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ARTICLE I  
GENERAL PROVISIONS

Chapter 1.                    TITLE, PURPOSE, AND LEGISLATIVE ENACTMENT

1-101                        TITLE

1-101.1                    Long Title.

An ordinance, in pursuance of the authority granted by Sections 13-7-201 through 13-7-302, Tennessee Code Annotated, to provide for the establishment of districts for the Town of Waynesboro, 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 provide for 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 resolutions.

1-102.2                    Short Title.

This ordinance may be cited as the Zoning Ordinance of Waynesboro, Tennessee. The map portion may be cited separately as the Zoning Map of Waynesboro, Tennessee.

1-102 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 town into zones and districts restricting and regulating therein the location, construction, re-construction, alteration, and use of building, 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 town, and to promote the orderly and beneficial development of such areas;
- (d) To provide adequate light, air, privacy, and convenience to access to property;
- (e) To regulate the intensity of open spaces surrounding buildings that is necessary to provide adequate light and air and protect and public health.
- (f) To establish building lines and the location of buildings designed 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 to 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 conserve the taxable value of land and buildings throughout the city;
- (m) To define and limit the powers and duties of the administrative officers and bodies as provided herein.



WHEREAS, Section 13-7-201 through 13-7-302 of the Tennessee Code Annotated Tennessee Code Annotated empowers the town to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS, the Board of Commissioners deems it necessary, for the purpose of promoting the health, safety, morals, and general welfare of the town to enact such an ordinance, and

WHEREAS, the Board of Commissioners, 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 town 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 the health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions 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 municipality, and

WHEREAS, the Planning Commission has submitted its final report to the Board of Commissioners, and

WHEREAS, the Board of Commissioners 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 Section 13-7-201 through 13-7-302 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 have been met:

NOW, THEREFORE, BE IT ORDAINED BY THE PEOPLE OF THE TOWN OF WAYNESBORO, TENNESSEE THAT THE ZONING ORDINANCE OF WAYNESBORO TENNESSEE BE ENACTED INTO LAW.



## ARTICLE I

### Chapter 2. CONSTRUCTION OF LANGUAGE AND DEFINITIONS

#### 1-201 Rules for Construction of Language

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

- 1-201.1 The particular shall control the general.
- 1-201.2 The word “shall” is always mandatory, and not discretionary.
- 1-201.3 The word “may” is permissive.
- 1-201.4 The word “lot” shall include the words “piece” or “parcel”.
- 1-201.5 The word “building” or “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”.
- 1-201.6 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.
- 1-201.7 The word “permitted” or words “permitted as of right”, means permitted without meeting the requirements for a conditional use permit.
- 1-201.8 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 VIII, Chapter 6 of this ordinance, and all other applicable provisions.
- 1-201.9 Words used in the present tense shall include the future, and words used in the singular include the plural, and the plural in the singular, unless the context clearly indicates the contrary.
- 1-201.10 Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:



1-201.1001 “And” indicates that all connected items, conditions, provisions or events shall apply.

1-201.1002 “Or” indicates that the connected items, conditions, provisions, or events shall apply.

1-201.1003 “Either...or” indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

1-201.11 All public officials, bodies, and agencies to which reference is made are those in the Town of Waynesboro, 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. In any case, the zoning administration shall have the right to interpret the definition of any word.

**Abuts or Abutting.** Having property or district lines in common; e.g., tow lots are abutting if they have property lines in common.

\*Also those lots on either side of an alley.

**Accessory.** An activity or structure that is customarily associated with and is appropriately 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.

**Advertising.** Includes any writing, printing, painting, display emblem, drawing, sign, or other device designed, sued or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on board, frames, supports, fences or other man-made structures, and any such advertising is a structure within the meaning of the word “structure” as utilized in this ordinance.

**Alley.** A public way intended to provide only secondary vehicular access to abutting properties.



**Attached.** An enclosure having walls, roof and floor.

**Boarding or Rooming House.** Any dwelling in which three (3) or more persons either individually or as families are housed for rent with or without meals.

