to be reduced to permit closer grouping or "clustering" of homes on a portion of a tract while the balance of the tract is preserved as open space. This is in contrast to a conventional subdivision where homes are more or less evenly spaced throughout a site and there is no reserved open space. The minimum number of lots for the application of this Residential Cluster Development option shall be ten (10) lots for any preliminary subdivisions.

1. **Initial Sketch and Consultation.** Before preparing a formal proposal for a residential cluster development, the applicant shall submit a sketch of the proposed development to the Regional Planning Commission staff as a basis for reaching general agreement on major aspects of the project. The sketch shall indicate, at a scale no smaller than one (1) inch = one hundred (100) feet, the following:
    A. Boundaries and acreage of the site;
    B. Number of proposed dwelling units;
    C. Acreage available for open space and prospective uses of open space;
    D. Arrangement of streets, structures, and lots;
    E. Access to existing streets;
    F. Show any proposed improvements to the open space;
    G. State intended minimum lot size.

2. **Plat Approval Procedure.** Proposals for cluster residential developments shall be subject to the Clarksville/Montgomery County Subdivision Regulations, and shall be prepared and reviewed under the plat approval requirements of the regulations, and shall be in accordance with the provisions of this Section.
    A. The preliminary plat shall indicate that the clustering is proposed and display the layout and area of all lots and common areas and all phasing boundaries. Within a preliminary plan of subdivision, large contiguous areas may be proposed for development of single-family lots that contain less land area than normally required by the base zone classification of the subject tract.
    B. A master plan for the entire tract shall be required for preliminary plat approval. If an approved cluster development is abandoned before completion, no new preliminary plat for the tract will be approved until the minimum required open space for the completed portion of the cluster subdivision is dedicated.
    C. The developer shall submit a written and/or graphic documentation that describes how the required open space will be dedicated and maintained; such statement will be adopted with the preliminary plat and shall be enforced by the Regional Planning Commission.
    D. Draft copies of restrictive covenants and a Homeowners Association agreement shall be submitted prior to preliminary plat approval.

3. **Development Requirements.**

    A. **Uses.** Only single-family residential detached structures (and accessory structures) and recreation uses of the common open space (including, but not limited to, garages and storage sheds for equipment serving and maintaining the common open space, clubhouses, pavilions, swimming pools, walkways, trails, bikeways, playgrounds, play-courts, playfields, and other recreation facilities for the enjoyment of the residents) may be constructed in a cluster development.

    B. Minimum lot size requirements, including perimeter lots in a cluster development meeting the landscaping requirements of Subsection 5.9.3.J but excluding perimeter lots in a cluster development under Subsection 5.9.3.H lacking a landscape buffer:
        I. E- I (Estates District): Twenty-Five Thousand (25,000) square feet.

II. R-1 (Single Family Residential District): Six Thousand (6,000) square feet.
III. R-1A (Single Family Residential District): Six Thousand (6,000) square feet.
IV. R-2 (Single Family Residential District): Six Thousand (6,000) square feet.

C. Minimum lot width requirements, including perimeter lots in a cluster development meeting the landscaping requirements of Subsection 5.9.3.J but excluding perimeter lots in a cluster development under Subsection 5.9.3.H lacking a landscape buffer:
   I. E-1 (Estate District): Seventy-Five (75) feet at the front setback line.
   II. R-1 (Single Family Residential District): Fifty (50) feet at the front setback line.
   III. R-1A (Single Family Residential District): Fifty (50) feet at the front setback line.
   IV. R-2 (Single Family Residential District): Fifty (50) feet at the front setback line.

D. With the exception of existing rights-of-way the minimum front yard setback may be twenty-five (25) feet from the nearest right-of-way, unless a greater setback(s) is shown on the final recorded plat, due to the required drainage and/or utility easement.

E. The minimum side yard setback requirements, for principal uses and unattached buildings of accessory use, including perimeter lots in a cluster development meeting the landscaping requirements of Subsection 5.9.3.J but excluding perimeter lots under Subsection 5.9.3.H lacking a landscape buffer:
   I. E-1 (Estate District): Same as respective districts.
   II. R-1 (Single Family Residential District): Five-foot minimum on both sides.*
   III. R-1A (Single Family Residential District): Five-foot minimum on both sides.*
   IV. R-2 (Single Family Residential District): Five-foot minimum on both sides.*

   *unless a greater setback(s) is shown on the final recorded plat, due to the required drainage and/or utility easement.

F. Unless a greater setback(s) is shown on the final recorded plat, due to the required drainage and/or utility easement, the minimum rear yard setback requirements (excluding the landscape buffer of any perimeter lot) for principal uses, including perimeter lots in a cluster development meeting the landscaping requirements of Subsection 5.9.3.J but excluding perimeter lots under Subsection 5.9.3.H lacking a landscape buffer:
   I. E-1 (Estate District): Twenty (20) feet minimum.
   II. R-1 (Single Family Residential District): Twenty (20) feet minimum.

III. R-1A (Single Family Residential District): Twenty (20) feet minimum.
IV. R-2 (Single Family Residential District): Twenty (20) feet minimum.

G. Perimeter lots that adjoin an existing street that is maintained by the City Street Department, the County Highway Department, or the Tennessee Department of Transportation shall have driveway access from an internal street only.

H. Perimeter lots may be reduced in size the equivalent of one (1) zoning classification of the subject tract or equal to the adjacent lots whichever is less, unless a landscape buffer is provided in accordance with Subsection 5.9.3.J such that the minimum lot size may be reduced to that of Subsection 5.9.3.B, but no less than 6,000 square feet.

I. The lot width for perimeter lots may be reduced the equivalent of one (1) zoning classification of the subject tract or equal to the adjacent lots whichever is less unless a landscape buffer is provided in accordance with Subsection 5.9.3.J such that the minimum lot width may be reduced to that of Subsection 5.9.3.C, but not less than 50 feet.

J. Perimeter Lots shall meet the perimeter lot requirements of Subsections 5.9.3.H and 5.9.3.1, unless the following buffering provisions have been provided, such that the minimum requirements may be reduced to that of Subsections 5.9.3.B, 5, 9.3.C, 5.9.3.E and 5.9.3.F:

I. A landscape buffer, adjacent to the perimeter boundary of the subject tract, shall have a minimum width of twenty-five (25) feet and a maximum width of thirty-five (35) feet. The existing landscape buffer must consist of a minimum of sixteen (16) trees with a caliper of six (6) inches or greater every one hundred (100) linear feet, or;

II. If supplemental plantings are required to meet the minimum density, additional plantings shall consist of the following:

a. A minimum of two (2) inch caliper at the time of planting;

b. Six (6) feet in height at the time of planting;

c. Fifty (50) percent evergreen.

III. The landscape buffer shall be in reserved open space dedicated to the Homeowners' Association for preservation and maintenance, and shall not be included in whole or part as part of any perimeter or interior lot under private ownership on which a single-family structure may be built.

K. The determination of lot yield shall be determined by deducting fifteen (15) percent from the gross land area and dividing the remaining eighty-five (85) percent of the gross land area by the minimum lot area of the base zone classification of the subject tract.

L. Utilization of alternative lot sizes includes a requirement for the creation of common open space. Open space shall be provided at the rate of fifteen (15) percent for the entire master plan. Open space must be for the common use of all residents

within a residential cluster development, and shall be for amenity or recreational purposes and may include sidewalks, and walking trails, but shall not include streets and parking areas as part of the fifteen (15) percent for open space.

M. No more than fifty (50) percent of the required open space may include areas located within a 100 year floodplain and/or drainage easement created by the development, this excludes FEMA designated floodplains.

N. Open space must be provided within each phase of the development, unless the subdivider provides sufficient open space in the first phase to cover all subsequent phases in the tract subject to preliminary subdivision approval. Such open space should be accessible to each phase of development.

O. The minimum width of open space including all points of access to the public right-of-way shall not be less than twenty-five (25) feet. Where greater road frontage is required by the subject tract's base zone classification, the greater amount shall apply.

P. For developments located in more than one (1) zoning district, the density shall be computed separately for that portion of the development lying within each district. No development density may be transferred across zoning district boundaries.

Q. Flag lots are limited to 2 per preliminary cluster subdivision. A flag lot generally contains a narrow strip of property leading from a right-of-way to the building site which is generally located to the rear of other lot(s) fronting along the same right-of-way

R. All meters, HVAC units, and other structures and attachments are prohibited within the side yard drainage/utility easement.

S. All driveways must be constructed of dustless materials.

T. If determination cannot be made concerning setback compliance, the Building and Codes Department may require sufficient evidence from the builder that foundations are in compliance.

U. The minimum public road frontage requirements shall be as stated in their respective districts.

V. Sidewalks shall be required and shall meet all regulations of the City of Clarksville and Americans with Disabilities Act (ADA).

W. Sidewalks shall be shown and labeled on the construction plans and final recorded plat.

X. Underground utilities are mandatory.

Y. Within cluster developments, fire hydrants shall be spaced a maximum of three hundred (300) to eight hundred (800) feet apart. Spacing of fire hydrants shall be determined by the City Fire Marshal, on a case by case basis.

Z. The exceptions allowed by Paragraph 4.1.1.2 shall not apply to this section with the exception of Subparagraph (F). Overhanging roof, eaves, gutters, cornices, or other architectural features, shall not exceed eighteen (18) inches.

AA. Exterior walls located eight (8) or less feet from the property line will have a water/fire resistant gypsum wall board of a minimum 5/8" Type X (or equivalent) on the outside of the exterior wall. This wall board will serve as an underlayment for the exterior siding material. Homes that have continuous exterior soffit will have the wall board run continuous to the roof deck (or fire blocked) and be sealed against the deck to prevent the movement of air into the attic space.

AB. The following information shall be shown on the final recorded plat, but not limited to:

I. Responsible entity for the maintenance of the open space(s);

II. Prior to obtaining the signature of the Regional Planning Commission's Secretary, the volume and page number for the covenants and Homeowners Association agreement shall be added to the final recorded plat within the certificate of ownership and dedication block.

4. Legal Requirements for Operation and Maintenance

A. Open space must be deeded to a Homeowners Association of the development and the developer shall provide the following recorded documentation before final plat approval. In the event final plat approval is not granted by the Regional Planning Commission, the following recorded documentation will become null and void:

I. That the Homeowners Association will be responsible for liability insurance, local taxes, and maintenance of recreational, drainage structures, or other facilities pertaining to the open space.

II. Restrictive covenants shall require mandatory membership in the Homeowners Association, and include as a minimum the following provisions:

a. Responsibility for paying a pro-rated share of the cost of the Homeowners Association operation.

b. Agreement that the assessment levied by the Association can become a lien on the property if not paid.

c. Agreement that the association shall be able to adjust the assessment to meet the changing needs.

d. Guarantee of permanent unrestricted right to utilize lands and facilities owned by the Association.

III. The Homeowners Association shall be incorporated.

IV. In the event of dissolution of the Homeowners Association for any reason whether administrative or otherwise, responsibility for maintenance of all common areas shall become that of the individual lot owners within the subdivision on a pro-rata basis based on the number of lots within the subdivision, or if the restrictive covenants for the subdivision so provide any one or more lot owners within the subdivision, may re-form the Homeowners Association and assess each lot equally for the amount necessary to maintain said open space. In the event of failure of either

of the above remedies the City may, upon giving proper notice to each property owner, bring such open space in compliance, and place a lien on all lot owners within the subdivision for their pro-rata share of the cost, plus any administrative fees. In the event of failure of the association to pay any taxes assessed to the common areas, such taxes shall attach to each lot within the subdivision on a pro-rata basis based on the number of lots within the subdivision.

5. Definitions

A. *Amenity* means a natural or created feature that enhances the aesthetic quality, visual appeal, or makes more attractive or satisfying a particular property, place, or areas.

B. *Base Zone Classification* means the underlying residential zoning district or districts of the Residential Cluster Development overlay.

C. *Environmental Constraints* mean geological, topographic, and built or natural environmental features that place significant constraints on the development of property. These features include, but are not limited to, steep slopes, rock outcroppings, shallow depth to bedrock, floodplains and bodies of water, wetlands and swamps, shallow water tables, sinkholes and other karst features (springs, caves and depressions), woodlands and forests, significant natural wildlife areas, historic buildings and structures, archeological artifacts and sites, noise from transportation facilities (such as airports, railroads and interstates) and similar significant environmental areas.

D. *Interior Lot* means the second tier of lots of a Residential Cluster Development separated from the boundary of the subject tract by perimeter lots ignoring any landscape buffer on the boundary of the tract, or lots of a Residential Cluster Development separated from the boundary of the subject tract by more than thirty-five (35) feet.

E. *Open Space* means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for private use or enjoyment or for the use and enjoyment of owner's, occupants, and their guests of land adjoining or neighboring such open space.

F. *Perimeter Lot* means the exterior lots of a proposed residential cluster development that adjoin the perimeter boundary of the subject tract or are adjacent to any landscape buffer on the boundary of the subject tract.

G. *Places Of Assembly:* The use of a building or structure, or a portion thereof, for the gathering together of persons for purposes such as civic, social, or religious functions, recreation, food or drink consumption, or awaiting transportation.

H. *Recreation Facility, Private* means a recreational facility for use solely by the residents and guests of a particular residential development and operated by a nonprofit organization.

5.10 SITE PLAN REQUIREMENTS

Whenever regulations contained in this Section are different from regulations contained in other City Ordinances, the most restrictive regulations shall prevail.

Purpose: Site Plan Review is intended to advance public safety and well-being through harmonious development that advances the public interests such as; multi-modal transportation, minimum standards, and overall site safety.

1. **Applicability.**
   - A. The provisions of this section shall apply to all uses, except single-family, two-family dwellings, and their accessory structures on individual lots. No building or structure shall be erected in any zone district until and unless a site plan meeting the requirements of this section has been submitted and approved by the Regional Planning Commission.
   - B. Exemptions. This section shall not apply to:
     - I. Building additions when:
       - a. The addition is under eight hundred (800) square feet and the total maximum lot coverage is not exceeded or;
       - b. The existing building's gross square footage is expanded by three percent (3%) or less and the total maximum lot coverage is not exceeded.
     - II. New signs for existing buildings when:
       - a. The new sign replaces an old sign of the same size and type, and in the same location.
       - b. Only the sign face is changed.
       - c. Any new sign in a new location for an existing building, unless it is over fifty (50) feet in height.
     - III. Canopies, awnings or decks added to existing buildings.
     - IV. Temporary uses and tents as regulated by Subsection 5.1.10.
     - V. Temporary signs as regulated by Chapter 8 Sign regulations.
     - VI. Home occupations as regulated in Subsection 5.2.7.
     - VII. Private airports or landing fields, with no structures.
     - VIII. All agriculture uses, buildings, activities, and their accessory uses.
     - IX. Roadside stands offering for sale farm products grown on the premises and other related products.
     - X. Noncommercial greenhouses and plant nurseries.
     - XI. Small and large family day care homes.
     - XII. Bed and breakfast establishments as regulated by Subsection 5.1.8.
     - XIII. Public owned or operated parks and playgrounds.
   - C. Minor level review. Site plan review and approval may be handled at the Planning Commission staff level and may not require Regional Planning Commission approval if:
     - I. Any one parcel or site is in a platted subdivision, or lot of record less than or equal to 1 acre, AND any on of the following circumstances:

a. Any building addition where the existing building's gross square footage is expanded by less than twenty-five percent (25%) but greater than three percent (3%).
b. Any new sign over fifty (50) feet in height in a new location for an existing building.
c. Any new building less than 15,000 square feet
d. Any new Multi Family development less than 16 total units
e. Communication towers and equipment sheds.

II. For staff level site review, Paragraphs 2 B, C, D and E below shall not apply. All other portions of this Section shall apply to the staff level review process. Staff shall forward copies of plans to applicable departments and agencies. These departments and agencies shall have seven calendar days to notify Planning Commission staff of any site plan concerns or deficiencies that would require either plan resubmittal or formal Regional Planning Commission approval. The developer or owner of the property whose specific activities as listed above are either exempted from this Section or permitted to obtain staff level approval shall nevertheless be responsible for complying with all other Sections of the Ordinance from which this Section derives, and/or any other provisions or permits that may apply to the specific activity. The Director of Planning reserves the right to revoke any of the above exemptions of this Section.

2. Procedure.

A. Filing of application and plans. An application for site plan review shall be submitted together with a designated number of copies of the proposed site plan and a digital PDF copy of the proposed site plan to the Planning Commission staff. Regular meeting dates and times, and the deadline for each regular meeting, shall be established by the Regional Planning Commission Office. The Planning Commission staff shall acknowledge receipt of the application by the dating of said application by any person so authorized. The Planning Commission staff shall forward one of said copies to all appropriate City, County or State agencies or utility districts.

B. Informational review. The Planning Commission staff shall determine whether all information pertinent to the review has been provided and within ten (10) calendar days of application deadline shall notify the applicant that either:

I. The application has been accepted for consideration or,

II. Additional information is required. If additional information is required, the applicant has until the time of the departmental review meeting to furnish the staff with a designated number of copies of the corrected site plan. If such information is not furnished before said time, the site plan may not be placed on the agenda for the Planning Commission meeting the following week

C. Departmental review. The Planning Commission staff, affected agencies, and applicant and/or developer shall meet the week before the scheduled Planning Commission meeting to review and discuss development plans. The applicant will be notified of the time, date and location of this review. The applicant is encouraged but not required to attend this meeting. During the meeting, departmental staff may

request site plan changes, additional information or clarification of items pertinent to the site plan. If changes or additional information is required, the applicant has until noon on the Monday immediately prior to the Planning Commission meeting to furnish the staff with a designated number of copies of the corrected site plan. If such information is not furnished before said time, the site plan may not be placed on the agenda for the Planning Commission meeting.

D. Notice. A notice of hearing shall be sent by mail not less than seven (7) days before the date of the scheduled Planning Commission meeting to the applicant and to adjacent landowners.

E. Planning Commission action. The Regional Planning Commission shall approve, approve with conditions or disapprove each site plan. Action may be deferred on any site plan if the Planning Commission needs additional study or information prior to taking action. If approved conditionally, the conditions shall be stated; and if necessary, the Commission may require the applicant to submit a revised site plan. If disapproved, the reasons for such action shall be stated; and if possible, recommendations made as to the basis on which the site plan would be approved

F. Effect of approval. Site plan approval or conditional approval shall be authorization for the applicant to proceed with the development of the construction documents required for review and approval prior to the issuance of any required permits. Prior to the issuance of a building permit, evidence must be provided to the Planning Commission verifying that all required site plan conditions have been met. Construction documents may include, but may not be limited to, site layout, landscape and buffer, grading, erosion control, stormwater, utility and building plans. Upon receipt of required permits, the developer may proceed under the supervision of the City Street Department, the City Building and Codes Department, the Regional Planning Commission, and/or the City Engineer with the construction of any improvements. Site plan approval does not constitute acceptance of the project for permitting. Any approved site plan that is modified during the development of the construction documents shall be submitted to the Planning Commission staff for review. Staff shall review the submitted plan within seven (7) calendar days to ascertain the degree of modification and shall notify the applicant if the revised site plan will require Regional Planning Commission approval. Major changes to the approved site plan shall be considered the same as a new application and made in accordance with the procedures specified in this section. The Planning Commission staff may approve minor changes to the approved site plan provided that such changes:

   I. Do not increase the density.
   II. Do not change the property lines or setbacks.
   III. Do not change the proposed use.
   IV. Do not significantly change the location or amount of land devoted to principal or auxiliary buildings, parking, pedestrian and vehicular circulation, storage, loading or landscaping and buffers.
   V. Do not significantly change the development from any plans submitted or presented by the developer.

VI. Minor changes may include, but are not limited to, minor shifting of the location of building(s), parking, circulation, storage and loading areas, proposed utilities or other features of the plan.

VII. Vested Rights:

a. Single Phase Project: Upon site plan approval, the applicant will provide the Regional Planning Commission with a copy of the approved site plan in a digital format as required by the staff. Upon approval of a site plan by the Regional Planning Commission, the developer has three (3) years to meet all conditions stipulated, secure all required permits (including, but not limited to, all grading and drainage permits and building permits) and commence site preparation. If all conditions are met, the developer has two (2) years to commence construction of one or more buildings. Once the developer begins construction of a building, the site plan and associated development standards are vested until project completion or a maximum of ten (10) years provided the developer maintains all required permits. If all conditions are not met and all required permits obtained within the three (3) year time limit, all approvals and variances granted shall become void, and the developer must resubmit for approval as a new site plan. If construction of one or more buildings under the site plan has not commenced within the subsequent two (2) year time limit, all approvals and variances granted for the site plan shall become void, and the developer must resubmit for approval as a new site plan. Unless otherwise stated elsewhere, all developments must comply with all applicable development standards, requirements, policies or regulations that are in effect at the time of the initial site plan approval.

b. Multiple-Phase Project: Upon site plan approval designating multiple-phases, the developer has three years to meet all conditions, secure all required permits and commence site preparation for each phase, and commence construction of one or more buildings in each phase within the subsequent two years. These time limits shall be applicable for each and every phase. Regardless of the number of phases, the site plan and associated development standards are vested until project completion or a maximum of fifteen (15) years provided the developer maintains all required permits. If the developer fails to meet any time limit on any phase, the developer must resubmit that and subsequent phases for approval as a new site plan.

c. Amendment Of An Approved Site Plan: An amendment to an approved site plan shall be approved by Regional Planning Commission to retain the protection of the vested property right. The vested property right shall not terminate if the Regional Planning Commission determines in writing that it is in the best interest of the community to allow the development to proceed

under the amended site plan without terminating the vested property right. However, an amendment may be denied based upon a written finding by the Regional Planning Commission that the amendment:

i. Alters the proposed use; or
ii. Increases the overall area of the development; or
iii. Alters the size (bulk dimensions or gross floor area) of any nonresidential structures shown in the site plan; or
iv. Increases the density of the development; or
v. Increases any local government expenditure necessary to implement or sustain the proposed use.

d. Denied Amendment of An Approved Site Plan: If an amendment of an approved site plan is denied by the Regional Planning Commission upon such written finding, the applicant may either proceed under the prior approved site plan with the associated vested property right or, alternatively, allow the vested property right to terminate and submit an application as a new site plan.

3. **Content.** Whenever reasonable, the site plan shall be drawn at a scale of no less than one inch equals fifty feet (1" = 50'-0"). All site plans shall be submitted on a minimum sheet size of 11"X 17" and a maximum sheet size of 30"X 42". All plans or sets of plans are to be submitted individually folded, not rolled, to a size no greater than 8 1/2" X 11". A licensed professional as required by the State shall prepare the site plan. The site plan shall include:

A. Project Name.
B. Developer's name, address and phone number.
C. Owner's name, address and phone number if other than the developer. Engineer/land surveyor/landscape architect's name, address and phone number.
D. Location/vicinity map at a scale of 1 inch equals 2000 feet showing the relation of the proposed site to the adjoining area.
E. Tax map number and parcel number.
F. North arrow.
G. Graphic and written scale.
H. Date, including any dates of revisions.
I. Closed property boundary indicating bearings and distances on all property lines.
J. Site review case number (once issued).
K. Current zoning of the site and zoning case number.
L. Acreage of the site and the current and proposed use of the site.
M. Adjacent property information including subdivision name, lot numbers, property owners, zoning, land uses, etc.
N. Indicate all existing conditions, structures, pavement widths, etc.
O. Existing topography at not greater than five (5) foot intervals and list source of data.
P. Location of existing and proposed bodies of water, the location of natural drains, proposed major drainage system features, and method of discharging storm water.

Q. Location of all sinkholes within the site itself and for a distance of two hundred (200) feet outside the property. If any portion of the development drains toward an outside area, show or note the route of water runoff.
R. Location of existing and proposed open spaces or recreational amenities.
S. Location and extent of all land subject to flooding by the overflow or ponding of storm water.
T. Proposed means and direction of surface drainage.
U. For any site subject to flooding, the limits of floodway areas, the regulatory flood elevation and regulatory flood protection elevation, and the minimum first floor elevation.
V. Proposed grading.
W. Indicate all existing and proposed easements, setbacks, landscape strips and buffers.
X. Indicate all proposed site improvements, including buildings (including those four residential activities, the number of dwelling units the building is intended to accommodate), parking (including layout of facilities, number of spaces, location of driveways, entrances and walks), signage (including type and material), dumpsters and dumpster pads, loading/service and storage areas, fences and walls (including type and material), etc.
Y. Proposed floor area, building heights, finished floor elevations, lot coverage ratio and percent impervious surfaces.
Z. Indicate location of existing and proposed utilities, sewers (including size and invert elevations where pertinent), and fire hydrants within or adjacent to the site.
AA. Where subsurface sewage disposal is anticipated, certification from the Tennessee Department of Environment and Conservation approving the lot for use.
BB. All adjoining roadways, with names and pavement and right-of-way widths.
CC. Site plan shall include a pedestrian circulation plan to include a combination of internal sidewalks, crosswalks, and/or access ramps, etc. and shall meet American with Disabilities Act (ADA) regulations at the time of construction. Sidewalks shall be required at the discretion of the Regional Planning Commission.
DD. All parcels of land intended to be dedicated or reserved for public use.
EE. All travel easements shall be shown and labeled on the site plan, to include pedestrian circulation within the proposed development and shall meet all the requirements in Subsection 4.2.1.
FF. Indicate limits of construction.
GG. City of Clarksville General Site Notes.
HH. Note on plans: All site lighting shall be directed inward onto the site to include shielded hoods. No light shall spill onto adjacent properties.
II. Identify all Overlay Districts.
JJ. Any other information that may be necessary for the full and proper consideration of the proposed site plan.
KK. Each lot, utilizing a Development Directory Sign, shall be allowed one (1) additional "on-premise low profile sign" per street frontage to identify the business and must be oriented to said street. No other off building signs shall be allowed.
LL. For developments utilizing travel easements, as approved through the Clarksville-Montgomery County Subdivision Regulations, shall not receive a certificate of

occupancy from the City Building and Codes Department until Exhibit A-1 (road and sidewalks) and/or Exhibit A-2 (drainage), of the Subdivision Regulations, have been received and accepted by the Regional Planning Commission.

4. **Variances, modification, and waivers.** Each modification, variance, or waiver of any minimum requirement of the zoning ordinance sought by a developer/applicant shall be obtained from the appropriate agency or board prior to the filing of an application for site plan review. Evidence of any variance obtained shall be submitted as part of the site plan application.
5. **Field inspection.** Prior to the issuance of a certificate of occupancy, a staff person of the Building and Codes Department shall conduct a final field inspection of the project. This inspection will ensure compliance with the approved site plan.
6. **As-built plans.** Prior to the issuance of a certificate of occupancy and acceptance of the water and/or sanitary sewer system by the Chief Utility Engineer or his authorized representative, the engineer of record designing the system shall furnish the office of the Chief Utility Engineer a set of "as-built plans", both in hard copy and digital form, showing in detail the location of all lines, line sizes, service connections, valves, fire hydrants, manholes, etc. Until these plans are received, service to the system will be denied. In the event that service has been established before receiving the "as-built" plan, an attempt will be made to contact the owner/property manager and the engineer of record with notice of impending termination of service.
7. **Dedication of easement(s) for off-site utilities.** Prior to the issuance of a certificate of occupancy and acceptance of the water and/or sanitary sewer system by the Chief Utility Engineer or his authorized representative, the owner or engineer of record designing the system shall furnish the office of the Chief Utility Engineer evidence that any easement(s) required for the installation of off-site utilities have been recorded with the Register of Deeds Office for Montgomery County, Tennessee. Until the easement(s) are recorded, service to the system will be denied. In the event that service has been established before receiving the easement(s), an attempt will be made to contact the owner/property manager and the engineer of record with notice of the impending termination of service.

CHAPTER 6: PARKING, LOADING AND ACCESS

6.1 OFF-STREET PARKING REQUIREMENTS

1. **Standards.** In all districts except the [CBD] Central Business District, there shall be provided at the time any building or structure is erected, enlarged, increased in capacity, or a change in use occurs on the property, off-street parking spaces for automobiles in accordance with the following requirements:

TABLE 6.1: TABLE OF PARKING SPACES REQUIRED

USES	PARKING SPACES REQUIRED
Appliance repair establishments	One (1) space per two hundred fifty (250) square feet of gross floor area.
Assembly uses including auditoriums, sports arenas, stadiums, and other places of assembly	One (1) space per four (4) seats based upon the design capacity of the facility.
Automotive maintenance, quick service	One (1) space per employee, plus stacking for three (3) vehicles for each bay.
Automobile repair	Four (4) spaces per service bay; service bays are not counted as parking spaces.
Automobile sales, new and/or used	One (1) space per six hundred (600) square feet of gross floor area, plus one (1) space for each two thousand (2,000) square feet of outside automobile sales display area, plus two (2) spaces per service bay, plus one (1) space per employee on the maximum shift. Service bays are not counted as parking spaces.
Automobile wrecking yards, junk or salvage yards which sell new or used merchandise to the public	One (1) parking space for each employee on the maximum shift, plus one (1) space for each ten thousand (10,000) square feet of lot area.
Banks and Financial Institutions	Four (4) spaces per one-thousand (1,000) of gross floor area
Barber, beauty, tattoo or piercing establishment	Three (3) spaces per barber, beautician, or technician.
Bars, lounges, nightclubs or similar uses	One (1) space per fifty (50) square feet of gross floor area.
Boarding or rooming house, tourist home or bed and breakfast	One (1) space for each bedroom, plus one (1) per employee.
Bowling alley	Four (4) per alley, plus such additional spaces for affiliated uses such as restaurants, lounges, etc.

Carpet, floor covering, furniture or paint stores	One (1) space per five hundred (500) square feet of gross floor area.
Car wash	Four (4) stacking spaces per bay/stall, plus one (1) per employee on the maximum shift.
Cemetery	One (1) space per employee on the maximum shift, with parallel parking permitted on the internal drives.
Child Care Facility/Family Day Care	One (1) per attendant and one (1) for every six (6) children.
Churches, synagogues, places of worship	One (1) per four (4) seats in the sanctuary based upon the design capacity and plus one (1) per two hundred and fifty (250) square feet of area set aside for other uses.
Commercial recreation uses not otherwise specified, to exclude health clubs	One (1) space per one hundred (100) square feet of all floor areas.
Commercial or trade schools	One (1) per two (2) students, plus one (1) per employee on the maximum shift.
Communication towers, unmanned	Three (3) spaces.
Country club, lodges, private clubs union halls and similar uses	One (1) per three (3) members, plus one (1) per three hundred (300) square feet of gross floor area.
Dormitories, fraternity or sorority houses	One (1) per two (2) resident members, plus one (1) per housemother, manager, or employee.
Dry cleaners, Laundromat	One (1) per two hundred (200) square feet of gross floor area, plus one (1) per employee on the maximum shift.
Dwelling (single, two- and three family)	Two (2) per dwelling lot.
Dwelling (multi-family)	Two (2) per dwelling unit, plus one (1) additional space for each five (5) units.
Flea/Open Air Market	Five (5) spaces per one thousand (1,000) square feet of gross floor area.
Funeral parlors or mortuaries	One (1) space per four (4) seats based upon the design capacity of the facility.
General and Professional Office (except medical)	Three (3) spaces per one-thousand (1,000) of gross floor area

Governmental office buildings	One (1) per two hundred (200) square feet of gross floor area, plus one (1) per employee on the maximum shift.
Greenhouses, landscaping or nursery business	One (1) space per two hundred (200) square feet of gross floor area, plus one (1) per two thousand (2,000) square feet of outdoor display area.
Health Club	Six (6) spaces per one-thousand (1,000) of gross floor area
Homes for the aged, sanitariums, convalescent or nursing homes	One (1) space for each four (4) residents, plus one (1) per employee on the maximum shift.
Hospitals	One (1) per three (3) patient beds exclusive of bassinets, plus one (1) per employee on the maximum shift, plus one (1) per two hundred (200) square feet of any outpatient areas.
Hotel and/or motel	One (1) space per room or suite, plus one (1) per employee on the maximum shift, plus 50% of such additional spaces as required for restaurants, meeting rooms, and related facilities.
Library	One (1) per four hundred (400) square feet of gross floor area.
Manufacturing or industrial establishment, public utility service building, research or testing laboratory, creamery, bottling plant, or similar establishments	One (1) per employee on the maximum work shift, plus space to accommodate all trucks and other vehicles used in connection there with.
Marina	One (1) for each boat mooring or storage space and boat for rent. If public boat launching facilities are provided, the parking spaces shall be increased fifty (50) percent of that number as computed above.
Medical and Dental Offices	Five (5) spaces per one-thousand (1,000) of gross floor area
Miniature golf	Three (3) spaces per hole.
Mobile home or modular home sales	One (1) space per two thousand (2,000) square feet of lot area.
Radio and television stations	One (1) per four hundred (400) square feet of gross floor area.
Rental equipment	Three (3) spaces per one thousand (1,000) square feet of gross floor area.
Restaurants	Ten (10) spaces per one thousand (1,000) square feet of gross floor area, plus one (1) per employee on the maximum work shift. Queuing spaces shall be provided for each drive-in window and will not impede the flow of traffic within the parking lot.
Retail sales and shopping centers with not more than one hundred	Five (5) spaces per one thousand (1000) square feet of gross floor area.

thousand (100,000) square feet of gross floor area	
Retail sales and shopping centers with more than one hundred thousand (100,000) square feet of gross floor area	Four (4) spaces per one thousand (1000) square feet of gross floor area.
Schools, elementary, middle and the equivalent private or parochial	One (1) space per teacher, one (1) space for each two (2) employees and administrative personnel, and two (2) spaces for each classroom.
Schools, senior high and equivalent	One (1) space per teacher, plus one (1) for each two (2) employees and administrative personnel, plus one (1) space per four (4) students based on maximum attendance.
Self-service storage facilities	One (1) space per employee on the maximum shift, plus one (1) space per forty (40) storage units.
Shooting or golf driving ranges	Two and one-half (2.5) per target area or tee area.
Supermarkets	Four (4) spaces per one-thousand (1,000) of gross floor area
Swimming pools	One (1) space per thirty (30) square feet of water.
Taxi cab service	One (1) per employee, plus one (1) per vehicle that provides service.
Tennis or racket clubs	Four (4) spaces per court plus such additional spaces as required for restaurants or other facilities.
Theater, indoor	One (1) space per four (4) seats.
Warehousing, heavy equipment storage yard, lumberyard and building material yard, motor freight terminal or junkyard	One (1) space per employee on the maximum work shift, plus one (1) space per company vehicle or one (1) space per one thousand (1,000) square feet of gross floor area.

2. **Application of standards.** In applying the standards set forth above, the following shall apply:
    A. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of various uses computed separately.
    B. In the C-2 General Commercial District with mixed or joint uses with multi-family uses (apartments or townhouses), the off-street parking requirements for residential may be reduced up to twenty percent (20%) by the Board of Zoning Appeals upon demonstration that the off-street parking demand is reduced by pedestrian traffic, transit users, senior housing, and mixed-use interaction.
    C. Where a fractional space results, any fraction less than one-half may be dropped and any fraction of one-half or more shall be counted as one parking space.
    D. These standards shall apply fully to all uses and buildings established after the effective date of the provisions of Chapters 1 through 11 of this Ordinance.

E. Except for parcels of land devoted to single-family 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/ingress.
F. Where parking is to be provided in the front yard of a multiple-family dwelling, there shall be established a setback line of five (5) feet. The area between the setback line and front lot line shall be prepared and planted with grass, shrubs, or trees.
G. All parking spaces required herein shall be located on the same lot with the building or use served. However, when an increase in the number of spaces is required by a change of use or enlargement of the building or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located and maintained not to exceed four hundred (400) feet from any other nonresidential building served, if it appears that this parking will not pose a potential threat or danger to the public and/or affect the safe and efficient flow of traffic at the discretion of the Building Official.
H. No signs of any kind shall be erected except information signs used to guide traffic and to state the conditions and terms of the use of the lot. Only non-intermittent white lighting of signs shall be permitted.
I. All required off-street parking and loading facilities as well as access drives and vehicle storage areas leading thereto shall be paved with asphalt, concrete, brick or other properly bound surface, so as to be durable and dustless. Each parking space shall be physically delineated on the surface of the parking area.
J. The required number of parking spaces may be decreased by the number of tree islands created to meet the minimum interior planting requirement of Chapter 7, Landscape, Buffering and Screening Requirements. For example, the required creation of three (3) separate tree islands, if within the proposed required off-street parking area(s), would allow the minimum number of parking spaces required by this section to be reduced by three (3) spaces.
K. All parking spaces shall be a minimum nine (9) foot X eighteen (18) feet, exclusive of passageways and driveways.
L. Proposed buildings with speculative uses proposed shall have parking calculated using the most intense use allowed in the zoning district in which it is located.
M. Drive-through facilities. One (1) by-pass lane shall be provided for circulation around the drive-through lane (including the drive-through window) or an approved alternative.
N. Queuing requirements for drive-through facilities. The minimum number of queue spaces, including the vehicle being serviced, shall be provided according to the following table. Each queue space shall be a minimum of twenty (20) feet in length. Unless otherwise indicated in the table below, queuing shall be measured from the point of ultimate service to the end of the queuing lane. Each queue lane shall be clearly defined and designed so as not to conflict or interfere with other traffic using the site. Queuing vehicles shall not stand within a public street or alley rights-of-way.

TABLE 6.2: QUEUING REQUIREMENTS FOR DRIVE-THROUGH FACILITIES

LAND USE	USE MINIMUM NUMBER OF QUEUE (DRIVE THROUGH) SPACES
Bank Teller Lane	Five (5) spaces
ATM	Three (3) spaces
Restaurant, drive-through	Five (5) spaces
Car Wash (full service)	Five (5) spaces
Car Wash (self service)	Three (3) spaces
Car Wash (automobile convenience)	Three (3) spaces
Automotive service oil change station	Three (3) spaces
Retail	Four (4) spaces
Automotive service, gasoline pump island	Thirty (30) feet away from any driveway ramp

6.2 STORAGE AND PARKING OR TRAILERS AND COMMERCIAL VEHICLES

1. Commercial vehicles and trailers of all types, including travel, boat, camping, and hauling, shall not be parked or stored on any lot occupied by a dwelling or on any lot in a residential district except in accordance with the following provisions.
    A. Not more than one commercial vehicle, which does not exceed two and one-half (2 1/2) ton rated capacity, per family living on the premises, shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted.
    B. Camping Trailers, hauling trailer, or boat trailer are all permitted to be parked on the premises. A camping trailer shall not be parked or stored for more than seventy-two (72) hours unless it is located behind the front building line, nor shall camping trailer be occupied while it is parked or stored in any area except as authorized by this or other ordinances.
2. In any commercial zone, tractor trailers which are not being used for normal loading or unloading purposes, or for activities directly associated with normal trucking operations, shall not be parked or stored on a lot unless they are located behind the front setback line created by the building located closest to the street right-of-way. This is intended to minimize undesirable and unsightly conditions and to ensure compliance with intended advertising regulations.

