

ARTICLE I

GENERAL PROVISIONS

CHAPTER 1. TITLE, PURPOSE, AND LEGISLATIVE ENACTMENT

1-101 TITLE AND PURPOSE

1-101.1 Long Title

An ordinance, in pursuance of the authority granted by Section 13-7-210 and 13-7-301 through 13-7-306, Tennessee Code Annotated, to provide for the establishment of districts within the planning jurisdiction of Hendersonville, Tennessee: to regulate within such districts the location, height, bulk, number of stories and size of buildings and other structures, the percentage of lot occupancy, the size of open spaces, the density of population, and the uses of land, buildings, and other structures for trade, industry, residence, recreation, public activities and similar purposes to include special districts for areas subject to flooding and areas developed as a planned unit; to provide regulations governing nonconforming uses and structures; to provide for a board of appeals and for its powers and duties; to provide for permits; to establish and provide for the collection of fees; to provide for the administration of this ordinance and for the official whose duty it shall be to enforce the provisions thereof; to provide penalties for the violation of this ordinance; and to provide for conflicts with other ordinances or regulations.

1-101.2 Short Title

This ordinance may be cited as the Combined Zoning Ordinance of the City of Hendersonville, Tennessee, and The Hendersonville Planning Region.

1-101.3 Repeal

The existing zoning regulations of the City of Hendersonville (**Ordinance 1970-16, as Amended**) and the Hendersonville Planning Region (**Ordinance 1974-54, as Amended**) are hereby repealed. The adoption of this ordinance, however, shall not affect nor prevent any pending or future prosecution of an action to abate any existing violation of said existing regulations, as amended, if the violation is also a violation of this ordinance.

1-102 LEGISLATIVE ENACTMENT

WHEREAS, the Board of Mayor and Aldermen find that new development substantially impacts the character of the area in which it is located, affecting the community's economy, and property values, quality of life and sense of attachment to the area, and **(ADDED BY ORDINANCE NO. 1991-23, JULY, 23, 1991.)**

WHEREAS, Sections 13-7-201 through 13-7-305, of the Tennessee Code, empower the city to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS, the Board of Commissioners [Board of Mayor and Aldermen] deem it necessary, for the purpose of promoting the health, safety, morals, and general welfare of the city and it's planning region to enact such an ordinance, and

WHEREAS, the Board of Commissioners [Board of Mayor and Aldermen], pursuant to the provisions of Section 13-7-202, of the Tennessee Code Annotated, has appointed a planning commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and

WHEREAS, the Planning Commission has divided the city and region into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, and

WHEREAS, the Planning Commission has given reasonable consideration among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate uses for the land throughout the planning region, and

WHEREAS, the Planning Commission has submitted its final report to the Board of Commissioners [Board of Mayor and Aldermen], and

WHEREAS, the Board of Commissioners [Board of Mayor and Aldermen] has given due public notice of hearings related to zoning districts, regulations, and restrictions, and has held public hearings, and

WHEREAS, all the requirements of Sections 13-7-202 through 13-7-306, of the Tennessee Code Annotated, with regard to the preparation of the report of the Planning Commission and subsequent action of the Board of Commissioners [Board of Mayor and Aldermen] have been met;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF HENDERSONVILLE, TENNESSEE:

1-103 INTENT AND PURPOSE

This ordinance is enacted pursuant to Title 13, of the Tennessee Code Annotated, for the following purposes:

- (A) To promote and protect the public health, safety, morals, comfort, convenience, and general welfare of the people;
- (B) To divide the city and planning region into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, business, commercial, manufacturing, and other specified uses;
- (C) To protect the character and maintain the stability of residential, business, commercial, and manufacturing areas within the planning region, and to promote the orderly and beneficial development of such areas;
- (D) To provide adequate light, air, privacy, and convenience of access to property;
- (E) To regulate the intensity of open spaces surrounding buildings that are necessary to provide adequate light and air and protect the public health;

- (F) To establish building lines and the location of buildings designated for residential, business, commercial, manufacturing, or other uses within such lines;
- (G) To fix reasonable standards to which buildings or structures shall conform;
- (H) To prohibit uses, buildings, or structures which are incompatible with the character of development or the permitted uses within specified zoning districts;
- (I) 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;
- (J) 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;
- (K) To provide protection against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety; comfort, and general welfare;
- (L) 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;
- (M) To conserve the taxable value of land and buildings throughout the planning region;
- (N) To provide for design review of development to ensure that it is compatible with the character of its surroundings; (**ADDED BY ORDINANCE NO. 1991-23, JULY 23, 1991.**)
- (O) To define and limit the powers and duties of the administrative officers and bodies as provided herein; and
- (P) To protect and in general allow for the beneficial uses of property in a like manner to that which was permitted under previous zoning ordinances (Ordinance 1970-16 and 1974-54).

These general purposes include the specific purposes stated in the various chapters throughout this ordinance.

CHAPTER 2. CONSTRUCTION OF LANGUAGE AND DEFINITIONS

1-201 RULES FOR CONSTRUCTION OF LANGUAGE

In the construction of this ordinance, the rules and definitions contained in this chapter shall be observed and applied, except when the context clearly indicates otherwise:

- (A) The particular shall control the general.
- (B) The word "shall" is always mandatory and not discretionary.
- (C) The word "may" is permissive.
- (D) The word "lot" shall include the words "piece" or "parcel".

- (E) The word "structure" includes all other structures, or parts thereof, of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- (F) In the case of any difference of meaning or implication between the text of this ordinance and any caption, illustration or table the text shall control.
- (G) The word "permitted" or words "permitted as of right", means permitted without meeting the requirements for a conditional use permit.
- (H) The words "conditionally permitted" or "permitted by conditional use permit" mean permitted subject to the requirements for a conditional use by special permit pursuant to ARTICLE XI, CHAPTER 5, of this ordinance, and all other applicable provisions.
- (I) Words used in the present tense shall include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (J) Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:
 - (a) "And" indicates that all connected items, conditions, provisions or events shall apply.
 - (b) "Or" indicates that the connected items, conditions, provisions, or events shall apply.
 - (c) "Either ... or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- (K) All public officials, bodies, and agencies to which reference is made are those of the City of Hendersonville, Tennessee.

1-202 DEFINITIONS

Except where definitions are specifically included in various articles and sections, words in the text or tables of this ordinance 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.

ACCESSORY - An activity or structure that is customarily associated with and is appropriate incidental and subordinate to a principal activity and/or structure and located on the same zone lot, except as provided for under the provisions of accessory off-street parking.

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

ACTIVITY-PRINCIPAL - (See Principal Activity.)

ACTUAL CONSTRUCTION - The excavation of a site and/or the systematic placement of building materials in conjunction with the construction of a building or other structure.

ADULT ORIENTED BUSINESS - A commercial enterprise that involves creation, reproduction and/or sale for a fee or incidental to another service of goods and services that are characterized by emphasis upon the exposure of "specified anatomical areas" and/or by description or depiction of "specified sexual activities" as defined by this ordinance. **(ADDED BY ORDINANCE NO. 1997-21, JUNE 10, 1997.)**

ALLEY - A public way intended to provide only secondary vehicular access to abutting properties.

APARTMENT HOTEL - (See Lodging House.)

ATTACHED - An enclosure having continuing walls, roof and floor.

BASEMENT - A story whose floor is more than twelve (12) inches, but not more than one-half (1/2) of its story height below the average level of the adjoining ground (as distinguished from a "cellar" which is a story more than one-half (1/2) below such level).

BED AND BREAKFAST RESIDENCE - A residence within which not more than two (2) sleeping rooms (limited to two (2) persons or one family unit per room) are provided for occasional paying guests on an overnight basis for periods not to exceed twenty-one (21) consecutive days, with breakfast being available on the premises at no additional cost. A bed and breakfast residence is allowed only in a building originally constructed as a one-family dwelling pursuant to the provisions and procedures prescribed in Section 3-405, of these regulations and all requirements of the zone district where in the use is located.

BED AND BREAKFAST INN - A residential facility within which not more than five (5) sleeping rooms are provided for rent on an occasional or regular basis to a maximum of 2 persons or 1 family unit per room for periods not to exceed 21 consecutive days, with breakfast and occasional family style meals provided for registered overnight guests only. Special events may be allowed on a limited basis. A bed and breakfast inn is allowed in a building originally constructed as a one-family dwelling or other pre-existing historic landmark buildings pursuant to the provisions and procedures prescribed in Section 3-405 of these regulations and all requirements of the zone district wherein the use is located. A bed and breakfast inn having more than five (5) bedrooms for rent may be approved if the inn is either listed on the National Register of Historic Places or is a contributing structure as defined in the Code of Federal Regulations **(REVISED BY ORDINANCE NO. 2005-35, October 25, 2005.)**

BUILDING - Any structure which:

- (A) Is permanently affixed to the land, and
- (B) Has a roof supported by columns or walls, and
- (C) Is intended for the shelter or enclosure of goods or persons, and

(D) is bounded by either open area or the lot lines of a zone lot.