**Buffer Strip (Planted Evergreen).** A greenbelt planted strip at least four (4) feet wide, densely planted with shrubs or trees which are at least four (4) feet high at; the time of planting and which are of a type which may be expected to form a year-round dense screen at least six (6) feet high within three (3) years.

**Building.** Any structure constructed or used for residence, business, industry or other public and private purposes, or accessory thereto, and including signs, tents, mobile homes and similar structures whether stationary or movable.

**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 aisles 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, which are not designed or used as sales, display, storage, service, or production areas.

**Floor Area Ratio (FAR)** - The percentage of lot areas of the floor area of all buildings, excluding the floor area of garages, carports and breezeways, and excluding the area of any floor more than four (4) feet below average grade where no., part, of such - basement, is -used, for sleeping rooms or quarters.

**Half-Story** - A story under a sloping roof, the finished floor area of which does- not exceed one-half of the floor area of the floor immediately below it; or a basement used for human occupancy if the floor area of the part of the basement thus used does not exceed fifty (50) percent of the floor area immediately above.



**Height of Building** - The 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 a building.

**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 not used for human occupancy shall not be counted as a story.

**Total Floor Area** - The area of all floors of a building, including finished attic, finished basement, and covered porches used for habitation.

**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.

**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 structure having f a roof, and separated on all sides from the adjacent open area for from other buildings or other structures, by exterior walls or party walls, pierced only by windows or entrance and exit f 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, and general welfare. Such uses may be permitted in such zoning district as conditional uses, only when specific provisions for such use is made in this ordinance.

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

**Dwelling.** A house, mobile home, apartment building, boarding house, tourist home, or other structure designed or used primarily for human habitation. For the purpose of this ordinance the word "dwelling" shall not include a travel trailer, hotel, motel, or tourist court.

**Apartment dwelling** - A building and accessories thereto principally used, designed, or adapted for use as occupancy by three (3) or more households each of which has separate living quarters.

**Apartment Complex Dwelling** - Two (2) or more apartment buildings on the same tract in one (1) ownership and constructed as a planned, development.

**Boarding House** - A building and accessories thereto principally used, designed, or adapted to provide .living accommodations 'for not more than six (6) occupants and having common cooking and dining facilities.

**Condominium** - An apartment building or townhouse containing three or more dwelling units being under or intended for separate ownership for each household living accommodation.

**Duplex Dwelling** - A building and accessories thereto principally used, designed, or adapted for use by two ('2) households, the living quarters of each of which are completely separate.

**Mobile Home (Trailer)** - A detached single-family dwelling unit with any or all of 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) Designed to be transported after fabrication on its own wheels, or on a flatbed or other trailers or detachable wheels.
- (c) Arriving at the site where it is to be occupied as a complete dwelling including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities and the like.

**Mobile Home Park** - The term shall mean any plot of ground within Waynesboro on which two (2) or more mobile homes, occupied for dwelling car sleeping purposes, .are located.

**Mobile Home Space** - The term shall mean a plot of ground within a mobile home park designated for the accommodation of one (1) mobile home.

**Multi-family Dwelling** - A townhouse or apartment dwelling.

**Prefabricated Dwelling** - A single detached dwelling constructed primarily off-site, designed to be transported on a flat-bed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to municipal or on-site systems, and permanently connected to such systems. Such structures are distinguished from mobile homes as described elsewhere in this ordinance when they have a minimum gross floor area of 600 square feet and have no horizontal exterior dimensions of less than 15 feet not including porches or carports. When such a structure meets the above-stated requirements it shall qualify as a single detached dwelling.

**Rooming House** - A building and accessories thereto principally used, designed, or adapted to provide living .accommodations for not more than six (6) occupants and without owner-provided cooking and dining facilities.



**Single Detached Dwelling** - A building and accessories thereto principally used, designed, or adapted for use by a single household.

**Town House** - A residential structure containing three or more single non-detached dwelling units separated by a common vertical wall.