6.3 OFF-STREET LOADING AND UNLOADING REQUIREMENTS

1. The following rules and regulations shall apply to off-street loading and unloading facilities:
    A. A building whose dominant use is handling and selling goods at retail shall provide one off-street loading and unloading space for buildings as follows:

TABLE 6.3: TABLE FOR OFF-STREET LOADING AND UNLOADING PARKING SPACES

SQUARE FOOTAGE	PARKING SPACE FOR LOADING AND UNLOADING
3,000 – 25,000 square feet	One (1) space
25,001 – 90,000 square feet	Two (2) spaces
90,001 – 155,000 square feet	Three (3) spaces
155,001 – 240,000 square feet	Four (4) spaces
240,001 – 325,000 square feet	Five (5) spaces
325,001 – 410,000 square feet	Six (6) spaces
410,001 – 500,000 square feet	Seven (7) spaces
Each 100,000 over 500,000	Seven (7) spaces plus one (1) space per 100,000 square feet over 500,000

B. Manufacturing, repair, wholesale, and similar uses shall provide one off-street loading and unloading space for buildings containing ten thousand (10,000) square feet of floor space plus one space for each forty thousand (40,000) square feet of floor area in the excess of ten thousand (10,000) square feet.
C. Where trailer trucks are involved, such loading and unloading space shall be at a minimum an area twelve (12) by fifty (50) feet with a fourteen-foot (14) height clearance and shall be designed with appropriate means of truck access to a street or alley, as well as having adequate maneuvering area.
D. All required off-street loading and unloading facilities as well as access drives leading thereto shall be paved with asphalt, concrete, brick or other properly bound surface, so as to be durable and dustless.

CHAPTER 7: LANDSCAPE, BUFFERING AND SCREENING REQUIREMENTS

7.1 PURPOSE AND INTENT

The general purpose of this chapter is to set standards for landscaping, buffering and screening in order to lessen air pollution, to reduce noise, heat, glare and erosion, to control storm water and minimize flooding, and to enhance the aesthetic appeal and economic value of properties subject to the requirements herein. This chapter further establishes standards for the protection and replacement of trees to insure their continued presence and associated benefits; establishes standards for screening and landscaping parking areas to reduce their impact on adjacent properties and public thoroughfares, as well as to mitigate the environmental impacts of large areas of unbroken pavement; establishes standards for buffering between different zone districts or selected land uses to mitigate the results of differing activities; and sets standards for plant materials, maintenance of required plants, and standards for the screening of unsightly areas.

In their interpretation and application the provisions of this section shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances or regulations which may exist or be adopted hereinafter, impose greater restrictions than those specified herein, compliance with such ordinances or regulations shall be mandatory.

7.2 APPLICABILITY

The provisions of this chapter shall apply to all uses, except single-family and two-family dwellings on individual lots.

1. **New developments:** No new building, structure or development shall hereafter be constructed, or parking area created, unless landscaping is provided as required by this chapter.
2. **Changes to existing buildings, structures and developments:** The requirements of this chapter shall be applicable to existing buildings, structures and developments as of the effective date of the Ordinance from which this chapter derives.
    A. If an existing building's gross floor area of the ground floor is expanded by fifty (50) percent or more, then the entire building, structure or development shall comply with the requirements of this chapter.
    B. If there is change in use of an existing building, structure or development, which requires rezoning of the property to allow the new use, then the entire building, structure, or development including parking area shall comply with the requirements of this chapter.
    C. If the number of existing parking spaces for an existing building, structure or development is expanded by twenty-five (25) percent to forty-nine (49) percent, then the area of expansion shall comply with the requirements of this chapter.

D. If the number of existing parking spaces for an existing building, structure or development is expanded by fifty (50) percent or more, then the entire parking lot shall comply with the requirements of this chapter.
E. If a new and separate building, structure or development is constructed on the same lot of record as an existing building, structure or development, only the separate and new building, structure or development must meet the requirements of this chapter.
F. Trees and shrubs should not be planted so as to obstruct access to fire hydrants or utility transformers. Alternative designs, to include reduction of required plantings, may be considered in areas where documented public safety issues have been identified.

3. **Allowance for small lots of record.** If the imposition of the buffering requirements, in conjunction with the perimeter planting requirements, would result in the elimination of an otherwise legal utilization of a lot of record upon the effective date of this chapter, then the buffer yard criteria may be modified to the extent necessary to ensure development, to include such measures as fencing, decreased planting, etc.

7.3 DEFINITIONS

The following definitions shall apply to the regulation and control of landscaping within this chapter:

1. **Access Way:** A paved area intended to provide ingress and egress of vehicular traffic from a public right-of-way to an off street parking area.
2. **Bond:** Money or a form of monetary security issued to the City of Clarksville by an owner to insure that the required site work will be performed completely and correctly within a certain time frame. This bond shall be in the form of a cashier's check, letter of credit from a banking institution, certificate of deposit, or performance bond from an insurance company. The posting of a bond satisfactory to the City will be a condition for the issuance of a temporary certificate of occupancy. The bond shall be for a period of one year and shall be delivered to the City Building and Codes Department.
3. **Buffer Zone:** The required installation of landscaping between land uses.
4. **Buffering:** The use of landscaping (other than mere grass on flat terrain), or the use of landscaping with berms, walls, or decorative fences, that at least partially obstructs the view from the street or adjoining properties of vehicular use areas, parking lots and their parked cars, loading areas, and refuse containers.
5. **Building Official:** Person within the Building and Codes Department, which is determined by the City of Clarksville to have authority for enforcement of this Chapter.
6. **Caliper:** A standard trunk diameter measurement for nursery grown trees taken six (6) inches above the ground for up to and including four-inch caliper size, and twelve (12) inches above the ground for larger sizes.
7. **Certificate of Landscape Compliance:** A document that the contractor or installer and the owner shall submit to the City of Clarksville before final inspection that certifies that the landscape plan has been substantially implemented in its entirety.
8. **Certificate of Occupancy:** A document issued by the Building Official allowing the occupancy or use of a building and certifying that the structure or use has been inspected for compliance with all the applicable municipal codes and ordinances. A temporary certificate

of occupancy may be issued by the Building Official allowing the occupancy or use of a building, although all required work has not been completed, if the owner posts a bond.

9. **Critical root zone (CRZ):** A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is one foot of radial distance for every inch of tree DBH, with a minimum of eight (8) feet.
10. **DBH:** Diameter-at-breast-height is the tree trunk diameter measured in inches at a height of four and one-half (4 1/2) feet above the ground.
11. **Deciduous:** Those plants that annually lose their foliage.
12. **Designer:** Person, persons, or firms responsible for the preparation of the landscape plan.
13. **Detention Area:** Area used for temporary storage and controlled release of stored storm water.
14. **Director of Planning:** The Director, or acting Director, of the Clarksville-Montgomery County Regional Planning Commission and parties designated by the Director, or acting Director, of the Clarksville-Montgomery County Regional Planning Commission to act on their behalf.
15. **Drip Line:** A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.
16. **Evergreen:** Those plants that retain their foliage throughout the year.
17. **Evergreen Screen:** Plants that retain their foliage year round that are planted to provide a dense vegetative screen for purposes of visual mitigation between zoning districts or incompatible uses or structures.
18. **Ground Cover:** A prostrate plant growing less than two (2) feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing.
19. **Island:** In road and parking area design, a raised planting area, usually curbed, and placed to guide traffic, separate lanes, limit paving (impervious surface), preserve existing vegetation and increase aesthetic quality.
20. **Land Clearing:** Operations where trees and vegetation are removed and which occur prior to construction of buildings, road right-of-way excavation, utility excavation, grubbing, and any other necessary clearing operation.
21. **Landscape Ordinance:** The sections of the Zoning Ordinance, which regulate landscape design, landscaping, and landscape installation and maintenance.
22. **Landscape Plan:** The preparation of graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features with plantings, ground and water forms, circulation, walks and other landscaping features to comply with the provisions of this chapter.
23. **Landscape Strip:** An area required by this chapter which is reserved for the installation and/or maintenance of plant materials.
24. **Landscaping:** The process or product of site development including grading, installation of plant materials, and seeding of turf or ground cover. Includes any combination of living plants, such as trees, shrubs, vines, ground covers or grass; natural features such as rock, stone, bark chips or shavings; and structural features, including but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences, benches.
25. **Loading Areas:** An area which contains trash collection areas of dumpster type refuse containers, outdoor loading and unloading spaces, recycling bins, docks, outdoor shipping

and receiving areas, outdoor bulk storage of materials or parts thereof, or outdoor repair areas of any service stations, safety equipment, inspection stations or dealers.

26. **Off Street Parking and Other Vehicular Use Area:** Any area, excluding public right-of-way, used for the purpose of driving, maneuvering, parking, storing or display of motor vehicles, boats, trailers, mobile homes and recreational vehicles, including new and used automobile lots, and other parking lot uses, excluding minimum parking requirements for single family residences or duplexes.
27. **Owner:** Any individual, corporation, partnership or entity, which owns property that is subject to the provisions of this chapter and any individual, corporation, partnership or entity which succeeds to such ownership. The obligations of an owner under this chapter, including perpetual maintenance in accordance with an approved landscape plan, are binding on any successor owner.
28. **Parking Lot Island:** An area of ground within the boundary of any parking lot, which has curbing adjacent to all paved areas. Parking lot islands are used for traffic control and as planting areas to screen and shade parking lots to minimize the detrimental environmental impacts of large paved areas.
29. **Plant:** A combination of vegetation in a designed, specific application which meets the purpose of this Ordinance. Vegetation may include: trees, shrubs, groundcovers, vines and grasses. For purposes of this chapter it does not include flowers or weeds.
30. **Planting Area:** The area prepared for the purpose of accommodating the planting of plants.
31. **Planting Yard:** A planting area around the perimeter of a property separating the access way and vehicular use area from adjoining property and/or public right-of-way. Its purpose is to enhance the visual appearance of the site and to provide screening of the vehicular use area and certain other activities from the public right-of-way and abutting property.
32. **Public Street:** For the purpose of this chapter, any public street or dedicated roadway easement.
33. **Retention Area:** Area used for storage of storm water without controlled release of stored water.
34. **Shrub, large:** An upright plant growing ten (10) feet to twenty (20) feet in height at maturity planted for ornamental or screening purposes.
35. **Shrub, medium:** A plant growing five (5) feet to nine (9) feet in height at maturity planted for ornamental or screening purposes.
36. **Shrub, small:** A plant growing to less than five (5) feet in height at maturity planted for ornamental or screening purposes.
37. **Sight Triangle:** Area at the intersection of the road right-of-way and an access point to property where driver visibility must be maintained as required in this chapter. See Section 7.13 of this Chapter.
38. **Travel Lanes:** That part of the roadway provided for the movement of vehicles, exclusive of shoulders and auxiliary lands.
39. **Tree Credit:** A unit of measurement used in determining a site's landscape requirements when existing trees are preserved and a tree preservation plan is submitted for approval. See Section 7.10 of this Chapter.
40. **Tree, ornamental or understory:** A small to medium tree, growing fifteen (15) feet to forty (40) feet at maturity often used for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage. Understory trees must be used for planting under or near overhead utility lines.

41. **Tree Preservation Plan:** A plan to preserve existing trees on a site for the purpose of receiving tree credits.
42. **Tree Protection Zone:** The area around a tree corresponding to the drip line or ten (10) feet, whichever is greater, in all directions from the trunk.
43. **Tree, Shade or Canopy:** A large tree growing to over forty (40) feet in height at maturity, usually deciduous, planted to provide canopy cover shade.
44. **Vehicular Use Areas:** All areas subject to vehicular traffic including access ways, driveways, loading areas, service areas, bicycle lanes and parking stalls for all types of vehicles. This definition does not include covered parking structures or underground parking lots.
45. **Vines:** A woody plant that has a spreading pattern of growth. Vines may be used on the ground, on walls and on trellises.
46. **Wash Out Area:** Area where construction machinery may have concrete, or other material that may be harmful to trees, washed out or off the equipment. This area should be away from and not drain toward any existing trees.

7.4 SUBMITTAL OF LANDSCAPE PLAN

Submittal of landscape plan. Landscape and tree preservation plans, along with support documentation meeting all specified requirements, must be submitted to the Director of Planning or his designee, reviewed and approved prior to the issuance of a building permit. A building permit may be issued prior to approval of a landscape plan if the proposed development has received site plan approval by the Regional Planning Commission, and the site plan reflects adequate provisions for compliance with the landscape ordinance, as determined by the Director of Planning or his designee.

The Director of Planning or his designee first conducts a review of the plans to determine if all basic information has been included. Should the plans be determined to be incomplete, they will be returned to the applicant along with a request for any additional information. The review for completeness will be made within seven (7) working days of the receipt of plans. When all basic information has been supplied, the Director of Planning shall have fifteen (15) days to review the plans and issue a decision approving, rejecting, or conditionally approving the plans.

If the plan is not approved by the Director of Planning it will then be reviewed by the Regional Planning Commission within the specified time frame at its next regularly scheduled meeting. Failure to submit a complete landscape plan will result in the denial of building permits until such plan is submitted, reviewed and approved.

All submitted landscape and tree preservation plans must meet current Tennessee State Laws regarding preparation and sealing of drawings and details.

1. **Landscape plan requirements.** A separate landscape plan must be submitted; provided that, if the site plan is for a building of less than fifteen thousand (15,000) square feet of ground floor area (area obscured to the sky), and is on a lot of less than two (2) acres, then the landscape plan may be combined with the site plan if the scale of the site plan is not smaller than one (1) inch = thirty (30) feet. The landscape plan must not be of a lesser scale

than the site plan. All items on the following checklist which are applicable shall be depicted on the landscape plan or the combined site and landscape plan.

A. A plant schedule. The plant schedule must contain:
   I. Quantity of each plant material;
   II. Common and botanical name of plant material;
   III. Size and spacing of all proposed landscape material at time of planting
   IV. General plant comments;
B. Plant calculations including total linear feet of frontage and buffers;
C. Sight triangle shown and labeled;
D. Existing plant materials to be left in natural state (non disturbed areas only);
E. Methods and details for protecting existing plants (tree protection zones must be designated and established in order to receive credit for required landscaping);
F. All building setback lines, landscape strips, and buffers shown and labeled;
G. Location and description of required landscape improvements, including perimeter landscaping, landscaping within parking lots, and buffer zones (the description shall include the size of the parking area and the actual percentage of the parking area used for landscaping);
H. Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, courtyards or paved areas, construction details for landscape improvements;
I. Planting and installation details to ensure conformance with all required standards;
J. Location and type of irrigation system compliance;
K. Location of existing and proposed buildings;
L. Layout of parking and traffic patterns;
M. Plan drawn to scale with north arrow and any interpretative legends;
N. Location and size of all overhead and underground utilities, existing and proposed;
O. Location and size of all public or private easements, existing and proposed;
P. Location of all existing and proposed ground signage. (Note: Approval of the landscaping plan shall not constitute any approval as to location that may be required under the sign ordinance.);
Q. Connections to existing streets; and,
R. Zoning designation of the subject property and the adjacent properties.

2. **Support documentation.** Support documentation, if required, shall include but may not be limited to, copies of the grading, drainage and erosion control plans when required by and submitted to the City Street Department. Plans shall meet all requirements as specified in the City Stormwater Management Ordinance.
3. **Changes and resubmittals.** A change to a previously approved landscape plan requires resubmittal and reapproval before the installation of plant materials. Such changes may occur as a result of, but are not limited to a:
   A. Reduction in the quantity of required landscape materials.
   B. Reduction in the size of plant materials (if adding larger plant materials of the same category, resubmittal and reapproval are not necessary).
   C. Change in location of plant materials (no revisions are necessary if minor field adjustments, not to exceed three (3) feet, must occur).
   D. Change in design, layout or location of design elements such as: earth berms, buffer zones, walls, fences etc.

E. Change in location of overhead or underground utilities.
F. Changes to a previously approved landscape plan will not require resubmittal and reapproval before the installation of plant materials if such changes occur as a result of change in species due to lack of plant availability. However, the new plants must be of the same general category, i.e. shade tree, ornamental tree, evergreen tree, deciduous shrub, or evergreen shrub, and shall maintain the same general design characteristics, such as form, mature height, crown spread and intent, as the plants on the originally approved landscape plan.

7.5 EXCEPTIONS AND APPEALS

1. Submittal and approval of alternative methods of compliance. If application of these landscape requirements to a particular lot would be unreasonable or impractical, or would damage or eliminate existing vegetation, a landscape plan may be submitted with a request for approval of an alternate and equivalent means of providing landscaping. The need for alternative means of landscaping might arise from unusual site conditions, including streams, natural rock formations or topography; or for the preservation of significant landscape features or wetlands or from an unusual lot configuration or development design; or, from the presence of utility easements. The request for approval of an alternative to the landscape requirements must specify the reason for requesting the alternative and the landscape plan must demonstrate the equivalency of the proposed alternative to the requirements. The Planning Director or his designee will determine if the proposed alternative is equivalent and whether it meets the intent and purpose of the ordinance. The Regional Planning Commission may consider appeals from this decision and the decision of this body shall be final. This determination may take into account the land use classification of adjacent properties; the number of plantings, species, arrangement and coverage proposed; the location of the plantings on the lot; and the level of screening, height, spread, and canopy of the plantings at maturity.
2. Each applicant for a variance shall have the burden of proving that compliance with the landscape requirements should be extraordinarily difficult because of one or more unusual characteristics of the property. Generally such characteristic may not have been created by deliberate action of the owner or the owner's representative. Each applicant for a variance must prove that an alternative and equivalent means of landscaping is not viable. In considering a variance request, cost alone is not an extraordinary difficulty and it does not justify granting a variance.
3. Requests for exceptions and appeals from the provisions of the Ordinance or a staff determination may only be made by the owner (or owner's representative) of the tract of land on which development is to occur requiring the landscaping.

   Requests for variances must be submitted at least twenty-one (21) days prior to the next regularly scheduled meeting of the Regional Planning commission. The application must be accompanied by at least three (3) copies of the proposed alternative Landscape Plan in the same format required for the submission of all other landscape plans (Subsection 7.4.1). Said plan must include a listing of required quantities, types, and locations of landscape or buffering materials along with a similar listing of proposed reductions or

alterations. Any other supporting documentation and narratives in sufficient detail to clearly justify the reason for the variance must be included with the request.

Upon receipt of all information required above the staff will notify the applicant and all property owners adjoining the proposed development by mail of the date and time of the Regional Planning Commission meeting where the appeal will be considered.

A public hearing will be held at the Regional Planning Commission meeting following regular established rules of the Commission.

The Regional Planning Commission may postpone action on any appeal request for further study for a reasonable period of time.

The decision of the Regional Planning Commission is final.

7.6 INSTALLATION

All landscaping materials shown and listed on the approved plans shall be installed in a sound, workmanship like manner and according to accepted, good construction and planting procedures. Plants installed shall meet the standards for size, form and quality set out in the American Standard for Nursery Stock, latest edition. Any landscape material, which fails to meet the minimum requirements of this section at the time of installation, shall be removed and replaced with acceptable materials. All trees and shrubs shall be tagged according to species. Tags shall not be removed until after inspection.

7.7 INSPECTIONS FOR CERTIFICATE OF OCCUPANCY

Site inspections for the issuance of a certificate of occupancy will occur only after the contractor or installer and the owner have submitted a landscape certificate of compliance to the Building Official or his designee. No certificate of occupancy for any development on a site subject to the landscaping requirements of this section shall be issued until all landscaping materials are in place in substantial compliance with the approved landscape plan. However, should conditions occur beyond the reasonable control of owner that would delay the installation of the landscaping, the owner may submit an installation bond or other financial instrument acceptable to the City and in an amount set by the Building Official to cover the cost of incomplete work. The amount of installation bond required shall be set by a schedule adopted by the Building Official or his designee. A permanent certificate of occupancy will be issued by the Building Official or his designee when it is verified that the plantings are correct as to their location, size, number, and species; all required planting yards, parking lot plantings, and buffer zones have been installed; the installed system meets the irrigation requirements and the site does not violate the sight triangle prohibitions.

7.8 MAINTENANCE

The person in charge of or in control of the property whether as owner, lessee, tenant, occupant, or otherwise shall be responsible for the continued proper maintenance of all landscaping materials and shall keep them in proper, neat and orderly appearance, free from refuse and debris at all times. All required landscaping shall be watered by one of the following methods: an underground sprinkling system or a hose attachment within two hundred (200) feet of all landscaping. The use of plants which are naturally adapted to the climatic conditions of Clarksville, and which can survive drought in the opinion of the Director of Planning or his designee is recommended. Undisturbed areas of natural vegetation retained in fulfillment of the requirements of this code shall not require irrigation. All unhealthy or dead plant material shall be replaced within one (1) year, or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within three (3) months. Violation of these installation and maintenance provisions shall be grounds for the Building Official or his designee to refuse a building occupancy permit, require replacement of landscape material or institute legal proceedings to enforce the provisions of this Chapter.

7.9 ADMINISTRATION AND ENFORCEMENT

1. The Director of Planning or his designee shall be the person responsible for review and approval of landscape plans and tree preservation plans.
2. Decisions regarding landscape plans may be the subject of an administrative appeal to the Clarksville-Montgomery County Regional Planning Commission whose decision shall be final.
3. All further enforcement of an approved landscape plan or tree preservation plan and the continued maintenance thereof will be the responsibility of the Building Official or his designee.

7.10 CREDIT TOWARD LANDSCAPING FOR PRESERVED TREES

1. Credits for preserved trees are offered when a tree preservation plan is submitted and approved along with the site plan prior to commencing any grading or construction activity on a site. A tree preservation plan may be submitted as part of the landscape plan. A tree preservation plan must show that there will be no substantial disturbance in the critical root zone (CRZ). A substantial disturbance is considered compaction of soil, trenching, placing backfill in the CRZ, grading or dumping of trash, oil, paint, or other materials detrimental to plant health in close proximity of the tree(s).
2. Only those trees that are determined to be viable and savable will receive tree credits. A tree(s) that is determined to be hazardous, diseased or severely injured will not receive tree credits. Likewise, if it is determined that a large portion of the root system of a tree(s) will be disturbed or destroyed by grading, trenching etc. then no tree credits will be granted. Only those trees that exhibit a reasonable chance of survival will receive tree credits. Should the owner of the property wish to receive credit for a tree that did not initially qualify for credit, then said owner may provide documentation regarding the particular tree's health and survivability. This documentation shall include any and all corrective

measures, including long-term maintenance that would be effective toward saving the tree(s). The Planning Director or his designee will review any such additional documentation.

3. Protective barricades or tree fence shall be placed around all trees designated in the tree preservation plan prior to the start of development activities, and shall remain in place until development activities are complete. The area within the protective barricade shall remain free of all building materials, dirt or other construction debris, vehicles and development activities. Failure to comply with this requirement will result in the denial of tree credits and the landscape plan will have to be modified to include new tree plantings.
4. Decisions regarding tree credits may be the subject of an administrative appeal to the Regional Planning Commission whose decision shall be final.
5. The following information shall be submitted and/or indicated on the tree preservation plan:
    A. Tree survey at the same scale as the site plan or landscape plan, showing location of each existing tree(s) to be preserved that is six (6) inches in diameter or larger;
    B. Groups of trees in close proximity (those within five (5) feet of each other) may be designated as a clump of trees, with the predominant species, estimated number and average diameter indicated. Any tree greater than twenty-four (24) inches DBH must be identified individually;
    C. Tree inventory including location, species, size and condition of each tree;
    D. Trees which are noteworthy due to size, age, historic, cultural or aesthetic value;
    E. Trees to be removed;
    F. Location and type of tree protection barrier with tree save area labeled;
    G. Existing and proposed grades;
    H. Tree protection details;
    I. Indicate staging and parking areas or wash out areas;
    J. Indicate limits of disturbance;
    K. Location of all existing utilities and proposed utilities;
    L. Location of all existing and proposed structures, improvements, rights-of-way, and easements on the property (driveways, alleys, walkways, bicycle paths, parking lots, etc.);
    M. Critical root zone;
    N. All buffers and landscape strips; and
    O. Proposed root and branch pruning, if any. See Paragraph 7.10.11.G.
6. Existing landscape material which is proposed to be used to fulfill landscape requirements shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the Director of Planning or his designee, such material meets the requirements and achieves the objectives of this section. Existing healthy trees may be substituted for trees required for buffer perimeter or interior landscaping by using the following criteria: a 4-inch to 6-inch caliper tree may be substituted for two (2) new trees of the required minimum size; a 6-inch to 12-inch caliper tree may be substituted for four (4) new trees of the required minimum size; a 12-inch to 24-inch caliper tree may be substituted for seven (7) new trees of the required minimum size; a 24-inch or greater caliper may be substituted for ten (10) new trees of the required minimum site. Tree credits for buffer yard areas will be allowed only for existing trees within the proposed buffer yard. Tree credits for perimeter screening will be allowed

only for trees within proposed perimeter screening areas allowed for trees within "reasonable proximity to" proposed perimeter screening requirements.

Each tree or group of trees to be counted for tree credits must be surrounded by a minimum undisturbed planting area of the dripline, whichever is greater, or ten (10) feet, whichever is greater, in all directions from the trunk.

The minimum planting area must be delineated by a tree fence.

TABLE 7.1: TREE CREDITS

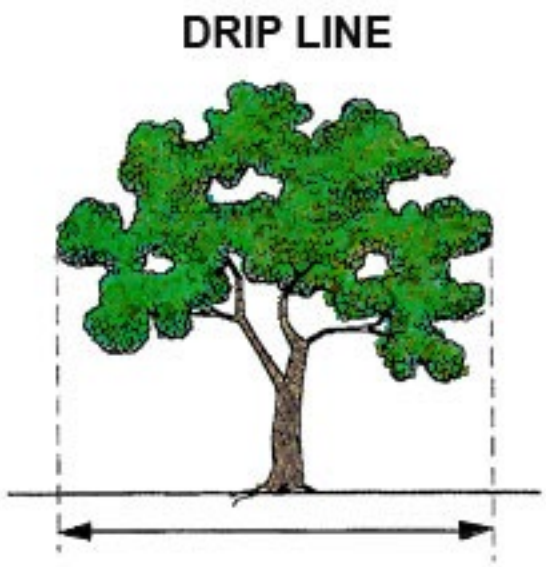
Existing Tree Caliper	Substitutes for Number of New Trees
4 to 6 inch	2
6 to 12 inch	4
12 to 24 inch	7
Greater than 24 inches	10

7. Upon approval of a tree preservation plan, an owner shall receive tree credits for a tree within the surveyed portion of the property for which a site plan was submitted. An owner may include an existing tree straddling an adjacent property line in a tree preservation plan but tree credits for any such tree shall only be half of the amount otherwise applicable.
8. Only if a preserved tree for which tree credits are given is located within a parking area may those tree credits be used to satisfy the landscaping requirements for parking lots. Tree credits may be used to satisfy the landscaping requirements for perimeter landscaping under Section 7.11.3 of this chapter only for the front, side or rear property line nearest the preserved trees; e.g. preserved trees in a fence row on a rear property line may be used to satisfy the perimeter landscaping requirement for the rear but not the front or side property lines.
9. Should any tree designated on the tree preservation plan die or be removed at anytime after approval of the plan or issuance of a certificate of occupancy, the owner shall replace sufficient landscaping equal to the tree preservation credit within six (6) months. The owner shall notify the City in writing and submit plans to the Regional Planning Commission for approval showing the location of the tree(s) lost and the number, size, species and location of replacement tree(s). The replacement tree(s) shall be a minimum of two (2) inches in caliper for a deciduous tree, a minimum of six (6) feet in height for an evergreen tree.
10. If it is determined that a tree proposed for credit on a development site is undesirable due to visible weakness, limited life span, susceptibility to disease, and/or overpopulation of the species, such tree shall not be eligible for credit. Such species may include, but are not limited to, Box Elder (female), Silver Maple, Bradford Pear, Hackberry, American Elm, Osage Orange (female), Cottonwood (except hybrids), Siberian Elm, Tree of Heaven, Mimosa, Gingko (female), Mulberry, Empress trees, and White Pine.
11. Trees offered for credit are to be protected on or adjacent to a development site. The following procedures shall be followed to adequately protect the trees during construction.
    A. A protection barrier or tree fence shall be installed at a minimum of four (4) feet in height around the tree that is identified to be protected. The tree fence shall be

constructed before the issuance of any permits, and shall remain intact throughout the entire period of construction.

B. The tree fence shall be constructed of a barrier material securely fastened to a wood or metal frame properly braced by two-by-four inch minimum structural members with cross braces, or another form of substantial barrier approved by the Building Official.

C. The tree fence shall be installed to whichever is greater, either the drip line, as measured from the trunk of the protected tree or ten (10) feet, whichever is greater, in all directions measured from the trunk. [i.e., if the radius of the drip line is twenty (20) feet, the radius of the tree fence shall be installed at a minimum distance of twenty (20) feet]. See Picture 7.1 below.



Picture 7.1

D. Any required excavation in or around the protection zone to accommodate underground services, footings, etc. shall be indicated on the plan, and shall be excavated by hand. In addition, related root pruning shall be accomplished via ANSI (American National Standards Institute) A-300-95 standard so as to minimize impact on the general root system.

E. The storage of building materials or stockpiling shall not be permitted within the limits of or against the protection barriers.

F. Trees within the protection barriers must be adequately cared for throughout the construction process (i.e., they must be watered sufficiently, particularly if the tree's root system has been disturbed by excavation.) Fill shall not be placed upon the root system in such a manner as to endanger the health or life of the affected tree.

G. Proposed root and branch pruning, where necessary, shall be noted on the tree preservation plan and shall be accomplished in accordance with standard tree pruning practices, as established by ANSI (American National Standards Institute) A-300-995 standards. Tree topping shall not be permitted.

7.11 VEHICLE USE AREA SCREENING AND LANDSCAPING

1. **Purpose and Intent.** The purpose of this section is to lessen the visual and environmental effects that large vehicular use areas can have on the community through the use of minimum landscaping standards. To those ends, this section establishes the minimum standards by which vehicular use areas will be screened from adjacent public streets, dedicated roadway easements or from adjacent properties. In addition, this section delineates standards for landscaping within the interiors of vehicular use areas.

2. **Applicability.** The following requirements are cumulative, not exclusive.

   A. **Perimeter vehicular use area landscaping required.** The perimeter vehicular use area landscaping requirements of this section shall apply to all off-street parking facilities adjacent to a public street, dedicated roadway easement or property line which:

      I. Have five (5) or more parking spaces; or

      II. Are larger than one thousand seven hundred fifty (1,750) square feet in paved area.

   B. **Interior vehicular use area landscaping required.** The interior vehicular use area landscaping requirements of this section shall apply to all off-street parking facilities which:

      I. Have ten (10) or more parking spaces; or

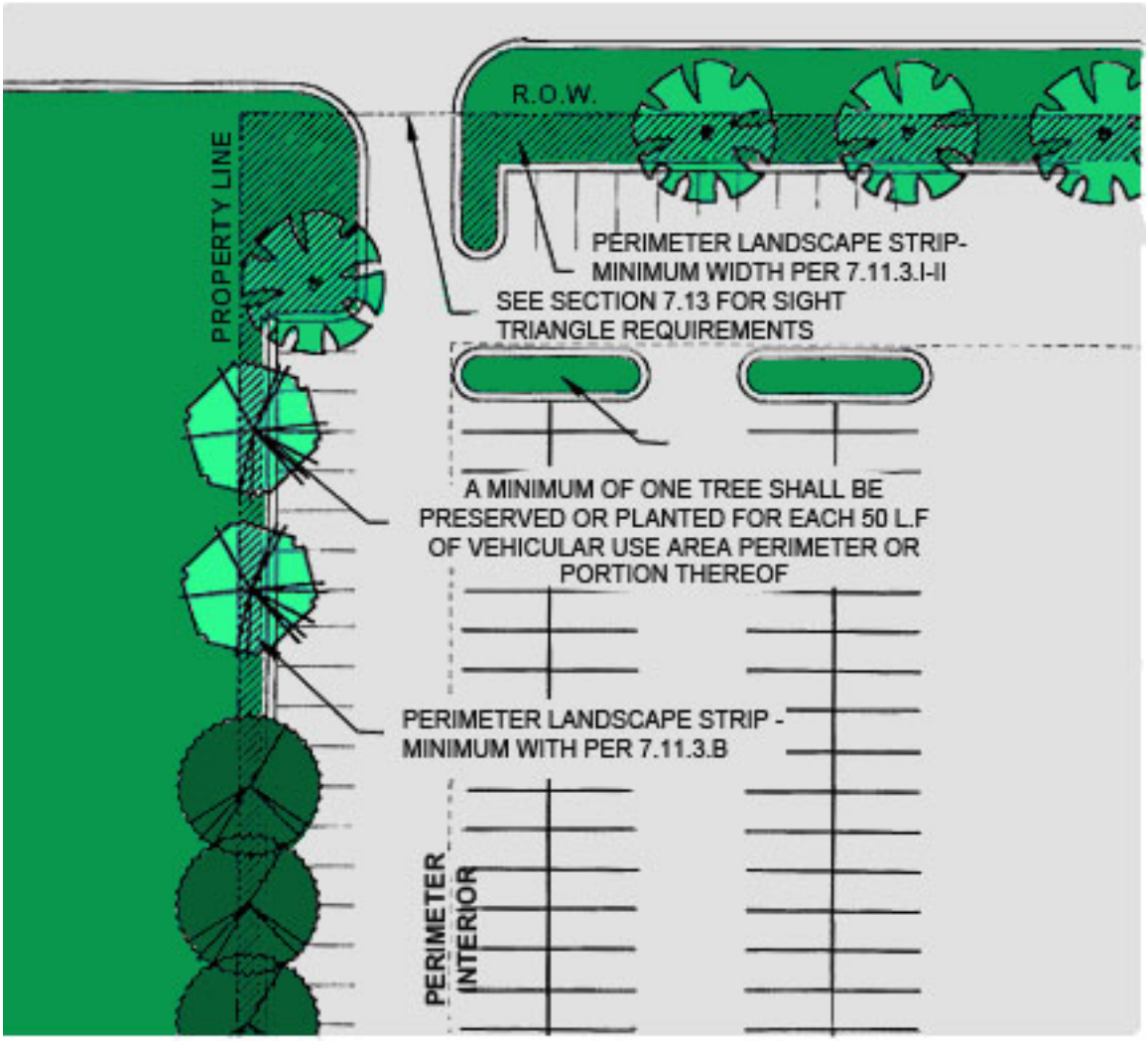
      II. Are over three thousand five hundred (3,500) square feet in paved area.

3. **Perimeter screening requirements.** Unless supplanted by more stringent standards in Section 7.12 of this Chapter, Landscape Buffer Yard Requirements, the perimeters of vehicular use areas shall be landscaped as follows:

   A. **Vehicular use areas adjacent to public streets.** Vehicular use areas adjacent to public streets shall be separated from the edge of the right-of-way by a perimeter landscape strip which shall be landscaped per the standards set out in Section 7.11.3.C of this chapter. The public right-of-way and areas reserved for future rights-of-way shall not be used to satisfy the requirements of this section. Perimeter landscape strips shall be continuous and unbroken except for driveways or sidewalks required to access the parking area.

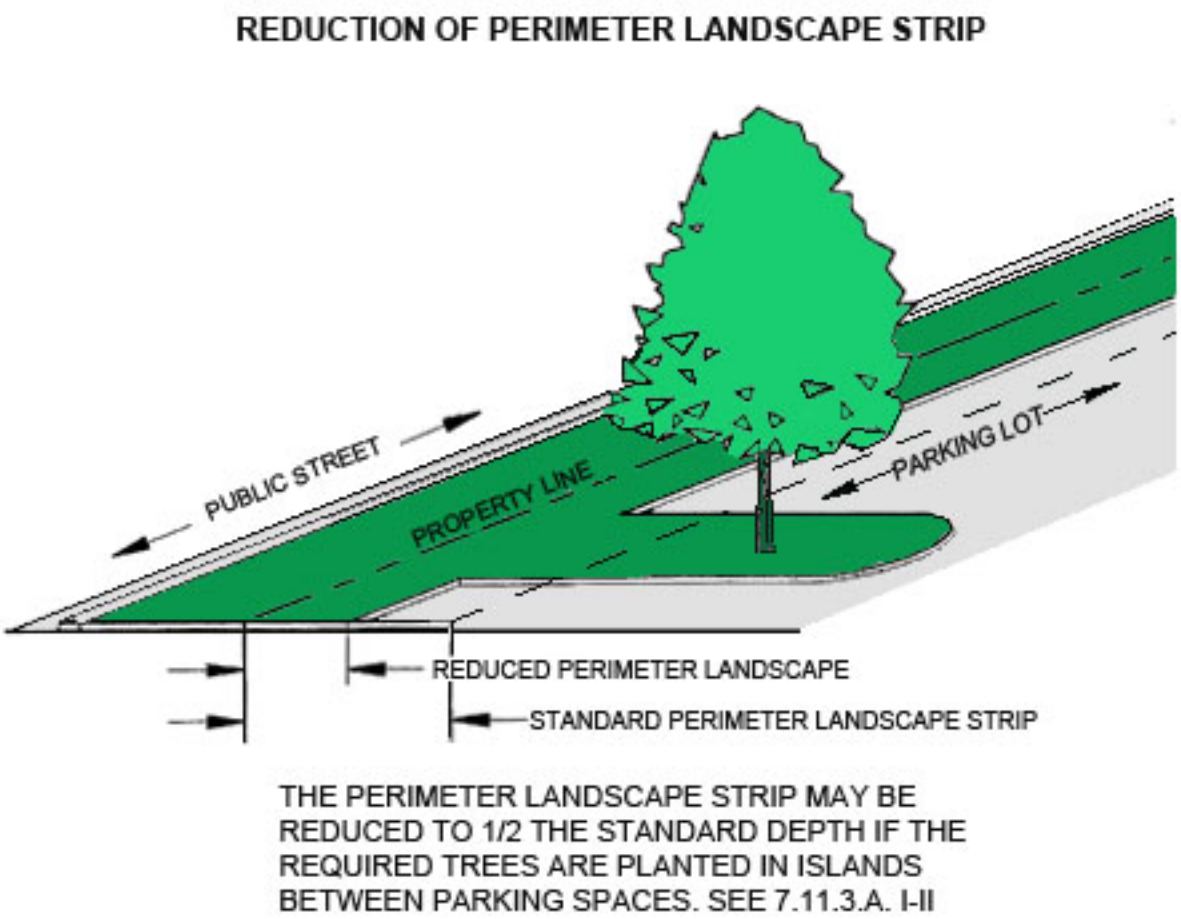
      I. Perimeter landscape strips adjacent to public streets with four (4) or more travel lanes shall be a minimum of ten (10) feet in width, unless: (a) the strip includes a permanent finished wall no less than thirty (30) inches in height; or (b) the required trees are planted in islands between the parking spaces. In such cases the perimeter landscape strip may be reduced to five (5) feet in width.