A building shall not include such structures as billboards, fences, radio or TV towers, or structures not normally accessible for human use, such as gas storage tanks, smoke stacks, grain elevators, exposed industrial equipment (i.e., oil or chemical processing apparatus) or similar structures.

BUILDING-PRINCIPAL - (See Principal Building.)

BULK - Describes the size of buildings or other structures, and their relationship to each other and to open areas and lot lines, and therefore includes:

- (A) The size (including height and floor area) of buildings or other structures,
- (B) The area of the zoning lot upon which a residential building is located, and the number of dwelling units within such buildings in relation to the area of the zoning lot,
- (C) The location of exterior walls of buildings or other structures in relation to lot lines, to other walls of the same building, to legally required windows, or to other structures, and
- (D) All open areas relating to buildings or other structures and their relationship thereto.

CENTRAL SEWAGE COLLECTION AND TREATMENT SYSTEM - A waste water collection and/or treatment system owned and operated by a public or quasi-public organization and approved by all appropriate licensing and oversight agencies. This term shall not be construed to include any type of privately owned and operated individual disposal system to include septic or other similar systems.

CHILD CARE – The provision of supplemental parental care and supervision:

- (A) For a non-related child or children;
- (B) On regular basis;
- (C) For less than twenty-four (24) hours a day; and
- (D) Under license by the Tennessee Department of Human Services.

As used by this ordinance, the term is not intended to include babysitting services of a casual, nonrecurring nature or in a child's own home. Likewise, the term is not intended to include cooperative, reciprocative child care by a group of parents in their respective domiciles or the keeping of four (4) or less preteen children which is an activity regulated by Subsection 3-208.2, of this ordinance and requires no licensing by the State of Tennessee.

CHILD CARE FACILITY – A licensed establishment wherein an agency, person or persons regularly provides non-medical care for a group of five (5) or more children for periods of less than twenty-four (24) hours a day. Child care facilities include family child care homes, group child care homes and child care centers, as further defined below. They do not include preschools, nursery schools,

kindergartens, or other facilities of which the purpose is primarily educational, recreational or medical treatment.

- (A) Family Child Care Home means a licensed family dwelling of a person or persons who regularly provides direct care during part of the twenty-four (24) hour day to five (5) to seven (7) children.
- (B) Group Child Care Home means a licensed, child care home or an agency that regularly provides for the care of eight (8) to twelve (12) children in either a family dwelling of the licensee/care provider or in premises other than the family dwelling. The number of children being provided care may be increased to fifteen (15), if four (4) or more of the children are of school age and if adequate space is available to accommodate the additional children as provided in Tennessee State Law and this ordinance.
- (C) Child Care Center means a licensed agency that provides for the care of thirteen (13) or more children. Facilities providing care for up to fifteen (15) children will be classified as group child care homes if four (4) or more of the children are of school age.

COMMERCIAL COMPLEX - A commercial complex shall mean a building or group of buildings constructed or to be constructed upon a zone lot and used or designed to be used for two or more occupancies.

COMMON OPEN SPACE - A parcel or parcels of land and/or an area of water within the site designated, designed and intended for use or enjoyment of the occupants of said development. "Common Open Space" may contain such complementary structures and improvements as necessary and appropriate for the benefit and enjoyment of the occupants of such development.

COMPLETELY ENCLOSED - Refers to a building or other structure having a roof, and separated on all sides from the adjacent open area or from other buildings or other structures, by exterior walls or party walls, pierced only by windows or entrance and exit doors normally provided for persons, goods or vehicles.

CONDITIONAL USE - A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning districts as conditional uses, only when specific provisions for such use are made in this ordinance. For the purposes of administration of this ordinance, conditional uses shall be construed as synonymous with special exceptions, as controlled by Section 13-7-206, Tennessee Code Annotated.

COURT - An open unoccupied space other than a yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

COURT, INNER - An open area, other than a yard or portion thereof, which is unobstructed from its lowest level to the sky and which is bounded by either:

- (A) Building walls, or
- (B) Building walls and one or more lot lines other than a front lot line, or
- (C) Building walls, except for one opening on any open area along a side lot line or rear lot line which has a width of less than thirty (30) feet at any point.

COURT, OUTER - Any open area, other than a yard or portion thereof, which is unobstructed from its lowest level to the sky and which, except for one opening upon:

- (A) A front lot line, or
- (B) A front yard, or
- (C) A rear yard, or
- (D) Any open area along a rear lot line or along a side lot line having a width or depth of at least thirty (30) feet, and which open area extends along the entire length of such rear or side lot line, is bounded by either:
 - (a) Building walls, or
 - (b) Building walls and one or more lot lines other than a front lot line.

CURB LEVEL - The mean of the elevations of the side lot lines extended to the street line.

CURB LINE - The line formed by a curb extending along its roadbed or street bed.

DESIGN REVIEW MANUAL - Standards and procedures adopted as an appendix to ARTICLE IX, of this ordinance, governing the design review of development subject to the provisions of ARTICLE IX. **(ADDED BY ORDINANCE NO. 1991-23, JULY 23, 1991.)**

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.

DEVELOPMENT AREA (MINIMUM) - The minimum amount of land area required for each dwelling unit located upon a zone district shall apply to all lots within the district. However, the minimum development area provision may require a lot larger than the minimum lot size where the intended intensity of use would so require.

DWELLING - A building, or portion thereof, designed or used exclusively for residential occupancy, but not including transient occupancy.

DWELLING ATTACHED - A building, located upon the zone lot, containing not more than two (2) dwelling units, attached at the side or sides in a series of three

or more principal buildings each containing not more than two dwelling units. At points of attachment, such buildings shall be separated from each other by fire walls extending from footings through roofs without openings.

DWELLING DETACHED - A building located upon one zone lot containing not more than two (2) dwelling units, separated from structures on adjacent lots.

DWELLING MOBILE HOME - A detached one-family dwelling with all the following characteristics:

- (A) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems;
- (B) Constructed as a single self-contained unit and mounted on a single chassis transportable after fabrication on its own wheels or detachable wheels; and
- (C) Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location of foundation supports, connections 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.

DWELLING, MULTI-FAMILY - A building containing three or more dwelling units. The term includes cooperative apartments, condominiums, and the like.

DWELLING, ONE-FAMILY - Except as provided in Subsection 1-305.1, (2), a building containing only one dwelling unit located upon one zone lot, the term is general, including such specialized forms as one-family detached, one-family semi-detached and one-family attached. For regulatory purposes, the term is not to be construed to include travel trailers, self-propelled motor homes, tents, or other forms of portable or temporary housing. **(AMENDED BY ORDINANCE NO. 1992-10, APRIL 28, 1992.)**

DWELLING SEMI-DETACHED - A building, located upon one zone lot, containing not more than two dwelling units attached at the side to not more than one other building containing not more than two (2) dwelling units by a fire wall extending from footings through roofs without openings.

DWELLING, TWO-FAMILY - A building containing two (2) dwelling units located upon one (1) zone lot the term is general including such specialized forms as two-family detached, two-family semi-detached, and two-family attached. For regulatory purposes, the term shall be construed to include two-family dwellings which are:

- (A) Held in single ownership,
- (B) Held in two party ownership.

DWELLING UNIT - A room or rooms connected together constituting a separate, independent housekeeping establishment for one family only, for owner occupancy or for rental, lease or other occupancy on a monthly or longer basis with none of the living units under the same ownership, control, or management on the same zone lot being occupied on a shorter basis, and containing independent cooking, living, sleeping and sanitation facilities.

FAMILY - One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family (excepting as set forth below) shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families, and that four or less boarders, including roomers, may be accommodated. The term "family" shall not be construed to mean a fraternity, sorority, club, or institutional group. The term family, as used in this ordinance, shall be construed to include groups of eight (8) or fewer unrelated mentally retarded or physically handicapped persons and with two (2) additional persons acting as house parents or guardians who need not be related to each other or to any of the mentally retarded or physically handicapped persons residing in the house. (See Chapter 24, of Title 13, Tennessee Code Annotated.)

FLOOR AREA - The total of the gross horizontal areas of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings or the center lines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and two (2) feet within the roof line of any building or portion thereof without walls, but excluding the following:

- (A) Areas used for off-street parking spaces or loading berths and driveways and maneuvering relating thereto where required in this ordinance.
- (B) In the case of nonresidential facilities: arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display, storage, service, or production areas.

FLOOR AREA RATIO - The total floor area on a zone lot, divided by the lot area of that zone lot. (For example, a building containing twenty thousand (20,000) square feet of floor area on a zone lot of ten thousand (10,000) square feet has a floor area ratio of 2.0.)

GROSS ACRE - An acre of land which is inclusive of all land uses and streets, and other public areas located within the development.

HAZARDOUS OCCUPANCY - The principal use of a building or structure, or any portion thereof, that involves the manufacture, use or storage of highly combustible, flammable or explosive materials or materials that constitute a high fire hazard and as further defined as a Type "H" occupancy in Section 407, Standard Building Code.