**Emergency Shelter.** A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fallout, raids, storms, or other emergencies.

**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 not more than two rooms may be occupied by a total of four or less roomers, who may also board with the 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.

**Flood.** A general and temporary condition of partial and complete inundation of normally dry land areas resulting from .the overflow of watercourses, or the unusual and rapid accumulation of runoff of surface waters from any source.

In applying the provisions of this ordinance, land subject to flood shall be defined as follows:

Along Green River, Hurricane Creek, Hollow Branch and Rock Mill Branch identified as having special flood hazards by the office of Federal Insurance Administration (FIA). The lands identified as subject to inundation by the 100-year flood and all lands lying below the 100-year elevation as demonstrated by the maps and charts contained in the Flood Insurance Study, City of Waynesboro, Tennessee,, Wayne County, dated December 24, 1976, as prepared by the U.S. Department of Housing and Urban Development, Federal Insurance Administration, and all subsequent -revisions thereto, which are made a part of this ordinance;

**Along Small Streams and Watercourses.** The lands lying within one hundred (100) feet of the top of the bank of a channel (measured horizontally) unless the developer demonstrates to the satisfaction of the Planning Commission that the property in question is free from the danger and inundation by the 100-year flood or that adequate remedial -measures have been taken to allow the watercourse to safely accommodate the 100-year flood. The developer shall submit such data or studies based on the watershed characteristics, probable runoff, and other



topographic and hydraulic data prepared by a registered professional engineer as the Planning Commission may reasonably require to adequately make its determination of the flood susceptibility of the property.

**Flood Channel** - A natural or artificial watercourse or perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flood thus is that water which is flowing within the limits of the defined channel.

**Flood Fringe** - That portion of the flood plain outside the floodway.

**Flood Obstruction** - Any dam, wall, warf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across, or projecting into any channel, water course, or regulatory flood-hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

**Flood Plain** - The land adjacent to a body of water which has been or may be hereafter covered by flood water including but not limited to the regulatory flood.

**Flood Profile** - A graph or a longitudinal profile showing the relationship of the water-surface elevation of a flood event to location along a stream or river.

**Flood Proofing** - A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents- of buildings in a flood-hazard area.

**Floodway** - The stream channel and the portion of the adjacent flood plain which must be reserved solely for the passage of floodwaters to prevent an increase in flood heights of more than one (1) foot above natural or predevelopment flood levels.

**Floodway Fringe Area** - Lands lying outside the floodway but within the areas subject to inundation by the Regional Flood.

**One Hundred (100), Year Flood** - A flood which has, on the average, a one (1) percent chance of being equaled or exceeded in any given year. It is sometimes referred to as the "1-percent-chance flood".



**Regional Flood** - A flood used in Tennessee Valley Authority Flood studies, comparable to the largest floods known to have occurred on streams of similar physical characteristics in the same geographic region.

**Floor Area.** (See Building.)

**Floor Area Ratio (FAR).** (See Building.)

**Gross Acre.** An acre of land which is inclusive of all land uses and streets, and other public areas located within the development.

**Half-Story.** (See Building.)

**Height.** (See Building.)

### **Home Occupation**

An occupation conducted in a dwelling unit, provided that:

- a) Only one person other than members of the family residing on the premises shall be engaged in such occupation-
- b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four (4) square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
- d) Such occupation shall not require the alteration of buildings, new construction, or equipment and machinery not customarily used in residential areas.
- e) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- f) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a one-family dwelling, or outside the dwelling unit if conducted in other than a one-family dwelling.



**Hotel.** Every building or structure or enclosure, or any part thereof, kept, used as, maintained as, advertised as, intended for, or held out to the public as a place where sleeping accommodations are furnished, whether with or without meals, and furnishing accommodations to transient guests, in contradistinction to a boarding, rooming, lodging, or apartment house shall for the purpose of this ordinance be deemed a hotel and provide the customary hotel services such as maid and linen service, telephone and secretarial or desk service.