PERIMETER LANDSCAPE STANDARDS



Picture 7.2

II. Perimeter landscape strips adjacent to public streets with less than four (4) travel lanes shall be a minimum of five (5) feet in width, unless:
   a. The strip includes a permanent finished wall no less than thirty (30) inches in height; or
   b. The required trees are planted in islands between the parking spaces. In such cases and in areas where no shrubs are planted in the perimeter landscape strip, the perimeter landscape strip may be reduced to two and one-half (2 1/2) feet in width. In all areas where shrubs are to be planted, the minimum width shall be five (5) feet.



Picture 7.3

III. Permanent landscape strips that use walls or earthen berms are desirable for the reliability of the screening effect they provide. Berms shall not have slopes steeper than 2:1 (horizontal to vertical). Berms with slopes flatter than 3:1 may be stabilized with lawn grasses, and berms with slopes in the range of 2:1 to 3:1 shall be stabilized by a continuous perennial plant groundcover which does not require mowing in order to maintain a neat appearance. The wall or combination of berm and perennial groundcover shall be a minimum of three and one-half (3 1/2) feet in height, except where prohibited by sight triangle standards described in Section 7.13 of this chapter.

B. **Vehicular use areas adjacent to side and rear property lines.** A perimeter landscape strip shall separate a driveway or vehicular use area from an adjacent side or rear property line by one of the following standards: (a) a five (5) foot minimum wide planting strip shall be provided if required trees are to be planted within the strip; (b) a two and one-half (2 1/2)foot minimum planting strip shall be provided if all required trees are planted within tree islands located adjacent to the property line; or (c) two (2) adjacent properties may

share equally in the establishment of an eight (8) foot minimum planting strip along the common property line. In instances where the common perimeter planting strip is part of a plan for shared access, each owner may count the respective area contributed toward that common planting strip toward the interior planting area requirements for the lot. All landscaping strips shall be planted to satisfy the tree requirements of this chapter. No shrubs shall be required in perimeter landscape strips for vehicular use areas adjacent to side and rear property lines but not adjacent to a public street.

C. **Landscape materials.** A minimum of one (1) tree shall be preserved or planted for each fifty (50) feet of vehicular use area perimeter, or portion thereof. This does not mean trees are to be planted fifty (50) foot on center. Trees planted to meet this requirement shall measure a minimum of two (2) inches in caliper for a deciduous tree, and six (6) feet in height for an evergreen tree. The area within the perimeter landscape strip which fronts on a street right-of way shall be planted with evergreen shrubs at a standard of ten (10) shrubs per one hundred (100) linear feet of frontage, i.e., for two hundred fifty (250) linear feet of frontage, twenty-five (25) shrubs would be required. Shrubs shall be a minimum of eighteen (18) inches high at planting. No more than forty (40) percent of any one genus (trees and shrubs) may be included in any planting. The remainder of the area within all perimeter strips not occupied by required trees or evergreen shrubs shall be covered by organic or mineral mulches, other shrubs, groundcover plants or grassed lawns. Trees, shrubs and ground covers may be massed to create a more naturalistic planting. The use of concrete, asphalt or other impervious surfaces shall be prohibited.

A list of recommended and prohibited trees is available from the Regional Planning Commission. This list will periodically be updated as needed.

D. **Corner visibility.** Trees and other landscaping required in the perimeter strip shall be planted and maintained to assure unobstructed corner visibility pursuant to sight triangle requirements of this section. For developments where the entire road frontage is within a sight triangle, the required perimeter landscape strip trees for this frontage shall be planted in an adjacent perimeter landscape strip; or in lieu of the frontage trees, the frontage landscape strip will be significantly enhanced with shrub and ground cover planting above and beyond the required planting.

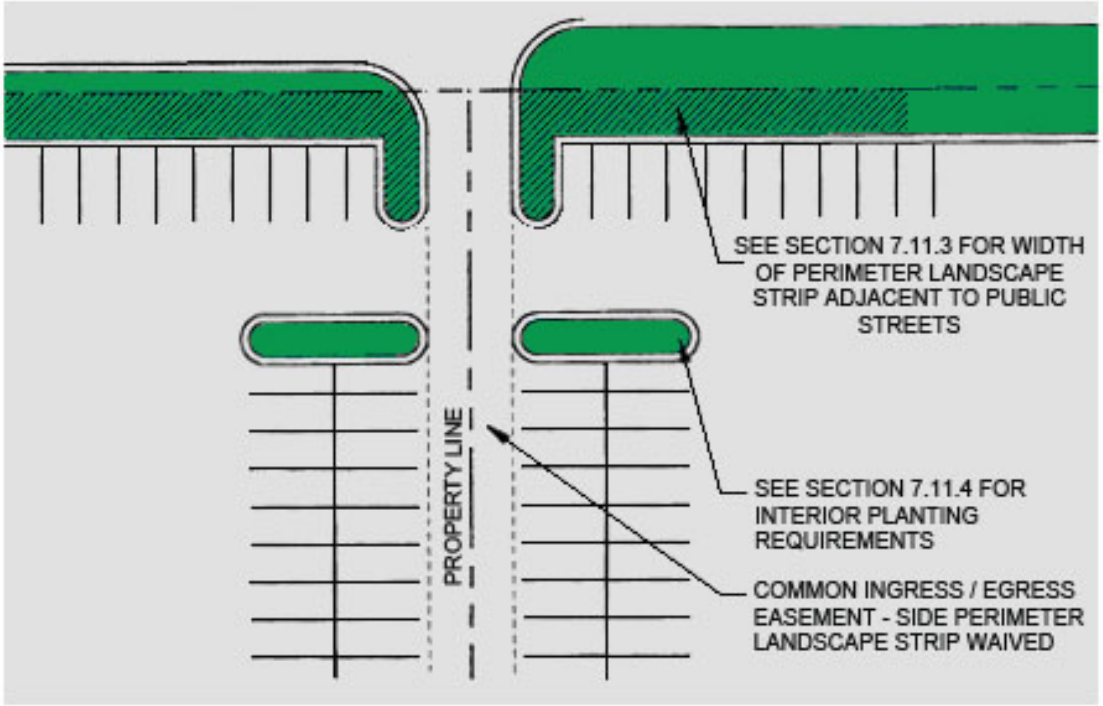
E. **Adjacent vehicular use areas with shared access.** Vehicular use areas on adjacent properties, which are designed to share a common access from the public right-of-way and a vehicular travel way along their common property line shall be exempt from the requirement for a vehicular use area perimeter landscape strip along their common property line, upon the recording of an easement agreement which provides for the mutual right of ingress and egress for both property owners.

4. **Interior planting requirements.**

A. **General requirements.** At least five (5) percent of the gross area of the vehicular use area shall be landscaped. But in no case shall the combined perimeter and interior landscape area requirement exceed fifteen (15) percent of the total land area. Interior planting areas are to be located within or adjacent to the parking area as tree islands, at the end of parking bays or inside eight (8) foot wide or greater medians (where the

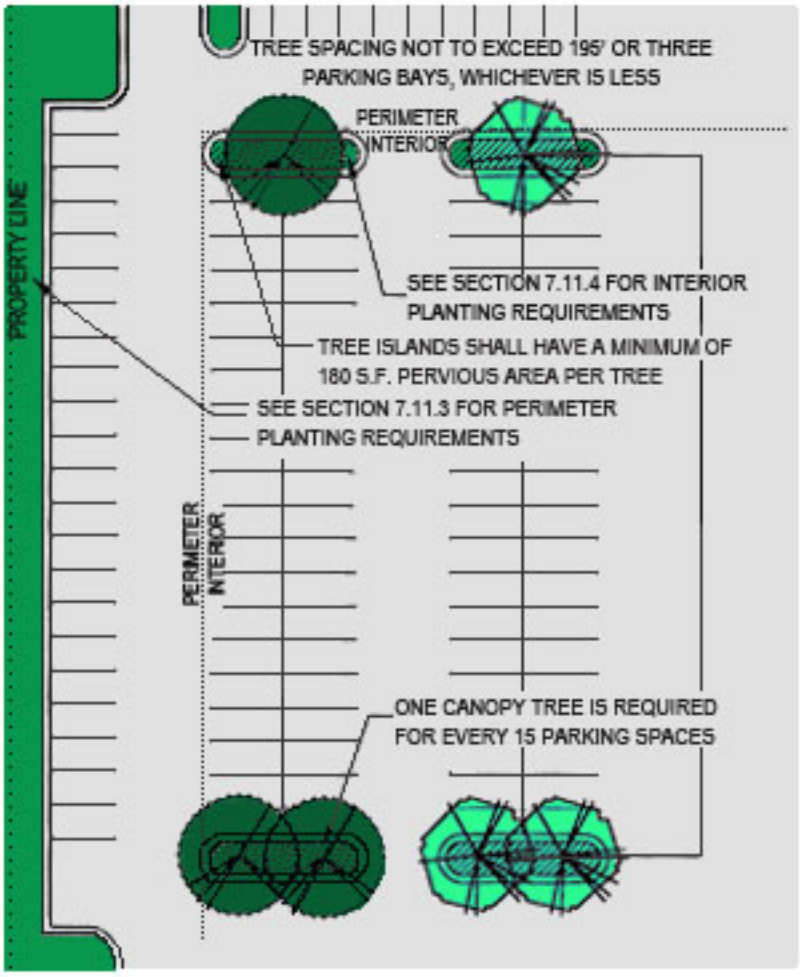
median area is to be included as a part of the calculations for the interior planting area) or five (5) foot if concrete bumper blocks are provided. Interior planting areas shall be located so as not to impede storm-water runoff and provide shade in large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic. The required number of parking spaces may be decreased by the number of tree islands created to meet the minimum interior planting requirement of this section. For example, the required creation of three (3) separate tree islands, if within the proposed required off-street parking area(s), would allow the minimum number of parking spaces required by Section 6.1 to be reduced by three (3) spaces.

WAIVER OF SIDE LANDSCAPE STRIP



Picture 7.4

I. Tree spacing shall not exceed a maximum of one hundred ninety-five (195) feet or three (3) parking modules, whichever is less. The maximum tree spacing shall apply in all directions.



Picture 7.4

II. Trees shall be required at the minimum of one (1) canopy tree for every fifteen (15) parking spaces or portion thereof. All vehicular use areas located within the same block which serve one or more businesses or uses of land or share unified ingress and egress may be considered as a single vehicular use area for the purpose of computing the required rate of trees, notwithstanding ownership. Required trees shall be at least six (6) feet in height for an evergreen tree and two (2) inches in caliper for a deciduous tree.

B. **Minimum size of interior planting areas.**

I. A minimum of one hundred eighty (180) square feet of pervious planting area shall be required for each new tree.

II. The minimum planting area for existing trees shall include the undisturbed area inside the tree fence. See Section 7.10.11.

7.12 LANDSCAPE BUFFER YARD REQUIREMENTS

1. **Purpose and Intent.** The purpose of this section is to protect the value and integrity of property from the potential adverse effects of non-compatible land uses. To that end, this section requires that landscape buffer yards be provided at the boundaries of selected zoning districts. Buffers may also be required between incompatible uses within zoning districts or between districts. For example, in the MLUD or PUD Districts, commercial uses will be required to provide buffering when adjacent to residential uses. The Buffer Yard Matrix shown in this chapter shall be used as a guide in determining adequate screening. The landscape buffer yard standards of this section are also employed by other sections to accomplish special screening and buffering objectives. The width of the landscape buffer yard and the intensity of plantings required may vary depending upon the relative intensities of the abutting zone districts or the activity itself. In most cases, the property owner may choose among a number of buffer yard widths and plantings to satisfy the requirement. In some cases, minimum buffer widths may be set by the Director of Planning or his designee.

   Buffering requirements may be reduced or eliminated if it is determined by the planning staff, that the proposed use would have a minimal impact on the immediate surrounding area; or if it is determined that the likelihood exists of similar development occurring within a reasonable amount of time.

2. **Landscape Buffer Yard Required for Double Frontage Lot.** In cases where residential lots in zoning districts covered by this section are developed with frontage and access to a street within the subdivision and the rear of the lot is oriented toward a public right-of-way, the rear of such double frontage lots shall be screened from the public right-of-way by a landscape buffer yard according to the following standards:

   TABLE 7.2: REAR LANDSCAPE BUFFER FOR DOUBLE FRONTAGE LOTS

Street Type	**Buffer Standard**
Local Street	Standard A
Collector Street	Standard B
Arterial Street	Standard C

3. **Exemptions.** No landscape buffer yard shall be required in the following situations:
   A. When a zoning boundary falls along a public street or along an elevated railroad bed, navigable river, controlled access highway, or other natural topographic or man-made feature which provides adequate buffer in the opinion of the Director of Planning.

TABLE 7.3: BUFFER YARD MATRIX									
		ZONING DISTRICT PROVIDING BUFFER YARD							
		AG, E-1, R-1, R-1A, R-2, R-2A, R-6 & RM-1	R-2D, R-3, R-4 & R-5	PUD, MLUD, & MHP	IC, O-1, & OP	C-1	AGC, C-2, C-3,C-4 & C-5	CBD	M-1 & M-2
ABUTTING ZONING DISTRICTS	AG, E-1, R-1, R-1A, R-2, R-2A, R-6 & RM-1	N/A	B	A	B	C	C	B	D
	R-2D, R-3, R-4 & R-5	N/A	N/A	A	B	B	C	B	D
	PUD, MLUD, & MHP	N/A	A	N/A	B	B	C	B	D
	IC, O-1, & OP	N/A	A	A	N/A	A	B	N/A	C
	C-1	N/A	A	A	N/A	N/A	N/A	N/A	B
	AGC, C-2, C-3, C-4, & C-5	N/A	B	C	N/A	N/A	N/A	N/A	B
	CBD	N/A	A	A	N/A	B*	B*	N/A	B
	M-1 & M-2	N/A	D	A	A	N/A	N/A	N/A	N/A
	*EXCEPT FOR RESIDENTIAL USES								

4. **Determination of Landscape Buffer Yard Requirements.** Generally, a landscape buffer yard shall be located at the perimeter of the building site along zoning district boundaries, or otherwise coincident with the edge of a specified facility that is to be screened, and shall not be located in any portion of a public right-of-way. On lots which have a split zoning in place, and owned by the same property owner, the required buffers may be positioned in locations other than along the zone district boundaries, as long as the intended effect is achieved. Where the building setback line and the width of landscape buffer differs, the greater of the two will prevail and take precedence. When the gross floor area of a building legally existing on the effective date of the Ordinance is expanded by fifty (50) percent or more, that perimeter portion of the property in proximity to the area of expansion shall be brought into conformance with the landscaping buffer yards standard of this code. When incremental expansions occur over time, the total of all expansions shall be used in applying the provisions of this section. If the requirements of this section have been fully complied with on an adjoining property, additional buffer areas may not be required. The following procedure shall be followed to determine the standard of landscape buffer yard required along a zoning district boundary:
5. **Identify the zone district for the proposed site as well as for the abutting site(s)**

    A. Determine the landscape buffer yard standard required on each building site boundary (or portion thereof) by referring to the buffer yard matrix.
    B. Select the desired width/screening option from those listed in the illustrations at the end of this section, landscape buffer yard standards. Any of the listed width or screening variations shall satisfy the requirement between abutting zone districts.

6. **Landscape Buffer Yard Design and Materials.**

    A. **Existing Native Plant Material.** The use of existing plant material is strongly encouraged in landscape buffer yards. Existing natural groundcover shall be retained where possible by avoiding scraping, grading and sodding within the landscape buffer yard. Where the planting requirements of the landscape buffer yard standards require additional trees or shrubs to be installed in an existing natural area, installation shall minimize disturbances to native species.
    B. **Trees.** Where the planting requirements of the landscape buffer yard standards indicate that additional trees shall be installed, required trees shall be a minimum of six (6) feet in height for an evergreen tree or two (2) inches in caliper for a deciduous tree, as appropriate. No more than forty (40) percent of any one genus may be included in any planting. At least one-half (1/2) of the required trees shall be locally adapted natural evergreen species. Trees shall be distributed throughout the yards, so that there are no horizontal gaps between trees greater than thirty (30) feet as measured parallel to the property line except in A-1 or A-2. Required canopy trees shall have an expected mature height of forty (40) feet or greater. Required understory trees shall have an expected mature height of at least fifteen (15) feet. A list of recommended and prohibited trees is available from the Regional Planning Commission. This list will periodically be updated as needed.

C. **Shrubs.** No more than forty (40) percent of any one genus may be included in any planting. At least one-half (1/2) of the required shrubs shall be locally adapted natural evergreen species. Evergreen shrubs planted to meet the minimum standards of this section shall be a minimum of one and one-half (1 1/2) feet in height when planted and at least one-half (1/2) shall be expected to reach five (5) feet or greater in height within five (5) years of planting. Shrubs planted on berms may have a lesser mature height provided that the combined height of the berm and plantings after five (5) years is at least five (5) feet. Shrubs may be planted in staggered rows or any other pattern. Pedestrian areas and other places where surveillance for the purpose of preventing crime is a design objective may be planted with the smaller of the required shrubs. Required shrubs may be replaced with approved evergreen trees at a ratio of one (1) evergreen tree per four (4) shrubs. Evergreen trees shall be a minimum of six feet in height at time of planting.

D. **Utility and Drainage Easements.** Required landscape buffer yards shall not be used for utility or drainage easements unless approved by the entity controlling the easement. If such an easement exists along the perimeter of the site or if there is no alternative in locating the easement, the full landscape buffer yard shall be placed inward (toward the interior of the site) from the easement.

E. **Vehicular Use Area Landscaping.** Perimeter plantings required for vehicular use area landscaping may be allowed to be counted toward satisfying landscape buffer yard requirements when the perimeter planting area coincides with the buffer yard.

F. **Compatibility of Landscaping Materials.** Supplemental plantings shall be chosen to enhance the existing vegetation within the landscape buffer yard. The species used in the supplemental plantings shall be species that occur naturally in the landscape, and shall be selected for their noninvasive properties.

G. **Opaque Fences.** When utilized to satisfy a screening requirement of this section, opaque fences shall be constructed of permanently affixed materials that comprise an integral part of the fence itself. The use of nonrigid plastic or fabric material shall not qualify as an opaque fence. Walls shall be constructed of natural stone, brick or other weatherproof materials arranged in a linear, serpentine, or other alignment; fences shall be constructed of wood or other weatherproof, durable materials generally used in the exterior construction of buildings. Fence posts shall be structurally stable based on the material used and shall have a maximum spacing of eight (8) feet on center. If wood is used, the posts shall be four (4) inches by four (4) inches minimum. Posts shall be set in or anchored to crowned concrete footers at least six (6) inches larger in each direction than the post it supports. The base of the footer shall be at least twenty-four (24) inches below finished grade. If wood is used for any member, it shall be softwood treated with water-borne preservative to the American Wood Preservers Institute standard LP-2 for above ground use or LP-22 for ground contact use, or all-heart redwood, or all-heart cedar. All cut surfaces of pressure treated lumber shall be waterproofed. If another material is used, it shall be weatherproofed. Slats, pickets or panels are to be placed on the outside of the fence unless the design is two-sided (e.g. shadow box). All hardware is to be galvanized or otherwise rustproofed. Wood horizontal members shall be installed bark-side up. Chain link fencing may not be used. There shall be a six (6) foot height restriction for walls or fences in front yards and side street side yards, and

an eight (8) foot height restriction in side and rear yards. All walls or fences shall have a minimum opacity of eighty (80) percent. Walls and fences allowed to meet the requirements of this section shall not be used for the erection or display of any sign or other advertising device. Walls and fences shall be horizontally level as opposed to following the topography of the site where said topography is other than level. In this situation, the height restriction shall apply to a reasonable average height above the grade between step-downs.

7. **Other Uses Within Landscape Buffer Yards.**

   A. Trails. Sidewalks or bike trails may occur within landscape buffer yards provided that the required effect of the yard is not compromised. In no event, however, shall the following uses be permitted in landscape buffer yards: playfields, stables, swimming pools, golf courses, tennis courts, and other recreational facilities; parking areas and other vehicular use areas; dumpsters, equipment storage and other open storage; buildings or overhangs.
   B. Subterranean stormwater retention/detention facilities which are designed in a manner so as not to interfere with the proper installation and maintenance of the yard are allowed.
   C. Buffer yards shall be continuous and unbroken except for driveways or sidewalks required to access parking areas or streets. Driveway/sidewalk penetrations shall cross the buffer yard as close to perpendicular as possible and shall not exceed twenty-five (25) percent of the entire buffer yard, with no single penetration to exceed thirty-five (35) feet.

8. **Landscape Buffer Yard Standards.**

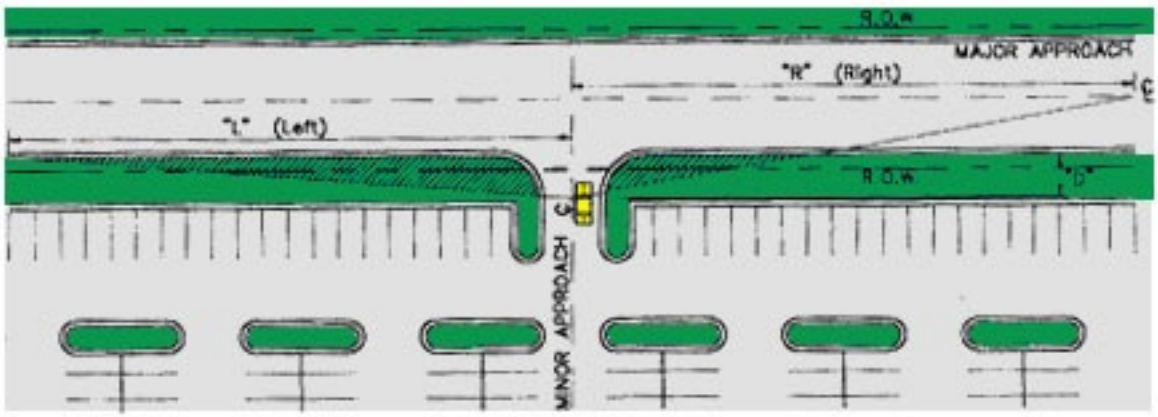
   A. Application of Landscape Buffer Yard Standards. The specifications contained in the illustrations set out at the end of this section, shall be used to select the desired landscape buffer yard option for the building site. These yard requirements are stated in terms of minimum yard width and the density of required plant material per linear foot of yard. To determine the total number of plants required, the length of each side of property requiring a landscape buffer yard shall be divided by one hundred (100) and multiplied by the number of plants shown in the illustration.
   B. Allowable Design Variations. The landscape buffer yard is normally calculated as parallel to the property line. However, design variations, especially when used to incorporate native vegetation into the yard area, shall be considered. The edges of the landscape buffer yard may meander provided that:
      I. The total area of the yard is equal to or greater than the total area of the required landscape buffer yard; and
      II. The yard measures no less than the minimum width permitted by the applicable landscape buffer yard standard at all points along the perimeter of the property line requiring a landscape buffer yard.

C. Fractional Requirements. When the requirements of this section result in a fractional number of plantings, any fraction less than one-half (1/2) may be dropped and any fraction of one-half (1/2) or more shall be counted as one planting.
D. Planned Unit Development Districts. Notwithstanding any other provision of this chapter to the contrary, the landscaping buffer yard requirements for a PUD originally under previous zoning shall be provided as required by this chapter or as required in the originally approved PUD, whichever is greater.
E. Yard Exceeds Twenty (20) Percent of Lot Area. In circumstances where the ground area required for the landscape buffer yard exceeds twenty (20) percent of the total lot area, the width and the number of trees and shrubs within the yard may be reduced up to fifty (50) percent provided that a solid wall or closed wooden fence at least six (6) feet in height is provided along the length of the reduced landscape buffer yard.
F. Grading and Use of Berms. Proposals for the use of berms within a landscape buffer yard shall demonstrate superior enhancement of the buffer function compared to retention of the existing grades. Grading shall not endanger or remove existing trees which occur within a landscape buffer yard, unless the proposal clearly demonstrates an enhanced buffer. The use of earthen berms within a landscape buffer yard is encouraged when disturbance to existing vegetation can be minimized. Where berms are incorporated into the yard, the required plantings may have a lesser mature height, provided that the combined height of the berm and plantings will equal the required mature heights of plantings as set forth in this section.
G. Waiver of Landscape Buffer Yard. Landscape buffer yard requirements may be waived by a demonstration of unusual site grade conditions which would clearly negate the effects of the required yard. The applicant shall furnish sections or profiles (drawn to scale) through the property line along the yard which is proposed for waiver. These drawings shall demonstrate the existing and proposed grades on both sides of the property line, as well as the principal structures on both properties. The sections or profiles shall show the line of sight for a pedestrian (taken at four and one-half (4 1/2) feet above grade) from principal entrances and from the highest point on the site to be buffered. Such profiles or sections shall clearly demonstrate that the effect of the change in grade would negate the effect of a mature landscape buffer yard thirty (30) feet in height.

7.13 LANDSCAPE RESTRICTIONS-SIGHT TRIANGLE STANDARDS

1. A sight triangle is that area located at the intersection of two public streets or a public street and private driveway through which an unobstructed view of approaching traffic is necessary for motorists. Except as permitted in this section, no landscaping or vegetation, or fence, structure, or object shall be included in a sight triangle, nor shall any such landscaping or object be planted, erected or maintained within a sight triangle. A sight triangle shall be defined by the table and illustration below:

SIGHT TRIANGLE



Picture 7.6

The distance "D" shall measure twenty (20) feet and fifteen (15) feet from the edge of the nearest travel lane for a public street and private driveway, respectively. The distance "L" shall be measured from the centerline of the minor approach to a point at the edge of the nearest travel lane. The distance "R" shall be measured from the centerline of the minor street to a point on the centerline of the major street approach.

TABLE 7.4: MINIMUM REQUIRED SIGHT DISTANCES FOR DIFFERENT POSTED SPEED LIMITS

Posted Speed Limit	Minimum Sight Distance (L and R)
25 mph	200 feet
30 mph	250 feet
35 mph	325 feet
40 mph	400 feet
45 mph	475 feet
50 mph	550 feet
55 mph	650 feet

Sight triangles shall be measured from the minor leg of the intersection of two (2) public streets where the minor approach shall be defined as that approach whose right-of-way is controlled by a stop sign and whose major approach is uncontrolled. At a signalized intersection of two (2) public streets, sight triangles shall be measured for all approaches. For an intersection of a public street and private driveway, the sight distance is only measured from the private driveway.

2. No landscaping object or plant material, except those meeting the requirements set forth below, shall be allowed within the sight triangle at an elevation greater than three and one-half (3 1/2) feet above the crown of pavement on the adjacent roadway.

   For developments where the entire road frontage is within a sight triangle, the required perimeter landscape strip trees for this frontage will be planted in an adjacent perimeter landscape strip; or in lieu of the frontage trees, the frontage landscape strip will be significantly enhanced with shrub and ground cover planting above and beyond the required planting.

3. Notwithstanding the table and illustration provided in this section, the Director of Planning or his designee with concurrence from the Director of Streets or his designee may recommend variances of this section to the Regional Planning Commission, which shall have the authority to grant variances upon application by the owner. Any variance for landscaping shall take into account roadway conditions as they relate to traffic control devices, alignments, geometrics, or other unique circumstances that are supported by generally accepted engineering practices or principles, or actual on site studies.

4. No landscape plan shall be approved if the landscaping proposed for the intersection of a public street and a vehicular use area would create an unsafe obstruction in the opinion of the Director of Planning or his designee. No landscaping or vegetation, or fence, structure, or object, shall be planted, erected, or maintained by an owner at the intersection of a public street and a vehicular use area if it creates a safety hazard by obstructing the view of a motorist.

7.14 SPECIAL SCREENING REQUIREMENTS

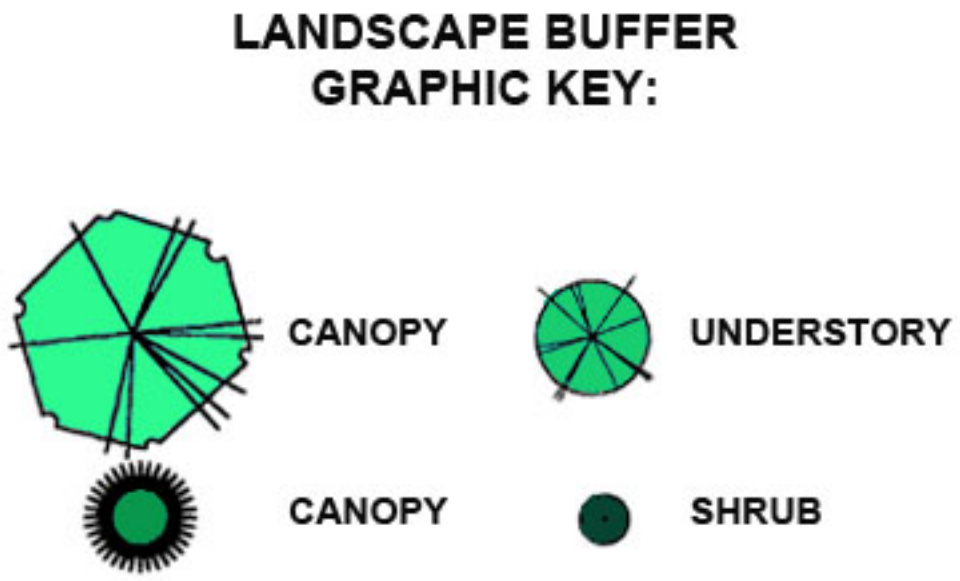
Screening of unsightly areas shall be accomplished as follows:

Dumpsters and other trash receptacles for all structures other than single-family or two-family residences shall be screened from public streets or properties which are zoned or policed for residential use. Receptacles shall be placed on a concrete pad and shall be enclosed by an opaque fence or wall at least six (6) feet in height. An enclosure shall have an opaque gate unless the service opening is oriented away from public streets or adjacent residential properties. The enclosure shall be built of wood, masonry or other permanent materials and evergreen plants may be used in part to meet the requirement of opacity.

Mechanical equipment, terminals, satellite dishes, etc. located at grade shall be screened from all abutting public streets and residential properties by opaque fences or evergreen screens with eight (80) percent opacity at maturity in five (5) years to equal or exceed the height of equipment. Screening installed around utility equipment, including pad-mounted switchgear, transformers or junction boxes shall be installed so as not to interfere with the operation or accessibility to the equipment.

The exterior service areas of commercial or industrial buildings, including loading docks and outdoor storage areas, if oriented toward a public street or residential uses, shall be screened twelve (12) foot deep with evergreen trees planted in two (2) rows, offset six (6) foot on center, six (6) foot high at planting; or as approved by the Director of Planning or his designee.

Other areas, natural or man-made, may be considered unsightly and also require screening from public roads and properties zoned or policed for residential uses. These areas might include, but are not limited to, detention basins.

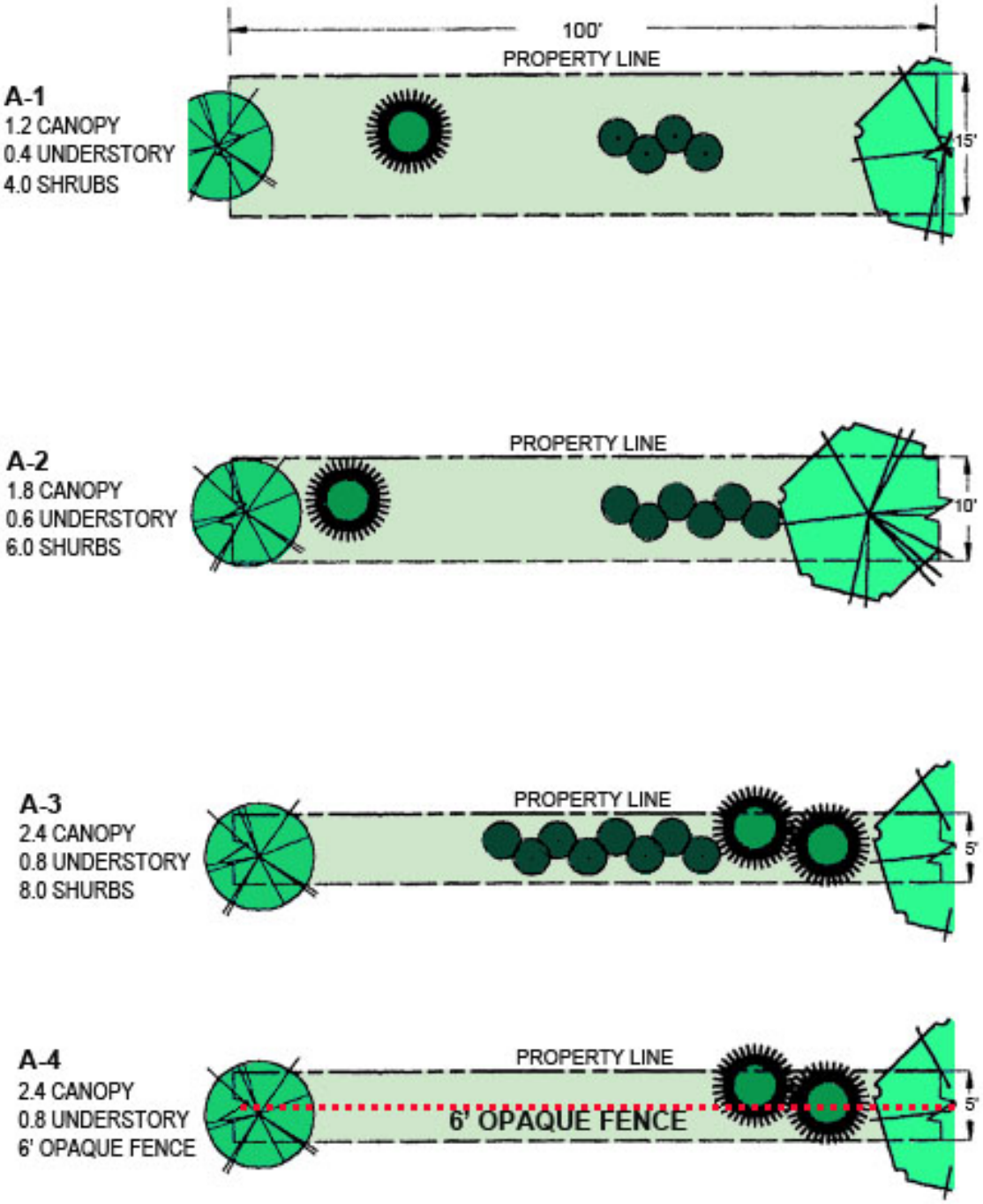


Picture 7.7

- A minimum of fifty (50) percent of all plants must be evergreen;
- No more than forty (40) percent of any one (1) plant genus allowed;
- Evergreen trees shall be a minimum of six (6) feet in height at planting;
- Deciduous trees shall be a minimum of two (2) inch caliper at planting;
- There shall be no horizontal gaps greater than thirty (30) feet between trees except in A-1 and A-2 buffers;
- All shrubs shall be a minimum of eighteen (18) inches in height at planting;

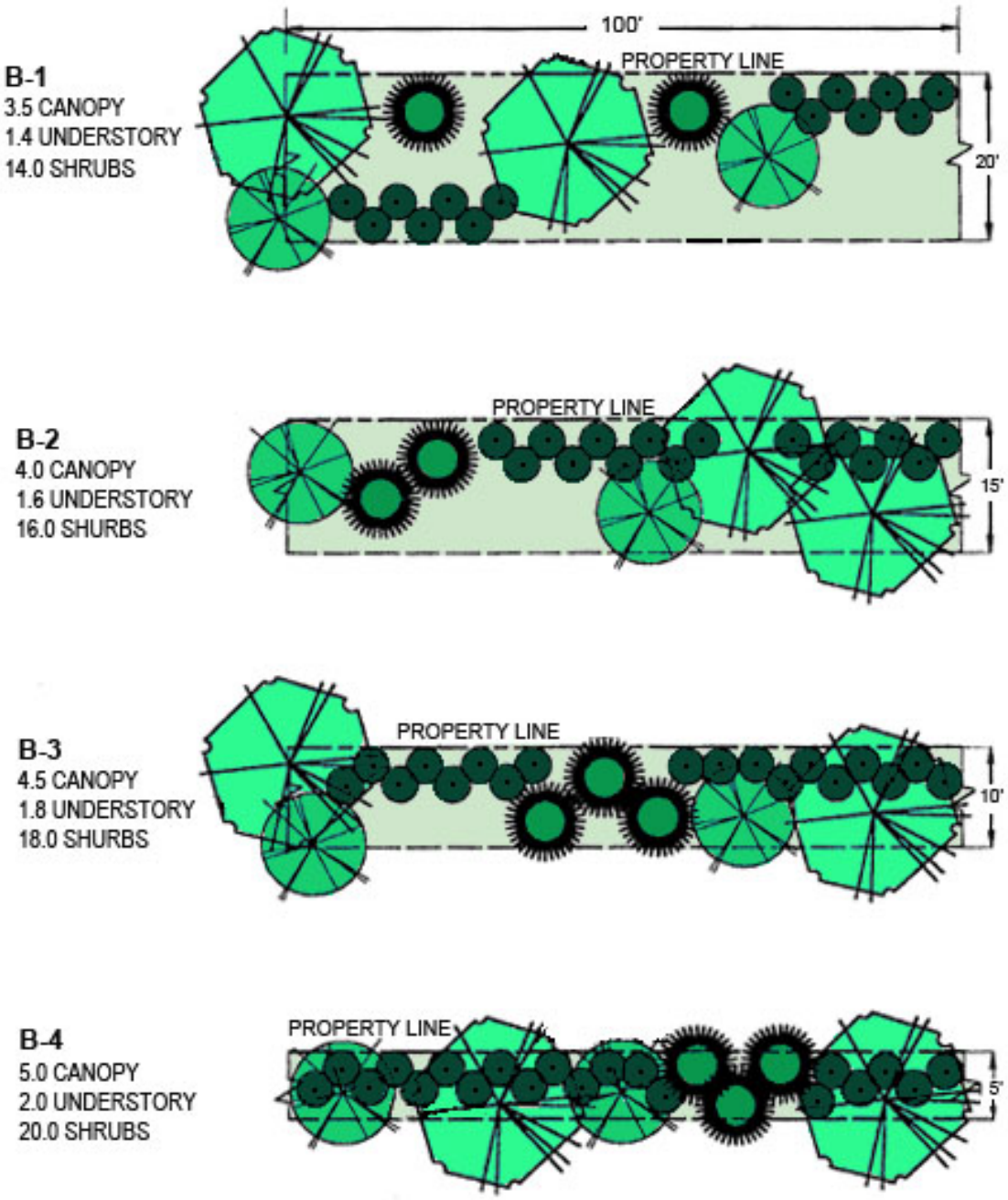
- A minimum of fifty (50) percent of the evergreen shrubs shall reach a minimum of five (5) feet in height within five (5) years of planting;
- Required shrubs may be replaced at a ratio of one (1) evergreen tree per four (4) shrubs.