HEIGHT, BUILDING - The vertical distance from grade to the average height of the highest roof surface. Average height is the average of the height of the roof at the exterior building wall and the height of the roof at the ridge. Grade is

considered to be the highest finished ground elevation adjacent to the building in the front yard (**ADDED BY ORDINANCE NO. 2006-30, JULY 25, 2006.**)

HOME OCCUPATION - An occupation or business activity which results in a product or service and which: is conducted, in whole or in part, in either the dwelling or an accessory building normally associated with permitted uses; is conducted by at least one (1) family member occupying the residence; and is clearly subordinate to the residential use of the dwelling and premises.

Home occupations do not include garage sales, yard sales, Christmas bazaars, or home parties which are held for the purpose of the sale or distribution of goods or services. However, if such sales and/or parties are held more than six (6) times in any calendar year, or operate in excess of twenty-four (24) cumulative days in a calendar year, such sales and/or parties shall be considered a home occupation. Such uses shall be subject to the provisions and limitations set out in Section 3-208, of this ordinance.

HOTEL - This is a general term and includes all places where transient lodging activities (as herein defined) are provided for compensation. The term hotel is intended to include motels, motor courts, tourist courts, auto courts, motor lodges and all similar facilities.

IMPERMEABLE AREA - The area of ground surface of a site which is covered by buildings or materials which do not permit percolation of ground water into the soil. (**ADDED BY ORDINANCE NO. 1991-27, JULY 23, 1991.**)

IMPERVIOUS SURFACE-Any non-vertical surface artificially covered or hardened so as to prevent or impede the percolation of water into the soil mantle, including, but not limited to, building roofs, parking and driveway areas, graveled areas, walkways and paved recreation areas. (**ADDED BY ORDINANCE NO. 2002-15, JANUARY 14, 2003.**)

IMPERVIOUS SURFACE RATIO-(ISR)-A ratio derived by dividing the amount of the site that is covered by impervious surface (see Definition) by the total horizontal area of the lot (**ADDED BY ORDINANCE NO. 2002-15, JANUARY 14, 2003.**)

INDIRECT ILLUMINATION - A source of light which is not seen directly.

INTERNAL ILLUMINATION - A source of light concealed or contained within a sign and which becomes visible in darkness by shining through translucent surface.

LAND WITH INCIDENTAL IMPROVEMENTS - A tract of land which contains improvements including buildings or other structures having a total assessed valuation of five thousand dollars (\$5,000) or less.

LANDHOLDER - The legal or beneficial owner or owners of all the land proposed to be included in a planned unit development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than fifty (50) years in duration, or other person having an enforceable proprietary interest may be considered a "landholder" for the purpose of this ordinance.

LANDSCAPING - The planting and maintenance of trees, shrubs, lawns, and other ground cover or materials, provided that terraces, fountains, retaining walls,

street furniture, sculptures, or other art objects, and similar accessory features may be considered as landscaping if integrally designed.

LEGALLY REQUIRED WINDOWS - A window or portion of a window (including a window either in addition to or as a substitute for mechanical ventilation) which is required by any applicable law or statute to provide light or ventilation to a living room.

LIVING ROOM - A room designed for general living purposes in a dwelling unit. Every dwelling unit shall be deemed to have a living room.

LIVING SPACE - Utilized in planned unit development, outdoor areas including recreation areas but excluding streets and parking.

LODGING HOUSE - This is a general term and includes all places of semi-transient residential occupancy (as herein defined). The term lodging house is intended to include rooming houses, boarding houses, apartment hotels, residential hotels and all similar facilities coming within the general definition of semi-transient residential activities.

LOT - (See Lot of Record and Zone Lot.)

LOT AREA - The entire area of a zone lot.

LOT COVERAGE - That portion of a zone lot which when viewed directly from above could be covered by a building or any part of a building.

LOT FRONTAGE - The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under yards.

LOT LINE - A boundary of a zone lot.

LOT LINE EQUIVALENT - A straight line established for the purpose of determining the location and depth or width of a required yard and which either:

- (A) Joins points specified in these regulations, or
- (B) Is an extension of a street line or lot line.

LOT MEASUREMENTS

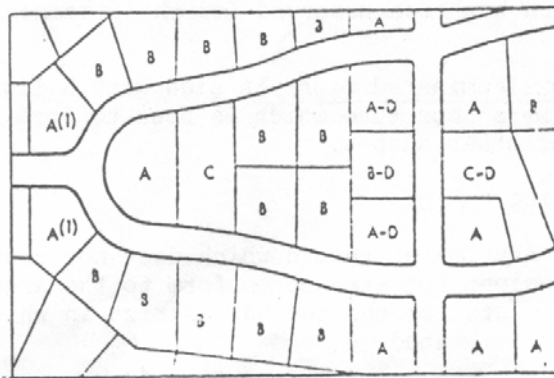
- (A) Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in the rear.
- (B) Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines of each side of the lot, measured across the rear of the required front yard, provided however that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of cul-de-sac, where the eighty (80) percent requirements shall not apply.

LOT OF RECORD - A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT TYPES - The diagram (ILLUSTRATION 1-202A) which follows indicates terminology used in this ordinance with reference to corner lots, interior lots, reversed frontage lots and through lots:

ILLUSTRATION 1-202A

LOT TYPE DIAGRAM



In the diagram:

- A =** Corner Lot, defined as a lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees. See lots marked A (1) in the diagram.
- B =** Interior Lot, defined as a lot other than a corner lot with only one (1) frontage on a street.
- C =** Through Lot, defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may be referred to as double frontage lots.
- D =** Reversed Frontage Lot, defined as a lot on which the frontage is at right angles or approximately right angles (interior angle less than one hundred thirty-five (135) degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot (A-D in the diagram), an interior lot (B-D) or a through lot (C-D).

MIXED BUILDING - A building containing residential activities with commercial and/or community facility activities for the purpose of determining bulk regulations.

MOBILE HOME - (See Dwelling, Mobile Home.)

MOBILE HOME PARK - A development which is designed and constructed in accordance with the provisions of ARTICLE VIII, CHAPTER 3, to accommodate mobile homes.

MOBILE HOME SPACE - A designated area within a mobile home park for the exclusive use of the occupants of a single home.

MOBILE HOME STAND - That part of an individual mobile home space which has been reserved for the placement of the mobile home.

NONCOMPLYING

- (A) Any lot of record which does not contain sufficient lot area to conform to the area requirements for the zoning district in which the lot is located.
- (B) Any lawful building or other structure which does not comply with any one (1) or more of the applicable bulk regulations, or
- (C) Any lawful use other than a nonconforming use, which does not comply with any part or any one (1) or more of the applicable regulations pertaining to:
 - (a) Location along district boundary; or
 - (b) Accessory off-street parking and loading:
either on the effective date of this ordinance or as a result of any subsequent amendment.

NONCONFORMING USE - A lawful use of a building or other structure other than a sign or of a tract of land which does not conform to any one (1) or more of the applicable use regulations of the district in which it is located, either on the effective date of this ordinance or as a result of any subsequent amendment.

OCCUPANCY - The principal use of land for the performance of a function or operation by a person, firm, corporation, or association as a single legal entity. For the purposes of this ordinance there shall be only one principal use of land by any one person, firm, corporation, association or legal entity.

OUTDOOR AREA - In residential planned unit developments as a partial substitution of yard requirements, it includes the total uncovered open area of a planned unit development including streets, parking, lawn, patios, recreation areas as well as usable roofs and uncovered balconies.

OVERALL DENSITY - The residential density, stated in dwelling units per gross acre of the total development area, which are permitted within a residential planned unit development.

PARTY WALL - A wall on an interior lot line, used or adopted for joint service between two (2) buildings; such walls shall extend from the foundation to the underside of roof sheathing without openings which would permit the spread of fire from one building to another and shall fully comply with fire and all other provisions and standards established for such walls in the Standard Building Code.

PEDDLER – An individual or firm that offers merchandise for sale where such merchandise is physically displayed or stored in a cart or motor vehicle from which sales are principally conducted, at either a roadside location or from door to door. The term peddler as used in this ordinance is limited in its application to itinerate vendors whose wares, operations, vehicles and all evidence thereof, are totally removed from the premises or location from which the activity is conducted at the close of each day's business.

PERSON - An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

PLANNED UNIT DEVELOPMENT - A relatively large, interrelated development adhering to a master development plan and located on a single tract of land, or on two (2) or more tracts of land which may be separated only by a street or other right-of-way.

PRINCIPAL ACTIVITY - An activity which fulfills a primary function of an establishment, institution, household, or other entity.

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

RECREATION AREA - Utilized in planned unit development is that part of living space in a relatively large contiguous area for recreational purposes.

REQUIRED YARD - (See Yard, Required.)

RESIDENCE - A building or part of a building containing one (1) or more dwelling units or rooming units, including one-family or two-family houses, multiple dwellings, boarding or rooming houses, or apartment hotels, However, residences do not include:

- (A) Such transient accommodations as transient hotels, motels, tourist homes, or similar establishments;
- (B) Dormitories, fraternity or sorority houses, monasteries, or convents, or similar establishments containing group living or sleeping accommodations;
- (C) Nurses' residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility buildings or portions of buildings used for community facilities; or
- (D) In a mixed building, that part of the building used for any nonresidential uses, except uses accessory to residential uses.