**Institution.** An organization devoted to specialized studies and the buildings in which the organization is housed.

**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 included as landscaping if integrally designed.

**Loading and Unloading Space.** An area for the loading and unloading of trucks or other vehicles at least fifty-five (55) feet in depth, fifteen (15) feet in width, (with an overhead clearance of not less than fourteen (14) feet), exclusive of access, platform, or maneuvering area.

**Lot.** For purposes of this ordinance, a lot is a parcel of land 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 record;
- (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.

**Lot Area** - The entire area of a zone lot.



**Lot Area Per Dwelling Unit** - That portion of the lot area required for each dwelling unit located on a zone lot.

**Lot Coverage** - That portion of a zone lot which when viewed directly from above, would 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 meets the following:

- (a) A front lot line equivalent is a straight line joining the foremost points of the side lot lines. In the case of rounded property corners at street intersections, the foremost point of a side lot line shall be assumed to be the point at which the side lot line and the front lot line would have met without such rounding.
- (b) A rear lot line equivalent is a straight line joining the rearmost points of the side lot rear yard line on the same side of the zone lot. (See lot line and yard diagram, Figure 2.)

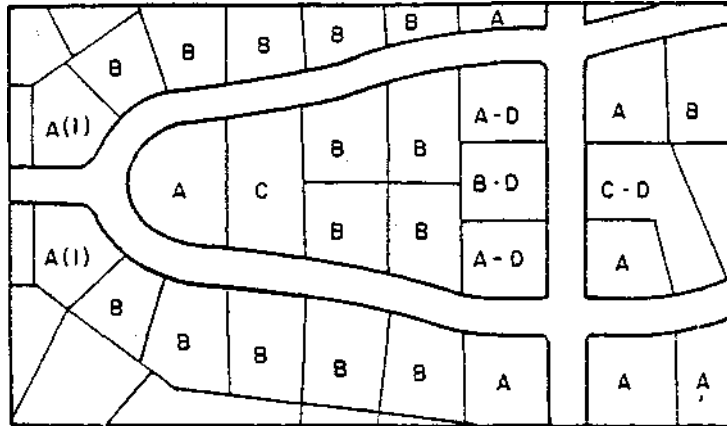
**Lot of Record** - A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**Lot Types** - The lot type diagram (Figure 1) which follows, illustrates terminology used in this ordinance with reference to corner lots, interior lots, reversed frontage lots and through lots:



FIGURE I

LOT TYPE DIAGRAM



In the diagram, **A**=Corner Lot, defined as a lot located at the intersection of two 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).



**Mobile Home.** ([See Dwelling, Mobile Home.](#))

**Motel.** Lodging primarily for transients traveling by automobile with parking spaces on the lot for each lodging unit and with access to each interior hallway having direct access to the outside. The term motel includes buildings designed as auto courts, tourist courts, motor lodges, and similar terms.

**Non-complying.**

- (a) Any lawful building or other structure which does not comply with any one (1) or more of the applicable bulk regulations, or
- (b) Any lawful use other than a nonconforming use, which does not comply with any part of any one (.1) or more of the applicable regulations pertaining to :
  - (1) Location along district boundary; or
  - (2) 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 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.

**Nursing Home.** Any building in which aged, chronically ill or incurable persons are housed and furnished with, meals and nursing care for compensation.

**Parking Space.** One vehicular parking space at least two hundred (200) square feet in area and at least ten (10) feet in width.

**Automobile Storage Area** – An off-street area reserved and suitable for automobile storage or parking, providing safe vehicular access to a public street or alley. See definition of Parking Space.

**Gross Parking Area.** An amount of land at least three hundred (300) square feet in area, to provide parking and driveway space adequate to accommodate one automobile in a parking area. The total land area required per automobile in a parking area.





**Parking Lot Plantings.** Where the provision of off-street parking for fifty (50) or more vehicles is required, there shall be landscaped open space within the perimeter of the parking area or areas.

**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.

**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,

**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, or
- (b) Dormitories, fraternity or sorority houses, monasteries, or convents, or similar establishments containing group living or sleeping accommodations, or
- (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 buildings used for any nonresidential uses, except uses accessory to residential uses.