LANDSCAPE BUFFER "A"



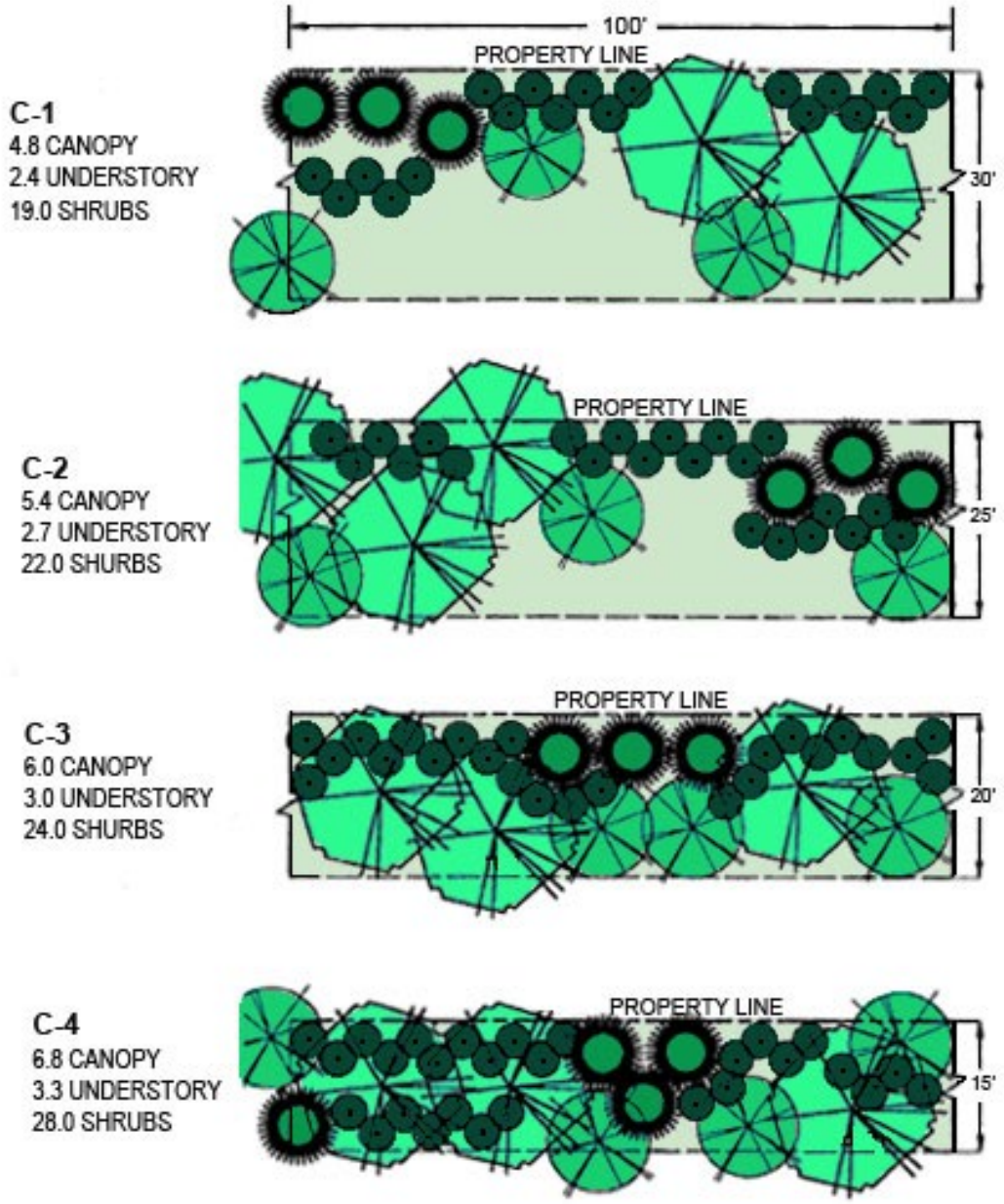
Picture 7.8

LANDSCAPE BUFFER "B"



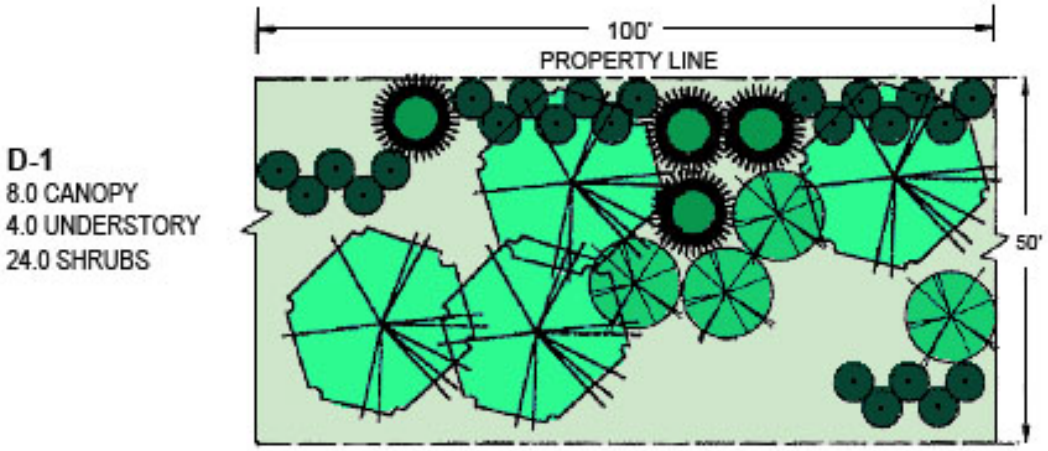
Picture 7.9

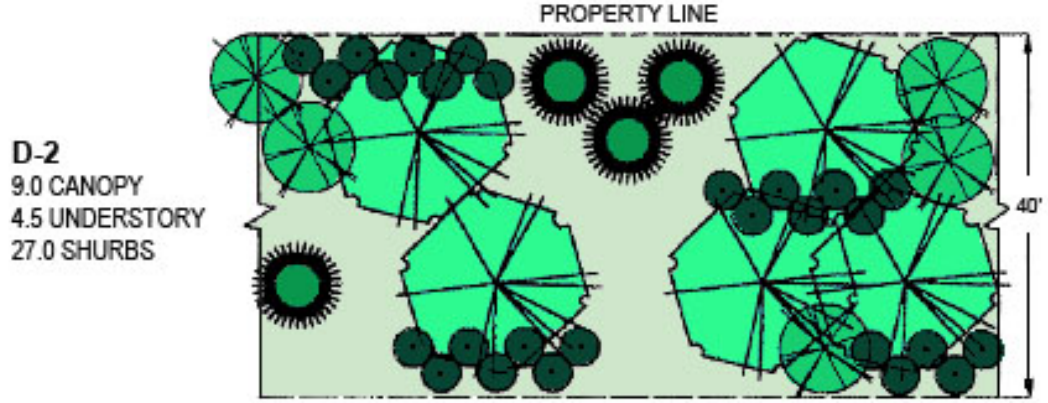
LANDSCAPE BUFFER "C"



Picture 7.10

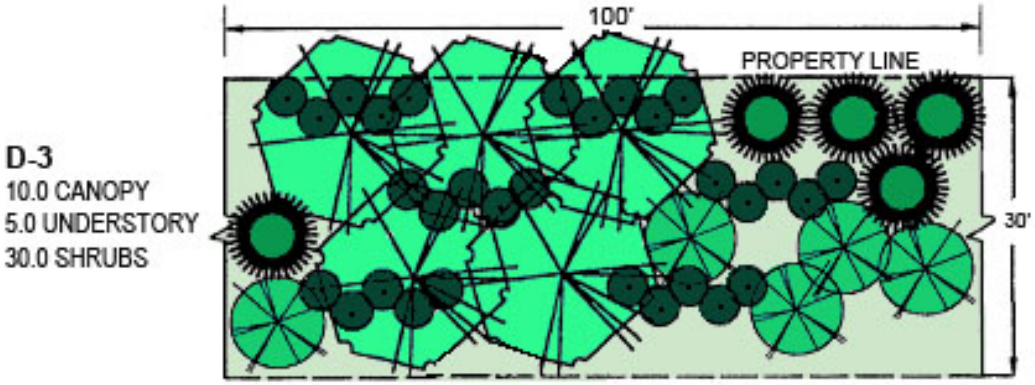
LANDSCAPE BUFFER "D"

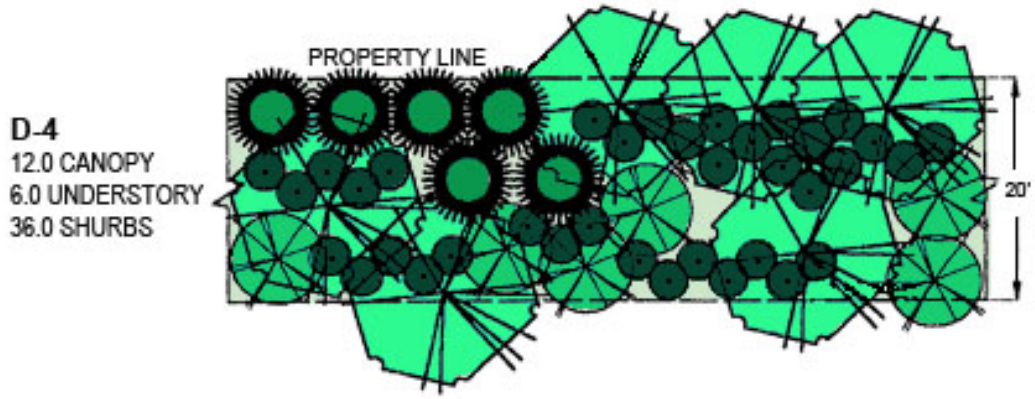




Picture 7.11

LANDSCAPE BUFFER "D"





Picture 7.12

CHAPTER 8: SIGN REGULATIONS

8.1 GENERAL PURPOSE: EXEMPTIONS

1. These conditions are established as a reasonable method of regulating advertising structures in order to ensure light, air, and open space; to reduce hazards at intersections; to prevent accumulation of trash; to preclude the establishment of structures which would afford hiding places for activities characterized as criminal; and to protect property values of the entire community.

   The regulations for signs and other advertising structures are indicated below. The interpretation of nomenclature in this section shall be as defined in Chapter 2 of this Ordinance.

2. The following signs shall be exempt from regulation under this chapter:
   A. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
   B. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three (3) feet beyond the lot line of the zone lot or parcel on which such sign is located;
   C. Works of art that do not include a commercial message;
   D. Holiday signs and decorations, and signs with no commercial message; and
   E. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet department of transportation standards and which contain no commercial message of any sort.
   F. Signs placed upon buses or any structures utilized in conjunction with, and authorized by, the Clarksville Transit System.
   G. Signs of any kind displayed within the geographic boundaries of, and in conjunction with, public functions, festivals, street fairs or other similar celebrations conducted pursuant to Title 5, Chapter 10 of the City Code.

8.2 REGULATIONS APPLYING TO ALL DISTRICTS

In any zoning district, the following general regulations shall apply:

1. No sign shall be erected or maintained at any location where, by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with any authorized traffic control sign, signal, or device.
2. No sign shall contain or make use of any word, phrase, symbol, shape, form, or character in such manner as to interfere with, mislead, or confuse traffic.
3. No illuminated sign shall be permitted within twenty-five (25) feet of property in any residential district unless the illumination of the sign is so designed that it does not shine or reflect light onto the property.

4. No business or advertising sign shall be erected to exceed fifty (50) feet in length. No sign shall be erected to exceed the height limitation of the district in which it is located.
5. All outdoor advertising structures shall be erected in conformity with the side and rear yard requirements of the district in which located, and shall be set back from the established street right-of-way line so as not to block the view of an adjacent building to motorized traffic.
6. No off-premise advertising sign shall be located in any area designated by the City, County or Regional Planning Commission as one of scenic beauty and/or scenic route.
7. Temporary signs. Beginning November 15, 1993, temporary signs are prohibited in all areas except in the following cases:
    A. Temporary signs not exceeding thirty-two (32) square feet in area, are allowed to advertise drives or events of civic, philanthropic, educational, or religious organizations, provided that said signs are posted only during said drive or no more than thirty (30) days before said event and are removed no more than five (5) days after an event.
    B. Signs not exceeding twenty-four (24) square feet in area and containing a commercial message are allowed on private property only upon the issuance of a temporary sign permit, which shall authorize the use of such a sign for a specified ten (10) day period. Only one such permit shall be issued to the same business license holder on the same lot more than once each calendar quarter. The fee for a temporary permit shall be established by the Building Official. Such signs shall not be considered billboards, outdoor advertising devices, or off-premise advertising devices, relative to the prohibition of such structures contained in Sections 8.3 through 8.8 of this Ordinance.
    C. The following applies only to the aforementioned allowable temporary signs: temporary signs shall not be erected or otherwise fixed to any pole, tree, stone, fence, building, structure, or any object within the right-of-way of any street. No temporary sign shall be erected at the intersection of any street in such a manner as to obstruct vision or be confused with any authorized traffic sign, signal, or device. All such signs shall be erected in accordance with the provisions of the current adopted edition of the International Building Code (ICC).
8. At any location deemed a safety hazard by the Building and Codes Department, a clear zone of vision shall be established between three and one-half (3 1/2) feet to ten (10) feet above grade level. Sign clearance shall be measured from grade level.
9. No rotating sign shall exceed eight (8) revolutions per minute (rpm's). No direct beam of light shall revolve.
10. All abandoned signs or signs relating to an abandoned use must be removed within thirty (30) days after abandonment. Removal is the responsibility of the owner of the sign.
11. All signs shall be constructed, connected, operated and maintained according to the specifications of the current adopted edition of the International Building Code (ICC).
12. All signs shall be maintained in a good state of repair. Painted faces or structural members shall be repainted whenever peeling or fading occurs. Neon tubes, lamps, ballasts, and transformers shall be kept in a good state of repair and in safe condition. Open sign cabinets are prohibited. Open cabinets shall be repaired by installing sign faces consisting of a panel material that is approved by the Department of Building and Codes or other designated department or official. The City may order the removal of any sign which becomes a public hazard due to lack of maintenance or repair.

13. Signs may be illuminated provided the illumination is effectively shielded so as to prevent beams or rays of light from being directed at or spilling onto any adjacent property or right-of-way. Illumination which is of such intensity and brilliance as to cause glare or to impair the vision of the driver of any motor vehicle or which otherwise interferes with any driver's operation of a motor vehicle is prohibited.
14. No sign shall be allowed if the changeable copy area of the sign exceeds eighty (80) percent of the total sign area.
15. Off-Premise Advertising Structures.

    A. Except as herein provided in paragraph 15.B below and subsection 8.2.24, upon the effective date of Ordinance No. 13-1996-97, no new off-premise advertising structures shall be erected within the city limits of the City of Clarksville. Any off-premise advertising structure which is legally permitted on the effective date of Ordinance No. 13-1996-97 shall be considered to be nonconforming and is subject to the following regulations:
        I. The maximum area for any one sign face shall be seven hundred (700) square feet on all interstate and controlled access highways, and four hundred (400) square feet on all other streets of the city of Clarksville, plus a maximum of thirty (30) percent additional for embellishments. Embellishments shall be considered to be any type of border or decorative trim. The thirty (30) percent factor shall be calculated proportionally for each individual sign face in question. The total sign face area may not exceed the maximum square footage as regulated above; however, sign faces may be placed back-to-back or v-type at a thirty-degree angle or less.
        II. Sign face: The total area of a surface used to convey the message.
        III. The maximum sign face height shall be thirty (30) feet and the maximum sign face length shall be sixty (60) feet, inclusive of any border and trim, but excluding ornamental base or apron support and other structural members.
        IV. On all highways or streets, including interstate highways and controlled access highways, no two (2) structures shall be spaced less than one thousand (1,000) lineal feet apart on the same side of such highway or street. The minimum distance between sign structures shall be measured between points on each structure closest to the other, projected perpendicular to the nearest edge of the pavement (or traveled portion of such right-of-way).
        V. No two (2) structures shall be placed on any highway or street (including interstate highways and controlled access highways) spaced less than five hundred (500) feet apart in any direction. The minimum distance shall be measured along a straight line between the point on each structure closest to the other.
        VI. Outdoor advertising structures shall not exceed fifty (50) feet in height above the roadway grade level to which the sign is oriented.
    B. Notwithstanding the provisions of paragraph 15.A. above, the City Council, with the permission of the concerned permit holder, may approve by resolution the relocation of any existing off-premise advertising structure when in the best interest of the City, provided that the replacement off-premise advertising structure complies with all City ordinance and other general law requirements pertaining to such structures, and

provided further that a site plan application has been previously submitted by the permit holder and approved by the Regional Planning Commission, and that the Clarksville Department of Building and Codes has recommended approval of a building permit for the replacement off-premise advertising structure. The employment of the provisions of this subparagraph are solely at the election of the City and for the sole benefit of the City and shall not be construed to grant any permit holder the right to relocate any off-premise advertising structure without City Council approval, or to seek relief hereunder upon their own motion.

16. Beginning November 15, 1993 banners shall be allowed only when attached at all corners to the principal structure, including any enclosed area containing merchandise for sale and attached to the principal structure.
17. Pennants/streamers shall maintain a ten (10) foot clearance from the bottom of the pennants/streamers to the ground.
18. Strings of lights shall be required to have electrical permits, be inspected, and approved by UL or a major testing laboratory. Strings of lights must also meet the ten (10) foot minimum clearance required for pennants and streamers.
19. Public signs. No signs shall be allowed in the public right-of-way, except for the following:

    A. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.
    B. Bus stop signs erected by a public transit company.
    C. Informational signs of a public utility regarding its poles, lines, pipes, or facilities
    D. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work in the public right-of-way.
    E. Any sign not specified above which is installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to immediate confiscation without notice to the owner. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such sign the full costs of removal or disposal of such sign.
    F. Sidewalk signs as permitted in Section 8.9 of this Chapter.
20. Nothing in this Ordinance shall prohibit the use of advertising signs within the confines of athletic facilities, civic halls, or within the confines of parks in conjunction with sporting events. Such allowance shall be at the discretion of the Building and Codes Department.
21. Address signs, not more than one (1) for each street frontage or one for each principal entrance of the building and not exceeding seventy-two (72) square inches in surface area, showing only the numerical address designations of the premises upon which they are situated, are required. The area of such signs shall not be used in calculating any maximum area limitations on signage containing herein.
22. If it is determined by the appropriate department or building official or such official's designee that any owner or record of real property has violated the provisions of this chapter, or permitted violations of this chapter to occur on their property, the appropriate department or building official or other designated official shall provide notice to the owner of record of the violation and ordering the immediate removal of any sign in violation of the provisions of this chapter in order to remedy the condition, as provided by state law. The notice shall

be given by United States mail, addressed to the last known address of the owner of record. The notice shall be written in plain language and shall also include, but not be limited to, the following elements:

A. A brief statement of this section which shall contain the consequences of failing to remedy the noted condition.
B. The person, office, address, and telephone number of the department or person giving notice.
C. Cost estimate for remedying the noted condition which shall be in conformity with the standards of cost in the community.
D. A place wherein the notified party may return a copy of the notice indicating the desire for a hearing.

If the person fails or refuses to remedy the condition within thirty (30) days after receiving the notice, the appropriate department or building official or other designated official shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards and the cost thereof shall be assessed against the owner of the property. The city may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The city may bring one action for debt against more than one or all of the owners of properties against whom such costs have been assessed, and the fact that multiple owners have been joined in one action shall not be considered by the court as a misjoinder of parties.

The appropriate department or building official or other designated official may make any rules and regulations necessary for the administration and enforcement of this section. A hearing shall be provided upon request of the person aggrieved by the determination made pursuant to this chapter. A request for a hearing shall be made within ten (10) days following the receipt of the notice issued pursuant to this chapter. Failure to make the request within this time shall without exception constitute a waiver of the right to a hearing.

In addition to the costs incurred by the city to remedy the condition, an administrative fee of one hundred fifty dollars ($150.00) shall be assessed to any owner of property who fails to remedy the condition for which notice was given to defray the cost to the city to administer this regulatory program.

23. Parcels sharing a recorded travel easement that has been approved by the Regional Planning Commission, shall share one (1) common freestanding sign per public right-of-way frontage and is subject to the following regulations:

A. The common sign shall not exceed height limitations specified elsewhere in this Chapter and shall not exceed twenty (20) feet in length.
B. Each parcel shall be allowed one nameplate on each side per common sign.
C. Such signs shall be maintained by property owners association established by the recorded travel easement.

D. A sign easement shall be shown on the final recorded travel easement plat and approved site plan.

24. Minimum requirements for Development Directory Signs shall meet the following requirements:
    A. Development Directory Signs are allowed in all zoning districts, except Residential Districts.
    B. Any building with multiple tenants must utilize a Development Directory Sign. One Development Directory Sign shall be allowed per parcel. No additional signage for tenants in a multiple tenant building are permitted on site. If another building or tenant on the property exists outside a multiple tenant building they are permitted one on-premise low profile sign.
    C. The Development Directory Sign shall be located in a platted private sign easement abutting the nearest public right-of-way or permanent dedicated easement and approved by the Regional Planning Commission. Such sign shall be maintained by an established property owner's association, a reciprocal operating agreement (ROA), or similar agreement that shall be recorded with and referenced on the final recorded plat.
    D. For existing developments, businesses wishing to utilize a Development Directory Sign shall remove any existing free-standing signs from their property.
    E. The Development Directory Sign shall not exceed height limitations specified elsewhere in this Chapter and shall not exceed twenty (20) feet in length.

1. Electronic Message Center requirements:

The following standards apply to Electronic Message Centers within the city limits and shall be enforced in conjunction with all other applicable provisions of this Ordinance.

A. Electronic Message Centers may not be used in place of wall signs.
B. The Electronic Message Center portion of pylon signs shall not exceed 75% of the total sign area for the district. The sign may not be exclusively an electronic message center.
C. The Electronic Message Center portion of a Development Directory Sign shall not exceed 25% of the total sign area. The sign may not be exclusively an electronic message center.
D. One free-standing Electronic Message Center sign is permitted on each road frontage per property.
E. New electronic message centers are permitted in all commercial districts and for educational uses (Chart 3.4.6) and institutional uses (Chart 3.4.8), except in C-1 and CBD districts. Some overlay districts may have additional requirements or restrictions.
F. No new electronic message centers may be installed within 100 feet of a single-family residence unless the sign face is oriented away from the residence, in which case a 25-foot distance may be used.

G. Only one Electronic Message Center display area is permitted per sign face.
H. Minimum height of an electronic message center shall be 2 feet.
I. All Electronic Message Center signs shall be UL-listed or certified and utilize automatic dimming to adjust brightness based on ambient lighting conditions. At no time shall the brightness of the sign exceed 0.3 footcandles above ambient light levels as measured with a light meter perpendicular to the sign face at a horizontal distance of 100 feet. During periods of low visibility or inclement weather (including overcast skies, fog, rain, or snow), the sign shall dim accordingly to prevent glare and maintain safe visibility in proportion to the ambient light conditions.
J. When the sign is off or malfunctioning, it shall display a solid black background.
K. As of April 1, 2026 all Electronic Message Center signs within the Clarksville City Limits shall be compliant with the following:
    I. The transition time between images or messages shall be limited to no more than 5 seconds. Transitions may animate or move; however, inappropriate transitions such as flashing, spinning, or other distracting techniques shall be prohibited.
    II. All images or messages must remain static and unchanged for a minimum of 5 seconds before transitioning or displaying the next image or message.
    III. The image or text shall be static after the initial transition. There shall be no movies, GIFs, or other flashing or moving images on the sign during this period.
    IV. No audio is permitted with signage
    V. No chasing, sequential, or running messages shall be used (i.e. content or words that continue to the next image or message) except EMCs less than 2 feet tall containing single-letter high messaging and legally permitted prior to September 4, 2025.

25. Lighting on Properties

A. Lighting on properties includes security lights, parking lights, advertising lighting, rope lighting, etc.
B. Lighting shall be directed downward and shall not cast light pollution on adjacent properties.
C. In no instance shall lighting be projected directly into the public right-of-way.
D. Lighting on properties shall not strobe, chase, or flash.

8.3 RESIDENTIAL DISTRICTS

In Residential Districts, the following regulations shall apply:

1. For single-family, two- and three-family, and multiple-family dwellings, nameplates not to exceed two (2) square feet in area shall be permitted for each dwelling unit. The nameplate shall indicate nothing other than name and/or address of occupants, premises, or announcement of boarders or roomers. In such residential districts, unlighted, freestanding permanent or temporary signs of six (6) square feet in area or less are permitted. The use of

such signs to advertise any commercial enterprise not permitted and actually conducted on the same lot is prohibited.

2. For multiple-family and group dwellings, identification signs, not to exceed twelve (12) square feet in area, shall be permitted. The sign shall indicate nothing other than name and/or address of premises and name of the management.
3. For all permitted uses not listed in this section, signs not to exceed thirty (30) square feet in area shall be permitted. Such signs shall not be located in a manner so as to obscure or impair vision of persons operating vehicles entering or leaving the premises.
4. Signs permitted in Sections 8.3 and 8.4 shall be limited to one sign per street frontage.
5. Identification signs containing only the name of the public use or institution shall be permitted but shall not exceed one hundred fifty (150) square feet of area.
6. Flashing or intermittent illumination is prohibited.
7. Subdivisions may erect no more than two (2) permanent identification signs at subdivision entrances on every major connector street entering the subdivision, with an aggregate maximum square footage not to exceed sixty-four (64) square feet. Such signs may identify the name of the subdivision, the primary developer or builders of dwelling units in the subdivision; however, the use of such signs to advertise any commercial enterprise is prohibited.

8.4 OP, O-1 AND IC DISTRICTS

In an OP Office/Professional District, O-1 Office District and IC Institutional/Civic District the following regulations shall apply:

1. For residential uses permitted, the regulation of signs shall be the same as in the residential regulations in Section 8.3.
2. The total area of all signs on each parcel shall not exceed one square foot of surface area for each one (1) linear foot of lot adjoining a public street, permanent easement or travel easement, as regulated in Subparagraph 4.2.1C.
3. No signs, except "low profile signs," may be placed within twenty (20) feet of the front property line and shall comply with all rear and side yard setback requirements.
4. "Low profile signs" are signs which do not exceed three and one-half (3 1/2) feet in height. These signs may be placed up to the front property line, provided they are placed outside of any street right-of-way and so as to not obstruct vision for moving traffic, as determined by the Building Official. Normal side yard setbacks must be met.
5. Signs shall not exceed fifteen (15) feet in height, except those attached to the face of the building. Signs attached to buildings shall not extend above the roof line.
6. Flashing, rotating or intermittent illumination signs are prohibited.

8.5 COMMERCIAL AND SHOPPING CENTER DISTRICTS

In Commercial and Shopping Center Districts, the following regulations shall apply:

1. There shall be permitted for public uses, utilities, hospitals, and clinics bulletin boards not exceeding forty (40) square feet in area.

2. No sign shall exceed, from the ground elevation on which it is placed, thirty-five (35) feet in height in the C-1 zone district and fifty (50) feet in height in the AGC, C-2, C-3, C-4 and C-5 zone districts with the exception of signs as controlled in the following Paragraph 3.
3. In the C-4 Highway Interchange District, no sign shall exceed from the ground elevation on which it is placed, one hundred (100) feet in height when placed at the rear of the property and when such sign is located no further than two thousand five hundred (2,500) feet from the center point of the intersection of the Interstate Highway and its adjoining roadway.

8.6 HISTORICAL DISTRICTS

In an H-1 Historical District, the following regulations shall apply:

1. Informational signs may be displayed in connection with such use, but the total area of each sign shall not exceed nine (9) square feet and signs may have indirect lighting.
2. Flashing, rotating or intermittent illumination is prohibited.
3. Electronic message centers are prohibited.

8.7 INDUSTRIAL AND MANUFACTURING DISTRICTS

In Industrial Districts the following regulations shall apply:

1. Flashing, rotating or intermittent illumination is prohibited.

8.8 CBD CENTRAL BUSINESS DISTRICT

In the CBD District, the following regulations shall apply, and if the same subject matter is regulated elsewhere in the title, the more restrictive regulation shall apply:

Attached Signs:

1. The maximum total square footage for all wall and awning signs is one (1) square foot per linear foot of the structure's primary entrance frontage, and shall not exceed ten (10) percent of the surface (excluding windows and doors) to which it is affixed, whichever is the lesser.
2. The surface area includes walls, awnings, canopies, and awning valances.
3. Attached signs include business/entity identification signs, bulletin signs (limited to religious, educational, governmental and institutional uses), and multiple-tenant directory signs, as individual signs or in combination with one another.
4. For corner lots with frontage on two or more public streets, Item 1 shall also apply to the structure’s secondary frontage.
5. All awnings shall maintain a clear height of seven (7) feet above the finish elevation of the sidewalk and shall not project over any sidewalk more than six (6) feet, and shall not extend over a public street.

6. The copy on the valance or vertical face of the awning or canopy shall be no greater than fifty (50) percent of the height or twelve (12) inches, whichever is less; and shall be no greater than fifty (50) percent of the horizontal width of the awning.
7. Attached signs shall not extend above the building's cornice along the top of the front façade or the roofline in the case of one (1) story buildings, and shall not extend above the bottom of the window sills in the case of two (2) or more story buildings.

Projecting Signs:

8. In addition to any attached signs, a projecting sign may be attached to the structure provided the structure abuts the sidewalk or property line and there is NO freestanding sign on the parcel.
9. All projecting signs shall maintain a clear height of at least seven (7) feet above the finished elevation of the sidewalk.
10. Such sign shall not project upon or over any sidewalk for more than four (4) feet, and shall not extend over a public street.
11. For signs within (7) seven to ten (10) feet of the finished elevation of the sidewalk, the size of the projecting sign shall not exceed six (6) square feet in area per sign face. For signs within ten (10) to twelve (12) feet of the finished elevation of the sidewalk, the size of the projecting sign shall not exceed twelve (12) square feet in area per sign face. For signs twelve (12) feet and above the finished elevation of the sidewalk, the size of the projecting sign shall not exceed sixteen (16) square feet in area per sign face. No sign shall have more than two back-to-back sign faces; vee-type signs and three or more sided signs are prohibited.

Window Signs:

12. In addition to all wall and awning signs, all window signs shall not exceed more than twenty-five (25) percent of the total window area of the primary entrance frontage.
13. Any window signs on the secondary frontage on a side street shall not exceed more than twenty-five (25) per cent of the total window area of the secondary street frontage.

Freestanding Signs:

14. Provided no projecting sign is provided, only one free-standing sign per parcel or platted lot shall be permitted, unless the parcel is a corner lot in which case two (2) signs shall be allowed.
15. Except for sidewalk (sandwich board) signs as permitted in Section 8.9 of this Chapter, all freestanding signs shall not exceed thirty-two (32) square feet per sign face, and shall not encroach upon any public right-of-way. No sign shall have more than two back-to-back sign faces; vee-type signs and three or more sided signs are prohibited.
16. The free-standing sign may be a pole-mounted (pylon) or ground-mounted (monument) sign.

A. A pole-mounted sign shall not exceed a height of twenty (20) feet measured above the average grade of the parcel. Within fifteen (15) feet of a driveway or street, a clear zone of vision shall be established between three and one-half (3 ½) feet and ten (10) above the grade level of the driveway or nearest travel lane of the street.

B. A ground-mounted sign (excluding the support foundation) may not be more than three and one-half (3 ½) feet in height within fifteen (15) feet of a driveway or street, or more than five (5) feet in height beyond fifteen (15) feet.

17. Free-standing signs include business/entity identification signs, bulletin signs (limited to religious, educational, governmental and institution uses), multiple-tenant directory signs, or real estate for sale or lease signs, in combination with one another.

Directional (entrance and exit signs):

18. Entrance and exit signs, for parking or directions for vehicle circulation, shall be four (4) square feet or less, and shall not exceed three and one-half (3 ½) feet in height above the ground level. Directional signs shall contain directional information only, corporate logos are prohibited.

Construction Signs:

19. One construction sign with one sign face per street front is permitted not to exceed forty (40) square feet in area, indicating the name of the contractors, engineers, and/or architects of a project, during a construction period for which a building permit is required, is allowed.

Address Signs:

20. Address signs, not more than one for each lot frontage or one for each principal entrance of the building and not exceeding seventy-two (72) square inches in surface area, showing only the numerical address designations of the premises upon which they are situated, are required. The area of such signs shall not be used in calculating any maximum area limitations on signage contained herein.

Nameplate Signs:

21. One nameplate sign is permitted for each tenant not to exceed an area of two (2) square feet. The area of such signs shall not be used in calculating any maximum area limitations on signage contained herein.

22. Upper floor tenants having a ground floor outside entrance may provide a single sign for identification.

23. The rear outside entrance of any building may have a sign with the same size limitations to identify each tenant to assist in rear access.

24. The sign may be a projecting/hanging sign over the sidewalk or an attached sign.

Restaurant Menu Signs:

25. Restaurants may have one menu sign not to exceed six (6) square feet in area.

26. The menu sign shall be located on the ground floor and within ten (10) feet of the restaurant's primary entrance.
27. The menu shall be housed in a glass-fronted framed box which shall be mounted so as not to extend beyond the façade plane on which it is mounted.

Drive-Through Restaurant Menu Boards:

28. Menu boards in conjunction with a restaurant with drive-through or curb side service shall not exceed thirty (30) square per bay in total size for drive-through service, six (6) square feet per bay in total size for curb service, and six (6) feet in height for drive-through or curb service.

Flags and Banners:

29. Constitutional flags (official flags of the Nation, State, County or City) shall have a seven-foot clearance from the finish elevation of the sidewalk and shall not exceed more than fifteen (15) square feet in area for each flag. No principal structure shall be allowed more than two (2) flags.
30. Banners shall be allowed only when attached at all corners to the principal structure and shall obtain a temporary sign permit, which shall authorize the use of such a banner for a specified ten (10) day period. Banners shall provide for a ten (10) foot clearance and shall have only one such permit issued to the same business license holder per calendar quarter. The fee for a temporary permit shall be established by the Building Official.

Illumination:

31. Signs must be illuminated in a manner that does not impair the visibility of motorists or pedestrians. Light sources shall be shielded to minimize the visibility of lamps and prevent overspray beyond the sign perimeter.

Prohibited Signs and Sign Features:

32. Off-premises signs (billboards or outdoor advertising signs) are prohibited in accordance with Subsection 8.2.15.
33. Exposed bulb signs are prohibited. No flashing, chasing, running or sequential lighting is permitted except for signs depicting time, temperature and fuel prices. Light emitting diode (LED) and digital message boards are prohibited with the exception of the display of time, temperature and fuel price information.
34. Except as provided in Section 8.9 of this Chapter, all portable signs are prohibited.
35. With the exception of projecting signs and awnings as described in this section, and except as provided in Section 8.9 of this Chapter, no private advertising signs shall be placed on or overhanging the public right-of-way.
36. No private sign shall be attached to a utility pole.

37. All pennants/streamers are prohibited. Provided, however, that any business use continuously displaying pennants or streamers on or before July 1, 2001, may continue to display such pennants/streamers in accordance with Chapter 8 of this Ordinance on all parcels employed for such business use.
38. Signs identifying or advertising relocated, permanently closed or non-existent businesses shall not be permitted. Owners may maintain legally permitted sign boards, enclosures and supports by removing or "painting out" obsolete lettering and logos to match the sign background for a uniform "blank" appearance. Open sign enclosures shall not be permitted. The copy shall be removed or painted out within thirty (30) days of the termination of the associated tenant's operation at that location.
39. Signs that are not properly maintained, deteriorated signs and abandoned signs shall be removed in their entirety.

Historical Signs:

40. Preservation of the cultural and historic character of downtown Clarksville is a valid object of zoning by the Clarksville City Council. Therefore, for the purpose of maintaining the historical character of the Clarksville Central Business District, the following signs shall be exempt from the regulations contained herein:
    A. Signs which are a part of the original construction of any building constructed before 1970;
    B. Signs which have been displayed continuously before 1970 at a location within the Central Business District.
41. The modification or alteration of any historic sign (sign constructed before 1970) is subject to review and approval of the Clarksville-Montgomery County Regional Historic Zoning Commission per Section 9.3 of this Zoning Ordinance.

8.9 DOWNTOWN SIDEWALK SIGNS

In the CBD District, non-residential properties may display sidewalk signs under the following provisions:

1. One sidewalk (sandwich board) sign is permitted for each business. Multiple signs are allowed for multi-tenant buildings.
2. Sidewalk signs may be displayed only during the business hours of operation.
3. Sidewalk signs must be placed outside of required Americans with Disabilities Act (ADA) walkways, outside of any required exits and/or entrances, and outside driveways.
4. The maximum size of each display face of a sidewalk sign is six (6) square feet.
5. The maximum height of a sidewalk sign is three (3) feet (36 inches), as measured above the sidewalk, and the maximum width is two (2) feet (24 inches).
6. The sign must be located to leave at least five (5) feet of unobstructed sidewalk area for the movement of pedestrians.
7. The owner shall propose methods to care for signs during windy weather to ensure the sign does not blow over, block walkways, and/or interfere with pedestrian or vehicular

traffic. Measures may include approved weighting material or removal during such conditions.

8. Sidewalk signs may be allowed in the public right-of-way if the proposed location does not inhibit the free flow of pedestrian or vehicular traffic and meets the provisions of Subsection 3 above.
9. Prior to placement of any sidewalk sign, a sign permit shall first be obtained through the City Department of Building and Codes.

8.10 MLUD MIXED LAND USE DISTRICT AND PUD PLANNED UNIT DEVELOPMENT DISTRICT

In Planned Unit Development and Mixed Land Use Districts, the following regulations shall apply:

1. All on-premises ground and on-premises building signs must be approved as part of an overall signage plan. Such plan shall be reviewed by the Regional Planning Commission and may be included as part of the required site plan (Chapter 5.10) or may be submitted subsequent to such site plan. The signage plan shall be approved prior to the issuance of any sign permit for any portion of the proposed development.
2. Signage within the MLUD shall generally comply with Chapter 8, Sign Regulations, of this Ordinance. However, considering the unique character of the MLUD the Regional Planning Commission may allow for alternative signage design and placement within this District on a project specific basis.

