

OFFICIAL ZONING CODE
OF
THE CITY OF MCMINNVILLE, TENNESSEE
TITLE 14
CHAPTER 2
GENERAL ZONING PROVISIONS

SECTION 14-201

SHORT TITLE

Chapters 2 through 7 of Title 14 of the McMinnville Municipal Code shall be known as the "Official Zoning Code of the City of McMinnville, Tennessee" and the map herein referred to, which is identified by the title "Official Zoning Map of the City of McMinnville, Tennessee," dated June 10, 2003, shall be made a part of Chapters 2 through 7 of Title 14 of the McMinnville Municipal Code.

SECTION 14-202

PURPOSE

This Official Zoning Code is enacted for the following purposes:

14-202.1

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

14-202.2

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

14-202.3

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

14-202.4

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

14-202.5

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

14-202.6

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

- 14-202.7
To fix reasonable standards to which buildings or structures shall conform;
- 14-202.8
To prohibit uses, buildings, or structures which are incompatible with the character of development or the permitted uses within specified zoning districts;
- 14-202.9
To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder;
- 14-202.10
To limit congestion in the public streets and so protect the public health, safety, convenience, and general welfare by providing for the off-street parking of motor vehicles and for the loading and unloading of commercial vehicles;
- 14-202.11
To provide protection against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and general welfare;
- 14-202.12
To prevent overcrowding of land and undue concentration of structures so far as is possible and appropriate in each district by regulating the use and the bulk of buildings in relation to the land surrounding them;
- 14-202.13
To conserve the taxable value of land and buildings throughout the planning region;
- 14-202.14
To provide for the gradual elimination of those uses of land, buildings and structures which do not conform to the standards of the districts in which they are respectively located and which are adversely affecting the development and taxable value of property in each district;
- 14-202.15
To define and limit the powers and duties of the administrative officers and bodies as provided herein;
- 14-202.16
To protect and in general allow for the beneficial uses of property in a like manner to that which was permitted under the previous zoning regulations (Ordinance No. 374, as amended)
- 14-202.17
These general purposes include the specific purposes stated in the various chapters throughout this Official Zoning Code.

SECTION 14-203 CONSTRUCTION OF LANGUAGE

For the purposes of this Official Zoning Code, certain terms or words shall be interpreted as follows:

14-203.1

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

14-203.2

The word MAY is permissive.

14-203.3

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

14-203.4

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

14-203.5

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

14-203.6

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

14-203.7

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

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

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

14-203.7C EITHER...OR indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

SECTION 14-204 DEFINITIONS

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

14-204.1

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

14-204.2

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

14-204.3

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

14-204.4

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

14-204.5

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

14-204.6

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

14-204.7

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

14-204.8

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

14-204.9

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

14-204.10

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

14-204.11

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

14-204.12

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

- 14-204.13
BUILDING LINE--The line, parallel to the street line, that passes through the point of the principal building nearest the front lot line.
- 14-204.14
BUILDING PERMIT--A permit required under the McMinnville Municipal Code prior to the commencement of certain types of construction.
- 14-204.15
CUSTOMARY HOME OCCUPATION--An occupation, profession, activity or use having traditional acceptance as being one customarily carried on in the home, provided that such occupation be clearly incidental and secondary to the residential use and which does not alter the exterior of the property or affect the residential character of the neighborhood.
- 14-204.16
CO-LOCATION shall mean when one (1) or more antenna or transmitter that is located on a single tower.
- 14-204.17
DAYCARE CENTER--A building or structure where care, protection, and supervision are provided, on a regular schedule, at least twice a week to more than seven (7) children, including the children of the adult provider.
- 14-204.18
DAYCARE HOME--A private residence where care, protection, and supervision are provided, for a fee, at least twice a week to no more than seven (7) children, including children of the adult provider.
- 14-204.19
DEVELOPER--An individual, firm, corporation, association, partnership or trust involved in commencing proceedings to effect development of land for himself or others.
- 14-204.20
DEVELOPMENT--Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, paving, excavating, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.
- 14-204.21
DWELLING--A building or portion thereof, designed or used exclusively for residential occupancy.
- 14-204.21A DWELLING, SINGLE-FAMILY--A detached residence designed for or occupied by one (1) family only.
- 14-204.21B DWELLING, TWO-FAMILY--A residence designed for or occupied by two (2) families only, with separate housekeeping, cooking, and sanitary facilities for each.
- 14-204.21C DWELLING, MULTI-FAMILY--A residence designed for or occupied by three (3) or more families, with separate housekeeping, cooking, and sanitary facilities for each. The term includes cooperative apartments, condominiums, and the like.

14-204.22

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

14-204.23

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

14-204.24

FAA shall mean the Federal Aviation Administration.

14-204.25

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

14-204.26

FCC shall mean the Federal Communications Commission.

14-204.27

FLOOD--A general and temporary condition of partial or complete inundation of normally dry land areas. For related definitions refer to Title 14, Chapter 8 of the McMinnville Municipal Code which is included as Appendix A of this Official Zoning Code.

14-204.28

FLOOR AREA RATIO--The ratio derived by dividing the total floor area by the gross site area.