RESIDENTIAL - Pertaining to a residence.

RESIDENTIAL BUILDING - Any building utilized solely for residential activities and their accessory functions.

RESTAURANT, CARRY-OUT - An establishment that sells ready to consume food or beverages where no provisions are made for consumption on the premises (**ADDED BY ORDINANCE NO. 2005-6, FEB. 22, 2005**).

RESTAURANT, FULL-SERVICE - An establishment where ready to consume food or beverages are prepared, served and primarily consumed on premises. Any facilities for carry-out shall be clearly subordinate to the principal use of providing food for consumption on the premises (**ADDED BY ORDINANCE 2005-6 ADOPTED FEB. 22, 2005**).

RESTAURANT, QUICK-SERVICE - An establishment designed for rapid food delivery to customers seated in automobiles or from a counter or drive through window, for consumption on or off the premises (**ADDED BY ORDINANCE 2005-6 ADOPTED FEB. 22, 2005**).

RIGHT-OF-WAY LINE - Right-of-way line is a line contiguous with a lot line dividing a lot from an abutting street.

ROOMING HOUSE - (See Lodging, House.)

ROOMING UNIT - Living accommodations occupied partly on a monthly or longer basis and partly for a shorter time period, but with less than thirty (30) percent of the living units under the same ownership, control or management on the same zone lot being occupied on a weekly or longer basis.

SCRAP OPERATIONS - An establishment engaged in the storage, reclamation and, or recycling of primary metals, glass, plastics, cloth and similar materials. This category does not include the storage, transport, reclaiming or reprocessing of toxic or hazardous materials as defined by the Tennessee Code Annotated. Operations engaged in handling of toxic or hazardous wastes come within the "extensive manufacturing" use grouping defined by Subsection 1-308.3, of this ordinance. (**ADDED BY ORDINANCE NO. 1992-11, MAY 26, 1992**.)

SEMI-TRANSIENT RESIDENTIAL ESTABLISHMENT - An establishment where lodging is provided for compensation partly on a weekly or longer basis and partly for a shorter time period, but with less than thirty (30) percent of the living units under the same ownership management on the same zone lot being occupied on a less than monthly basis; but excluding institutional living arrangements involving the provision of specific kinds of forced residence, such as nursing homes, orphanages, asylums, and prisons.

SETBACK LINE - A line which establishes the minimum distance the principal building must be setback from the street line.

SINGLE OWNERSHIP - Means a proprietary interest of a landholder as defined herein.

SPECIFIED ANATOMICAL AREAS (ADDED BY ORDINANCE NO. 1997-21, JUNE 10, 1997.)

- (A) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or
- (B) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITY (ADDED BY ORDINANCE NO. 1997-21, JUNE 10, 1997.)

- (A) Human genitals in a state of sexual stimulation or arousal;
- (B) Acts of human masturbation, sexual intercourse or sodomy;
- (C) Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
- (D) Flagellation or torture in the context of a sexual relationship;
- (E) Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
- (F) Erotic touching, fondling or other such contact with an animal by a human being;
- (G) Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in (A) through (F), above.

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

STREET LINE - A lot line dividing a lot from an abutting street.

STRUCTURE - Any object constructed or installed by man, including but not limited to buildings, towers, smokestacks, and overhead transmission lines.

TEMPORARY SEASONAL PRODUCT SALES – The sale of plants, farm produce, firewood or other seasonal products from facilities which are operated on a less than year round basis and which are not entirely removed from the site at the close of each day's operations. (See Section 11-203.402.) This uses expressly excludes peddlers as defined by this ordinance.

TOURIST HOME - (See Lodging House.)

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

USE AND OCCUPANCY PERMIT - A written permit issued by the Planning Commission required before occupying or commencing to use any building or other structure or any zone lot.

WATERCOURSE - Any depression serving to give direction to a flow of water, having a bed and well-defined bank, where the drainage area above the same is twenty-five (25) acres or more in extent. The flow of water need not be on a continuous basis but may be intermittent resulting from the surface run-off of precipitation.

YARD - An open space on the same lot with a building or building group lying between the front, rear, or side wall of a building and the nearest lot line, unoccupied except for projections and the specific minor uses or structures allowed in such open space under the provisions of this ordinance.

YARD, DIAGRAM - The following "Yard Diagram (ILLUSTRATION 1-202B)" shall be used in clarifying the meaning of the "line" and "yard" definitions of this ordinance.

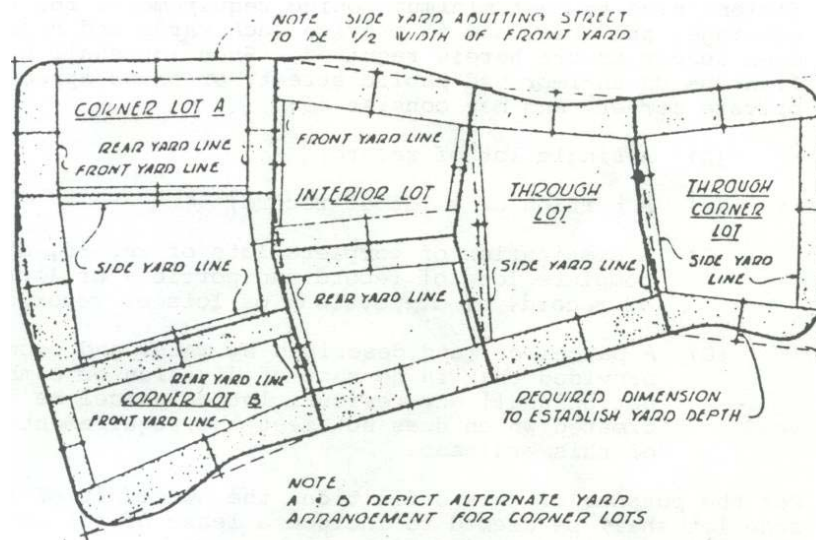
YARD, FRONT - A yard extending along the full length of a front lot line. In the case of a corner lot, a yard at least the full depth required for a front yard in these regulations, and extending along the full length of a street line shall be considered a front yard. At least one (1) such yard shall be designated for each corner lot, at least two (2) such yards shall be designated for each through lot, and each through corner lot.

YARD REQUIRED - That part of a zone lot extending open and unobstructed from the lowest level to the sky along the entire length of a lot line, and from a lot line equivalent for a depth of width set forth in the applicable regulations. Only such obstructions, projections and specific minor uses or structures allowed in such open space under the provisions of this ordinance may be permitted in any required yard.

YARD, SIDE - A yard extending along a side lot line from the required front yard to the required rear yard. In the case of a corner lot, any yard which abuts a street line and which is not designated a front yard shall be considered a side yard., In the case of a thorough lot, side yards shall extend between the required front yards, except when such corner lots are required by these regulations specifically to have more than one front yard. A side yard abutting a street shall be at least one-half (1/2) the width of the front yard.

ILLUSTRATION 1-202B

YARD DIAGRAM



ZONE OR ZONING LOT - For the purposes of this ordinance, a lot is a parcel of contiguous land which is or may be developed or utilized under one ownership as a unit site for a use or group of uses and which is of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- (A) A single lot of record;
- (B) A portion of a lot of record;
- (C) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of records;
- (D) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

For the purpose of this definition, the ownership of a zone lot shall be deemed to include a lease of not less than fifty (50) years duration.

ZONING MAP - A map or series of maps and special overlap (the official copy being maintained by the city recorder) showing districts and special districts that are established under the provisions of an, hereby, being a part of this ordinance.

ZONING PERMIT - A general term referring to a permit required to construct, reconstruct, alter or use any building or other structure or any zone lot and including the following specific permits required by this ordinance:

- (A) Building permit.
- (B) Use and occupancy permit.

CHAPTER 3. USE CLASSIFICATION

1-301 GENERAL CLASSIFICATION RULES

The provisions of this chapter shall be known as the use classifications. The purpose of these provisions is to classify uses into a number of specifically defined types on the basis of common functional characteristics and similar compatibility with other uses, thereby providing a basis for regulation of uses in accordance with criteria which are directly relevant to the public interest. A general statement is intended to provide broad use classification. This statement is intended to provide overall guidance as to the functional characteristics and limitations which form the bounds of compatibility among the individual activities within each grouping. It is not intended, however, that every use within a grouping should necessarily be permitted within a given zoning district. Where specific uses within any particular use grouping are individually listed within the use provisions of a zoning district only those particular uses may be permitted. Where a use grouping is listed without further specification or limitation then any use within the grouping may be permitted. In any instance where question may arise as to the appropriate classification of a particular use or activity the most current edition of the Standard Industrial Classification Manual, published by the U.S. Office of Management and Budget, shall be utilized as a guide in support of the classification system provided herein.