CHAPTER 9: OVERLAY DISTRICTS

9.1 AIRPORT OVERLAY DISTRICT

1. **General Description.** The purpose of this district classification is to regulate and restrict the height of structures and objects of natural growth, and otherwise regulate the use of property, in the vicinity of Outlaw Field by creating airport approach surfaces, primary surfaces, transition surfaces, horizontal surfaces, and conical surfaces and establishing the boundaries thereof. The locations and boundaries of the Airport District surfaces established by this Section and bounded and defined on the Airport Zoning Map, which is part of this Section and is kept by the Regional Planning Commission Office. This Section is adopted pursuant to the authority conferred by Sections 42-6-101 through 42-6-116 of the Tennessee Code Annotated. It is hereby found that an airport obstruction which is determined to be a hazard if it endangers the lives and properties of users of Outlaw Airport and of occupants of land or to property in its vicinity; and also, if the obstruction type, in effect reduces the size of the area available for the landing, taking off and maneuvering of aircraft thus tending to destroy or impair the utility of the airport. Accordingly it is declared:
    A. That the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by Outlaw Airport;
    B. That it is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented; and,
    C. That the prevention of these hazards should be accomplished, to the extent legally possible, by the exercise of police power without compensation. It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or interests therein.
2. **Application of Regulations.**
    A. This district shall overlay land within the airport hazard areas shown on the zoning map. The regulations contained in this section shall apply to the land in addition to the regulations in the underlying district for the land. Where there is a conflict between the provisions of this section and those of the underlying zoning district, the zone containing the more restrictive height regulations shall apply.
    B. Except as hereinafter provided in Subsection 9.1.8. of this section, the provisions of this section shall apply to any new and substantial improvement to an existing structure, when such uses and structures are located in an airport hazard area established by this section.
    C. If a structure or a tree is located in more than one (1) of the airport surfaces established by this section, the surface with the more restrictive regulations shall apply to such structure or tree.
3. **Definitions.** As used in this section, unless the context otherwise requires:
    A. **Airport:** Outlaw Field, Clarksville, Tennessee.
    B. **Airport elevation:** Five hundred fifty (550) feet above mean sea level.

C. **Airport hazard:** Any structure, tree or use of land which obstructs the airspace required for or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.
D. **Nonprecision instrument runway:** A runway other than an instrument runway.
E. **Precision instrument runway:** A runway equipped or to be equipped with a precision electronic navigation aid or other air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.
F. **Runway:** The paved surface of an airport landing strip.

4. **Airport Imaginary Surfaces.** The following airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the type of approach or planned approach for that runway. The slope and dimensions of the approach surface are determined by the most precise approach existing or planned for that runway end. The various surfaces are hereby established and defined as follows:
   A. **Horizontal Surface:** A horizontal plane one hundred fifty (150) feet above the established runway elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of the arc is:
      I. Five thousand (5,000) feet for all runways designated as utility or visual.
      II. Ten thousand (10,000) feet for all other runways.
   B. **Conical Surface:** A conical surface is hereby established as the area that commences at the periphery of the horizontal surface and extends outward therefrom a distance of five thousand (5,000) feet. The conical surface does not include the approach surface or the transition surface.
   C. **Primary surface:** A primary surface is hereby established as the surface longitudinally centered on the runway which extends two hundred (200) feet beyond the end of each runway. The width of the primary surface is:

      I. Two hundred fifty (250) feet for utility runways having only visual approaches.
      II. One thousand (1,000) feet for non-precision instrument runways with visibility minimums less than three-fourths (3/4) of a statute mile and for all precision instrument runways.
   D. **Approach Surface:** An approach surface is hereby established as the surface longitudinally centered on the extended runway centerline and extending outward from each end of the primary surface. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:

      I. One thousand two hundred fifty (1,250) feet for utility runways having only visual approaches.
      II. Four thousand (4,000) feet for all non-precision instrument runways other than utility with visibility minimums as low as three-fourths (3/4) statute mile.

III. Sixteen thousand (16,000) feet for precision instrument runways.

IV. The approach surface extends for a horizontal distance of:

a. Five thousand (5,000) feet for all utility and visual runways.

b. Ten thousand (10,000) feet for all non-precision instrument runways other than utility with visibility minimums as low as three-fourths (3/4) statute mile.

c. Fifty thousand (50,000) feet for all precision instrument runways.

E. **Clear Zone Surface:** A clear zone surface is hereby established at each end of the primary surface. The clear zone surface overlaps the approach surface and extends for a width of:

I. Four hundred fifty (450) feet for all utility and visual runways.

II. One thousand five hundred ten (1,510) feet for all non-precision instrument runways other than utility.

III. One thousand seven hundred fifty (1,750) feet for all precision instrument runway.

IV. The clear zone surface extends for a distance of:

a. One thousand (1,000) feet for all utility and visual runways.

b. One thousand seven hundred (1,700) feet for all non-precision instrument runways other than utility.

c. Two thousand five hundred (2,500) feet for all precision instrument runways.

F. **Transition Surface:** A transition surface is hereby established adjacent to the approach surface extending outward at right angles to the runway centerline. Transition surfaces for those portions of the precision approach surface which project through the conical surface, extend for a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

5. **Height Limitations.** Except as otherwise provided in the section, no structure or tree shall be erected, altered, allowed to grow, or maintained in any surface created by this section to a height in excess of the height limits herein established for such surface. Such height limitations are hereby established for each of the surfaces in questions as follows:

A. **Horizontal Surface:** One hundred fifty (150) feet above the airport elevation or at a height seven hundred (700) feet above mean sea level.

B. **Conical Surface:** One foot in height for each twenty (20) feet in horizontal distance beginning at the periphery of the horizontal surface extending for a horizontal distance of five thousand (5,000) feet.

C. **Approach Surfaces:** The height limitations for the approach surfaces differ according to the runway classification for each approach. The height limitations for the different runways are as follows:

I. Utility and visual runways: One foot in height for each twenty (20) feet in horizontal distance beginning at the end of the primary surface extending for a distance of five thousand (5,000) feet from the end of the runway.

II. Non-precision instrument runways (with visibility minimums as low as three-fourths (3/4) of a statute mile): One (1) foot in height for each thirty-four (34) feet in horizontal distance beginning at the end of the primary surface extending for a distance of ten thousand (10,000) feet from the end of the runway.

III. Precision instrument runways: One foot in height for each fifty (50) feet in horizontal distance beginning at the end of the primary surface extending for a distance of ten thousand two hundred (10,200) feet from the end of the runway, thence one (1) foot in height for each forty (40) feet in horizontal distance to a point fifty thousand (50,000) feet from the end of the runway.

D. **Transition Surface:** One (1) foot in height for each seven (7) feet in horizontal distance from the sides of the primary surface and from the sides of the approach surfaces. Transition surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend for a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

E. Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail.

6. **Use Restrictions.** Notwithstanding any other provisions of this section, no use may be made of land within any surface established by this section in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for aircraft or make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft.

A. Except as otherwise provided in this section, it shall be unlawful to put land located within the airport clear zone surface to any use, whether it be residential, commercial, industrial, recreational, or public services, which involve the concentrations of people. Such prohibited uses shall include but are not limited to the following:

I. Hospitals.
II. Hotels.
III. Institutions of a religious, educational, philanthropic, penal or corrective nature.
IV. Single-family dwellings.
V. Multiple dwellings.
VI. Nursing or convalescent homes.
VII. Places of public assemblage.
VIII. Radio or television transmitting stations.
IX. Theaters.
X. Schools.

B. Any use not involving the concentration of people shall be approved, provided that said use is not deemed an airport hazard by the Board of Zoning Appeals and the Federal Aviation Administration.

C. Nothing contained in the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree

in the clear zone surface in excess of the height limits set forth in Subsection 5 of this Chapter.

7. **Nonconforming Uses.**
    1. **Regulations Not Retroactive:** The regulations prescribed by this section shall not be construed to require the removal, lowering, or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date of this section, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction, alteration, of which was begun prior to the effective date of this section and is diligently pursued.
    2. **Marking and Lighting:** Notwithstanding the preceding provision of this Chapter, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the airport authority to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the airport.

8. **Administrative Procedures**. Except as specifically provided in Paragraph A, B and C hereunder, no material change shall be made in the use of land and no structure or tree erected, altered, planted or otherwise established in any surface hereby created unless a permit shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

    A. In the area lying within the limits of the horizontal surface and the conical surface, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when because of terrain, land contour or topographic features such tree or structure would extend above the limits prescribed for such surface.
    B. In the area lying within the limits of the approach surfaces but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runways, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limits prescribed for such approach surfaces.

    C. In the areas lying within the limits of the transition surfaces beyond the perimeter of the horizontal surface, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when because of terrain, land contour or topographic features such tree or structure would extend above the limits prescribed for such surface.

9. **Variances.** Any person desiring to erect or increase the height of any tree or structure or use property, not in accordance with the regulations prescribed in this section may apply to the Board of Zoning Appeals for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigational facilities and the safe efficient use of navigable airspace. Such variances shall be allowed where it

is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with this spirit of this section. Additionally, no application shall be considered by the Board of Zoning Appeals unless a copy of the application has been furnished to the Clarksville-Montgomery County Airport Authority for review and approval.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of the height limits established by this Section except as set forth in Subsection 5.

9.2 FLOODPLAIN OVERLAY DISTRICT

1. **Statutory Authorization.** The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

2. **Findings of Fact.** The City of Clarksville, Tennessee, Mayor and its City Council wishes to maintain its eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.

A. Areas of the City of Clarksville, Tennessee are subject to periodic inundation, which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

3. **Statement of Purpose.** It is the purpose of this Ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This Ordinance is designed to:

A. Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
B. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
C. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
D. Control filling, grading, dredging and other development which may increase flood damage or erosion;
E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

4. **Objectives.** The objectives of this Ordinance are:

A. To protect human life, health, safety and property;
B. To minimize expenditure of public funds for costly flood control projects;
C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
D. To minimize prolonged business interruptions;
E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;
F. To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;
G. To ensure that potential homebuyers are notified that property is in a floodprone area;
H. To maintain eligibility for participation in the NFIP.

5. **Definitions.** Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application given its stated purpose and objectives.

A. ***Accessory Structure*** means a subordinate structure to the principal structure on the same lot and, for the purpose of this Ordinance, shall conform to the following:
   I. Accessory structures shall only be used for parking of vehicles and storage.
   II. Accessory structures shall be designed to have low flood damage potential.
   III. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
   IV. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
   V. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

B. ***Addition (to an existing building)*** means any walled and roofed expansion to the perimeter or height of a building.

C. ***Appeal*** means a request for a review of the local enforcement officer's interpretation of any provision of this Ordinance or a request for a variance.

D. ***Area of Shallow Flooding*** means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

E. ***Area of Special Flood-related Erosion Hazard*** is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

F. ***Area of Special Flood Hazard*** see ***Special Flood Hazard Area***

G. ***Base Flood*** means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance flood.

H. ***Basement*** means any portion of a building having its floor subgrade (below ground level) on all sides.

I. ***Building*** *see* ***Structure***

J. ***Development*** means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

K. ***Elevated Building*** means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

L. ***Emergency Flood Insurance Program*** *or* ***Emergency Program*** means the program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

M. ***Erosion*** means the process of the gradual wearing away of land masses. This peril is not per se covered under the Program.

N. ***Exception*** means a waiver from the provisions of this Ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Ordinance.

O. ***Existing Construction*** means any structure for which the start of construction commenced before the effective date of the initial floodplain management code or Ordinance adopted by the community as a basis for that community's participation in the NFIP.

P. ***Existing Manufactured Home Park or Subdivision*** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or Ordinance adopted by the community as a basis for that community's participation in the NFIP.

Q. ***Existing Structures*** *see* ***Existing Construction***

R. ***Expansion to an Existing Manufactured Home Park or Subdivision*** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

S. ***Flood** or **Flooding***

a. A general and temporary condition of partial or complete inundation of normally dry land areas from:

I. The overflow of inland or tidal waters.

II. The unusual and rapid accumulation or runoff of surface waters from any source.

III. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(II) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(I) of this definition

T. ***Flood Elevation Determination*** means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

U. ***Flood Elevation Study*** means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

V. ***Flood Hazard Boundary Map (FHBM)*** means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

W. ***Flood Insurance Rate Map (FIRM)*** means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

X. ***Flood Insurance Study*** is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

Y. ***Floodplain** or **Floodprone Area*** means any land area susceptible to being inundated by water from any source (see definition of flooding).

Z. ***Floodplain Management*** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

AA. ***Flood Protection System*** means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

BB. ***Floodproofing*** means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

CC. ***Flood-related Erosion*** means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

DD. ***Flood-related Erosion Area*** *or* ***Flood-related Erosion Prone Area*** means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

EE. ***Flood-related Erosion Area Management*** means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

FF. ***Floodway*** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

GG. ***Freeboard*** means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

HH. ***Functionally Dependent Use*** means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

II. ***Highest Adjacent Grade*** means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

JJ. ***Historic Structure*** means any structure that is:

I. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

II. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

III. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

IV. Individually listed on the City of Clarksville,, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

a. By the approved Tennessee program as determined by the Secretary of the Interior or

b. Directly by the Secretary of the Interior.

KK. ***Levee*** means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

LL. ***Levee System*** means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

MM. ***Lowest Floor*** means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

NN. ***Manufactured Home*** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term Manufactured Home does not include a Recreational Vehicle.

OO. ***Manufactured Home Park or Subdivision*** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

PP. ***Map*** means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

QQ. ***Mean Sea Level*** means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with the National Geodetic

Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

RR. ***National Geodetic Vertical Datum (NGVD)*** means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

SS. ***New Construction*** means any structure for which the start of construction commenced on or after the effective date of the initial floodplain management Ordinance and includes any subsequent improvements to such structure.

TT. ***New Manufactured Home Park or Subdivision*** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this Ordinance or the effective date of the initial floodplain management Ordinance and includes any subsequent improvements to such structure.

UU. ***North American Vertical Datum (NAVD)*** means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

VV. ***100-year Flood*** *see* ***Base Flood***

WW. ***Person*** includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

XX. ***Reasonably Safe from Flooding*** means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

YY. ***Recreational Vehicle*** means a vehicle which is:

I. Built on a single chassis;

II. 400 square feet or less when measured at the largest horizontal projection;

III. Designed to be self-propelled or permanently towable by a light duty truck;

IV. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

ZZ. ***Regulatory Floodway*** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

AAA. ***Regulatory Flood Protection Elevation*** means the Base Flood Elevation plus the Freeboard. In Special Flood Hazard Areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet. In Special Flood Hazard Areas where no BFE has been established, this elevation shall be at least three (3) feet above the highest adjacent grade.

BBB. ***Riverine*** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

CCC. ***Special Flood Hazard Area*** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

DDD. ***Special Hazard Area*** means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

EEE. ***Start of Construction*** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

FFF. ***State Coordinating Agency*** the Tennessee Emergency Management Agency, State NFIP Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

GGG. ***Structure*** for purposes of this Ordinance, means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

HHH. ***Substantial Damage*** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

III. ***Substantial Improvement*** means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the initial improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior

to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

JJJ. ***Substantially Improved Existing Manufactured Home Parks or Subdivisions*** is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

KKK. ***Variance*** is a grant of relief from the requirements of this Ordinance.

LLL. ***Violation*** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

MMM. ***Water Surface Elevation*** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

6. **Application. This Ordinance shall apply to all areas within the incorporated area of the City of Clarksville, Tennessee.**

7. **Basis for Establishing the Areas of Special Flood Hazard.** The Areas of Special Flood Hazard identified on the City of Clarksville, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) dated January 15, 2021 and Flood Insurance Rate Map (FIRM), Community 470137, Panel Numbers 47125C0063D, 47125C0088D, 47125C0201D, 47125C0202D, 47125C0204D, 47125C0206D, 47125C0207D, 47125C0208D, 47125C0209D, 47125C0226D, 47125C0227D, 47125C0228D, 47125C0229D, 47125C0235D, 47125C0237D, 47125C0241D, 47125C0242D, 47125C0261D, 47125C0262D, 47125C0263D, 47125C0264D dated March 18, 2008, and 47125C0215E 47125C0216E, 47125C0217E, 47125C0220E, 47125C0236E, 47125C0238E, 47125C0239E, 47125C0243E, 47125C0244E, 47125C0335E, 47125C0351E, 47125C0352E, 47125C0356E, 47125C0357E, 47125C0380E, dated January 15, 2021, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

8. **Requirement for Development Permit.** A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activities.

9. **Compliance.** No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

10. **Abrogation and Greater Restrictions.** This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this Ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

11. **Interpretation.** In the interpretation and application of this Ordinance, all provisions shall be:

    A. Considered as minimum requirements.

    B. Liberally construed in favor of the governing body and;

    C. Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

12. **Warning and Disclaimer of Liability.** The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Clarksville, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

13. **Penalties for Violation.** Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Clarksville, Tennessee from taking such other lawful actions to prevent or remedy any violation.

14. **Designation of Ordinance Administrator.** The Director of Streets and/or his designee is hereby appointed as the Administrator to implement the provisions of this Ordinance.

15. **Permit Procedures.** Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

A. **Application Stage.**

I. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.

II. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.

III. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Sections 17 and 18.

IV. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

V. A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of t/he permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities.

VI. In order to determine if improvements or damage meet the Substantial Improvement or Substantial Damage criteria, the applicant shall provide to the Administrator a detailed cost to repair all damages and/or cost of improvements which includes the complete costs associated with all types of work necessary to completely repair or improve a building. These include the costs of all materials, labor, and other items necessary to perform the proposed work. These must be in the form of:

a. An itemized costs of materials, and labor, or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators.

b. Building valuation tables published by building code organizations and cost-estimating manuals and tools available from professional building cost-estimating services.

c. A qualified estimate of costs that is prepared by the local official using professional judgement and knowledge of local and regional construction costs.

d. A detailed cost estimate provided and prepared by the building owner. This must include as much supporting documentation as possible (such as pricing information from lumber companies, plumbing and electrical suppliers, etc.). In addition, the estimate must include the value of labor, including the value of the owner's labor.

B. **Construction Stage.** Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permitholder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

C. **Finished Construction Stage.** For all new construction and substantial improvements, the permit holder shall provide to the Administrator a final Finished Construction Elevation Certificate (FEMA Form 086-0-33). A final Finished Construction Elevation Certificate is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Building and Codes Department a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Administrator will keep the certificate on file in perpetuity.

16. **Duties and Responsibilities of the Administrator** shall include, but not be limited to, the following**:**

A. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.

B. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

C. Notify adjacent communities and the Tennessee Emergency Management Agency, State NFIP Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

D. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.

E. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

F. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Section 15.

G. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Section 15.

H. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Section 15.

I. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.

J. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of Clarksville,, Tennessee FIRM meet the requirements of this Ordinance.

K. Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

L. A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of

Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" × 3". Digital photographs are acceptable.

17. **Provisions for Flood Hazard Reduction.** In all areas of special flood hazard, the following provisions are required:

    A. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;

    B. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.

    C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

    D. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

    E. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

    F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

    G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

    H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

    I. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance;

    J. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;

K. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;

L. All subdivision proposals and other proposed new development proposals shall meet the standards of Section 20;

M. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;

N. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

18. **Specific Standards.** In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Section 17, are required:

A. **Residential Structures.** In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than two (2) feet above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Section 5). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

B. **Non-Residential Structures.** In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than two (2) feet above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Section 5). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient

to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Section 15.

C. **Enclosures.** All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

I. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.

a. Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

b. The bottom of all openings shall be no higher than one (1) foot above the finished grade;

c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

II. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

III. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Section 18.

19. **Standards for Manufactured Homes and Recreational Vehicles.**

A. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

B. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

I. In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than two (2) feet above the level of the Base Flood Elevation or

II. In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Section 5).

C. Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of Sections 17 and 18.

D. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

E. All recreational vehicles placed in an identified Special Flood Hazard Area must either:

I. Be on the site for fewer than 180 consecutive days;

II. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;

III. The recreational vehicle must meet all the requirements for new construction.

20. **Standards for Subdivisions and Other Proposed New Development Proposals.** Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

A. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

B. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

C. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

D. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Section 22).

21. **Standards for Special Flood Hazard Areas with Established Base Flood Elevations Designated and With Floodways Designated.** Located within the Special Flood Hazard Areas established in Section 7, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

A. Encroachments are prohibited, including fill, new construction, substantial improvements or other development within the adopted regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof;

B. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the applicant first applies for a conditional letter of map revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA;

C. ONLY if Section 21 Subsections A and B are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Sections 17 and 18

22. **Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated.** Located within the Special Flood Hazard Areas established in Section 7 , where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

A. Require until a regulatory floodway is designated, that no new construction, substantial , or other development, including fill shall be permitted within Zone AE on the community's FIRM, unless it is demonstrated through hydrologic and hydraulic analyses performed that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

B. A community may permit encroachments within Zones AE on the community's FIRM, that would result in an increase in the water surface elevation of the base flood, provided that the applicant first applies for a conditional letter of map revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA;

C. ONLY if Section 22 Subsections A and B are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Sections 19 and 20

23. **Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)** Located within the Special Flood Hazard Areas established in Section 7 , where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

A. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for

requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Sections 19 and 20.

B. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.

C. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Section 5). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Section 15. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Section 18.

D. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City of Clarksville, , Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

E. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Sections 19 and 20 Within approximate A Zones, require that those subsections of Section 19 and 20 dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

24. **Standards for Areas of Shallow Flooding (Zone AO)** Located within the Special Flood Hazard Areas established in Section 7 are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Sections 17 and 18, all new construction and substantial improvements shall meet the following requirements:

A. The lowest floor (including basement) shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of one (1) foot above the highest adjacent grade; or at least three (3) feet above the highest adjacent grade, if no depth number is specified.

B. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Subsection 24.A so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially

impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Subsection 13.A.III and Subsection 18.B.

C. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

25. **Standards For Areas of Shallow Flooding (Zone AH)** Located within the Special Flood Hazard Areas established in Section 7 are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to meeting the requirements of Sections 17 and 18, all new construction and substantial improvements shall meet the following requirements:

    A. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

26. **Standards for Areas Protected by Flood Protection System (A-99 Zones)** Located within the Areas of Special Flood Hazard established in Section 7, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones), all provisions of Sections 11 through 26 shall apply.

27. **Standards for Unmapped Streams** Located within the City of Clarksville, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

    A. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.

    B. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Sections 11 through 26.

    C. ONLY if Subsection 27A and B are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Sections 17, 18, 19, and 20.

28. **Variance Procedures**

    A. **Authority.** The City of Clarksville, Tennessee Board of Zoning Appeals and/or Stormwater Board of Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

    B. **Procedures.** Meetings of the Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Board of Zoning Appeals shall be open

to the public. The Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Board of Zoning Appeals shall be set by the Clarksville City Council.

C. An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of $255 dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than 30 days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

D. The Board of Zoning Appeals shall have the following powers:

I. Administrative Review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Ordinance.

II. Variance Procedures. In the case of a request for a variance the following shall apply:

a. The City of Clarksville, Tennessee Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

b. Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.

c. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:

i. The danger that materials may be swept onto other property to the injury of others;

ii. The danger to life and property due to flooding or erosion;

iii. The susceptibility of the proposed facility and its contents to flood damage;

iv. The importance of the services provided by the proposed facility to the community;

v. The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

vi. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

vii. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

viii. The safety of access to the property in times of flood for ordinary and emergency vehicles;

ix. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

x. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

d. Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.

e. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

29. **Conditions for Variances**

A. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Section 28. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.

B. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as $25 for $100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.

C. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

30. **Legal Status Provisions**

A. In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of the City of Clarksville, Tennessee, the most restrictive shall in all cases apply.

B. Severability. If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance, which is not of itself invalid or unconstitutional.

C. Effective Date. This Ordinance shall become effective on January 15, 2021, in accordance with the Charter of the City of Clarksville, Tennessee, and the public welfare demanding it.

9.3 HISTORIC OVERLAY DISTRICT

9.3.1 ORDINANCE PURPOSE

These historic district and regulation provisions are established so that appropriate measures may be taken to ensure the preservation of structures of historic and/or cultural value to the City of Clarksville, Tennessee, pursuant to the authority contained in Section 13-7-402 of the Tennessee Code Annotated. The general intent includes, among others, the following specific purposes:

A. To preserve and protect the historic and/or architectural integrity and value of buildings or other structures;
B. To protect the historic buildings or other structures from encroachment of surrounding uses or development that diminish or lessen their significance;
C. To regulate exterior design, arrangement, texture, and materials proposed to be used within the historic district to ensure compatibility;
D. To retain and/or reinforce an appearance and character that complements the district's historic buildings or other structures;
E. To stabilize and improve property values;
F. To foster civic beauty;
G. To strengthen the local economy; and
H. To promote the use of historic districts for the education, pleasure, and welfare of the present and future citizens of Clarksville and Montgomery County.

9.3.2 REGIONAL HISTORIC ZONING COMMISSION

1. Composition of the Commission

A Regional Historic Zoning Commission (RHZC) is hereby created for the City of Clarksville, Tennessee. It shall consist of seven (7) members who shall have been bona fide residents of the area of jurisdiction of Montgomery County for not less than three (3) years immediately prior to appointment and who shall continue to be so eligible as long as they serve. The RHZC shall be made up of the following member types:

A. A representative of a local patriotic or historical organization;
B. An architect, if available;
C. One representative of the City Council;
D. One representative of the County Commission;
E. One representative of the Regional Planning Commission;
F. The remaining members shall be appointed from the general public.

Any appointed architect may practice in the public and/or private sectors. However, they must recuse themselves from discussions and voting on any Certificate of Appropriateness (COA) applications for which they may have a conflict of interest.

2. Appointment of the Commission Members

A. The mayor of the City of Clarksville shall appoint, subject to confirmation by the City Council, the following RHZC member types:

- The representative of the local patriotic or historical organization
- The member of the City Council, and
- One member from the general public

B. The Mayor of Montgomery County shall appoint, subject to confirmation by the County Commission, the following RHZC member types:

- The architect
- The member of the Board of County Commissioners, and
- One member from the general public

C. The Regional Planning Commission shall nominate, subject to confirmation by both legislative bodies of the City and County, the RHZC member representing the Regional Planning Commission.

3. Commission Member Terms, Compensation, Removal, and Vacancies

RHZC members shall serve five (5) year terms. However, the members appointed initially shall be appointed for staggered terms so that the terms of at least one (1) member, but not more than two (2) members, shall expire each year. The term of the member nominated from the Regional Planning Commission shall be concurrent with their term on the Regional Planning Commission, and the term of members from the local legislative bodies shall be concurrent with their terms on the local legislative body. All members shall serve without compensation, and they may be removed from membership by the appointing authority for just causes. Any member being so removed shall be provided, upon request, a public hearing on the removal decision before the City Council or County Commission. Vacancies on the RHZC shall be filled for the unexpired term of those members whose position has become vacant in the manner herein provided for the appointment of such member. Vacancies shall be filled within sixty (60) days following their removal. The RHZC may adopt rules and regulations consistent with the provisions of this Section.

4. Powers and Duties of the Commission

The RHZC shall have the following powers and duties:

A. To conduct surveys of local historical and cultural resources, and to maintain a list of districts and individual properties that have been designated historic pursuant to local legislation.
B. To review all proposed nominations to the National Register of Historic Places for properties within the jurisdiction of Montgomery County, and to draft and forward a report

to the Tennessee Historical Commission (State Historic Preservation Office) with the RHZC's recommendations on nominations.

C. To make recommendations to the City Council on the designation of local Historic Districts.
D. To adopt Design Guidelines, to review applications for Certificates of Appropriateness (COA) based upon those guidelines, and to make decisions on COA applications for proposed reviewable alterations to properties in Historic Districts or individually designated.
E. To review information and provide its formal opinion with regard to state and federal review processes related to historic resources that might be impacted by proposed work that is subject to state or federal review. Example review processes include Environmental Impact Statements and "Section 106 Review," which is a review process of potential impacts to historic resources related to federally-funded or licensed work in accordance with Section 106 of the National Historic Preservation Act of 1966 or as amended.
F. To secure the services of experts in historic preservation, architecture, landscape architecture, structural engineering, and similar disciplines to assist the RHZC in carrying out its responsibilities in accordance with this ordinance.
G. To establish reasonable fees to be paid by applicants as part of their COA application.

5. Election of Officers, Rules and Meetings

The RHZC shall elect from its members its own Chairman and other officers deemed appropriate to carry out its purpose. The RHZC shall adopt Rules of Order for conducting meetings and establish regular meeting dates.

6. Conflict of Interest

Any member of the RHZC who has a direct or indirect interest in any property or COA applicant that is the subject matter of, or affected by, a decision of the Commission shall be disqualified from participating in the discussion, decision, or proceedings of the RHZC in connection therewith.

7. Right of Entry Upon Land

The RHZC, its members, employees, and authorized experts, may enter upon any land within its jurisdiction and make examinations and place or remove public notices as required by this section as part of their work. However, there shall be no right of entry into any building without the consent of the owner.

8. Liability of RHZC Members, Employees and Authorized Experts

Any RHZC member acting within the powers granted by this section is relieved from all personal liability for any damage and shall be held harmless by the City and County governments. Any suit brought against any RHZC member shall be defended by a legal representative furnished by the City of Clarksville or Montgomery County, until the final termination of the procedure.

9.3.3. DESIGNATION OF HISTORIC DISTRICTS

The Regional Historic Zoning Commission (RHZC) may initiate revisions to the boundaries of existing Historic Districts or the designation of new districts. Likewise, other entities and individuals may do the same.

1. District Designation Criteria

A Historic District is a geographically definable area that possesses a significant concentration, linkage or continuity of sites, buildings, structures or objects that are united by past events or a cohesive character by physical development. Such areas must meet one or more of the following criteria:

A. The area is associated with an event that has made a significant contribution to local, state, or national history;
B. The area includes structures associated with the lives of persons significant in local state or national history;
C. The area contains structures or groups of structures that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction;
D. The area has yielded or may be likely to yield archaeological information important in history or prehistory; or
E. The area is listed in the National Register of Historic Places.

2. District Designation Process

The process for designating or revising zoning districts is described in *Section 11.4: Amendments* of the zoning ordinance. A summary of that detailed process includes the following key elements, including the few deviations for historic zoning districts:

A. *Initiation of the Process:* A proposed change of zoning district boundaries may be initiated by the City Council, the Regional Planning Commission, or by petition of one or more owners or authorized agents of the owner or owners of property within the area proposed to be changed. For historic zoning districts, changes to boundaries and the designation of new districts can also be initiated by the RHZC or Clarksville citizens having no property ownership interests within the subject area.
B. *Scheduling of a Hearing:* Upon receipt of the valid application, the RHZC staff shall schedule a hearing with the Regional Historic Zoning Commission, having first given at least fifteen (15) days notice thereof by one publication in a newspaper of general circulation for the historic zoning district map amendment.
C. *RHZC Hearing:* Any proposed historic zoning map amendment shall first be submitted to by the Regional Historic Zoning Commission for consideration. Notice should have been given at least fifteen (15) days prior to the hearing in a newspaper of general circulation.

D. *Planning Commission Hearing:* Following approval by the RHZC, any proposed historic zoning map amendment shall next be submitted to the Regional Planning Commission for consideration. Notice should have been given at least fifteen (15) days prior to the hearing in a newspaper of general circulation.

E. *City Council Hearing:* If the proposed historic zoning map amendment is disapproved by the Planning Commission, a favorable vote of the majority of the entire membership of the City Council must be secured for the amendment to be approved.

Upon the creation of an Historic District, the boundaries shall be shown on the zoning map or on special overlays thereto that are made a part of this ordinance section and may be viewed via the Regional Planning Commission's and the RHZC's readily available information. No structure shall be constructed, altered, repaired, moved, or demolished in any Historic District unless the action complies with the requirements set forth in this section. Alterations and repairs to the interiors of buildings are not subject to these requirements.

3. Relationship of Historic Districts to Zoning

Zoning districts are considered to be underlying "base districts" and they regulate the most fundamental aspects of land use and development, including permitted and conditional uses, residential densities and non-residential intensities, and building heights and setbacks. Historic Districts are considered to be "overlay districts" in which another layer of regulation applies to the underlying base districts. Where conflicts occur between the requirements of the underlying base zoning district and those of the overlaying Historic District for any given property, the zoning district requirements shall supersede those of the Historic District in all matters related to land use, density and intensity. Where conflicts exist regarding design issues, including lot widths, building heights, building setbacks, and similar design issues, the requirements of the Historic District shall supersede those of the underlying base zoning district.

9.3.4 DESIGN GUIDELINES AND DESIGN REVIEW

1. Adoption of Design Guidelines

This ordinance for Historic Districts functions as enabling legislation that addresses the legal and administrative aspects of Historic Districts. It intentionally does not include the actual design-related standards to be applied to properties within the districts. The RHZC shall approve a separate Design Guidelines document to be utilized in the consideration of applications for a Certificate of Appropriateness (COA). While it is a separate document from this ordinance, the Design Guidelines shall carry the same legal authority as given to other formally adopted zoning and development regulations. Following approval by the RHZC, the Design Guidelines shall be approved and adopted by the Regional Planning Commission.

2. Design Review Process

A. *Step One - Application*

The first step in undertaking construction, alteration, repair, rehabilitation, relocation, or demolition of any building, structure, or other improvement to real estate situated in the Historic District is to submit an application to the Regional Historic Zoning Commission (RHZC). RHZC staff will provide the applicant with the adopted Design Guidelines. It is recommended that the applicant become familiar with the guidelines prior to planning the project and before the development of any working drawings. The applicant must submit one set of the following documents signed by the applicant that will be retained by the RHZC:

- Copies of the proposed site plan (to an engineering scale) showing all site improvements such as buildings, walls, walks, parking, signs, plant materials, and lighting.
- Completed color exterior building elevations (1/4th" = 1' architectural scale minimum, although 1/8th" or 3/16th" = 1' may be acceptable for larger buildings with staff approval)
- Exterior painting schedule (color name and brand).
- Samples of proposed exterior materials (brick, stone, metals, glass, roofing, etc.).
- Color photographs of all sides of the existing building's exterior for remodeling, rehabilitation, or demolition. Photographs shall also show contiguous properties.

B. *Step Two – Appearance Before the RHZC*

Regular meeting dates and times, and the deadline for submitting complete applications for each regular meeting, shall be established by the RHZC. The applicant shall appear before the RHZC at a regularly-scheduled meeting to present the application. All meetings of the commission shall adhere to the Tennessee Open Meetings Act (TCA sec. 8-44-101, et seq.), and the RHZC will provide an opportunity for public comment. Should the application indicate proposed work that is not governed by this ordinance, the RHZC staff may exempt the application from the provisions of the Design Guidelines. Also, if the application is for proposed work that can be approved administratively by RHZC staff (Minor Work), the applicant will not be required to appear before the RHZC.

C. *Step Three – Approval, Conditioned Approval or Disapproval*

After a careful review of the application and presentation, the RHZC will Approve, Conditionally Approve, or Disapprove the application. An Approval requires no changes by the applicant to the submitted application and plans. A Conditional Approval comes with revisions to the submitted application and plans required by the RHZC and agreed upon by the applicant as part of the RHZC approval.

Approval or Conditioned Approval: Upon Approval or Conditional Approval of any application, the RHZC shall transmit a report to the City Building Official or the County Building Commissioner stating the basis upon which such approval was made, and cause a

Certificate of Appropriateness (COA) to be issued to the applicant. Upon failure of the RHZC to take final action within thirty (30) days after receipt of a complete application, the case shall be deemed approved, except when mutual agreement has been made for an extension of the time limit. When a COA has been issued, a copy shall be transmitted to the City Building Official or the County Building Commissioner who shall inspect the construction or alteration of the exterior approved by such COA, and report to the RHZC any work not in accordance with the COA before issuing a Certificate of Zoning Compliance.

Disapproval: In the case of Disapproval of any application, the RHZC shall state the reasons therefore in a written statement to the applicant in terms of design, arrangement, texture, color, material, and the like of the property involved. Notice of such Disapproval and a copy of the written statement of reasons shall also be transmitted to the City Building Official or the County Building Commissioner.

COA approvals expire after three (3) years of being issued and are subject to state vesting laws contained in Section 13-3-413 of the Tennessee Code Annotated.

3. Contributing Resources

Contributing resources can include buildings, structures and other features of a property that are considered to be contributing to the overall character and architectural or historic integrity of the Historic District. Resources not meeting this definition are considered to be Non-Contributing Resources. Details relating to this issue are addressed in the Design Guidelines that supplement this ordinance. However, a typical Contributing Resource is a building that was constructed during the Historic District's era of significance and that has been well-preserved, rehabilitated, and/or has not been substantially altered in a manner that would diminish its architectural or historic integrity. The Design Guidelines are more permissive for Non-Contributing Resources than for Contributing Resources with respect to alterations, removal, demolition or redevelopment so long as the proposed actions do not make the resource even more incompatible with the Historic District.

4. Building Permits

The City Building Official and the County Building Commissioner shall not issue any permit for the construction, reconstruction, alteration, or extension of a building or other structure within any Historic District, nor shall any other agency issue a permit for the demolition or removal of any building or other structure within said district without first submitting a Certificate of Appropriateness (COA) application with all exterior plans, elevations, and other information necessary to be considered by the RHZC. In the case of applications for demolition of a building or structure deemed to be "Contributing" (contributing to the character of the Historic District), plans or other information for the subject property shall be required to be submitted by the applicant. See Section 4.6 below for the approval process for proposed demolitions.

5. Proposed Actions Subject to Design Review

It shall be the duty of the RHZC to decide on COA applications for properties within any locally-designated Historic District in which the following types of actions are proposed:

A. Altering the exterior of any building or structure in such a manner that is discernible
B. Demolishing a portion or all of a building or structure
C. Installing signs and other building or site fixtures
D. Construction of off-street parking areas, drives accessing the property, and sidewalks along the public right-of-way
E. Installation, removal or alteration of significant site features, including outbuildings, fences, walls, and mature landscaping

The RHZC shall not review and regulate the interior of buildings or structures.

6. Building Removal or Demolition

In the event an application for removal or demolition or redevelopment of a building or other structure within an Historic District is submitted or such demolition is required, the governmental agency receiving such request or initiating such action shall transmit a copy thereof to the RHZC. The applicant must submit a COA application for such proposed action, and the RHZC shall decide upon the application based upon the relevant criteria within the Historic District's Design Guidelines. The RHZC has the authority to prohibit such removal, demolition or redevelopment. When approving such actions, the RHZC may require interior and exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features to be used for historical documentation as a condition of any permission to remove, demolish or redevelop a building or structure.

7. Demolition by Neglect

"Demolition by Neglect" is the improper maintenance or lack of maintenance of any historic resource that results in substantial deterioration of the resource and threatens its continued preservation. It is prohibited within Historic Districts in accordance with the following standards:

A. *Determination of Demolition by Neglect*

Any Contributing Resource within a Historic District shall be preserved by the owner or such other person or persons as may have the legal custody or control thereof against decay and deterioration and free from unreasonable structural defects. The owner or other person having legal custody and control thereof shall repair such resource if it is found to have one or more of the following defects:

1. Deterioration to the extent that it creates or permits a hazardous or unsafe condition as determined by the City's Building Inspector or other Codes Official.