**Setback Line.** A line running parallel to the street which establishes the minimum distance the principal building must be set back from the street line.

**Shopping Center.** A group of compatible commercial establishments planned, developed, and managed as a unit, with an automobile storage area provided on the property; the center must also be related in location, size, and type of shop to its trade area.



**Sign.** Any writing (including letter, word, or numeral); pictorial presentation (including illustration or decoration; emblem (including device, symbol, or trademark); flag (including banner or pendant); or any other figure or similar character which:

- (a) Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure, an
- (b) Is used to announce, direct attention, or advertise, and
- (c) Is visible from outside a building.

**Business Sign** - An attached or free-standing structure on which is announced the business use of the premises and/or the name of the operator of the business.

**Ground Sign or Billboard** - Any sign not attached to any part of any building and which is supported by uprights or braces, placed upon the ground.

**Off-Site Sign** - A sign which directs attention to a business commodity or service to be, or being, conducted, sold, rented, leased, or otherwise offered for disposition elsewhere than on the premise.

**On-Site Sign** - Any sign other than an off-site sign.

**Outdoor Advertising Sign** - An attached or free standing structure conveying some information, knowledge or idea to the public.

**Sign Area** - The area of the sign, excluding the structural elements lying outside the limits of such sign and not forming an integral part of the display.-

**Temporary Sign** - Any, sign which is by reason of construction or purpose intended to be displayed for a short period of time. Unless specifically stated elsewhere in this ordinance, a period of six (6) months is the maximum time limit for the display of a temporary sign.

**Special Exception.** A permission given by the Board of Zoning Appeals, properly authorized by ordinance in specific cases, for an applicant to use his property in a manner contrary to the provisions of an ordinance, provided such use sub serves the general welfare and protects community interests.



**Story.** (See Building.).

**Street.** A publicly maintained right-of-way, other than an alley, which affords a primary means of access to abutting property. The word "street" shall include the words "road", "highway", and "thoroughfare".

**Arterial Street or System** - A continuous highway or system of highways which connects cities and concurrently absorbs collector traffic.

**Center Line of Street** - That line surveyed and monumented by appropriate governmental authority as the center of a street. If such line has not been surveyed, it shall be that line running midway between the outside curbs or ditches of such street.

**Circulation** - The flow of traffic, goods, or people within and through an area.

**Collector Street** - An urban street which collects traffic from minor streets and feeds it into the arterial system.

**Curb Line** - The line formed by a curb extending along its roadbed.

**Point of Access** - On a public street, a driveway cut not exceeding twenty-five (25) feet in width, except as otherwise provided in this ordinance.

**Right-of-Way Line of Street** - That line surveyed or approved by appropriate governmental authority as the outer boundary of a street. Such line is identical to or contiguous with any property line abutting a street, and is often referred to as "street line".

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

**Total Floor Area.** (.See Building.)

**Travel Trailer** .-A travel trailer, pick-up camper, converted, bus, tent-trailer, tent, or similar device used for temporary portable housing or a unit which:

- (a) Can operate independent of connections to external sewer, heater, and electrical systems.
- (b) Contains water storage facilities and may contain a lavatory, kitchen sink and/or bath facilities; and/or,



- (c) Is identified by the manufacturer as a travel trailer.

**Travel Trailer Park** - The term shall mean any plot of ground within Waynesboro on which two (2) or more travel trailers, occupied for camping or periods of short stay, are located.

**Variance.** An authorization by a board, usually on appeal, granting relief and doing substantial justice in the use of his property by a property owner, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship.