1-302 LISTING OF ACTIVITY CLASSIFICATION

All activities are hereby classified into the following activity types:*

- (A) Residential Activities
 - 1. Permanent
 - 2. Semi-Transient

- (B) Community Facility Activities
 - 1. Administrative
 - 2. Community Assembly
 - 3. Community Education
 - 4. Cultural and Recreation Services
 - 5. Essential Services
 - 6. Extensive Impact
 - 7. Health Care
 - 8. Intermediate Impact
 - 9. Personal and Group Care Facilities
 - 10. Religious Facilities

* Vacant land, itself, shall not constitute an activity type.

(C) Commercial Activities

1. Animal Care and Veterinarian Services
2. Automotive Parking
3. Automotive Service and Repair
4. Building Materials and Farm Equipment Sales and Service
5. Consumer Repair and Services
6. Construction Sales and Services
7. Convenience Commercial Sales and Service
8. Entertainment and Amusement Services
9. Financial Consulting and Administrative Services
10. General Business and Communication Services
11. General Personal Service
12. General Retail Trade
13. Group Assembly
14. Professional Services – Medical
15. Professional Services – Non-Medical
16. Restaurant, Carry-Out
17. Restaurant, Full-Service
18. Restaurant, Quick Service
19. Transient Habitation
20. Transport and Warehousing
21. Vehicular, Marine Craft, Aircraft, and Related Equipment Sales, Rental and Delivery
22. Wholesale Sales

(D) Manufacturing Activities

1. Limited
2. Intermediate
3. Extensive

(E) Agricultural, Resource Production, and Extractive Activities

1. Agricultural Services
2. Crop and Animal Raising
3. Mining and Quarrying
4. Plant and Forest Nurseries
5. Commercial Feed Lots and Stockyards

1-303 ACCESSORY USES

In addition to the principal activities expressed above, each activity type shall be deemed to include activities customarily associated with, and appropriate, incidental, and subordinate to the principal activity. The accessory uses permitted are presented within the use regulation section of each district.

1-304 CLASSIFICATION OF COMBINATION OF PRINCIPAL ACTIVITIES

The following rules shall apply where a single zone lot contains activities which resemble two or more different activity types and which are not classified as accessory activities.

1-304.1 Separate Classification of Each Establishment

The principal activities conducted on a single zone lot by each individual establishment, management, or institution shall be classified separately.

1-304.2 Separate Classification of Different Major Classes of Activities Conducted by a Single Establishment

If the principal activities conducted by a single establishment, management, or institution resemble two or more different major classes of activities, to wit, residential, community facilities, commercial, manufacturing, or agricultural and extractive activities--the principal activities of each major class shall be classified separately.

1-304.3 Classification of Different Activities Within the Same Major Class Conducted by a Single Establishment

If principal activities conducted on a single zone lot by a single establishment, management, or institution resemble two or more activity types within the same major class of activities, all such principal activities shall be classified in the activity type within said class the description of which type most closely portrays the overall nature of such activities.

1-305 RESIDENTIAL ACTIVITIES (CLASS AND TYPES)

1-305.1 Activity Type - Permanent Residential Activities

(a) Intent and Limitations

This grouping is intended to include permanent residential activities which involve the occupancy of a dwelling unit as defined by this ordinance. This form of occupancy shall not be construed to include:

- (1) Institutional living arrangements involving provisions of special care or forced residence, such as nursing homes, convalescent homes, rest homes, orphanages, asylums, and prisons; or
- (2) Transient accommodations such as transient hotels, motels, tourist homes, or similar establishments; or
- (3) Dormitories, nurses' residences, fraternity or sorority houses, monasteries or convents, or similar establishments containing group living or sleeping accommodations; or
- (4) In a building with mixed use occupancy, that part of the building uses for any nonresidential uses, excepting accessory residential uses.

(b) Use Listing

Note: The term dwelling, one-family shall include any dwelling in which eight (8) or fewer unrelated mentally retarded, mentally handicapped or physically handicapped persons reside, and may include two (2) additional persons acting as house parents or guardians who need not be related to

each other or to any of the mentally retarded, mentally handicapped or physically handicapped persons residing in the home. (See Section 13-24-102, Tennessee Code Annotated.) **(NOTE ADDED BY ORDINANCE NO. 1992-10, APRIL 28, 1992.)**

The following dwelling unit types, as defined by this ordinance, are considered as permanent residential activities when located within any district. However, only those dwelling unit types as indicated by individual district regulations may be permitted therein.

Dwelling, One-Family

Dwelling, One-Family Detached
Dwelling, One-Family Semi-Detached
Dwelling, One-Family Attached

Dwelling, Two-Family

Dwelling, Two-Family Detached
Dwelling, Two-Family Semi-Detached
Dwelling, Two-Family Attached

Dwelling, Multi-Family
Dwelling, Mobile Home

1-305.2 Activity Type - Semi-Transient Residential Activities

This grouping is intended to include residential activities which are semi-transient in nature and involve the occupancy of a rooming unit as defined by this ordinance. This form of occupancy shall not be construed to include:

(a) Intent and Limitations

- (1) Institutional living arrangements involving provisions of special care or forced residence, such as nursing homes, convalescent homes, rest homes, orphanages, asylums, and prisons; or
- (2) In any building with mixed use occupancy, that part of the building used for any nonresidential uses, excepting accessory residential uses.

(b) Use Listing

A general term "Lodging House" is included within this ordinance to describe a group of residential uses considered semi-transient in nature when they meet the general limitations of rooming units (as defined by this ordinance). The term lodging house is intended to include, subject to the general limitations for semi-transient residential activities, the following residential types:

Apartment Hotel
Boarding House
Rooming House
Residential Hotel

1-306 COMMUNITY FACILITIES ACTIVITIES; CLASS AND TYPES

1-306.1 Activity Type - Administrative Services

(a) Intent and Limitations

This grouping is intended to include the activities typically performed by public, utility and private nonprofit administrative offices.

(b) Use Listing

City, County, State, and Federal Offices
Civil Defense Facilities
Court Buildings
Fire Department Facilities
Police Department Facilities
Post Offices

1-306.2 Activity Type - Community Assembly

(a) Intent and Limitations

This grouping is intended to include a broad range of facilities utilized as public gathering places in conjunction with various social and recreational events. This grouping is not intended to include facilities primarily utilized for profit, nor is it to include any facility which has the characteristics associated with extensive impact community facilities.

(b) Use Listing

Civic, Social, Fraternal, and Philanthropic Associations
Private (nonprofit) Clubs, Lodges, Meeting Halls, and
Recreation Centers
Temporary Nonprofit Festivals

1.306.3 Activity Type - Educational Facilities

(a) Intent and Limitations

This grouping is intended to include services and facilities typically performed by public, parochial and private nursery schools, kindergartens, primary and secondary schools. The grouping is not intended to include special training and schooling services offered by private individuals for profit or technical schools, colleges and universities.

(b) Use Listing

Public, Parochial, and Private Kindergartens,
Primary and Secondary Schools

1-306.4 Activity Type - Cultural and Recreational Services

(a) Intent and Limitations

This grouping is intended to include services and facilities of a cultural or recreational nature which are either owned by, or operated for the use and enjoyment of, the general public. The grouping is not intended to include entertainment and amusement facilities which are operated by private persons as profit making ventures.

(b) Use Listing

Art Galleries (Noncommercial)
Athletic Associations
Libraries
Museums
Parks, Playgrounds, and Playfields
Planetariums and Aquariums
Recreational Centers and Gymnasiums (Public Nonprofit)
Swimming Pools and Beaches
Yachting Clubs (Private)
Zoological and Botanical Gardens (Noncommercial)

1-306.5 Activity Type - Essential Public Transport, Communication, and Utility Services

(a) Intent and Limitations

This grouping is intended to include facilities necessary and incidental to the operation of transport, communication, and utility services. The grouping is not intended to include major transport terminals or utility production and processing facilities.

(b) Use Listing

Electrical and Gas Substations
Gas, Electric, and Water Distribution Lines
Pumping Facilities for Water and Sewer Systems
Rights-of-Way for all Modes of Transportation
Sewage Collection Lines
Telephone Switching Facilities

1-306.6 Activity Type - Minor Impact Facilities (REPLACED SECTION 1-306.6 THROUGH 1-306.8 IN ITS ENTIRETY BY ORDINANCE NO. 1992-21, JULY 14, 1992)

(a) Intent and Limitations

This group is intended to include activities that have a limited or minor effect upon surrounding land uses due to potential nuisance, traffic generation characteristics, parking and land requirements.

(b) Use Listing

Cemeteries, Columbaria's, and Mausoleums
Colleges, Junior Colleges, and Universities, but
Excluding Profit-Making Business Schools
Commercial Boat Docks, Marinas, and Yacht Clubs
Golf Courses
Water Storage Facilities

1-306.7 Activity Type - Intermediate Impact Facilities

(a) Intent and Limitations

This grouping is intended to include public activities and facilities which have significant impact upon surrounding land uses due to nuisance characteristics, traffic generation, parking and land requirements.