2. Deterioration, as determined by the City's Building Inspector or other Codes Official, of a building characterized by one or more of the following conditions:

   a) Those buildings which have parts thereof that are so attached that they may fall and injure persons or property;
   b) Deteriorated or inadequate foundations;
   c) Defective or deteriorated floor supports or floor supports insufficient to carry imposed loads with safety;
   d) Members of walls or other vertical supports that split, lean, list, or buckle due to defective material, workmanship, or deterioration;
   e) Members of walls or other vertical supports that are insufficient to carry imposed loads with safety;
   f) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that sag, split, or buckle due to defective material, workmanship, or deterioration;
   g) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are insufficient to carry imposed loads with safety;
   h) Fireplaces or chimneys that list, bulge, or settle due to defective material, workmanship, or deterioration; or
   i) Any fault, defect, or condition in the building that renders the same structurally unsafe or not properly watertight.

B. *Correction of Demolition by Neglect*

If the RHZC makes a preliminary determination that a resource is being demolished or deteriorated by neglect, it shall direct the City Building Officials to notify the owner or owners of the resource of this preliminary determination, stating the reasons therefore. The notice shall give the owner of record thirty (30) days from the date of mailing of such notice or the posting thereof on the property, whichever comes later, to commence work to correct the specific defects as determined by the RHZC. Such notice shall be given as follows:

1. By certified mail, restricted delivery, mailed to the last known address of the record owner or owners as listed on the City and/or County tax rolls; or
2. If the above mailing procedure is not successful, notice shall be posted in a conspicuous, protected place on the resource and served through publication in a locally circulated newspaper legal advertisement.
3. If the owner or owners fail to commence work or appear within the time allotted as evidenced by a building permit, the RHZC shall notify the owner or owners in the manner provided above to appear at a public hearing before the RHZC at a date, time, and place to be specified in said notice, which shall be mailed or posted at least thirty (30) days before said hearing. For the purpose of insuring lawful notice, a hearing may be continued to a new date and time. The RHZC shall receive evidence on the issue of

whether the subject resource should be repaired and the owner or owners may present evidence in rebuttal thereto.

8. Unreasonable Economic Hardship

When a claim of Unreasonable Economic Hardship is made due to the effect of this ordinance, the owner of record must present evidence sufficient to prove that, as a result of the RHZC's action, he is unable to obtain a reasonable return or a reasonable beneficial use.

A. Hardship as an Appeal Process

The step for addressing an Unreasonable Economic Hardship can only occur after the RHZC has denied approval for a Certificate of Appropriateness (COA). Thus, it is a built-in appeal process that is not based upon the merits of the denied application, but rather solely on the issue of Unreasonable Economic Hardship.

B. Required Property Information

The owner of record shall submit by affidavit to the RHZC for its review information that shall include, but not be limited to, the following:

1. Date the property was acquired by its current owner;
2. Price paid for the property (if acquired by purchase) and the relationship (if any) between the buyer and the seller of the property;
3. Mortgage history of the property, including the current mortgage, if applicable;
4. Current market value of the property;
5. Equity in the property (the portion of a property's value that an individual owns outright, free and clear of any debts or liens);
6. Past and current income and expense statements for a three (3) year period;
7. Past capital expenditures during ownership of current owner;
8. Appraisals of the property obtained within the previous three (3) years; and
9. Income and property tax factors affecting the property.

The RHZC may require that an applicant furnish additional information relevant to its determination of Unreasonable Economic Hardship. The RHZC may also receive and consider studies and economic analyses from other public agencies and from private organizations relating to the property in question.

C. Decision Process

Should the RHZC determine that the owner's present return is not reasonable, it must consider whether there are other uses currently allowed that would provide a reasonable return and whether such a return could be obtained through investment in the property for rehabilitation purposes. Should the applicant satisfy the RHZC that he will suffer an Unreasonable Economic Hardship if a COA's disapproval is not reversed, such COA disapproval must be reversed by the RHZC.

9. Appeals from RHZC Decisions

Anyone who may be aggrieved by any final order or judgment of the RHZC may have such order or judgment reviewed by a court of competent jurisdiction (circuit or chancery court) by procedure of statutory certiorari as provided for in Tennessee Code Annotated § 27, Chapter 8 (Acts 1982, Ch. 814 and 1;1987, Ch. 40 and 6).

10. Public Safety Exclusion

None of the provisions of this ordinance shall be construed to prevent any action of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any resource, or part thereof, where such condition has been declared unsafe or dangerous by the City Building Officials or the Fire Department and where the proposed actions have been declared necessary by such authorities to correct the said condition. However, only such work as is necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event any Contributing Resource located within a Historic District shall be damaged by fire or other calamity to such an extent that it cannot be repaired and rehabilitated, it may be removed in conformity with normal permit procedures and applicable laws, provided that:

A. The City Building Officials concur with the property owner that the resource cannot be repaired and restored and so notifies the RHZC in writing.

B. The RHZC, if in doubt after receiving such notification from the City Building Officials, shall be allowed time to seek outside professional expertise from the State Historic Preservation Office and/or an independent structural engineer experienced with historic buildings before issuing a COA for the demolition. The RHZC may indicate in writing by letter to the City Building Officials that it will require a time period of up to ninety (90) days for this purpose, and, upon such notification to the City Building Officials, this section shall be suspended until the expiration of such a delay period.

11. Penalties for Ordinance Violations

In accordance with section 4-601.h of the City's Code of Ordinances, any person, firm, corporation or agent, who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, demolish or move any structure, or has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of this code shall be prosecuted within the limits provided-by state or local laws. Upon conviction for any violation, any such person shall be subject to a civil fine of up to fifty dollars ($50.00) per day for each day a violation continues or occurs. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued.

9.3.5 REPORTING

As long as Clarksville retains its status as a Certified Local Government (CLG) having a comprehensive historic preservation program in accordance with CLG standards, the RHZC shall send all annual reports of its activities to the Tennessee Historical Commission (State Historic Preservation Office).

9.3.6 SEVERABILITY

1. Ordinance Provisions

If any court of competent jurisdiction invalidates any provision of this ordinance, then such judgment shall not affect the validity and continued enforcement of any other provision of this ordinance.

2. Ordinance Application

If any court of competent jurisdiction invalidates the application of any provision of this ordinance to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other building, structure, or situation not specifically included in that judgment.

3. Conditions of Approval

If any court of competent jurisdiction judges invalid any condition attached to the approval of a COA application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

9.4 CLARKSVILLE DESIGN OVERLAY DISTRICTS

9.4.1 PURPOSE

Government officials, property owners, developers, design consultants, and other stakeholders will use this section to prepare plans that are consistent with the specific Clarksville Design Overlay District Standards and Guidelines, incorporated by reference herein. The standards and guidelines apply to all new residential construction greater than a duplex and non-residential construction, exterior renovations, and improvements in the districts that require a site plan, building or sign permit, altering landscaping or parking arrangements, or making modifications to the exterior appearance of buildings, landscaping, or parking.

Maps 9.1 through 9.4 delineate the specific design districts within the City Limits.

9.4.2 HOW TO USE THIS SECTION

Government officials, property owners, developers, design consultants and other stakeholders will use this section to prepare improvement plans that are consistent with the Madison Street and Connector Corridor Urban Design Overlay District Standards and Guidelines, are prepared by Gresham Smith and Partners, and incorporated by reference herein. The standards and guidelines apply to all residential and non-residential new construction and improvements in the area that require building and sign permits and that make modifications to the exterior appearance of buildings, landscaping and parking. Pictures 9.1 and 9.2 delineate the area within the Madison Street and Connector Corridor Urban Design Overlay District.

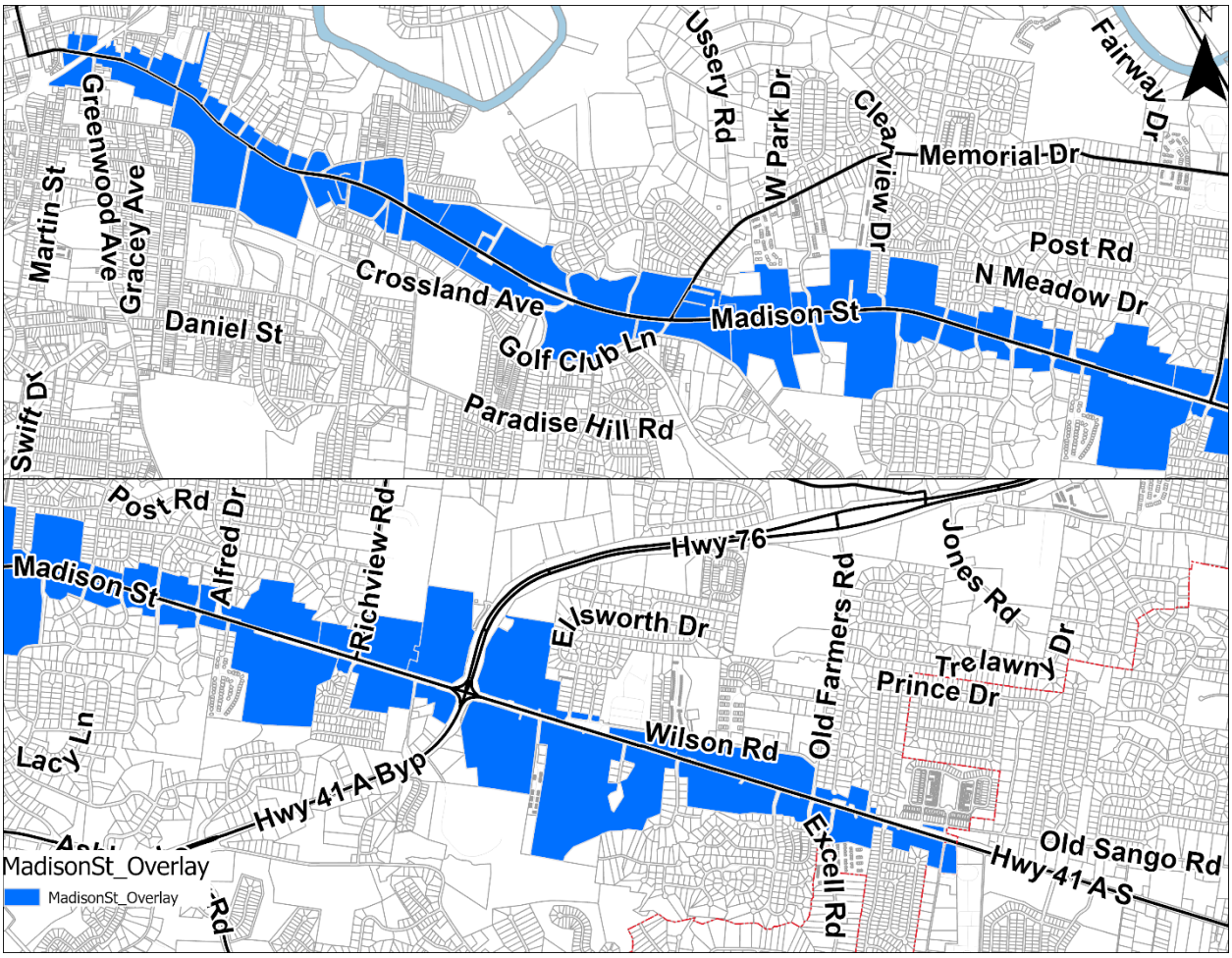
9.4.3 SCOPE OF REVIEW

Design review shall apply to all sides of a building. Any discernible changes will require approval from the Design Review Board (* indicates Administrative rather than Board function):

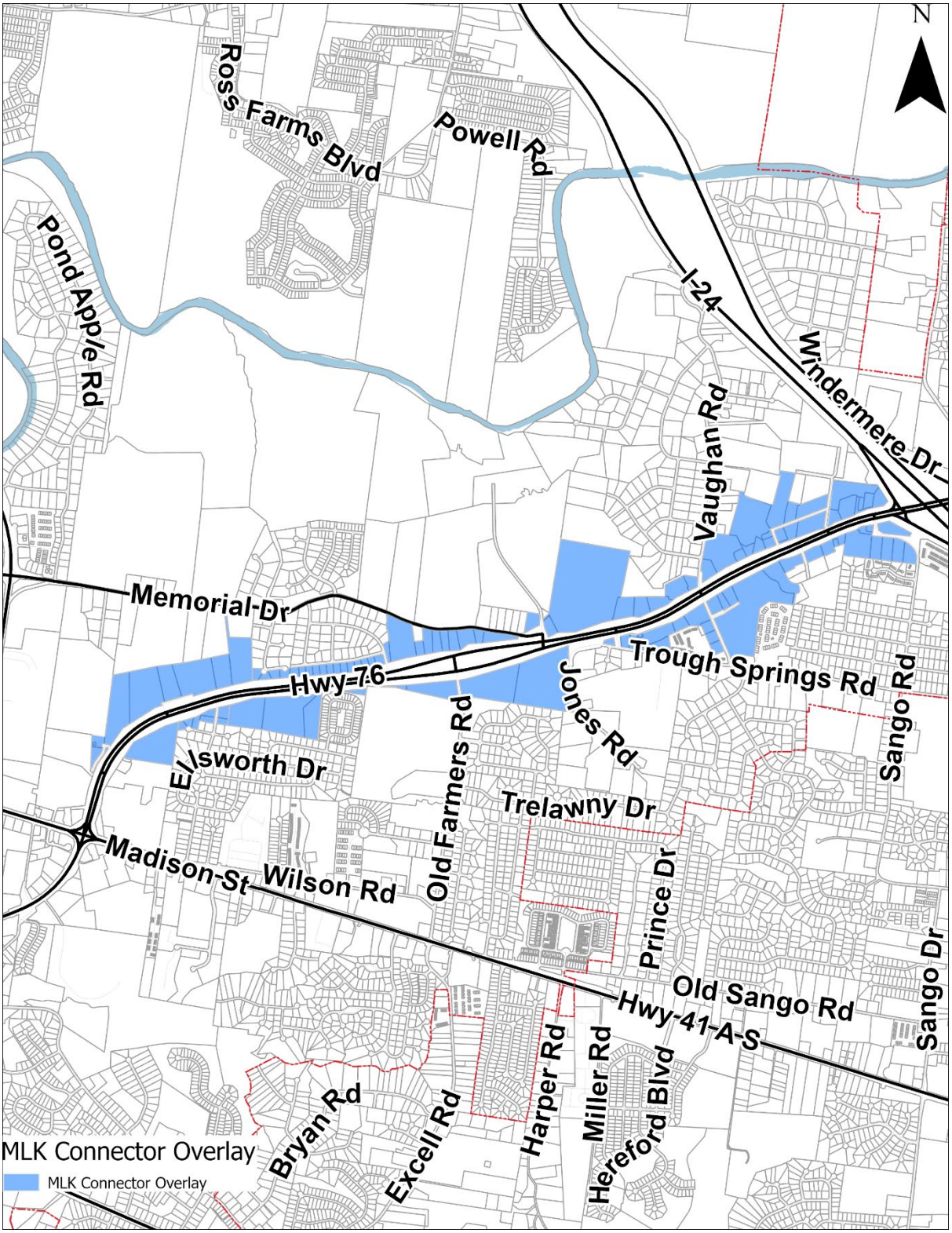
- Demolition of Contributing Structures
- Proposed New Construction/Exterior Remodeling/Modifications
- Relocation of Buildings
- Exterior Repair or Repainting*
- Window Changes In-Kind*
- Landscaping meeting the minimum requirements of Chapter 7 of the Zoning Ordinance*
- Signage and Awnings*
- Sidewalk Changes or Improvements on private property
- Exterior Lighting Changes or Improvements
- Parking Lot Construction, Changes or Improvements that modify parking locations, number of parking spaces, or circulation patterns

The functions above marked with an asterisk (*) are considered administrative and may be approved by the Staff of the RPC if all objective standards are met. However, the RPC Staff will forward the application for action by the full Design Review Board for review and approval if there is a question about meeting the standards or if the applicant is requesting a variance from the standards.

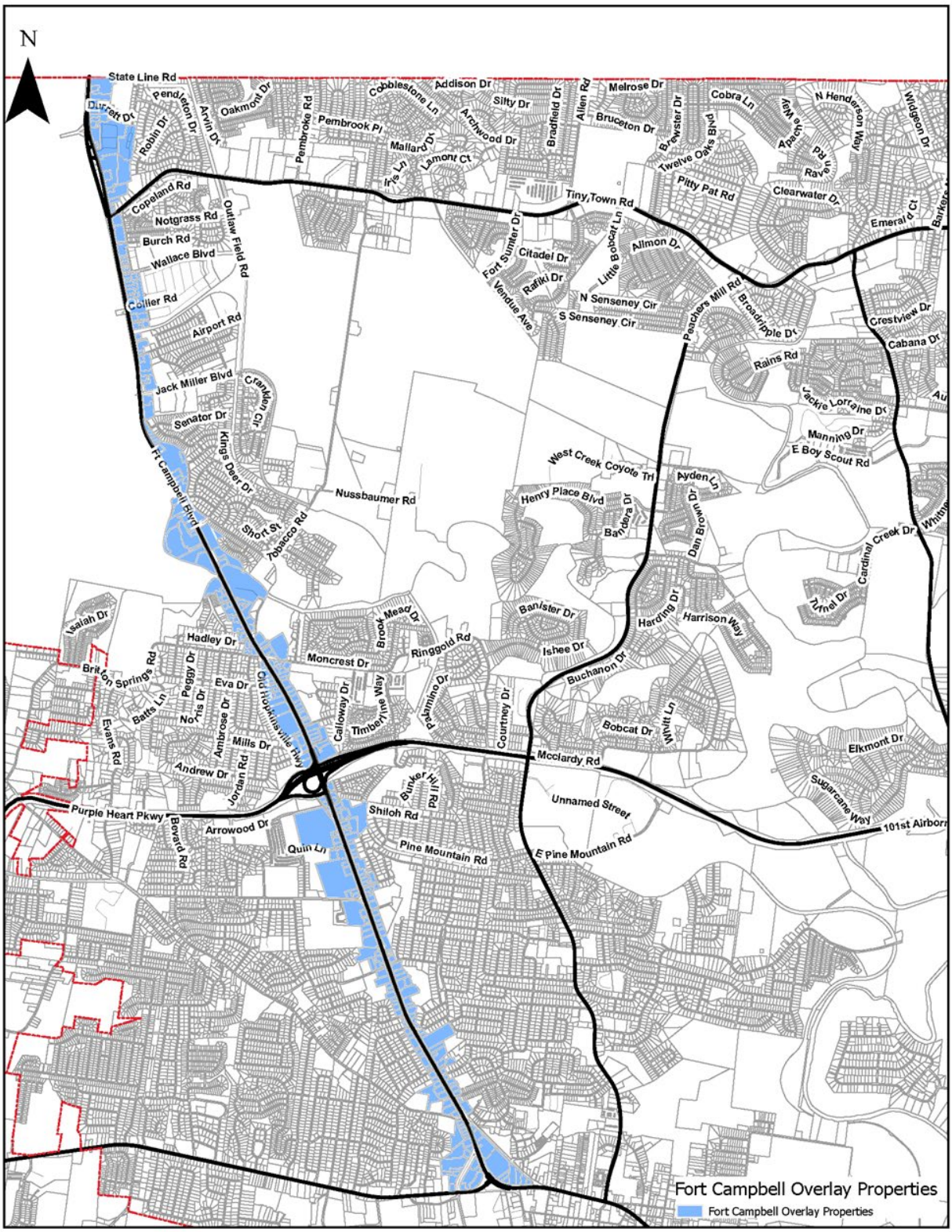
Map 9.1 Madison Street Design Overlay District Boundaries



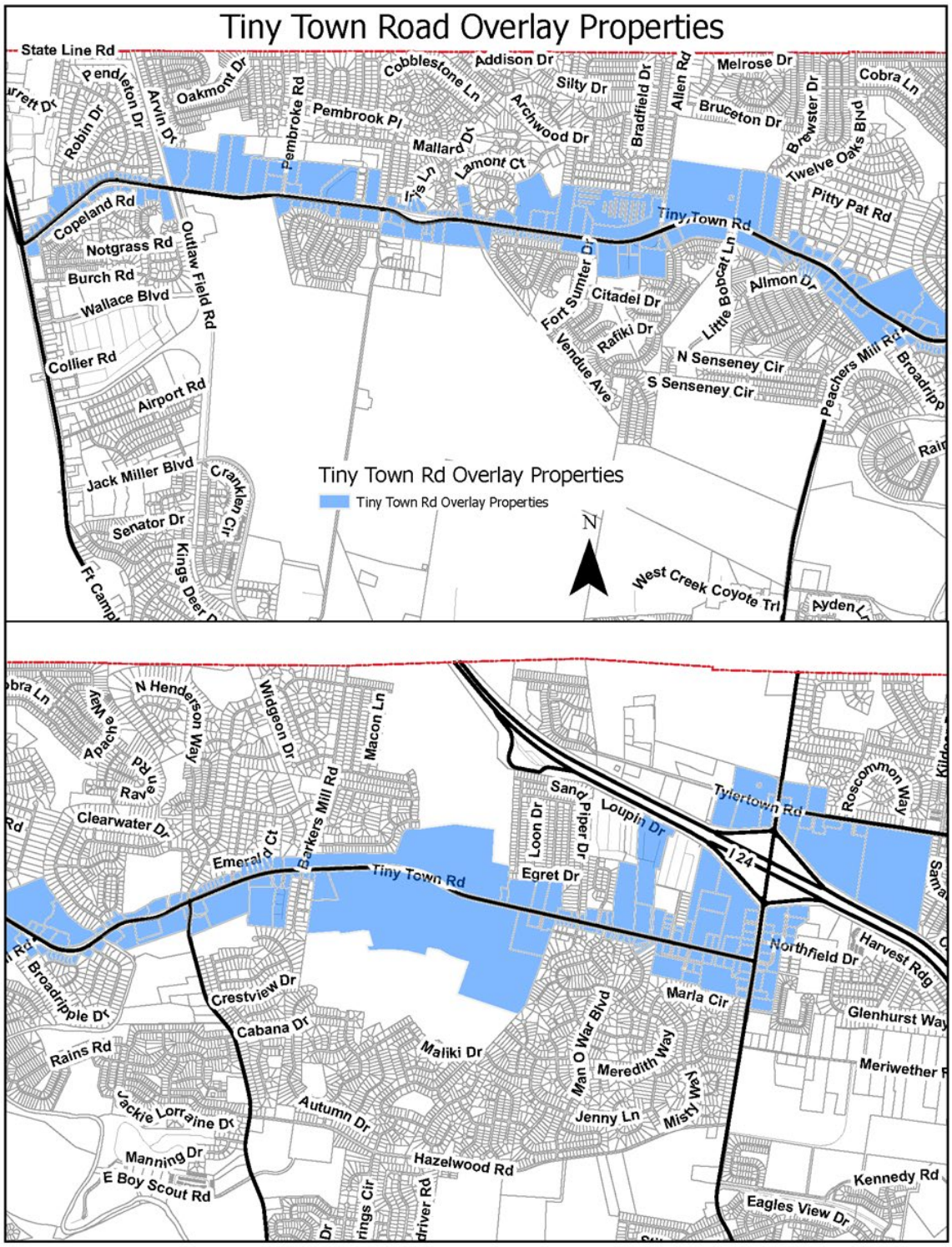
Map 9.2 Dr. Martin Luther King Jr. Parkway Design Overlay District Boundaries



Map 9.3 Fort Campbell Boulevard Design Overlay District Boundaries



Map 9.4 Tiny Town Road Design Overlay District Boundaries



9.4.4 DESIGN STANDARDS AND GUIDELINES

This section organizes the design overlay standards and guidelines into six sections: Building Standards, Architectural Treatment, Parking and Access, Signs, Landscape Screening and Buffers, and Streetscapes.

A. Boundary Maps

The design overlay districts have been divided into distinct subdistricts based on the existing and desired development characteristics in the corridors (Maps 9.5 through 9.8). Where appropriate, specific design standards have been established for each Subdistrict. The Subdistricts are described below.

Centers

Centers are intended to be the focal point of redevelopment in the corridors. Centers focus on areas with unique characteristics and development patterns:

- Walnut Hill/Liberty Parkway
- Hilldale/Memorial Drive
- Beachaven/Barksdale Elementary
- Richview Road

- Fort Campbell Boulevard
- Dover Crossing
- Cunningham / Concord
- Ringgold Mills
- Gateway

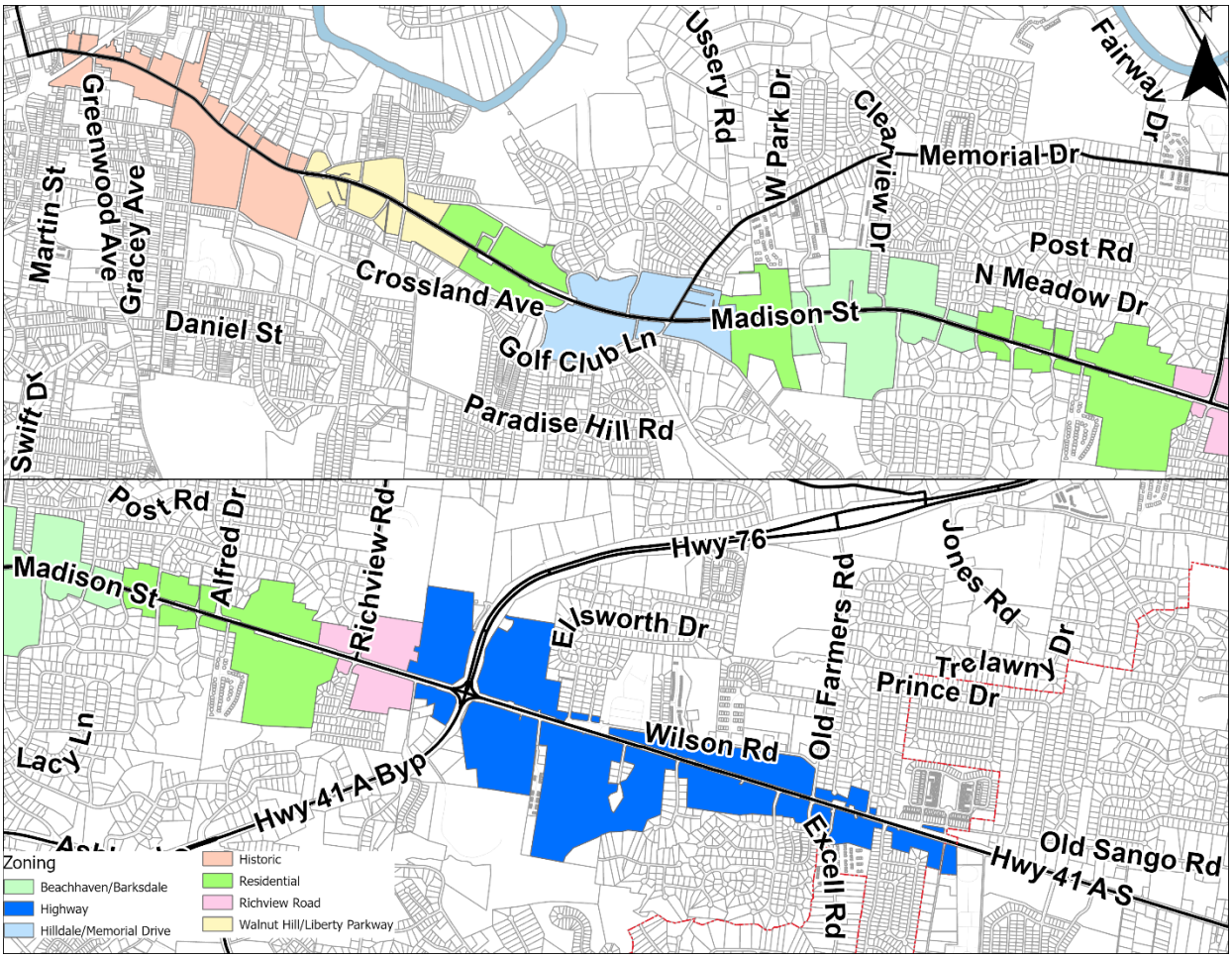
- Tiny Town Road
- Gateway
- Pembroke / Tobacco
- Allen Road
- Barkers Mill

Transitions

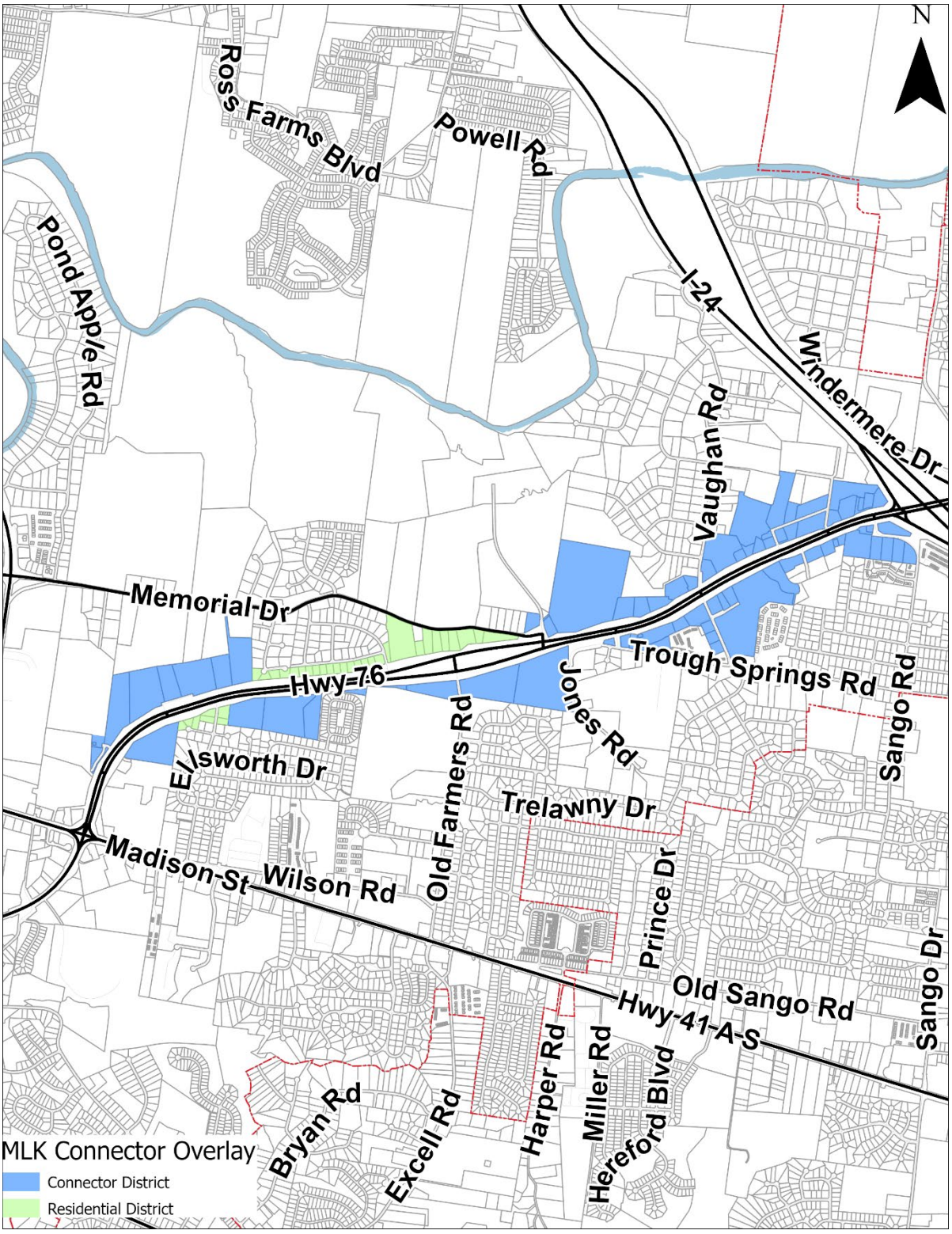
Transition Subdistricts are located between or around the Centers. Transitions are intended to reinforce the underlying base zoning building standards with quality design and materials:

- Historic
- Residential
- Highway
- Connector
- Interchange

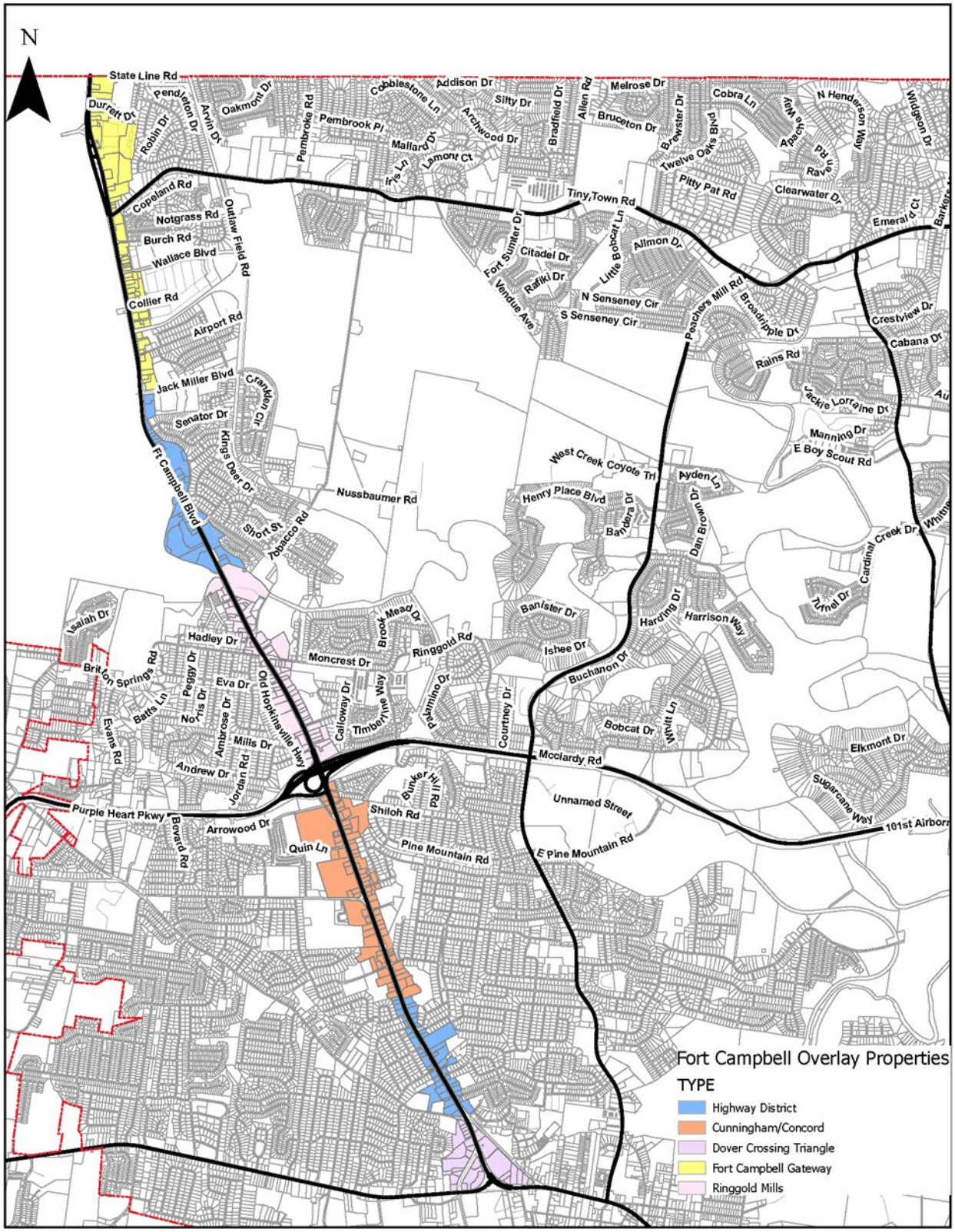
Map 9.5 Madison Street Design Overlay Subdistricts



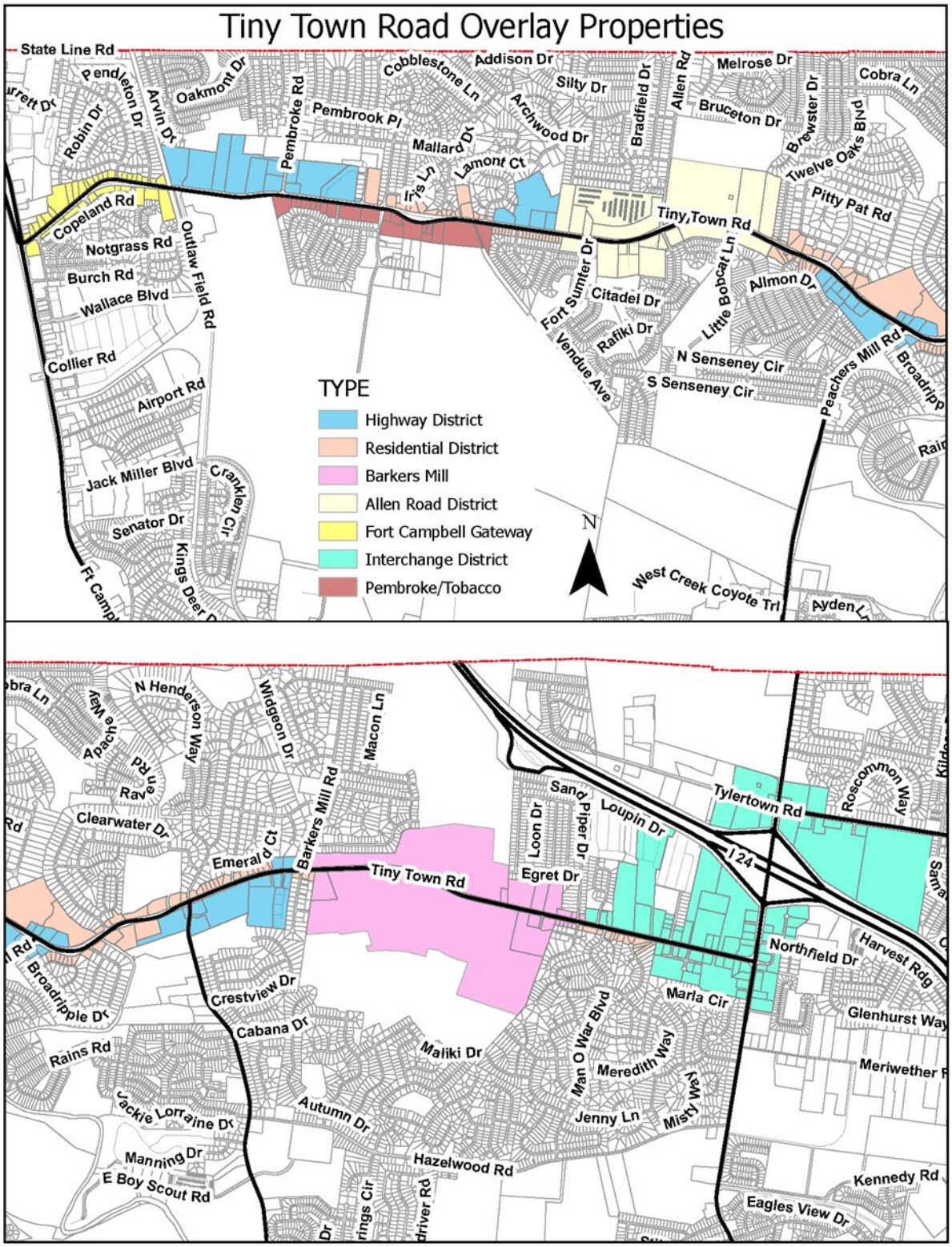
Map 9.6 Dr. Martin Luther King Jr. Parkway / Connector Corridor Design Overlay Subdistricts



Map 9.7 Fort Campbell Boulevard Design Overlay Subdistricts



Map 9.8 Tiny Town Road Design Overlay Subdistricts



B. Building Standards

The Building Standards vary by Subdistrict (Table 9.1, 9.2, & 9.3)

Goals

- Guide the placement, size, arrangement, and articulation of buildings.
- Encourage walkable, pedestrian-friendly environments within each of the Center Subdistricts that is devoid of large, unoccupied spaces.
- Create a sense of enclosure so that drivers realize they are entering unique places.
- Encourage context-sensitive design

TABLE 9.1: BUILDING STANDARDS IN THE MADISON STREET / DR MATIN LUTHER KING JR PARKWAY / CONNECTOR CORRIDOR SUBDISTRICTS

	SUBDISTRICTS				TRANSITION ZONES
STANDARD	WALNUT HILL/ LIBERTY PARKWAY	HILLDALE/MEMORIAL DRIVE	BEACHAVEN/ BARKSDALE	RICHVIEW ROAD	HISTORICAL, RESIDENTIAL, HIGHWAY, & CONNECTOR
SETBACKS					BUILDINGS SHALL BE LOCATED AND SIZED ACCORDING TO BASE ZONING
MIN. BUILDING FRONT SETBACK LINE	5 FEET	5 FEET	5 FEET	25 FEET	
MAX. BUILDING FRONT SETBACK LINE	30 FEET	30 FEET	30 FEET	50 FEET	
MIN. BUILDING SIDE SETBACK-INTERIOR LOT/COVERAGE	ACCORDING TO BASE ZONING				
MINIMUM REAR BUILDING SETBACK LINE					
ADJACENT TO RESIDENTIAL	ACCORDING TO BASE ZONING				
ADJACENT TO NON-RESIDENTIAL	5 FEET	5 FEET	5 FEET	5 FEET	
MIN. FRONT FAÇADE AT SETBACK LINE	60%	80%	60%	40%	
BUILDING CONFIGURATION					
MAX. BUILDING HEIGHT (a)	45 FEET	75 FEET	60 FEET	45 FEET	
MAX. NUMBER OF STORIES	THREE	FIVE	FOUR	THREE	
MIN. FIRST FLOOR HEIGHT	14 FEET	14 FEET	14 FEET	14 FEET	
MINIMUM % GLAZING OF STREET WALL (b) (c)					
FIRST FLOOR RETAIL	40%	70%	40%	40%	
FIRST FLOOR NON-RETAIL	40%	40%	40%	40%	
ADDITIONAL FLOORS	25%	25%	25%	25%	
LOT OCCUPATION					
MAX. LOT COVERAGE	70%	80%	70%	60%	

NOTES:
(a) Applicability of Height – Mechanical penthouse is not subject to limitation.
(b) Glazed Area of Calculations – The first floor glazed area calculation shall be based on the façade area measure to a height of fourteen (14) feet from grade.
(c) Corner Lot Glazing – On corner lots with frontage on Madison Street, the glazing shall turn the corner facing the secondary street a minimum of twenty (20) feet in length along the property frontage.
(d) Variance requests from this table shall be by the authority of the Common Design Review Board.