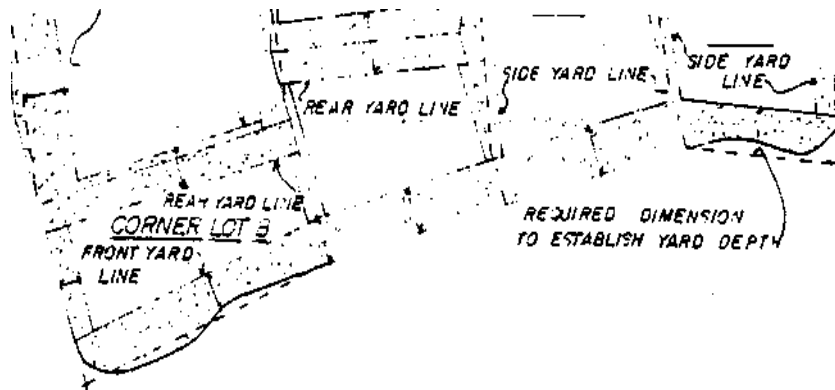
**Watercourse.** Any depression serving to give direction to a flow of water, having a bed and well-defined banks, where the drainage area above the same is twenty-five (25) acres or more in extent. The flow of water need not be on a continuous basis but may be intermittent resulting from the surface runoff 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 (Figure 2)" shall be used in clarifying the incoming of the "line" and "yard" definitions of this ordinance.

FIGURE 2

YARD DIAGRAM



Note: A&B depict alternate yard arrangement for corner lots.



**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 such yard shall be designated for each corner lot, at least two 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' or 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 Accessory Uses of each zone district 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 through 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 the width of the front yard.

**Zone or Zoning Lot.** Is either:

- (a) A lot of record existing on the effective date of this ordinance or any subsequent amendment, or
- (b) A tract of land within a single block, which at the time of filing for a zoning permit (or, if no zoning permit is required, at the time of filing for a use and occupancy permit! is designated by its owner or developer as a tract all of which is to be used, developed, or built upon as a unit under single ownership.

A zone lot, therefore, may not coincide with a lot of record as defined herein.

A zone lot may be divided into two or more zone lots, provided that all resulting zone lots and all buildings thereon shall comply with all of the applicable provisions of this ordinance. If such zone lot, however, is occupied by a non-complying building, such zone lot may be subdivided provided such subdivision does not create a new noncompliance or increase the degree of noncompliance of such building.



**Zoning Map.** A map or series of maps and special overlay (the official copy being maintained by the City Recorder) showing districts and special districts that are established under the provisions of and, hereby, being a part of this ordinance.

**Zoning Permit.** A written permit issued by the Zoning Administrator, same being required before commencing any construction, reconstruction, alteration of any building or other structure or before establishing, extending or changing any activity or use on any zone lot.



**ARTICLE I**

**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. The provisions shall apply throughout the zoning regulations.

**1-302 Listing of Activity Classifications**

All activities are hereby classified into the following activity types:

**1-302.1 Permanent Residential Activities:**

- 1-302.101 Dwelling, Single family, detached
- 1-302.102 Dwelling, two-family, duplex
- 1-302.103 Dwelling, multi-family, apartment building or townhouse.
- 1-302.104 Dwelling, mobile home
- 1-302.105 Group housing development

**1-302.2 Semi-Transient Residential Activities:**

- 1-302.201 Boarding House
- 1-302.202 Hotel
- 1-302.203 Rooming House

**1.302.3 Community Facilities Activities:**

- 1-302.301 Administrative
- 1-302.302 Community Assembly
- 1-302.303 Community Education
- 1-302.304 Day Care Centers for Children
- 1-302.305 Day Care Centers for Developmentally Disabled Adults
- 1-302.306 Essential Services
- 1-302.307 Extensive Impact
- 1-302.308 Family Care
- 1-302.309 Group Care
- 1-302.310 Family and Group Day Care Homes for Children



- 1-302.311 Health Care
- 1-302.312 Intermediate Impact
- 1-302.314 Non-assembly Cultural
- 1-302.315 Nursing Home
- 1-302.316 Place of Worship
- 1-302.317 Utility and Vehicular