(b) Use Listing

Airports, Air Cargo Terminals, Heliports,
Helistops, or any other Aeronautical Device
Electricity Generating Facilities
Major Mail Processing Centers
Marine Terminals
Military Bases or Reservations
Motion Picture and Television Production Lots
Radio and Television Towers and Transmission Facilities
Railroad, Bus, and Transit Terminals
Railroad Yards and Other Transportation
Equipment Marshaling and Storage Yards

1-306.8 Activity Type - Extensive Impact Facilities

(a) Intent and Limitations

This grouping is intended to include public activities and facilities which have a high degree of off-site impact upon surrounding land uses due to potential hazards, both to health and environment, nuisance characteristics, traffic generation, and parking and land requirements.

(b) Use Listing

Detention or Correction Institutions
Garbage Dumps, including Sanitary Landfill
Major Petroleum and Natural Gas Transmissions Lines
and Facilities
Water and Sewage Treatment Plants and Holding Ponds
Incinerators
Toxic Biochemical/Radiological Disposal, Handling
and Process Centers

1-306.9 Activity Type - Health Care Facilities (RENUMBERING SUBSECTIONS 1-306.9 - 1-306.11, BY ORDINANCE NO 1992-21, JULY 17, 1992)

(a) Intent and Limitations

This grouping is intended to include medical and other health care facilities which are required for promotion and protection of public health and safety. This grouping is not intended to include the offices, clinics, laboratories, etc., of private physicians or of other health care professionals.

(b) Use Listing

Center for Observation and Rehabilitation
Convalescent Homes
Hospitals
Medical Clinics

1-306.10 Activity Type - Special Personal and Group Care Facilities (AMENDED BY ORDINANCE 2010-06, ADOPTED APRIL 27, 2010)

(a) Intent and Limitations

This grouping is intended to include residential facilities for the care of young and/or disabled persons who have need of special care or supervision. This grouping is not intended to include facilities primarily oriented to the provision of medical care or to the long term care or rehabilitation of medical patients nor is it to include facilities for delinquent minors, criminally dangerous, or the psychotic.

(b) Use Listing

Association for Physically or Mentally Handicapped Persons
Assisted Living Facilities
Child Care Centers
Family and Group Care Facilities
Group Child Care Homes
Nursing Homes
Retirement and Rest Homes

1-306.11 Activity Type - Religious Facilities

(a) Intent and Limitations

This grouping is intended to include facilities utilized by various religious organizations for worship or community service functions. The grouping is not intended to include facilities which primarily function to produce products, including printed matter, for sale or general distribution to groups other than the immediate membership of the organization.

(b) Use Listing

Chapels
Churches
Convents and Monasteries

Sanctuaries
Synagogues
Temples

1-307 COMMERCIAL ACTIVITIES; CLASS AND TYPES

1-307.1 Activity Type - Animal Care and Veterinarian Services

(a) Intent and Limitations

This grouping is intended to include the activities or facilities utilized by veterinarians in the care of small domestic pets. The grouping is not intended to include facilities or services for treatment of large farm animals.

(b) Use Listing

Veterinary Clinics
Kennels

1-307.2 Activity Type - Automotive Parking

(a) Intent and Limitations

This grouping is intended to include facilities for parking and/or storage of operative automotive vehicles. The grouping is not intended to include the storage of junk or scrap or inoperative vehicles of any type.

(b) Use Listing

Auto Parking Lots
Parking Garages

1-307.3 Activity Type - Automotive Service and Repair

(a) Intent and Limitations

This grouping is intended to include establishments primarily engaged in furnishing auto repair services to the general public.

(b) Use Listing

Auto Glass Repair and Replacement Shops
Auto Inspection and Diagnostic Services
Auto Paint Shops
Auto Towing Services
Automobile Cleaning and Repair Services
Bus Maintenance and Repair Shops
Car Washes
Radiator and Muffler Shops
Tire Retread and Repair Shops
Wheel Alignment and Transmission Repair Shops

1-307.4 Activity Type - Building Materials and Farm Equipment Sales

(a) Intent and Limitations

This grouping is intended to include firms engaged in the retail and wholesale sale and storage of materials used in the construction of buildings and other structures as well as the retail and wholesale sale and storage of implements, equipment, feed and seed used in agricultural pursuits.

(b) Use Listing

Farm Equipment and Supplies
Feed Milling and Sales
Heating, Plumbing, and Electrical Supplies
Lumber and Other Building Material Dealers
Retail Nurseries, Landscaping Firms and
Garden Supply Stores
Seed Storage and Sales

1-307.5 Activity Type - Contract Construction Services

(a) Intent and Limitations

This grouping is intended to include the offices, buildings and shops of various types of construction contractors and operative builders engaged in the construction of buildings, streets, highways, and utilities as well as incidental on-site storage of equipment and supplies utilized in building operations.

(b) Use Listing

Carpentering Contractors
Concrete Contractors
Excavation Contractors
General Building Contractors
Glazing Contractors
Highway and Street Construction Contractors
Masonry, Stonework, Tile Setting, and
Plastering Contractors
Painting, Paper Hanging, and Decorating Services
Plumbing, Heating, and Electrical Contractors
Roofing and Sheet Metal Contractors

1-307.6 Activity Type - Convenience Retail Sales and Services

(a) Intent and Limitations

This grouping is intended to include firms engaged in the retail sale, from the premises, of goods and services which are needed immediately and often and which are purchased where it is most convenient for the shopper; as well as the provision of personal convenience services which are typically needed frequently and recurrently.

(b) Use Listing

Bakeries
Barber Shops
Beauty Shops
Candy, Nut and Confectionery Stores
Convenience Markets
Dairy Products Stores
Drug Stores
Fruit Stores
Gasoline Service Stations
Hardware Stores
Health Spas
Laundry, Cleaning and Garment Services
Liquor Stores
Meat and Fish Markets
News Stands
Shoe Repair Shops
Vegetable Markets

1-307.7 Activity Type - Equipment Repair Services

(a) Intent and Limitations

This grouping is intended to include establishments primarily engaged in the repair of miscellaneous objects. The grouping does not include automotive repair of any type.

(b) Use Listing

Blacksmith Shops
Electrical Repair Shops
Gunsmith Shops
Instrument Repair Shops
Lawn Mower Repair Shops
Locksmith Shops
Office Equipment Cleaning and Repair
Refrigeration and Air Conditioning Repair
Reupholsters and Furniture Repair
Saddler Repair Shops
Watch, Clock, and Jewelry Repair
Welding Shops

1-307.8 Activity Type - Entertainment and Amusement Services (AMENDED BY ORDINANCE 2010-01, ADOPTED FEBRUARY 9, 2010)

(a) Intent and Limitations

This grouping is intended to include establishments engaged in providing amusement or entertainment on payment of a fee or admission charge.

(b) Use Listing

Art Galleries - Commercial

Bowling Alleys and Billiard Parlors
 Cheerleading Schools
 Coin Operated Amusement Arcades
 Commercial Sporting Facilities:
 Golf Courses and Driving Ranges
 Riding Stables
 Skating Facilities
 Swimming Pools and Beaches
 Tennis Courts
 Dance Halls, Studios, and Schools
 Exhibition Halls and Commercial Auditoriums
 Gardens (Botanical and Zoological)
 Gymnastics Schools
 Marinas, Boat Docks, and Boat Rental
 Motion Picture Theaters
 Recording and Television Production Studios
 Sports Instruction Facilities
 Theaters - Legitimate
 Theatrical Producers, Bands, Orchestras, and Entertainers

1-307.9 Activity Type - Financial, Consulting and Administrative Services

(a) Intent and Limitations

This grouping is intended to include firms engaged in the provision of financial, insurance, and real estate brokerage services, as well as advice, designs, information, or consultations of a professional nature (other than those classified as community facility activities, medical and professional service, or business and communication services). These also include the executive management, or administrative activities of private, profit oriented firms but exclude the sale and/or storage of goods or chattel unless otherwise permitted by this ordinance.

(b) Use Listing

Agricultural Credit Institution
 Banking and Bank-Related Functions
 Credit Unions
 Holding and Investment Organizations
 Installment Sales Finance Companies
 Insurance Carriers, Agents, Brokers, and Service
 Money Management and Investment Offices
 Real Estate Brokers, Managers, and Appraisers
 Rediscount and Financing Institutions for Credit
 Agencies Other Than Banks
 Savings and Loan Associations
 Securities and/or Commodities, Brokers, Dealers, and Exchanges
 Title Offices

1-307.10 Activity Type - General Business and Communication Service

(a) Intent and Limitations

This grouping is intended to include firms engaged in the provision of services of a clerical, goods brokerage, and communications of a minor processing nature.