TABLE 9.2: BUILDING STANDARDS IN THE FORT CAMPBELL BOULEVARD SUBDISTRICTS					
	SUBDISTRICTS				TRANSITION ZONES
STANDARD	DOVER CROSSING	CUNNINGHAM / CONCORD	RINGGOLD MILLS	GATEWAY	HIGHWAY & RESIDENTIAL
SETBACKS					BUILDINGS SHALL BE LOCATED AND SIZED ACCORDING TO BASE ZONING
MIN. BUILDING FRONT SETBACK LINE	ACCORDING TO BASE ZONING				
MAX. BUILDING FRONT SETBACK LINE	ACCORDING TO BASE ZONING				
MIN. BUILDING SIDE SETBACK-INTERIOR LOT/COVERAGE	ACCORDING TO BASE ZONING				
MINIMUM REAR BUILDING SETBACK LINE					
ADJACENT TO RESIDENTIAL	ACCORDING TO BASE ZONING				
ADJACENT TO NON-RESIDENTIAL	10 FEET	5 FEET	5 FEET	5 FEET	
MIN. FRONT FAÇADE AT SETBACK LINE	40%	60%	60%	60%	
BUILDING CONFIGURATION					
MAX. BUILDING HEIGHT (a)	50 FEET	50 FEET	40 FEET	50 FEET	
MAX. NUMBER OF STORIES	4	4	3	4	
MIN. FIRST FLOOR HEIGHT	14 FEET	14 FEET	14 FEET	14 FEET	
MINIMUM % GLAZING OF STREET WALL (b) (c)					
FIRST FLOOR RETAIL	40%	60%	60%	40%	
FIRST FLOOR NON-RETAIL	40%	40%	40%	40%	
ADDITIONAL FLOORS	25%	25%	25%	25%	
LOT OCCUPATION					
MAX. LOT COVERAGE	60%	70%	70%	70%	

NOTES:

(a) Applicability of Height – Mechanical penthouse is not subject to limitation.

(b) Glazed Area of Calculations – The first-floor glazed area calculation shall be based on the façade area measured to a height of fourteen (14) feet from grade.

(c) Corner Lot Glazing – On corner lots with frontage on Fort Campbell Boulevard, the glazing shall turn the corner facing the secondary street a minimum of twenty (20) feet in length along the property frontage.

(d) Variance requests from this table shall be by the authority of the Common Design Review Board.

TABLE 9.3: BUILDING STANDARDS IN THE TINY TOWN ROAD SUBDISTRICTS

	SUBDISTRICTS				TRANSITION ZONES
STANDARD	GATEWAY	ALLEN ROAD	BARKERS MILL	PEMBROKE / TOBACCO	HIGHWAY & INTERCHANGE & RESIDENTIAL
SETBACKS					BUILDINGS SHALL BE LOCATED AND SIZED ACCORDING TO BASE ZONING (e)
MIN. BUILDING FRONT SETBACK LINE	ACCORDING TO BASE ZONING				
MAX. BUILDING FRONT SETBACK LINE	ACCORDING TO BASE ZONING				
MIN. BUILDING SIDE SETBACK-INTERIOR LOT/COVERAGE	ACCORDING TO BASE ZONING				
MINIMUM REAR BUILDING SETBACK LINE					
ADJACENT TO RESIDENTIAL	ACCORDING TO BASE ZONING				
ADJACENT TO NON-RESIDENTIAL	5 FEET	5 FEET	5 FEET	5 FEET	
MIN. FRONT FAÇADE AT SETBACK LINE	60%	60%	60%	60%	
BUILDING CONFIGURATION					
MAX. BUILDING HEIGHT (a)	50 FEET	50 FEET(e)	50 FEET	35 FEET	
MAX. NUMBER OF STORIES	4	4	4	3	
MIN. FIRST FLOOR HEIGHT	14 FEET	14 FEET	14 FEET	12 FEET	
MINIMUM % GLAZING OF STREET WALL (b) (c)					
FIRST FLOOR RETAIL	40%	60%	60%	60%	
FIRST FLOOR NON-RETAIL	40%	40%	40%	40%	
ADDITIONAL FLOORS	25%	25%	25%	25%	
LOT OCCUPATION					
MAX. LOT COVERAGE	70%	70%	70%	70%	

NOTES:

(a) Applicability of Height – Mechanical penthouse is not subject to limitation.
(b) Glazed Area of Calculations – The first floor glazed area calculation shall be based on the façade area measured to a height of fourteen (14) feet from grade.
(c) Corner Lot Glazing – On corner lots with frontage on Tiny Town Road or Trenton Road, the glazing shall turn the corner facing the secondary street a minimum of twenty (20) feet in length along the property frontage.
(d) Variance requests from this table shall be by the authority of the Common Design Review Board.
(e) Outlaw Field Airport Height Restrictions would prevail

C. Architectural Treatment Design Standards and Guidelines

The Architectural Treatment Design Standards and Guidelines apply to all sides of all structures (but not single-family detached or duplex dwelling units) within the Subdistricts and Transition Zones.

Goals

- Encourage high-quality buildings that are well-designed, visually interesting, and compatible with their surroundings.
- Support active and pedestrian-oriented public spaces throughout the corridors.

Standards and Guidelines

1.1 Facades

1.1.1 Provide entrances that are distinct and visible from the street.

1.1.2 Blank walls facing streets shall be prohibited.

1.1.3 Window and door openings shall have a vertical orientation and vertical alignment between floors.

1.1.4 The street frontage of the ground floor of all structures shall have built-out space (e.g., retail, residential, office space).

1.1.5 All commercial buildings shall have a discernible base and cap which are clearly defined by horizontal elements along the bottom and top of the building. Variations in materials and colors can help achieve this standard.

1.2 Massing

1.2.1 The maximum length of an uninterrupted facade plane shall be thirty (30) feet. Building wall offsets, projections, and recesses up to four (4) feet, and/or pilasters shall be used to break up the mass of a single building into bays.

1.2.2 Variations in solid and void within walls are encouraged to provide interest along building edges. Changes in color, material, and wall height are also encouraged.

1.2.3 The first floor of residential buildings are encouraged to be above the level of the sidewalk to increase privacy.

1.3 Materials

1.3.1 Encourage the use of simple and durable materials, especially at street level.

1.3.2 Minimize the number of building materials to three (3), with one (1) serving as the dominant cladding.

1.3.3 Appropriate exterior wall materials are:

- Brick
- Natural or artificial stone
- Concrete: finish should be architectural level
- Glass curtain wall systems

1.3.4 Appropriate materials for limited accents (approximately 10%-15%) are:

- Metal (galvanized, painted, or ornamental)
- Concrete (pre-cast or unfinished exposed concrete)
- Metal panels: individual or systems

- Wood
- Fiber cement siding and panels
- Tile
- CMU (ground or split face only)
- Exterior Insulation and Finish System (EIFS)
- Composite or Synthetic Trim (as accent only)

1.3.5 Inappropriate materials are:

- Vinyl or aluminum siding
- Mirrored glass
- Dark opaque tinted glass (on ground floor)
- Galvanized metal veneer
- Chrome and mirrored metal

1.4 Colors

1.4.1 Minimize the number of building exterior colors to three.

1.4.2 Avoid monotonous colors

1.4.3 Avoid distracting colors, arrangements, or designs

1.4.4 The color pallet should complement the structure and surrounding area

1.4.5 Subtle neutral colors are encouraged.

1.4.6 Bright, intense, or fluorescent colors are prohibited.

1.5 Roofs

1.5.1 Provide straightforward, simple roof forms free of "sculptural" or sign-like visual qualities.

1.5.2 Flat roofs with parapet walls are encouraged.

1.5.3 False mansard roofs are prohibited.

1.5.4 Rooftop equipment should be shielded away from the prominent elevation(s) of the building or screened with parapet walls or other screening

1.6 Awnings and Canopies

1.6.1 Canvas or other durable (wind-rated) material is preferred.

1.6.2 Plastic, fabric, or other material that is glossy in nature is not permitted.

1.6.3 Internally illuminated canopies are not allowed.

1.6.4 A minimum of eight (8) feet clearance is required.

1.6.5 No awning shall exceed twenty-five (25) feet in length

1.7 Retaining and Decorative Walls

1.7.1 Retaining walls visible from the street frontage(s) must meet the material requirements for the district

D. Parking and Access Design Standards and Guidelines

The Parking and Access Design Standards and Guidelines apply to all Subdistricts in the Design Overlay Districts. The Clarksville Access Ordinance will also govern all driveways and curb cuts.

Goals

- Encourage cooperation among local businesses to promote and develop shared parking and access.
- Eliminate barriers separating commercial properties in favor of pedestrian walkways between parking lots and adjacent businesses.
- Encourage shared driveways and cross access to avoid extra access to busy state roads

Standards and Guidelines

1.1 Surface Parking

1.1.1 Surface parking should be located to the side or rear of buildings and screened from streets and sidewalks, except in the Fort Campbell Boulevard and Tiny Town Road corridor, Richview Road and Dover Crossing Subdistricts and all Transitional Zones.

1.1.2 Surface parking located to the side of a building shall be limited to one double loaded aisle except in the Fort Campbell Boulevard and Tiny Town Road Corridors.

1.1.3 Lighting for all parking areas shall be appropriate in function and scale for both pedestrian and vehicular traffic.

1.1.4 The lighting style shall be ornamental and/or consistent with the surrounding architecture.

1.1.5 'Box' or 'cobra' style lighting is prohibited.

1.1.6 All illumination shall be downward facing and shielded from adjacent properties.

1.1.7 Provide perimeter landscaping and interior landscaping of surface parking lots per the Landscaping Chapter of the Zoning Ordinance.

1.2 Structured Parking

1.2.1 The ground floor of any parking structure shall have built-out space (e.g., retail, residential, office space) provided for a minimum of seventy-five (75) percent of the street frontage.

1.2.2 Wherever parking structures are permitted to front streets, walls must utilize materials, colors, and a pattern of openings consistent with surrounding buildings.

1.2.3 Any built-out space provided on the ground level of a parking structure fronting a public street shall have direct access to the street and sidewalk.

1.2.4 Parking structures built as a principal use must be of flat floor plate construction with a minimum floor to floor height of twelve (12) feet.

E. Signage and Lighting Design Standards and Guidelines

The Sign Design Standards and Guidelines apply to all Subdistricts in the Design Overlay Districts.

Goals

- Encourage a more uniform and aesthetically pleasing appearance
- Provide signage that is complementary and well-integrated for pedestrians in a walkable environment, while also legible to vehicular traffic.
- Commercial signage shall be designed primarily for the purpose of identifying a business rather than serving as advertising.

Standards and Guidelines

1.1 General

1.1.1 Signs may not be erected or altered without obtaining a Certificate of Appropriateness from the Design Review Board.

1.1.2 All signage applicants shall be required to develop and submit for review an overall signage program that exhibits a coordinated uniform theme of design elements.

1.2 Prohibited Signs

1.2.1 Animated, flashing, chasing, running, or sequential signs are not permitted.

1.2.2 All portable signs, including parked vehicles with signs expressly for advertising, are not permitted.

1.2.3 Pole banners and streamers are not permitted.

1.2.4 Refer to Chapter 8, Sign Regulations for additional regulations.

1.2.5 Projected signs from a light source

1.2.6 Electronic Message Centers (EMCs)

1.2.7 Inflatable or semi-inflatable advertising devices.

1.3 Design and Materials

1.3.1 Simple overall shapes are preferred over complex geometries.

1.3.2 Signs shall be professionally designed and constructed using high-quality materials.

1.3.3 Well designed, hand-painted signs are permitted.

1.3.4 Sign colors should be compatible with the colors of the building façade.

1.3.5 A dull or matte finish is encouraged to reduce glare and enhance legibility.

1.3.6 Signs shall not obscure key architectural elements, doors, or windows.

1.3.7 Marquee type signs for announcements of activities taking place at the location are prohibited (exceptions: churches, schools, and institutional uses).

1.3.8 Signs for multiple businesses shall be of similar material and design.

1.3.9 Channel letter signs shall have metal frames and plastic faces, or in the case of reverse channel letter signs, metal faces and frames and plastic backs.

1.4 Lighting

1.4.1 Lighted signs shall be spotlighted, externally lit, or back-lit with a diffused light source.

1.4.2 Spotlighting should completely shield all light sources; light should be contained primarily within the sign frame.

1.4.3 Backlighting should illuminate only the letters, characters, or graphics on the sign, but not its background.

1.4.4 Neon signs are discouraged.

1.4.5 Light-emitting diode (LED) exposed bulb signs, including open-face channel letter signs are prohibited.

1.4.6 Pulsating, flashing, running or rotating lights are not permitted, other than signs depicting time, temperature and gasoline prices.

1.4.7 Illuminated plastic box signs are not permitted.

1.4.8 Lighting shall be directed downward and shall not cast light pollution on adjacent properties.

1.4.9 In no instance shall lighting (parking, advertising, or security) be projected directly into the public right of way.

1.5 Permitted Signs: Awning and Canopy Signs

1.5.1 Copy limited to valance or vertical face of awning or canopy shall be no greater than fifty (50) percent of height or twelve (12) inches, whichever is less.

1.5.2 Copy limited to fifty (50) percent of horizontal width of awning.

1.5.3 Awnings without valances may have copy not exceeding thirty (30) percent of area.

1.6 Permitted Signs: Free-Standing Signs (Madison Street and Dr. Martin Luther King Jr. Parkway/ Connector Corridor)

1.6.1 Only one free-standing sign per parcel or platted lot shall be permitted, unless the parcel is a corner lot in which case two (2) shall be allowed.

1.6.2 Free-standing signs shall be supported on a solid base such as a pylon or two-column signs designed to complement the architecture of the building or complex to which it pertains.

1.6.3 A landscaped base or architecturally detailed plinth is required.

1.6.4 The height limit for a free-standing sign shall be twenty (20) feet measured from average grade of parcel.

1.6.5 Maximum sign area shall be fifty (50) square feet. For buildings with four or more tenants, City staff and the Design Review Board may allow a maximum of one hundred (100) square feet.

1.6.6 Letter height shall not exceed twelve (12) inches.

1.6.7 A portion of one free-standing sign per property may contain an electronic message center not to exceed 50 percent of the total sign area. The free-standing sign may not be exclusively an electronic message center.

1.6.8 Any changeable copy sign (signs with individual manually moveable letters and numbers) legally permitted prior to the adoption of this ordinance (September 4, 2025) may apply to convert the changeable copy sign (or portion thereof) to an electronic message center, provided that: the electronic message center is no larger than the area of the existing changeable copy sign and the electronic message center does not exceed the maximum size permitted in the design district (Section 1.6.7).

1.7 Permitted Signs: Free-Standing Signs (Fort Campbell Boulevard and Tiny Town Road Districts)

1.7.1 Only one free-standing sign per parcel or platted lot shall be permitted, unless the parcel is a corner lot in which case two (2) shall be allowed.

1.7.2 Free-standing signs shall be supported on a solid base such as a pylon or two column sign designed to complement the architecture of the building or complex to which it pertains.

1.7.3 A landscaped base or architecturally detailed plinth is required.

1.7.4 The height limit for a free-standing sign shall be thirty (30) feet measured from average grade of parcel.

1.7.5 Maximum sign area shall be one hundred (100) square feet. For buildings with four or more tenants, City staff and the Design Review Board may allow a maximum of one hundred (100) square feet.

1.7.6 Letter height shall not exceed twelve (12) inches.

1.7.7 The C-4 Highway Interchange sign exemptions found in Section 8.5.3 shall be permitted within the design district.

1.7.8 Any building with multiple tenants must utilize a Development Directory Sign. One Development Directory Sign shall be allowed per property road frontage. No additional signage for tenants in the multiple tenant building is permitted on site. If another building or tenant on the property exists outside a multiple tenant building they are permitted one on-premise low-profile sign.

1.7.9 A portion of one free-standing sign per property may contain an electronic message center not to exceed 50 percent of the total sign area. The free-standing sign may not be exclusively an electronic message center.

1.7.10 Any changeable copy sign (signs with individual manually moveable letters and numbers) legally permitted before September 4, 2025 may apply to convert the changeable copy sign (or portion thereof) to an electronic message center, provided that: the electronic message center is no larger than the area of the existing changeable copy sign and the electronic message center does not exceed the maximum size permitted in the design district (Section 1.7.9).

1.8 Permitted Signs: Monument Signs

1.8.1 Monument signs shall not exceed thirty (30) square feet in area, excluding the support

structure, and may not be more than three and one half (3 ½) in height within fifteen (15) feet of a driveway or street or five (5) feet in height otherwise.

1.8.2 A portion of one monument sign per property may contain an electronic message center not to exceed 60 percent or 18 square feet. The monument sign may not be exclusively an electronic message center.

1.9 Permitted Signs: Wall Signs

1.9.1 All signage affixed to buildings shall conform to Section 8.8 of this Ordinance, relative to signs in the Central Business District, except for properties with building front setbacks one hundred (100) feet or greater. For such properties, wall sign size shall not exceed eighty (80) percent of the width of the front façade and letter height shall not exceed thirty-six (36) inches. Exceptions may be granted by the Design Review Board based on building elevation, proportions and design.

1.9.2 Wall signs shall not extend above an eave line or parapet.

1.10 Permitted Signs: Window Signs

1.10.1 Window signs shall not cover more than fifteen (15) percent of the window area with letters not to exceed ten (10) inches in height.

1.11 Flags and Flagpoles

TABLE 9.4: FLAG AND FLAG POLE DESIGN GUIDELINES

FLAG POLE HEIGHT	FACE SIZE OF FLAG
20 – 30 feet in height	4’ X 6’ Flag
30 – 40 feet in height	5’ X 8’ Flag
40 – 60 feet in height	6’ X 10’ Flag

1.11.1 Flags shall be limited to constitutional flags only (City, County, State and Federal and the Armed Services).

1.11.2 The total number of flagpoles per parcel or platted lot shall be limited to three (3).

1.11.3 Flagpole height shall be limited to 40 feet adjacent to single-family residentially zoned property and 60 feet adjacent to other commercial and industrial zoned property.

1.11.4 Flags should be removed when damaged or discolored and disposed of in an appropriate manner

1.12 Temporary Signage

1.12.1 Real Estate signs shall be allowed as long as the property is being actively marketed for sale or lease and limited to one (1) per parcel or platted lot. Overall sign area is limited to thirty-two (32) square feet.

1.12.2 Construction signs are permitted during construction activity only. Overall sign area is limited to thirty-two (32) square feet.

F. Landscape, Buffering and Screening Requirements

The Landscape, Buffering and Screening Requirements of Chapter 7 of this Ordinance shall apply to all Subdistricts in the Design Overlay Districts.

Goals

- Develop public spaces that are pedestrian friendly, environmentally responsible and aesthetically pleasing.

Standards and Guidelines

1.1 Parking: Perimeter Screening

1.1.1 Provide perimeter landscaping of vehicular use areas per requirements of Chapter 7 of this Ordinance.

1.1.2 Exterior planting areas should be designed to allow stormwater to collect and percolate.

1.2 Parking: Interior Planting

1.2.1 Provide interior landscaping of vehicular use areas per requirements of Chapter 7 of this Ordinance.

1.2.2 Interior planting areas should be designed to allow stormwater to collect and percolate.

1.3 Zone District Boundaries: Buffers

1.3.1 The base zoning district landscape buffer standards shall apply, except as follows:

- The landscape buffer standards shall be waived along internal base zoning district boundaries within the Center Subdistricts.
- The landscape buffer standards shall be waived along base zoning district boundaries that coincide with the Center Subdistricts whenever (1) the abutting base zoning district outside of the Center Subdistricts is a non-residential district, or (2) the base zoning district boundary is in a public street.

1.4 Screening of Equipment

1.4.1 All HVAC, heating, cooling, air handlers, walk-in coolers/freezers, or large electrical equipment shall be screened from the prominent elevation of the building to the street. Place this equipment, where possible, on the back sides of buildings or use vegetation or other screening as appropriate

G. Streetscape Design Standards and Guidelines

The Streetscape Design Standards and Guidelines shall apply to all Subdistricts along Madison Street.

Goals

- Develop a distinct identity and street character for the corridor.

Standards and Guidelines

1.1 General

1.1.1 This section relates primarily to standards and guidelines for the reconstruction of public streets by government or private developers along the corridor.

1.1.2 A specific and unique design theme is encouraged for landscaping, street furniture and

lighting for each Center Subdistrict along the corridor.

1.1.3 Minimum roadside (planting strip and sidewalk) width in residential areas is eight (8) feet and in commercial areas is ten (10) feet.

1.2 Sidewalks

1.2.1 New building construction is required to provide sidewalks along all road frontages consistent with the guidelines described below.

1.2.2 Sidewalks adjacent to ground level retail space should have a width of six to eight (6 to 8) feet with a planting strip or eight to ten (8 to 10) feet without a planting strip.

1.2.3 Appearance of sidewalk (scoring pattern or special paving) should be maintained across driveway and alley access points.

1.2.4 The provision of pedestrian crossings should be given the highest priority in the Walnut Hill/Liberty Parkway, Hilldale/Memorial Drive, and Beachaven/Barksdale Subdistricts.

1.2.5 Provide marked crosswalks at all signalized intersections for all legs of the intersection.

1.2.6 The use of crosswalk materials that are significantly different in color, texture and design is encouraged.

1.2.7 At unsignalized or uncontrolled crossings, in areas such as school zones or where there is a substantial pedestrian presence, special emphasis markings should be used to increase visibility.

1.3 Landscaping

1.3.1 Tree species and planting techniques should be selected to create a unified image for the street.

1.3.2 Planting strips between curb or edge of pavement and sidewalks should be a minimum of three (3) feet in residential areas and four (4) feet in commercial areas.

1.3.3 Street trees should be planted in continuous planting strips between the curb and sidewalk spaced twenty-five (25) feet on center along Madison and intersecting streets. On internal streets, street trees should be planted in discrete tree and planting openings, or in wells with grates in especially constrained contexts.

1.3.4 Planting strips and openings should be designed to allow stormwater to collect and percolate.

1.3.5 At transit stops, planting strips should be discontinued and a clearance four (4) feet wide provided from the curb for wheelchair access.

1.4 Street Furniture

1.4.1 Select the type, design, and materials of street furniture to reflect the desired character and identity of the corridor.

1.4.2 Street furniture, such as benches, bicycle racks, kiosks and trash receptacles are appropriate in all subdistricts.

1.4.3 Priority locations for street furniture include transit stops, major building entries, mixed use locations, and parks.

1.4.4 Newspaper boxes also contribute to the convenience and pedestrian feel of a street, but should be organized to avoid visual clutter.

1.5 Lighting

1.5.1 Street lighting should be pedestrian scale, decorative and provided in all Center Subdistricts. It should increase in scale at intersections.

1.5.2 The lighting should be selected in conjunction with the street furniture.

H. Project Approval Process

To ensure consistency with these standards and guidelines, the Common Design Review Board aided by the Clarksville-Montgomery Regional Planning Commission staff will review all projects in the Clarksville Design Overlay Districts that require demolition, building and sign permits, or that make modifications to the exterior appearance of buildings, landscaping and parking. Existing nonconforming structures, unforeseen physical conditions, and subsequent architectural programmatic constraints may warrant exceptions to the guidelines. In such cases, the Common Design Review Board and planning staff will review alternative design solutions as they relate to the intent of the standards and guidelines and accept alternatives that present the best urban design solution. Where a single use or purpose spans more than one subdistrict, the Common Design Review Board and planning staff will explore alternative solutions with the developer that achieve the design intent of the standards and guidelines. The Clarksville-Montgomery County Regional Planning Commission will review site plans as required by Chapter 5.10 of this Zoning Ordinance.

1.1 General Directions

1.1.1 The authority of the Common Design Review Board to uphold the Overlay Districts standards is limited to the standards and guidelines contained in this ordinance.

1.1.2 Any approval by the Common Design Review Board is contingent on zoning and building permits issued by the Clarksville Building and Codes Department and cannot be interpreted as taking precedence over the building code or zoning ordinance.

1.1.3 Other ordinances, or parts thereof, which are inconsistent with or are in conflict with the specific provisions of this ordinance are expressly superseded by this ordinance and are to be controlled by the provisions of this ordinance.

1.1.4 Existing base district standards that are not varied by provisions set forth in this ordinance shall apply within the Design Overlay Districts.

1.2 Step One/Application

1.2.1 The first step in undertaking a project in the Design Overlay Districts is to contact and request an application from the Regional Planning Commission.

1.2.2 The Regional Planning Commission staff will provide the applicant with the published

guidelines and standards (this document and any future amendments) for projects within the various Design Overlay Districts. It is recommended that the applicant become familiar with the guidelines and standards prior to planning the project and before the development of any working drawings.

1.2.3 The applicant must submit one set of the following documents signed by the applicant that will be retained by the Planning Commission:

- Copies of the proposed site plan (to an engineering scale) showing all site improvements such as buildings, walls, walks, parking, signs, plant materials, and lighting.
- Completed color exterior elevations (1/8th" = 1' architectural scale minimum).
- Exterior painting schedule (Color name/ brand).
- Samples of exterior materials including brick, stone, metals, glass, and roofing.
- Detailed scale drawings of awnings, canopies and signs, indicating proposed colors.
- Color photographs of all sides of the existing exterior for remodeling, rehabilitation, or demolition. For new demolition, remodeling, and construction, photographs shall show contiguous properties.

1.3 Step Two/Design Review Board

1.3.1 The applicant shall appear before the Common Design Review Board at a regularly scheduled meeting to present the application.

1.3.2 Should the application indicate alterations, remodeling, or repairs that are not governed by this ordinance, the Common Design Review Board may exempt the application from the provisions of the urban design overlay district.

1.4 Step Three/Approval or Redirection

1.4.1 After a careful review of the presentation, the Common Design Review Board will act to approve, conditionally approve, or disapprove the application. The Building and Codes Department will then review the approved project for zoning and code compliance when the drawings and specifications are completed and submitted to the department.

1.4.2 If the project is disapproved, the Common Design Review Board and Regional Planning Commission Staff will strive to assist the applicant by providing guidance and redirection of the project. It will then be necessary to present the project to the Board at another regularly scheduled meeting. A building permit shall not be issued until such time as the proposed project receives final approval from the Common Design Review Board.

1.5 Appeals Process

1.5.1 The Regional Planning Commission shall hear and decide appeals from any order, requirement, decision or determination made by the Design Review Board or Regional Planning Commission staff where it is alleged by the applicant in writing that Design

Review Board or Planning Commission staff acted illegally, capriciously, or arbitrarily. Such appeal shall be made within sixty (60) calendar days of said order, requirement, decision or determination.

9.5 DOWNTOWN URBAN DESIGN OVERLAY DISTRICT

9.5.1 Ordinance Purpose

The purpose of the Downtown Urban Design Overlay District (DUDOD) is to enhance the quality, image, and economic vitality of Downtown Clarksville. Accordingly, the DUDOD imposes urban design guidelines to coordinate the physical improvements that will be made in this important geographic area by private entities. Regulations are limited to the most fundamental aspects of new buildings (height, width, setbacks, roof form, and rhythm of façade openings), key design elements of existing buildings (openings, entrances, and roof forms), site issues (parking, landscaping, lighting, etc.), and signage. The implementing guidelines exclude work not visible from a public street. Single-family houses being used as a residence are the only category of building type exempt from review.

9.5.2 Common Design Review Board

A. Composition of the Board

The Common Design Review Board shall consist of eleven (11) members who shall have been bona fide residents of the area of jurisdiction of Montgomery County, being at least twenty-one years of age, for not less than three (3) years immediately prior to appointment and who shall continue to be so eligible as long as they serve. The Board shall be made up of the following:

The seven members of the Clarksville-Montgomery County Regional Historic Zoning Commission (per the City Zoning Ordinance and County Zoning Resolution) consisting of:

a) A representative of a local patriotic or historical organization;
b) An architect, if available;
c) One (1) representative of the Clarksville City Council;
d) One (1) representative of the Montgomery County Commission;
e) One (1) representative of the Clarksville-Montgomery County Regional Planning Commission; and
f) Two members of the general public.

Plus, four members who are not members of the Clarksville-Montgomery County Regional Historic Zoning Commission or the Clarksville-Montgomery County Regional Planning Commission.

Any appointed architect may practice in the public and/or private sectors. However, they must recuse themselves from discussions and voting on any Certificate of Appropriateness (COA) applications for which they may have a conflict of interest.

B. Appointment of the Board Members

The appointment of the members of the Common Design Review Board who are not also members of the Clarksville-Montgomery County Regional Historic Zoning Commission is as follows: The Mayor of the City of Clarksville shall appoint the four members of the general public who reside or conduct business in the City of Clarksville; and the appointments of the Mayor shall be subject to confirmation by the City Council.

C. Board Member Terms, Compensation, Removal, and Vacancies

CDRB members shall serve five (5) year terms. However, the members appointed initially shall be appointed for staggered terms so that the terms of at least one (1) member, but not more than two (2) members, shall expire each year. The term of the member nominated from the Regional Planning Commission shall be concurrent with their term on the Regional Planning Commission. All members shall serve without compensation, and they may be removed from membership by the appointing authority for just causes. Any member being so removed shall be provided, upon request, a public hearing on the removal decision before the City Council and County Commission. Vacancies on the CDRB shall be filled for the unexpired term of those members whose position has become vacant in the manner herein provided for the appointment of such member. Vacancies shall be filled within sixty (60) days following their removal. The CDRB may adopt rules and regulations consistent with the provisions of this Section.

D. Powers and Duties of the Board

The CDRB shall have the following powers and duties:

a) To make recommendations to the City Council on the adjustment of boundaries of the existing Downtown Urban Design Overlay District (DUDOD).

b) To adopt Design Guidelines, to review applications for Certificates of Appropriateness (COA) based upon those guidelines, and to make decisions on COA applications for proposed reviewable alterations to properties in the DUDOD.

c) To secure the services of experts in urban design, historic preservation, architecture, landscape architecture, structural engineering, and similar disciplines to assist the CDRB in carrying out its responsibilities in accordance with this ordinance.

d) Fees shall be established by the Regional Planning Commission.

E. Election of Officers, Rules and Meetings

The CDRB shall elect from its members its own Chairman and other officers deemed appropriate to carry out its purpose. However, only members of the Common Design Review Board who are also members of the Regional Historic Zoning Commission are eligible for

election to the position of chairman and vice chairman. The CDRB shall adopt Rules of Order for conducting meetings and establish regular meeting dates.

F. Conflict of Interest

Any member of the CDRB who has a direct or indirect interest in any property or COA applicant that is the subject matter of, or affected by, a decision of the Board shall be disqualified from participating in the discussion, decision, or proceedings of the CDRB in connection therewith.

G. Right of Entry Upon Land

The CDRB, its members, employees, and authorized experts, may enter upon any land within its jurisdiction and make examinations and place or remove public notices as required by this section as part of their work. However, there shall be no right of entry into any building without the consent of the owner.

H. Liability of CDRB Members, Employees and Authorized Experts

Any CDRB member, employee, and authorized expert acting within the powers granted by this section is relieved from all personal liability for any damage and shall be held harmless by the City and County governments. Any suit brought against any CDRB member, employee or authorized expert shall be defended by a legal representative furnished by the City of Clarksville or Montgomery County, until the final termination of the procedure.

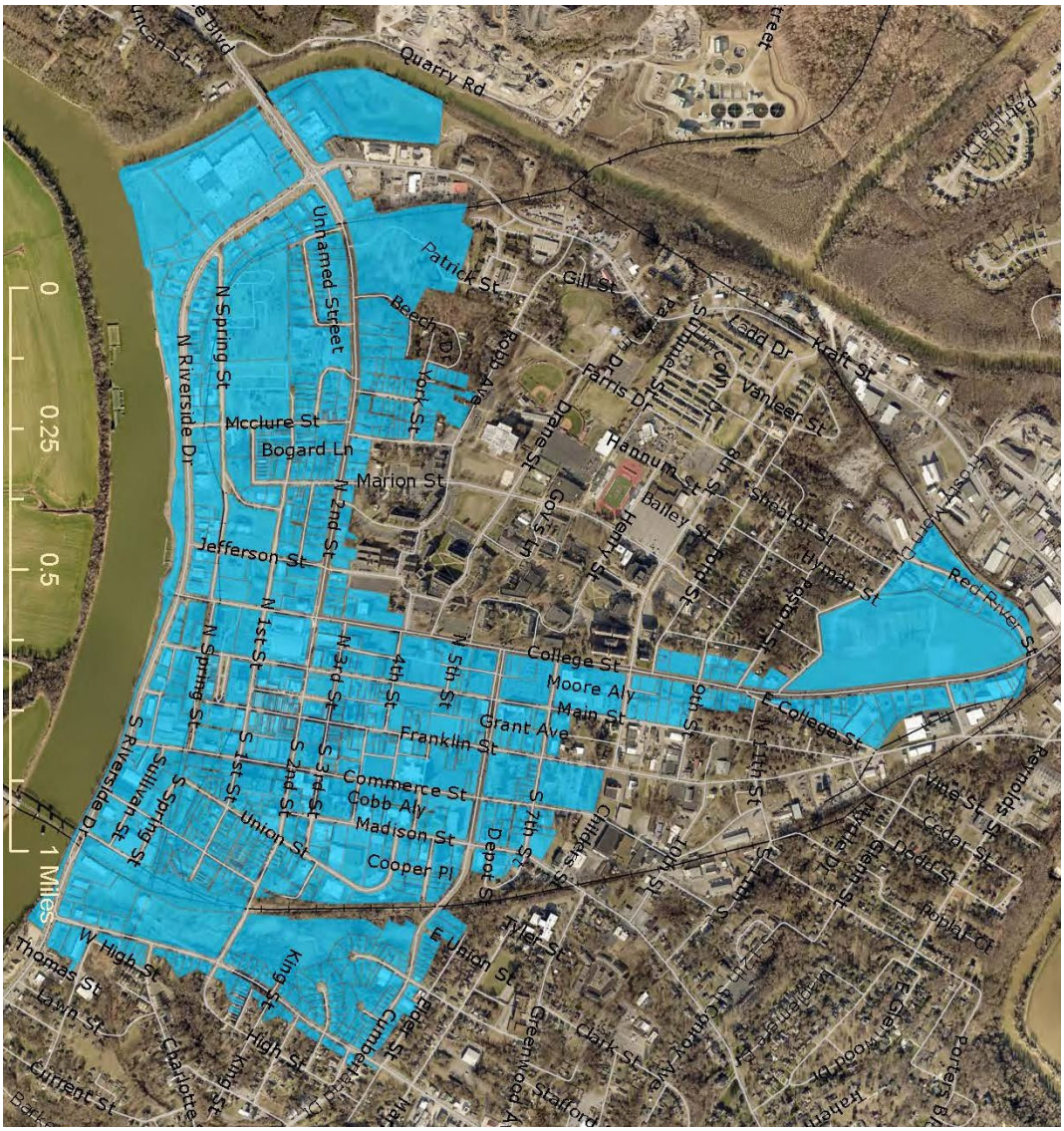
9.5.3 Boundary and Revisions to the Downtown Urban Design Overlay District

The CDRB may initiate revisions to the boundaries of the DUDOD. Likewise, the Regional Planning Commission or City Council may do the same.