**1-302.4 Commercial Activities:**

- 1-302.401 Animal Care
- 1-302.402 Automotive Parking
- 1-302.403 Automotive, Craft and Related Equipment
- 1-302.404 Automotive Repair and Cleaning
- 1-302.405 Automotive Servicing
- 1-302.406 Business and Communication Service
- 1-302.407 Construction Sales and Service
- 1-302.408 Consumer Laundry and Repair
- 1-302.409 Convenience Sales and Service
- 1-302.410 Financial, Consulting and Administrative Service
- 1-302.411 Food Service
- 1-302.412 Food Service; Drive-In
- 1-302.413 General Personal Service
- 1-302.414 General Retail Sales and Service
- 1-302.415 Group Assembly-Extensive
- 1-302.416 Group Assembly-Limited
- 1-302.417 Medical Service
- 1-302.418 Research Service
- 1-302.419 Retail Business Supply
- 1-302.420 Scrap Operation
- 1-302.421 Transient Habitation
- 1-302.422 Transport and Warehousing
- 1-302.423 Undertaking Service
- 1-302.424 Wholesale Sales
- 1-302.425 Mini-Storage

**1-302.5 Manufacturing Activities:**

- 1-302.501 Limited
- 1-302.502 Intermediate
- 1-302.503 Extensive

**1-302.6 Agricultural and Extractive Activities:**

- 1-302.601 Crop Raising Agricultural
- 1-302.602 Crop and Animal Raising Agricultural
- 1-302.603 Mining and Quarrying
- 1-302.604 Plant Nursery Agricultural

**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 with 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 Permanent Residential:**

The occupancy of living accommodations on a monthly or longer basis with none of the living units under the same ownership or management on the same zone lot being occupied on a shorter basis, but excluding institutional living arrangements- involving the provisions of a special kind of care or forced residence such as nursing homes, orphanages, asylums, and prisons. 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.



1-305.101 Dwelling, single-family, detached.

A building and accessories thereto principally used, designed or adopted for use by a single household. Includes prefabricated dwelling as defined in Article I, Chapter 2.

1-305.102 Dwelling, two-family, duplex.

A building and accessories thereto principally used, designed or adopted for use by two (2) households, the living quarters of each of which are completely separate.

1-305.103 Dwelling, multi-family, apartment building or townhouse.

a) Apartment building - A building and accessories thereto principally used, designed or adopted for use as occupancy by three (3) or more households each of which has separate living quarters.

b) Townhouse - A residential structure containing three (3) or more single non-detached dwelling units separated by a common vertical wall.

1-305.104 Dwelling, mobile home.

A detached single dwelling unit with any or all of the following characteristics:

- a) Designed for long-term occupancy, and containing sleep accommodations, a flush toilet, a tub or shower, bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
- b) Designed to be transported after fabrication on its own wheels, or on a flatbed or other trailers or detachable wheels.
- c) Arriving at the site where it is to be occupied as a complete dwelling including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities and the like.



1-305.105 Group Housing Development.

Two (2) or more dwellings located on a tract of at least two (2) acres not subdivided into the customary streets and lots, in one (1) ownership, and constructed as a planned development.

**1-305.2 Semi-Transient Residential:**

The occupancy of living accommodations partly on a monthly or longer basis and partly for a shorter time period, but with less than 50 percent of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis; but excluding institutional living arrangements involving the provisions of a special kind of care or forced residence, such as nursing homes, orphanages, asylums, and prisons. The following dwelling or room unit types as indicated by individual district regulations may be permitted therein:

1-305.201 Boarding House.

A building and accessories thereto principally used, designed or adopted to provide living accommodations for not more than six (6) occupants and having common cooking and dining facilities.

1-305.202 Hotel.

Every Building or structure or enclosure, or any part thereof, kept, used as, maintained as, advertised as, intended for, or held out to the public as a place where sleeping accommodations are furnished, whether with or without meals, and furnishing accommodations to transient guests, in contradistinction to a boarding, rooming, or apartment house shall for the purpose of this ordinance be deemed a hotel and provide the customary hotel services such as maid and linen service, telephone and secretarial or desk service.

1-305.203 Rooming House.