14-204.29

FLOOR AREA TOTAL--The area of all floors of a building including finished attics, finished basements and covered porches.

14-204.30

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

14-204.31

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

14-204.32

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

14-204.33

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

14-204.34

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

14-204.35

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

14-204.35A LOT, CORNER--A lot abutting on and at the intersection of two (2) or more streets.

14-204.35B LOT DEPTH--Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

14-204.35C LOT FRONTAGE--The front of a lot shall be construed to be the portion nearest to the street.

14-204.35D LOT LINE--The boundary dividing a given lot from a street, an alley, or adjacent lots.

14-204.35E LOT OF RECORD--A lot which is part of a subdivision legally recorded in the Office of the Warren County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

14-204.35F LOT WIDTH--The distance between the side boundaries of the lot measured at the front building line.

14-204.36

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

14-204.36A Designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower, and kitchen facilities, with plumbing and electrical connections provided for attachment to utility systems.

14-204.36B Designed to be transported after fabrication on its own wheels, or detachable wheels, or on a flat bed or other trailer.

14-204.36C Arriving at the site where it is to be occupied as a dwelling complete, often including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation support, connection to utilities, and the like.

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

- 14-204.37
MOBILE HOME (TRAILER) PARK--A parcel of land under single ownership designed for or which is intended to be used for the accommodation of mobile homes (trailers) for dwelling purposes.
- 14-204.38
NONCONFORMING USE--A building, structure, or use of land existing at the time of enactment or amendment of this Official Zoning Code, and which does not conform to the regulations of the zone in which it is located.
- 14-204.39
PRE-EXISTING TOWERS AND ANTENNAS shall mean any tower or antenna on which a permit has been properly issued prior to the effective date of this ordinance.
- 14-204.40
PRINCIPAL BUILDING--A building which contains the principal activity or use located on a lot which it is situated.
- 14-204.41
RESIDENCE--A building or part of a building containing one (1) or more dwelling units, including one-family, two-family, or multi-family dwellings and mobile homes.
- 14-204.42
SCREENING (SEE ALSO BUFFER AREA)--The method by which a view of one (1) site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, trees, hedges, shrubs, or other landscaping, berms or other features.
- 14-204.43
SETBACK LINE--The required minimum horizontal distance between the building line and the related front, side or rear property line.
- 14-204.44
SIGN--An attached or free-standing structure conveying some information, knowledge or idea to the public. For related definitions refer to Title 14, Chapter 14 of the McMinnville Municipal Code which is included as Appendix B of this Official Zoning Code.
- 14-204.45
SPECIAL EXCEPTION (USE PERMITTED ON APPEAL)--A special exception is a use that would not be appropriate generally or without restrictions in a particular zoning district but which, if controlled as to the number, area, location, or relation to the neighborhood would promote the public health, safety, welfare, order, comfort, convenience, appearance or prosperity. The location of such uses is subject to the approval of the McMinnville Board of Zoning Appeals.
- 14-204.46
STORY--That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or any portion of a building used for human occupancy between the topmost floor and the roof. A basement shall be counted as a story if its ceiling is over six feet above the average level of the finished ground surface adjoining the exterior walls of such story, or if it is used for business or dwelling purposes.

14-204.47

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

14-204.47A CENTERLINE OF STREET--That line surveyed and monumented by the City of McMinnville as the centerline of the street, or if such centerline has not been surveyed, that line running midway between the outside curbs or ditches of such street.

14-204.47B STREET LINE--The property line which bounds the right-of-way set aside for use as a street. Where a sidewalk exists and locations of the property line is questioned, the side of the sidewalk farthest from the traveled street shall be considered the street line.

14-204.48

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

14-204.49

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

14-204.50

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

14-204.51

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

14-204.52

WIRELESS COMMUNICATION ANTENNA ARRAY (ANTENNA ARRAY) shall mean one or more rods, panels, or discs or similar devices used for the transmission or reception of radio frequency (RF) signals through electromagnetic energy, which may

include omni-directional antenna (whip), directional antenna (panel) and parabolic antenna (dish).

14-204.53

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

14-204.54

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

14-204.54A YARD, FRONT--The yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building, including covered porches.

14-204.54B YARD, REAR--The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building, including carports and covered porches.

14-204.54C YARD, SIDE--A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including carports and covered porches.

SECTION 14-205

GENERAL PROVISIONS

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

14-205.1

ZONING AFFECTS EVERY BUILDING AND USE

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

14-205.2

NONCONFORMING LOTS AND NONCONFORMING USES OF LAND

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

14-205.2A

Nonconforming Lots of Record

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Zoning Code, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Code. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for the area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width, and yard requirements shall be obtained only through action of the Board of Zoning Appeals.

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

14-205.2B

Change of Nonconforming Use

1. General Provisions

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

2. Change to a Conforming Use

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

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

3. Change to Another Nonconforming Use

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

14-205.6

**REDUCTIONS IN LOT
AREA PROHIBITED**

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

14-205.7

**OBSTRUCTION TO VISION AT
STREET INTERSECTION PROHIBITED**

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