A. Designation of District Boundary

The DUDOD is a geographically definable area that possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects that are united by a cohesive urban character through its physical development. The geographic boundary of the DUDOD shall be those properties depicted in “Image 9.1 Downtown Urban Design Overlay District Boundary”. Any expansions or contractions of the DUDOD boundaries should conform with those criteria.

Figure 9.1 Downtown Urban Design Overlay District



B. District Boundary Revisions Process

The process for revising zoning districts is described in *Section 11.4: Amendments* of the zoning ordinance. A summary of that detailed process includes the following key elements, including the few deviations for the DUDOD:

a) *Initiation of the Process:* A proposed change of the DUDOD boundaries may be initiated by the CDRB, City Council, or the Regional Planning Commission.

b) *Scheduling of a Hearing:* Upon receipt of the valid application, the CDRB staff shall schedule a hearing with the CDRB, having first given at least fifteen (15) days notice thereof by one publication in a newspaper of general circulation for the DUDOD map amendment.

c) *CDRB Hearing:* Any proposed DUDOD map amendment shall first be submitted to and approved by the CDRB. Notice should have been given at least fifteen (15) days prior to the hearing in a newspaper of general circulation.

d) *Planning Commission Hearing:* Following approval by the CDRB, any proposed DUDOD map amendment shall next be submitted to the Regional Planning Commission for consideration. Notice should have been given at least fifteen (15) days prior to the hearing in a newspaper of general circulation.

e) *City Council Hearing:* If the proposed DUDOD map amendment is disapproved by the Regional Planning Commission, a favorable vote of the majority of the entire membership of the City Council must be secured for the amendment to be approved.

Upon the boundary revisions of the DUDOD, the boundaries shall be updated in this ordinance section (Image 9.1) and may be viewed via the Regional Planning Commission's and the CDRB's readily available information. No structure shall be constructed, altered, repaired, moved, or demolished or signage added in the DUDOD unless the action complies with the requirements set forth in this section. Alterations and repairs to the interiors of buildings are not subject to these requirements, and single-family detached houses are also exempt from review.

C. Relationship of the Downtown Urban Design Overlay District (DUDOD) to Zoning

Zoning districts are considered to be underlying "base districts" and they regulate the most fundamental aspects of land use and development, including permitted and conditional uses, residential densities and non-residential intensities, and building heights and setbacks. The DUDOD is considered to be an "overlay district" in which another layer of regulation applies to the underlying base districts. Where conflicts occur between the requirements of the underlying base zoning district and those of the DUDOD for any given property, the zoning district requirements shall supersede those of the DUDOD in all matters related to land use, density and intensity. Where conflicts exist regarding design issues, including lot widths, building heights, building setbacks, and similar design issues, the requirements of the DUDOD shall supersede those of the underlying base zoning district.

9.5.4 Design Guidelines and Design Review

1. Adoption of Design Guidelines

This ordinance for the DUDOD functions as enabling legislation that addresses the legal and administrative aspects of the district. It intentionally does not include the actual design-related standards to be applied to properties within the district. The CDRB shall approve a separate Design Guidelines document to be utilized in the consideration of applications for a Certificate of Appropriateness (COA). While it is a separate document from this ordinance, the Design Guidelines shall carry the same legal authority as given to other formally adopted zoning and

development regulations. Following approval by the CDRB, the Design Guidelines shall be approved and adopted by the Regional Planning Commission.

2. Design Review Process

A. Step One - Application

The first step in undertaking a project in the DUDOD is to submit an application to the CDRB. It is recommended that the applicant become familiar with the guidelines prior to planning the project and before the development of any working drawings. The applicant must submit one set of the following documents signed by the applicant that will be retained by the CDRB:

- Copies of the proposed site plan (to an engineering scale) showing all site improvements such as buildings, walls, walks, parking, signs, plant materials, and lighting.
- Completed color exterior building elevations (1/4th" = 1' architectural scale minimum, although 1/8th" or 3/16th" = 1' may be acceptable for larger buildings with staff approval)
- Exterior painting schedule (color name and brand). Painting should not detract from any nearby historic structures.
- Samples of proposed exterior materials (brick, stone, metals, glass, roofing, etc.).
- Color photographs of all sides of the existing building's exterior for remodeling, rehabilitation, or demolition. Photographs shall also show contiguous properties.

B. Step Two – Appearance Before the CDRB

Regular meeting dates and times, and the deadline for submitting complete applications for each regular meeting, shall be established by the CDRB. The applicant shall appear before the CDRB at a regularly scheduled meeting to present the application. All meetings of the board shall adhere to the Tennessee Open Meetings Act (TCA sec. 8-44-101, et seq.), and the CDRB will provide an opportunity for public comment. Should the application indicate proposed work that is not governed by this ordinance, the CDRB staff may exempt the application from the provisions of the Design Guidelines. Also, if the application is for proposed work that can be approved administratively by CDRB staff (Minor Work), the applicant will not be required to appear before the CDRB.

C. Step Three – Approval, Conditioned Approval, or Disapproval

After review of the application and presentation, the CDRB will Approve, Conditionally Approve, or Disapprove the application. An Approval requires no changes by the applicant to the submitted application and plans. A Conditional Approval comes with revisions to the submitted application and plans required by the CDRB and agreed upon by the applicant as part of the CDRB approval.

Approval or Conditional Approval: Upon Approval or Conditional Approval of any application, the CDRB shall transmit a report to the City Building Official stating the basis upon which such approval was made, and cause a Certificate of Appropriateness (COA) to be issued to the applicant. Upon failure of the CDRB to take final action within thirty (30) days after receipt of a complete application, the case shall be deemed approved, except when mutual agreement has been made for an extension of the time limit. When a COA has been issued, a copy shall be transmitted to the City Building Official who shall inspect the construction or alteration of the exterior approved by such COA, and report to the CDRB any work not in accordance with the COA before issuing a Certificate of Zoning Compliance.

Disapproval: In the case of Disapproval of any application, the CDRB shall state the reasons therefore in a written statement to the applicant in terms of design, arrangement, texture, color, material, and the like of the property involved. Notice of such Disapproval and a copy of the written statement of reasons shall also be transmitted to the City Building Official.

COA approval will vest per T.C.A. 13-3-413 and will expire after three (3) years of being issued if no construction or permit activity has begun on the project.

3. Contributing Resources

Contributing resources can include buildings, structures and other features of a property that are considered to be contributing to the overall character and architectural or historic integrity of the DUDOD. Resources not meeting this definition are considered to be Non-Contributing Resources. Details relating to this issue are addressed in the Design Guidelines that supplement this ordinance. However, a typical Contributing Resource is a building that contributes positively to the character and visual continuity of the district. The Design Guidelines are more permissive for Non-Contributing Resources than for Contributing Resources with respect to alterations, removal, demolition or redevelopment so long as the proposed actions do not make the resource even more incompatible with the DUDOD.

4. Building Permits

The City Building Official shall not issue any permit for the construction, reconstruction, alteration, or extension of a building or other structure within the DUDOD, nor shall any other agency issue a permit for the demolition or removal of any building or other structure within said district without first submitting a Certificate of Appropriateness (COA) application with all exterior plans, elevations, and other information necessary to be passed upon by the CDRB. In the case of applications for demolition of a building or structure deemed to be "Contributing" (contributing to the character of the district), plans or other information for the subject property shall be required to be submitted by the applicant. See Section 4.6 below for the approval process for proposed demolitions.

5. Proposed Actions Subject to Design Review

It shall be the duty of the CDRB to decide on COA applications for properties within the DUDOD in which the following types of actions are proposed:

A. Constructing new buildings or structures
B. Altering the exterior of any building or structure with respect to its openings, entrances or roof forms
C. Demolishing a portion or all of a building or structure – a delay may be required per 4.6 below
D. Installing new or altering the size of existing signs
E. Making site alterations related to off-street parking areas, drives accessing the property, sidewalks along the public right-of-way, landscaping, or lighting
F. The CDRB shall not review and regulate the interior of buildings or structures, any work not visible from a public street, and work related to single-family detached houses.

6. Building Removal or Demolition

In the event an application for removal or demolition of a building or other structure within the DUDOD that has been deemed by the CDRB as "contributing" to the character of the district is submitted or such demolition is required, the governmental agency receiving such request or initiating such action shall transmit a copy thereof to the CDRB. The applicant must submit a COA application for such proposed action, and the CDRB shall decide upon the application based upon the relevant criteria within the DUDOD Design Guidelines. The CDRB has the authority to delay the action for one hundred and twenty (120) days to identify a buyer (including the CDRB) to save the building or structure.

7. Unreasonable Economic Hardship

When a claim of Unreasonable Economic Hardship is made due to the effect of this ordinance, the owner of record must present evidence sufficient to prove that, as a result of the CDRB's action, he is unable to obtain a reasonable return or a reasonable beneficial use.

A. Hardship as an Appeal Process

The step for addressing an Unreasonable Economic Hardship can only occur after the CDRB has denied approval for a Certificate of Appropriateness (COA). Thus, it is a built-in appeal process that is not based upon the merits of the denied application, but rather solely on the issue of Unreasonable Economic Hardship.

B. Required Property Information

The owner of record shall submit by affidavit to the CDRB for its review information that shall include, but not be limited to, the following:

1. Date the property was acquired by its current owner;
2. Price paid for the property (if acquired by purchase) and the relationship (if any) between the buyer and the seller of the property;
3. Mortgage history of the property, including the current mortgage, if applicable;
4. Current market value of the property;
5. Equity in the property (the portion of a property's value that an individual owns outright, free and clear of any debts or liens);
6. Past and current income and expense statements for a three (3) year period;
7. Past capital expenditures during ownership of current owner;
8. Appraisals of the property obtained within the previous three (3) years; and
9. Income and property tax factors affecting the property.

The CDRB may require that an applicant furnish additional information relevant to its determination of Unreasonable Economic Hardship. The CDRB may also receive and consider studies and economic analyses from other public agencies and from private organizations relating to the property in question.

C. Decision Process

Should the CDRB determine that the owner's present return is not reasonable, it must consider whether there are other uses currently allowed that would provide a reasonable return and whether such a return could be obtained through investment in the property for rehabilitation purposes. Should the applicant satisfy the CDRB that he will suffer an Unreasonable Economic Hardship if a COA's disapproval is not reversed, such COA disapproval must be reversed by the CDRB.

8. Appeals from CDRB Decisions

The Regional Planning Commission shall hear and decide appeals from any order, requirement, decision, or determination made by the Common Design Review Board or Regional Planning Commission staff where it is alleged by the applicant in writing that the Common Design Review Board or Regional Planning Commission staff is in error or acted arbitrarily. Such appeal shall be made within sixty (60) calendar days of said order, requirement, decision or determination.

9. Public Safety Exclusion

None of the provisions of this ordinance shall be construed to prevent any action of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any resource, or part thereof, where such condition has been declared unsafe or dangerous by the City Building Officials or the Fire Department and where the proposed actions have been declared necessary by such authorities to correct the said condition. However, only such work as is necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event any Contributing Resource located within the DUDOD shall be damaged by fire or

other calamity to such an extent that it cannot be repaired and rehabilitated, it may be removed in conformity with normal permit procedures and applicable laws, provided that:

A. The City Building Officials concur with the property owner that the resource cannot be repaired and restored and so notifies the CDRB in writing.

B. The CDRB, if in doubt after receiving such notification from the City Building Officials, shall be allowed time to seek outside professional expertise from an independent structural engineer experienced with older buildings before issuing a COA for the demolition. The CDRB may indicate in writing by letter to the City Building Officials that it will require a time period of up to ninety (90) days for this purpose, and, upon such notification to the City Building Officials, this section shall be suspended until the expiration of such a delay period.

10. Penalties for Ordinance Violations

Any person, firm, corporation or agent, who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, demolish or move any structure, or has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of this code shall be prosecuted within the limits provided-by state or local laws in accordance with section 4-601.h of the Clarksville City Code and Chapter 11.9 of this ordinance.

9.5.5 Severability

1. Ordinance Provisions

If any court of competent jurisdiction invalidates any provision of this ordinance, then such judgment shall not affect the validity and continued enforcement of any other provision of this ordinance.

2. Ordinance Application

If any court of competent jurisdiction invalidates the application of any provision of this ordinance to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other building, structure, or situation not specifically included in that judgment.

3. Conditions of Approval

If any court of competent jurisdiction judges any condition attached to the approval of a COA application invalid, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

CHAPTER 10: NON-CONFORMING BUILDINGS, STRUCTURES, USES AND LOTS

10.1 GENERAL

In order to protect the health, safety, and general welfare of the community, land uses and structures which legally existed upon the effective date of this Ordinance, but which are not in conformance with all of the provisions of this Ordinance, shall be subject to the provisions of this section.

Non-conformities are allowed to continue in accordance with the requirements of this section. These provisions shall be applied in a manner consistent with and to the fullest extent permitted by Tennessee Code Annotated Section 13-7-208.

10.2 ALTERATION OR ENLARGEMENT OF BUILDINGS AND STRUCTURES

For uses not otherwise protected by TCA Section 13-7-208, a nonconforming building or structure shall not be added to or enlarged in any manner unless the additions or enlargements are made to conform to all of the regulations of the district in which it is located.

Minor repairs and normal maintenance that are required to keep nonconforming uses, structures, lots of record, and signs in a safe condition are permitted, provided the minor repair or maintenance does not extend, expand, or enlarge the nonconforming use, structure, lot of record, or sign, or involve any change in use. For the purposes of this subsection, "minor repair or normal maintenance" shall mean:

1. Maintenance of Safe Condition. Repairs necessary to maintain a nonconforming use, structure, lot of record, or sign in a safe condition;
2. Correction of Damage or Deterioration. Repairs necessary to correct any damage or deterioration to the structural soundness or interior appearance of a structure without altering the structure; and
3. Maintenance of Land for Safety. Maintenance of lot or site areas to protect against health hazards and to promote the safety of surrounding uses.

10.3 NONCONFORMING USES

1. Continuation. Unless otherwise protected by TCA Section 13-7-208, a nonconforming use may continue subject to the conditions herein.
2. Discontinuance of Use. When a nonconforming use has been inactive, abandoned, or discontinued for a period of twelve (12) months, the land and its associated improvements shall thereafter be used only in accordance with the provisions of this Ordinance. An intent to resume activity shall not qualify the property for a continuation of the nonconforming use.
3. Change in use. Nonconforming uses shall not be replaced with another use unless that use conforms to the requirements of this ordinance.
4. Change in Ownership or Tenancy. Changes of ownership, tenancy, or management of an existing nonconformity are permitted, but shall continue to be subject to the requirements of this section.

10.4 NONCONFORMING STRUCTURES

1. Continuation. Unless otherwise protected by TCA Section 13-7-208, the use of a nonconforming structure may continue subject to the conditions herein.
2. Enlargement. Nonconforming structures may not be expanded, enlarged, or altered in any way that increases the degree of nonconformity. For example, a structure that has a five-foot side yard setback where this ordinance requires a ten-foot side yard setback cannot be enlarged so as to further encroach into the ten foot setback.
3. Damage or Destruction of Nonconforming Structures. A nonconforming structure that sustains damage by any voluntary or involuntary means of less than fifty (50) percent of its total floor area may be reconstructed. If damage exceeds fifty (50) percent of the total floor area, the structure shall be reconstructed, in its entirety, in accordance with all applicable provisions of this ordinance. If requested by the property owner, the Building Official may consider percentage of reconstruction cost in lieu of percentage of floor area damaged or destroyed. The value of land shall be excluded.

10.5 NONCONFORMING LOT AREA

1. Single-Family Residence Allowed. Where a lot of record as of November 7, 1974 had less area or less width than herein required for the district in which it is located, the lot may nonetheless be used for a single-family dwelling, provided that such single-family dwelling is a use permitted within the district. A side yard of no less than five (5) feet shall be provided and the sum of the two (2) side yards shall not be less than ten (10) feet.
2. Nonconforming Subdivision Lots. Lots within subdivisions with an active preliminary plat or final approval date prior to the effective date of this Ordinance shall be permitted to retain their approved lot area, minimum lot width, minimum required yards, and minimum required open space.

10.6 OUTDOOR ADVERTISING SIGNS AND STRUCTURES

1. Continuation. Unless otherwise protected by TCA Section 13-7-208, nonconforming outdoor advertising signs and structures may continue subject to the conditions herein
2. Damage or Destruction. In the event that a nonconforming sign is damaged or destroyed by any voluntary or involuntary means, or is allowed to become dilapidated to the extent of fifty (50) percent or more of the current cost to replace the sign, including labor and materials, the sign shall not be reconstructed or repaired, and the owner of the sign shall be required to remove the sign, unless the reconstructed or repaired sign conforms to the provisions of this Ordinance.

10.7 MOBILE HOMES

1. Individual single-wide mobile homes within the city limits are prohibited except as permitted in the RM-1 zone district and within approved mobile home parks as regulated in Chapter 5.5. Where nonconforming status applies to the premises, removal or destruction of the mobile home shall eliminate the nonconforming status of the land, and an individual single-wide mobile home shall not be reestablished on the premises.

CHAPTER 11:ADMINISTRATION AND ENFORCEMENT

11.1 ORGANIZATION

1. **Administration**. The Building Official shall administer Chapters 1 through 11 of this Ordinance and in addition shall:
    A. Issue all building permits and make and maintain records thereof;
    B. Issue all certificates of occupancy and make and maintain records thereof;
    C. Issue and renew, where applicable, all temporary use permits and make and maintain records thereof; and
    D. Keep current zoning maps and records of amendments thereto.
2. **Board of Zoning Appeals**. A Board of Zoning Appeals is hereby established in accordance with title 13, chapter 7, Tennessee Code Annotated. The Board of Appeals shall consist of five (5) members, one of which shall be a member of the Clarksville-Montgomery County Regional Planning Commission. The members shall be appointed by the Mayor and confirmed by a majority vote of the City Council. The term of membership shall be five (5) years, except that the initial individual appointments to the board shall be terms of one, two (2), three (3), four (4), and five (5) years, respectively. Vacancies shall be filled for any unexpired term by appointment by the Mayor and confirmation by the City Council. The Board of Zoning Appeals, City of Clarksville, Tennessee, for the purpose of this chapter, shall be referred to as the board. The board shall:
    A. Establish such rules of procedures as are necessary to the performance of its functions hereunder.
    B. Function as the Board of Zoning Appeals as defined by title 13, chapter 7, Tennessee Code Annotated, and shall have the following powers:
        I. To hear and decide appeals where it is alleged there is an error in any order, requirement, permit refusal, decision, or determination made by an administrative official in carrying out any provision of Chapters 1 through 11 on this Ordinance.
        II. To hear and decide in accordance with the provisions of Chapters 1 through 11 of this Ordinance, requests for interpretation of the zoning district map.
        III. Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the zoning regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this Ordinance would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property, authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship; provided, that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.

IV. To review and decide all applications for uses permitted on review in accordance with the applicable chapters and sections of Chapters 1 through 11 on this Ordinance.

V. To compel the attendance of witnesses at hearings and to administer oaths.

VI. To call on any city department for assistance in its duties.

C. Each Board of Zoning Appeals member shall, within one (1) year of initial appointment and each calendar year thereafter, attend a minimum of four (4) hours of training and continuing education in one (1) or more of the subjects listed in Subsection D.I.

D. Each building or other administrative official whose duties include advising or administrating the Board of Zoning Appeals shall, each calendar year, attend a minimum of eight (8) hours of training in one (1) or more of the subjects listed in Subsection D.I.

I. The subjects for the training and continuing education required by Subsection C and D, shall include, but not be limited to, the following: land use planning; zoning; flood plain management; transportation; community facilities; ethics; public utilities; wireless telecommunications facilities; parliamentary procedure; public hearing procedure; land use law; natural resources and agricultural land conservation; economic development; housing; public buildings; land subdivision; powers and duties of the Board of Zoning Appeals, and any other subject which may be authorized by TCA 13-7-205.

II. Each of the individuals listed in Subsection C and D above shall certify by December 31 of each calendar year such individual's attendance by a written statement filed with the secretary of the Board of Zoning Appeals. Each statement shall identify the date of each program attended, its subject matter, location, sponsors, and the time spent in each program.

III. If a Board of Zoning Appeals member fails to complete the requisite number of hours of training and continuing education within the time allotted by this Subsection D or fails to file the statement required by this Subsection D, then this shall constitute a cause for the removal of the Board of Zoning Appeals member from the Board of Zoning Appeals.

3. **Meetings**. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. All meetings shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent, or if failing to vote, indicating such fact; shall take all evidence necessary to justify or explain its actions, all of which shall be immediately filed in the office of the board and shall be a public record.

4. **Public Hearing.** Upon receipt of application for a variance, use permitted on review, an interpretation of the zoning district map, or an interpretation of any provision of Chapters 1 through 11 on this Ordinance, the board shall hold a public hearing. Notification of the hearing shall appear in the newspaper of general circulation in Clarksville at least ten (10) days before the date set for the hearing. Notice also shall be mailed to the owner or his agent, to adjacent property owners, governmental departments and agencies directly affected, and the Director of the Clarksville Montgomery County Regional Planning

Commission at least five (5) days prior to the date set for the hearing. Upon the hearing, any person or party may appear and be heard in person, by agent, or attorney.

5. **Applications.** Applications for uses permitted upon review and for variances may not be made more often than once every twelve (12) months, and then only if in the opinion of the Building Official, circumstances of the case have materially changed.

11.2 VARIANCES

The purpose of a variance is to modify the strict application of the requirements of Chapters 1 through 11 of this Ordinance of the enactment of the zoning ordinance.

1. **Application**. After written denial of a building permit from the Building Inspector, a property owner may make application for a variance using forms supplied by the Building and Codes Department.
2. **Standards for Granting Variances**. In granting a variance, the board shall ascertain that the following criteria are met:
    A. That the literal enforcement of Chapters 1 through 11 of this Ordinance of this title will result in unnecessary hardship;
    B. The alleged difficulty or hardship shall not be self-imposed by a current or previous person having an interest in the property after the enactment of the zoning regulation.
    C. That the granting of the permit will not be contrary to the public interest;
    D. That by granting the permit, contrary to the provisions of Chapters 1 through 11 of this Ordinance, the spirit of this Ordinance will be observed; and
    E. That by granting the permit, substantial justice will be done.
    F. Financial gain or financial hardship shall not be the sole basis of the granting of the variance.
3. The Board of Zoning Appeals shall not accept any application for variances from minimum lot sizes, lot widths, or any other variances which would allow the lot owner to obtain additional lots or units as permitted in the zone district in which the property is located.

11.3 PROCEDURES FOR USES PERMITTED ON REVIEW

1. The Board of Zoning Appeals is authorized to hear and decide upon uses permitted on review by this Section, to decide such questions as are involved in determining whether uses permitted on review should be granted, and to grant uses permitted on review with such conditions and safeguards as are appropriate under this section; or to deny uses permitted on review when not in harmony with the purpose, intent, or land use development standards of this Ordinance.
2. **Procedure:** A use permitted on review shall not be granted by the Board of Zoning Appeals unless and until:
    A. An application shall be filed with the Building Official of the Building and Codes Department or his/her designee for review. Such application shall show the location and intended use of the site, the names of the property owners and any other

material pertinent to the request which the Board of the Building and Codes Department may require.

B. A public hearing shall be held as provided for in this Chapter.

3. In the exercise of its approval, the board may impose such conditions upon the proposed uses of buildings or land as it may deem necessary, based upon information presented at the hearing, to prevent or minimize any adverse effects of the proposed use upon, and to insure the compatibility of such uses with, other property in the vicinity.
4. The board may establish hours of operation; require greater setbacks; require adequate screening and buffering; and impose other reasonable conditions as necessitated by the general criteria listed below in order to protect the public health, safety, and welfare on any use permitted on review as a condition of approval.
5. **General Criteria**. General requirements are hereby established which shall apply to all applications for uses permitted on review. A use permitted on review shall not be granted by the Board of Zoning Appeals unless and until the following determinations have been made:
   A. The proposed use is compatible with, and will not adversely affect, adjacent properties and other properties in the area.
   B. Adequate public facilities, such as highways, streets, parking spaces, drainage structures, fire protection, and water and sewer services, are available to accommodate the proposed use.
   C. The proposed use will not adversely affect the safety of vehicular and pedestrian circulation in the area.
   D. The proposed use shall provide off-street parking and loading facilities as required by the parking requirements of this Ordinance.
   E. The proposed use shall reasonably protect persons and property from erosion, flooding, fire, noise, vibration, glare, odor, or similar hazards, except in such zone district where such are allowed.
   F. The proposed use is so designed, located, and proposed to be operated that the health, safety, and welfare of persons in the neighborhood will be protected.
   G. The request is within the provisions of uses permitted on review and meets all standards as set forth in this Ordinance.

11.4 AMENDMENTS

The regulations (text) and zone district boundaries (map) set forth in Chapters 1 through 11 of this Ordinance may be amended, supplemented, revised, or repealed from time to time as conditions warrant, as hereinafter set forth.

1. **Application**. A proposed change of zoning district boundaries (map amendment or rezoning)) may be initiated by the City Council, the Regional Planning Commission, or by petition of one or more owners or authorized agents of the owner or owners of property within the area proposed to be changed. A proposed change to text of the zoning regulations (text amendment) may be initiated by the City Council or the Regional Planning Commission. In the case of a zoning district map amendment, the petition (application) by

an individual must be by the owner(s) or their authorized agents of the subject property; an individual who is not an owner of the subject property cannot petition (apply) for a zoning district map amendment. All amendments (zoning map or text) thus introduced shall be referred to the Clarksville-Montgomery County Regional Planning Commission for action. The zoning map amendment (rezoning) may be initiated by the subject property owner(s) or their authorized agent(s) through the filing of an application (petition) with the Clarksville-Montgomery County Regional Planning Commission. Regular meeting dates and times, rezoning application fees and the deadline for each regular meeting, shall be established by the Regional Planning Commission Office. The application shall contain:

A. The name and address of the owner and/or owners of the subject property, and the written designation of any authorized agent for any zoning district map amendment (rezoning). In the case of a zoning ordinance text amendment, the effected property owners are to be generally described.
B. A written legal description of the subject property including the Montgomery County tax plat number and acreage for only a zoning district map amendment.
C. A description of the proposed zone map change, together with written justifications for the requested zone map change.
D. In the case of a zoning ordinance text amendment, the specific wording change shall be provided along with an explanation of why the text amendment is needed.
E. The names and addresses of the adjacent property owners including those property owners across streets, roads, highways, and/or railways and waterways which border the applicant's property, for a zoning district map amendment
F. Two (2) copies of a map depicting the property requested for rezoning (zoning district map amendment). These maps shall be at a scale of no less than one inch equals one hundred (100) feet and no larger than one inch equals thirty (30) feet and show the following information:
    I. Title, north arrow, graphic scale, date, civil district, and the acreage of the property to be rezoned.
    II. Dimensions in feet of property to be rezoned.
    III. All roads and easements within or adjoining property to be rezoned.
    IV. Location, size, type, and current use of any building on the property requested for rezoning.
    V. Location of the adjoining property owners in relation to the property to be rezoned.

2. **Public Hearing.** Upon receipt of the approved application, the Clarksville-Montgomery County Regional Planning Commission shall schedule a hearing with the City Council, having first given at least fifteen (15) days' notice thereof by one publication in a newspaper of general

circulation for the zoning district map amendment (rezoning) or zoning ordinance text amendment.

3. **Action on Petition**. Any proposed amendment, supplement, modification, or change (zoning district map amendment or zoning ordinance text amendment) shall first be submitted to and approved by the Clarksville-Montgomery County Regional Planning Commission, or if disapproved, receive the favorable vote of the majority of the entire membership of the City Council. If the City Council takes no final action upon the proposed amendment, supplement, or change (zoning district map amendment or zoning ordinance text amendment) within one hundred (100) days following the public hearing provided for in this section, the failure to act shall be deemed to be a denial.

11.5 FEES

Fees required for filing appeals or uses permitted on review, fees for rezoning applications, and fees for applications for amendments to Chapters 1 through 11 of this Ordinance, and fees for review of site plans, overlay district plans, or landscape plans shall be established by the administering body for the application(s). Under no conditions shall the fee, or any part thereof, be refunded for failure of the proposed amendment, appeal, or change to be enacted into law, or for the failure of any plans to be approved.

11.6 ENFORCEMENT

The provisions of Chapters 1 through 11 of this Ordinance shall be interpreted and administered by the building official of the City. This official shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings or premises necessary to carry out his/her duties in the enforcement of Chapters 1 through 11 of this Ordinance.

11.7 BUILDING PERMIT

1. **Building Permit Required**. An application for a building permit shall be obtained from the Building and Codes Department. It shall be unlawful to commence the excavation or construction of any building, including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings, until the building official has issued a building permit for the work.
2. **Issuance of Building Permit**. In applying to the building official for a building permit, the applicant shall submit a dimensional sketch or scale plan showing the shape, size, height, location and arrangement of all buildings to be erected, altered, or moved and any buildings in place on the lot or parcel. The applicant shall also submit a statement of the existing and intended use of all such buildings and supply such other information as may be required by the building official for determining whether the provisions of Chapters 1 through 11 of this Ordinance are being observed. If the proposed excavation or construction, as set forth in the application, is in conformity with the provisions of Chapters

1 through 11 of this Ordinance and other Ordinances of the City of Clarksville currently in force, the Building Official shall issue a building permit for the excavation or construction. If a building permit is refused, the Building Official shall state the refusal in writing.

A. The issuance of a permit shall in no case be construed as waiving any provision of Chapters 1 through 11 of this Ordinance.
B. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six (6) months after its issuance.

11.8 CERTIFICATE OF OCCUPANCY

No land or building shall be occupied and no change in occupancy of land, a building, or part of a building shall be made until the Building Official has issued a certificate of occupancy stating that the land, building, or part thereof, and the proposed use thereof, are found to be in conformity with the provisions of Chapters 1 through 11 of this Ordinance and other applicable Ordinances of the City of Clarksville related to the use of land and/or occupancy of buildings.

Within five (5) 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 official to make a final inspection thereof and to issue a certificate of occupancy of the land, building, or part thereof and the proposed use thereof are found to conform with Chapters 1 through 11 of this Ordinance and other Ordinances and Codes of the City of Clarksville in force; or, if the certificate is refused, to state the grounds for the refusal in writing.

11.9 VIOLATIONS

It shall be unlawful to erect, construct, reconstruct, alter, maintain, or use any building or structure, or to use any land in violation of any regulation in Chapters 1 through 11 of this Ordinance.

Compliance may be enforced by means of pecuniary penalties or injunction. Any city code enforcement officer or law enforcement officer is hereby empowered to issue citations to any person for any violation of any of the provisions of the Zoning Ordinance. Citations issued for violation of any of the provisions of the Zoning Ordinance shall be tried in the Clarksville Municipal Court. Each violation shall be subject to a civil fine of up to fifty dollars ($50.00), in addition to any other remedies or penalties provided by law or court order. Each day a violation continues or occurs shall be deemed a separate offense.

11.10 INTERPRETATION

In their interpretation and application, the provisions of Chapters 1 through 11 of this Ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other Ordinances or Regulations which may exist or be adopted hereafter impose greater restrictions than those specified herein, compliance with those Ordinances or regulations shall be mandatory.

11.11 AMENDMENTS AFFECTING THE SAME PARCEL OF LAND

Unless a previously allowed zoning amendment by the City Council, no action shall be initiated for a zoning amendment affecting the same parcel of land more often than once every twelve (12) months; provided, however, by resolution approved by a ¾ majority of members present of the City Council, that the action may be initiated at any time.

11.12 AMENDMENT DATES OF CITY ZONING ORDINANCE

EFFECTIVE DATES AND AMENDMENTS DATES

1. Zoning Ordinance Rewrite:
   - Adopted by the City Council (Ordinance 36-2010-11): November 4, 2010
     - Effective Date of Ordinance and Publication Date: November 10, 2010
2. Development Directory Signs and Expansion of Nonconforming Residential Uses in the R-2D, R-3 and R-4 Districts:
   - Amended by the City Council (Ordinance 83-2010-11): May 5, 2011
     - Effective Date of Ordinance and Publication Date: May 10, 2011
3. Use Definitions for Alcohol Distilleries and Micro-Breweries:
   - Amended by the City Council (Ordinance 9-2012-13): September 6, 2012
     - Effective Date of Ordinance and Publication Date: September 11, 2012
4. Residential Cluster Development Option – perimeter buffer in common ownership
   - Adopted by the City Council (Ordinance 74-2012-13): April 4, 2013
     - Effective Date of Ordinance and Publication Date: April 10, 2013
5. Residential Cluster Development Option Amendments (minimum lot area and width) and Zoning Text Amendment Applicant Eligibility:
   - Adopted by the City Council (Ordinance 96-2012-13): July 2, 2013
     - Effective Date of Ordinance and Publication Date: July 6, 2013
6. New R-6 High Density Single Family Detached District:
   - Adopted by the City Council (Ordinance 22-2013-14): November 7, 2013
     - Effective Date of Ordinance and Publication Date: November 12, 2013
7. Beekeeping:
   - Adopted by the City Council (Ordinance 8-2014-15): August 7, 2014
     - Effective Date of Ordinance and Publication Date: August 12, 2014
8. Homeless Shelter Residential Separation Distance reduced to 500 feet:
   - Adopted by the City Council (Ordinance 7-2014-15): September 4, 2014
     - Effective Date of Ordinance and Publication Date: September 9, 2014
9. Housekeeping Amendments such as reduced off-street parking requirements and queuing for drive-through windows:
   - Adopted by the City Council (Ordinance 33-2014-15): January 6, 2015
     - Effective Date of Ordinance and Publication Date: January 11, 2015
10. Multiple Family and Townhouses in C-2 District:
    - Adopted by the City Council (Ordinance 39-2014-15): April 2, 2015
      - Effective Date of Ordinance and Publication Date: April 7, 2015
11. Vested Property Rights in Site Review Requirements:
    - Adopted by the City Council (Ordinance 52-2014-15): May 7, 2015
      - Effective Date of Ordinance and Publication Date: May 12, 2015
12. Create Downtown Design Overlay District, Adopt Downtown Design Overlay District Standards and Guidelines, and Amend CBD and Downtown Sidewalk Sign Regulations
    - Adopted by the City Council (Ordinances 56, 57 & 58-2015-16): January 7, 2016
      - Effective Date of Ordinance: January 7, 2016

13. Masking Provisions for Communication Towers
    - Adopted by the City Council (Ordinances 82-2015-16): May 5, 2016
        - Effective Date of Ordinance: May 5, 2016
14. Historic Overlay District and the Appeals Process Contained Therein
    - Adopted by the City Council (Ordinances 64-2019-2020): May 7, 2020
        - Effective Date of Ordinance: May 7, 2020
15. Permitting Recreational Vehicle Parks in Existing Mobile Home Parks with Conditions
    - Adopted by the City Council (Ordinances 82-2019-20): July 2, 2020
        - Effective Date of Ordinance: July 2, 2020
16. Adopting updated Floodway section per FEMA and TN guidance (Chapter 9.2)
    - Adopted by the City Council (Ordinance 48-2020-21): January 7, 2021
        - Effective Date of Ordinance: January 15, 2021
17. Amending Bulk Regulations, Building Setbacks, Minimum Frontage Requirements, and other updates
    - Adopted by the City Council (Ordinance 61-2020-21): March 4, 2021
        - Effective Date of Ordinance: March 4, 2021
18. Updates to Historic and Design Overlay Districts (Per State Mandate)
    - Adopted by the City Council (Ordinance 4-2021-2022): September 2, 2021
        - Effective Date of Ordinance: September 2, 2021
19. Amending the code relative to Breweries, Microbreweries, and Distilleries
    - Adopted by the City Council (Ordinance 16-2021-2022): October 7, 2021
        - Effective Date of Ordinance: October 7, 2021
20. Amending the code relative to PUDs and MXU-PUDs
    - Adopted by the City Council (Ordinance 66-2021-2022): January 6, 2022
        - Effective Date of Ordinance: January 6, 2022
21. Amending the code as it pertains to R-2A and R-6 Zoning Classifications
    - Adopted by the City Council (Ordinance 137-2021-2022): July 5, 2022
        - Effective Date of Ordinance: July 5, 2022
22. Amending the code as it pertains to Tow In Lots and Wrecker Services and other updates
    - Adopted by the City Council (Ordinance 20-2022-2023): September 1, 2022
      Effective Date of Ordinance: September 1, 2022
23. Amending the code as it pertains to Lot Coverage and Cluster Subdivision Regulations
    - Adopted by the City Council (Ordinance 55-2022-2023): March 2, 2023
      Effective Date of Ordinance: March 2, 2023
24. Amending the code as it pertains to Extending the Downtown Urban Design Overlay District
    - Adopted by the City Council (Ordinance 133-2022-2023): July 6, 2023
      Effective Date of Ordinance: July 6, 2023
25. Amending the code as it pertains to R-2D and R-3
    - Adopted by the City Council (Ordinance 147-2022-2023): October 5, 2023
      Effective Date of Ordinance: October 5, 2023
26. Amending the code as it pertains to RM-1
    - Adopted by the City Council (Ordinance 70-2023-2024): March 12, 2024
      Effective Date of Ordinance: March 12, 2024
27. Amending the code to add Connector Corridor Overlay to the Madison Street Overlay
    - Adopted by the City Council (Ordinance 27-2024-2025): December 5, 2024
      Effective Date of Ordinance: December 5, 2024
28. Amending the code to add Penalties to Chapter 11.9 “Violations”
    - Adopted by the City Council (Ordinance 81-2024-2025): June 5, 2025
      Effective Date of Ordinance: June 5, 2025
29. Amending the code as it pertains to Electronic Message Center Signage and Lighting

- Adopted by the City Council (Ordinance 04-2025-2026): September 4, 2025
  Effective Date of Ordinance: September 4, 2025

30. Amending the code to repeal and replace Chapter 9.4 Design Districts by adding Fort Campbell Blvd and Tiny Town Road corridors
    - Adopted by the City Council (Ordinance 19-2025-2026): October 2, 2025
      Effective Date of Ordinance: October 2, 2025
31. Amending the code as it pertains to Citywide Electronic Message Center Signage Regulations
    - Adopted by the City Council (Ordinance 43-2025-2026): January 8, 2026
      Effective Date of Ordinance: January 8, 2026
32. Repealing Chapters 9.3 and 9.5 of the City Zoning Ordinance and replacing them with new chapters 9.3 and 9.5 with regard to the Regional Historic Zoning Commission, Common Design Review Board, historic Overlay, and Downtown Overlay Districts.
    - Adopted by the City Council (Ordinance 05-2026-2027): September 3, 2026
      Effective Date of Ordinance: September 3, 2026
33. Amending portions of the zoning ordinance as it pertains to smoke shops and design guidelines.
    - Adopted by the City Council (Ordinance 14-2026-2027): October 1, 2026
      Effective Date of Ordinance: October 1, 2026