(b) Use Listing

Advertising Agencies & Services
Commercial Cleaning Services
Commercial Testing Laboratories
Communications Services:
 Radio and Television Broadcasting Studios
 Telegraph Offices and Message Centers
 Telephone Exchanges and Relay Towers
 Television and Recording Production Studios
Computer and Data Processing Services
Credit Reporting, Adjustment, and Collection Agencies
Detective Agencies and Protective Services
Drafting Services
Employment, Personnel, and Temporary Help Services
Exterminating Services
Interior Decorator and Consulting Services
Mailing, Reproduction, and Commercial Art Services
Management, Consulting, and Public Relations Services
Membership Organizations:
 Automobile Clubs
 Better Business Bureaus
 Chapter of Commerce
 Labor Unions
 Political Organizations
 Professional Associations
News Syndicates
Photofinishing Services
Research and Development Laboratories
Trading Stamp Services
Travel Agencies
Vehicular and Equipment Rental and Leasing Services

1-307.11 Activity Type - General Personal Services

(a) Intent and Limitations

This grouping is intended to include firms engaged in the provision of informational, instructional and other services not including financial, consulting and administrative services, group assembly, or transient habitation or services classified as community facilities.

(b) Use Listing

Funeral and Crematory Services
Clothing Repair and Rental
Photographic Studios
Hat Cleaning Shops
Special Training and Schooling Services:
 Art and Music Schools
 Barber and Beauty Schools
 Dancing Schools
Driving Schools

1-307.12 Activity Type - General Retail Trade

(a) Intent and Limitations

This grouping is intended to include the retail sale or rental from the premises, primarily for personal or household use, of goods and/or services; but excluding goods and services listed under the other activity types.

(b) Use Listing

Antique and Second Hand Merchandise Stores
Automotive Parks (No Exterior Storage)
Book and Stationary Stores
Camera Stores
Children's and Infants' Stores
Department Stores
Drapery, Curtain, and Upholstery Stores
Family Clothing Stores
Floor Covering Stores
Florists
Furniture Stores
Furriers and Fur Shops
Gift Shops
Grocery Stores
Hardware Stores
Hobby, Toy, and Game Stores
Household Appliance Stores
Jewelry Stores
Luggage Shops
Men's and Boy's Clothing and Furnishing Stores
Miscellaneous Apparel and Accessory Stores:
 Bathing Suit Stores
 Custom Tailors
 Shirt Shops
 Sports Apparel Stores
 Uniform Stores
Miscellaneous General Merchandise Stores:
 Direct Selling Organizations
 Mail Order Houses
Miscellaneous Home Furnishings Stores:
 Bedding and Linen Stores
 Cookware Stores
 Cutlery Stores
 Glassware and China Shops
Lamp and Shade Shops
Paint and Wallpaper Stores
Music Stores
News Stands
Proprietary Stores
Radio and Television Stores
Sewing and Piece Goods Stores
Shoe Stores
Sporting Goods Stores

Tobacco Shops
Variety Stores
Women's Accessory and Specialty Stores
Women's Ready-to-Wear Store

1-307.13 Activity Type - Group Assembly

(a) Intent and Limitations

This grouping is intended to include the provision of cultural, entertainment, educational and athletic services, other than those classified as community facilities, to large groups (500 or more) assembled spectators and/or participants.

(b) Use Listing

Amusement Parks and Fairgrounds
Commercial Camp Grounds
Commercial Resorts
Commercial Sports Arenas and Playing Fields
Drag Strips
Race Tracks (Auto, Motorcycle, Dog, and Horse)

1-307.14 Activity Type - Professional Services - Medical

(a) Intent and Limitations

This grouping is intended to include establishments primarily engaged in providing medical, dental, and other health services to individuals. The grouping is limited and does not include the broad ranging services provided at general health care facilities such as hospitals.

(b) Use Listing

Chiropractors Offices
Dental Offices and Laboratories
Medical Laboratories
Optometrists
Physicians' Offices and Clinics (Out-Patient Services)
Psychologist and Psychotherapists
Veterinarian Services and Hospitals

1-307.15 Activity Type - Professional Services - Non-medical

(a) Intent and Limitations

This grouping is intended to include a broad listing of generally recognized professions, other than medicine, which are compatible with one another and tend to exert similar impacts upon their surroundings.

(b) Use Listing

Accounting, Auditing, and Bookkeeping Services
Artists Studios

Attorneys and Law Offices
Consulting Scientists
Educational and Scientific Research Services
Engineering and Architectural Services
Songwriters and Music Arrangers
Urban Planning Services
Writers and Lecturers

1-307.16 Activity Type – Restaurant, Carry-Out (ADDED BY ORDINANCE 2005-6, FEB. 25, 2005)

(a) Intent and Limitations

This grouping is intended to include establishments where the principal business is the sale of food or non-alcoholic beverages in a ready-to-consume state for consumption off the premises. No provisions shall be made for on-premise consumption of food or beverages.

(b) Use Listing

Carry-Out Restaurants

1-307.17 Activity Type – Restaurant, Full-Service (ADDED BY ORDINANCE 2005-6, FEB. 25, 2005)

(a) Intent and Limitations

This grouping is intended to include establishments where the principal business is the sale of food or beverages in a ready-to-consume state primarily for consumption on the premises. Full-service restaurants may include facilities for carry-out so long as said facilities are clearly subordinate to the principal use of providing food or beverages for consumption on the premises.

(b) Use Listing

Cafes
Cafeterias
Dine-In Restaurants
Taverns

1-307.18 Activity Type- Restuaruant, Quick-Service (ADDED BY ORDINANCE 2005-6, FEB. 25, 2005)

(a) Intent and Limitations

This grouping is intended to include establishments where the principal business is the sale of food or non-alcoholic beverages in a ready-to-consume state and where the design or principal method of operation includes rapid food delivery to customers seated in automobiles or from a counter or drive through window. Consumption may be either on or off premises. Any establishment having a walk-up or drive-through window and meeting four (4) or more of the following characteristics shall be deemed a quick-service restaurant for zoning purposes:

- (i) A drive through window with a permanent menu board;
- (ii) 55% or less of the floor are devoted to customer seating;
- (iii) customers pay for food before consuming it;
- (iv) a self-service condiment bar is provided;
- (v) trash receptacles are provided for self-service busing; and
- (vi) packaging of food is done in disposable containers.

(b) Use Listing

Drive-In Restaurants
Fast-Food Restaurants

1-307.19 Activity Type - Scrap Operations (ADDED SUBSECTION 1-307.18, BY ORDINANCE NO. 1992-11, MAY 26, 1992.)

(a) Intent and Limitations

This grouping is intended to include firms engaged in the storage and sale, from the premises, of used or waste material or other items, except when such activities are incidental to a manufacturing operation or are classified as toxic or hazardous materials.

(b) Use Listing

Automobile Junk Yard
Salvage Establishments

1-307.20 Activity Type - Transient Habitation (RENUMBERING SUBSECTIONS 1-307.19 - 1-307.22, BY ORDINANCE NO. 1992-11, MAY 26, 1992)

(a) Intent and Limitations

This grouping is intended to include commercial and institutional establishments engaged in furnishing temporary living accommodations, including lodging and/or meals, on a fee basis. Included within this grouping are all facilities where thirty (30) percent or more of the living units located on the same zone lot and held under the same ownership are being occupied on a less than monthly basis.

(b) Use Listing

Hotels, Motels
Tourist Homes or Courts
Sporting and Recreational Vehicle Camps

1-307.21 Activity Type - Vehicular, Marine Craft, Aircraft, and Related Equipment Sales, Rental and Delivery

(a) Intent and Limitations

This grouping is intended to include retail dealers selling new and used automobiles, boats, aircraft, recreational vehicles, utility trailers, and motorcycles. Repair shops and parts sales facilities are to be included, along with gasoline service stations. The grouping is not intended to

include automotive distributors, the greater part of whose sales are to dealers or to institutional or industrial users (See Wholesale Sales).

(b) Use Listing

Aircraft Dealers
Auto and Home Supply Stores
Boat Dealers
Gasoline Service Stations
Motor Vehicle Dealers (New and Used)
Motorcycle Dealers
Recreational and Utility Trailer Dealers

1-307.22 Activity Type - Warehousing, Goods Transport, and Storage

(a) Intent and Limitations

This grouping is intended to include establishments and facilities associated with the warehousing, storage, and transport of goods.

(b) Use Listing

Freight Forwarders
General Warehousing
Household Goods Storage
Local and Long Distance Trucking Terminals
Packing and Crating Services
Refrigerated Warehousing
Truck Terminals and Freight Handling

1-307.23 Activity Type - Wholesale Sales

(a) Intent and Limitations

This grouping includes the storage and sale from the premises of goods to other firms for resale, as well as the storage of goods and their transfer to retail outlets, but exclude sale or storage of motor vehicles, except for parts and accessories.

(b) Use Listings

Apparel, Piece Goods, and Notions
Beer, Wine, and Distilled Alcoholic Beverages
Chemicals and Allied Products
Drugs, Drug Proprietaries, and Sundries
Electrical Goods and Appliances
Farm Products Raw Materials
Farm Supplies
Furniture and Home Furnishings
Groceries and Related Products
Hardware, Plumbing, and Heating Equipment and Supplies
Lumber and Other Construction Materials
Machinery, Equipment, and Supplies
Metals and Minerals

Motor Vehicles and Automotive Parts and Supplies
Paints, Varnishes, and Supplies
Paper and Paper Products
Petroleum and Petroleum Products
Sporting, Recreational, Photographic, and Hobby Goods
Tobacco and Tobacco Products
Toys and Supplies

1-307.24 Activity Type - Adult Oriented Business (ADDED BY ORDINANCE NO. 1997-21, JUNE 10, 1997.)

(a) Intent and Limitations

This grouping includes, but is not limited to, establishments whose principal activity is to provide sexually explicit adult oriented entertainment or material to the general public.

(b) Use Listing

Adult Oriented Bookstores
Adult Oriented Video Stores
Adult Oriented Entertainment

1-308 MANUFACTURING, ACTIVITIES: CLASS AND TYPES

1-308.1 Activity Type – Limited Manufacturing

(a) Intent and Limitations

This grouping is intended to include manufacturing operations which involve the compounding, processing, assembling, packaging treatment or fabrication of materials necessary to create the following products:

Apparel Accessories, such as Hats, Jewelry, and Umbrellas
Art Objects
Bakery Goods
Beverages (Nonalcoholic)
Dairy Products
Instruments for Scientific, Medical, Dental
Engineering, and Other Professional Purposes
Optical Instruments and Lens
Printed Matter
Signs

(b) Use Listing

In addition to the manufacturing of the above products the following activities and operations are held to be limited manufacturing activity:

Book Binding
Data Processing Service
Photocopying
Photoengraving
Precision Machining of Dies, Jigs, and Fixtures
Printing

Publishing
Record Pressing
Upholstering

1-308.2 Activity Type - Manufacturing - Intermediate

(a) Intent and Limitations

This grouping is intended to include a broad range of manufacturing operations. The grouping does not include the manufacturing, compounding, assembling, packaging treatment or fabrication of the following:

Cotton Seed Oil
Explosives
Fireworks
Organic Fertilizers

(b) Use Listing

Subject to the general intent and limitations set out above for this use grouping, manufacturing activities and operations excepting the following shall be considered intermediate manufacturing.

Abrasive, Asbestos, and Nonmetallic Mineral Processing*
Arsenals
Asphaltic Cement Plants
Atomic Reactors
Automobile Wrecking Yards
Cement and/or Concrete Plants
Chemical Manufacturing in Excess of One (1) Ton Per Day
Cotton Ginning*
Fat Rendering
Foundries
Grain Milling
Junk Yards
Offal Processing

*These activities may be considered as intermediate manufacturing activities if the use activity is conducted in completely enclosed structures.

1-308.3 Activity Type - Manufacturing - Extensive

(a) Intent and Limitations

This grouping is intended to include all intermediate manufacturing activities (described above) and the exceptions made for that grouping, excepting the uses listed below.

(b) Use Listing

The following activities are held to not fall within the general definition of extensive manufacturing activities*.

Arsenals

Atomic Reactors
Explosives Manufacturing and Storage
Fireworks Manufacturing
Radioactive Waste Handling

*The definition of Extensive Manufacturing Activities may be expanded to include the preceding exceptions upon the consideration of a specific proposed use by the board of commissioners in accordance with ARTICLE XI, SECTION 11-612.

1-309 AGRICULTURAL AND EXTRACTIVE ACTIVITIES; CLASS AND TYPES

1-309.1 Activity Type - Agricultural Services

(a) Intent and Limitations

This grouping is intended to include a variety of service functions which are directly linked to the agricultural activities which these functions support.

(b) Use Listing

Crop Drying, Storage, and Processing Services
Crop Planting, Cultivating, and Protection Services
Horticultural Services
Soil Preparation Services
Veterinary Services for Livestock

1-309.2 Activity Type - Crop and Animal Raising

(a) Intent and Limitations

This grouping is intended to include the raising of tree, vine, field, forage, and other plant crops intended to provide food or fiber, as well as keeping, grazing, or feeding animals for animal products, animal increase, or value increase, but specifically excluding commercial feed lots and facilities for the processing, packaging, or treatment of agricultural products.

1-309.3 Activity Type - Feed Lots and Stockyards

(a) Intent and Limitations

This grouping is intended to include facilities and operations involved in the storage and feeding (other than pasture grazing) of animals for resale or slaughter.

(b) Use Listing

Feed Lots
Stockyards

1-309.4 Activity Type - Plant and Forest Nurseries

(a) Intent and Limitations

This grouping is intended to include the cultivation for sale of horticultural specialties, such as flowers, shrubs, and trees, intended for ornamental, landscaping, or tree planting purposes.

(b) Use Listing

Forest Nursery
Plant Nursery

1-309.5 Activity Type – Mining and Quarrying (ADDED BY ORDINANCE 2007-09, MARCH 27, 2007)

(a) Intent and Limitations

This grouping is intended to include operations and facilities either utilized by, or in support of, the extraction of minerals, ores, petroleum, and natural gas or in the quarrying and collection of stone, sand and gravel, clay and other non-metallic minerals (such as phosphate rock).

(b) Use Listing

Chemical Fertilizer and Non-metallic Mineral Mining
Clay, Ceramic, and Refractory Minerals, and Non-Metallic
Coal mining
Crude Petroleum and Natural Gas Production and Field
Metal Ore and Mineral Mining
Sand and Gravel Quarrying
Stone Quarrying

CHAPTER 4. ADMINISTRATIVE STANDARDS

Whenever, in the course of administration and enforcement of this ordinance, it is necessary or desirable to make any administrative decisions, then, unless other standards are provided in this ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this ordinance or injurious to the surrounding neighborhood.

CHAPTER 5. LEGAL STATUS PROVISIONS

1-501 INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.

1-502 RELATIONSHIP TO OTHER LAWS AND PRIVATE RESTRICTIONS

(A) Where the conditions imposed by any provisions of this ordinance upon the use of land or buildings or upon the height or bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other

provision of this ordinance or any other law, or ordinance, of any kind, the provisions which are more restrictive shall apply.

- (B) This ordinance is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of this ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this ordinance to the extent that they are more restrictive shall govern.

1-503 ORDINANCE PROVISIONS DO NOT CONSTITUTE PERMIT

Nothing contained in this ordinance shall be deemed to be a consent, license, or permit to use any property or locate, construct, or maintain any building, structure, or facility or to carry on any trade, industry, occupation, or activity.

1-504 PROVISIONS ARE CUMULATIVE

The provisions of this ordinance are cumulative with any additional limitations imposed by all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter appearing in this ordinance.

1-505 SEPARABILITY

It is hereby declared to be the intention of the Board of Commissioners [Board of Mayor and Aldermen] of the City of Hendersonville, Tennessee, that the several provisions of this ordinance are separable in accordance with the following:

- (A) If any court of competent jurisdiction shall adjudge any provision of this ordinance invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment.
- (B) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provisions to any other property, building, or structure not specifically included in said judgment.

1-506 APPLICATION OF REGULATIONS

No structure shall be constructed, erected, placed or maintained and no land use commenced or continued within the city or the planning region except as specifically or by necessary implication, authorized by this ordinance. Conditional uses are allowed only on permit granted by the board of zoning appeals upon finding that the specified conditions exist. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication.

1-507 SCOPE OF REGULATIONS

1-507.1 New Uses, Lots, Buildings, or Other Structures

Upon the effective date of this ordinance any new building or other structure or any tract of land shall be used, constructed, or developed only in accordance with the use, bulk, and all other applicable provisions of this ordinance.

1-507.2 Existing Uses, Lots, Buildings, or Other Structures

- (a) Any existing use legally established prior to the effective date of this ordinance which does not comply with its provisions shall be subject to the nonconforming use provisions in ARTICLE X, of this ordinance.
- (b) Any existing lot, parcel, building, or other structure legally established prior to the effective date of this ordinance which does not comply with its provisions, other than use provisions, shall be subject to the noncomplying regulations in ARTICLE X, of this ordinance.

1-507.3 Alteration of Existing Buildings and Other Structures

All structural alterations or relocations of existing buildings or structures occurring after the effective date of this ordinance and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this ordinance which are applicable to the zoning districts in which such buildings, uses, or land shall be located.

1-508 EXCEPTIONS, VARIANCES AND CONDITIONAL USES

Whenever the zoning ordinance in effect at the time of adoption of this ordinance has authorized any use which is not permitted as of right by issuing a variance, exception, or permit to locate in a district, such authorization may be continued, changed, extended, enlarged, or structurally altered only as set forth in ARTICLE X.

1-509 EFFECTIVE DATE

This ordinance shall be in force and effect from and after its passage and adoption, the public welfare requiring it.

Approved and Certified by Planning Commission

Approved on Final Reading

Erskine L. Ausbrook, Jr.
Secretary, Planning Commission

Millard C. Bridges
Chairman, Planning Commission

December 18, 1984
Date

Approved on Final Reading

Earl Durham
Mayor

May 28, 1985
Date

ATTEST:

Ron Minnicks, Deputy Recorder

City Recorder