A building and accessories thereto principally used, designed, or adopted to provide



living accommodations for not more than six (6) occupants and without owner provided cooking and dining facilities.

**1-306 Community Facilities Activities; Class and Types**

1-306.1 Administrative Community Facilities:

includes the activities typically performed by nonprofit private, public and utility administrative offices.

1-306. 2 Community Assembly Facilities:

includes the activities typically performed by, or at, the following institutions or installations:

1-306.201 Parochial and private, nonprofit clubs, lodges, meeting halls, -and recreation centers and areas.

1-306.202 Temporary, nonprofit festivals.

1-306.3 Community Education Facilities:

includes the activities typically performed by public, parochial, and private nursery schools, kindergartens, primary and secondary schools.

1-306.4 Day Care Centers for Children Facilities:

includes day care for pre-teenage children in excess of twelve (12) in number.

1-306.5 Day Care Centers for Developmentally Disabled Adults Facilities:

includes facilities for the care and treatment of developmentally disabled adults.

1-306.6 Essential Services Facilities:

includes the maintenance and operation of the following installations:

1-306.601 Electric, communication and telephone distribution lines and poles; water, storm drainage and sewer lines; and gas distribution lines with incidental appurtenances thereto, but excluding electric transmission lines and major fuel transmission lines.



- 1-306.602 Private Streets.
- 1-306.603 Rights-of-Way to all modes of transportation.
- 1-306-604 Small landscaped, scenically significant open areas, natural reserves.
- 1-306-605 Public community centers and recreation areas, such as playgrounds and playfields.
- 1-306-606 Emergency first aid stations.

**1-306.7 Extensive Impact Facilities:**

Includes the activities that have a high degree of effect upon the surrounding land uses due to their hazards, nuisance characteristics, as well as the traffic generation characteristics, parking requirements, and land requirements; and are typically performed by, or are maintained and operated by the following institutions:

- 1-306.701 Airports, air cargo terminals, heliports, heli-stops, or any other aeronautical device
- 1-306.702 Detention and correction institutions
- 1-306.703 Sanitary Land fills
- 1-306.704 Major mail-processing centers
- 1-306.705 Military installations
- 1-306.706 Public and private utility corporations or truck yards.
- 1-306.707 Radio and television transmission stations
- 1-306.708 Railroad, bus, and transit terminals
- 1-306.709 Marshaling and storage yards for railroads
- 1-306.710 Stadiums, sports arenas, auditoriums, and bandstands
- 1-306.711 Zoological gardens
- 1-306.712 Electric transmission lines and major fuel transmission lines\*

**1-306.8 Family Care Facilities:**

Includes activities that provide residential services to six (6) or fewer unrelated individuals who are handicapped, aged, or disabled (excluding delinquent minors, the criminally dangerous, and/or psychotic) or in need of adult supervision in accordance with their individual needs.

**1-306.9 Group Care Facilities:**

Includes activities that provide permanent and/or transient residential services for seven (7) or more unrelated individuals who are handicapped,

*\*Overhead electric transmission lines which are potentially supported by units having two or more poles or other structures including towers, or with the base of the pole or other structures in excess of tow (2) feet in diameter.*



aged, or disabled (excluding delinquent minors, the criminally dangerous, and/or psychotic) or in need of adult supervision in accordance with their individual need.

**1-306.10 Family and Group Day Care Homes for Children:**

includes day care for five (5) to twelve (12) pre-teenage children.

**1-306.11 Health Care Facilities:**

includes the activities typically performed by the following institutions:

- 1-306.1101 Health Care
- 1-306.1102 Hospitals
- 1-306.1103 Centers for observation or rehabilitation, with full-time supervision or care

**1-306.12 Institutional Care Facilities:**

includes activities which provide residential service to unrelated individuals who are delinquent minors or psychotic (excluding the criminally dangerous).

**1-306.13 Intermediate Impact Facilities:**

includes the activities that have a significant effect upon the surrounding land uses due to their traffic generation characteristics, parking requirements and land requirements; and are typically performed by, or are maintained and operated by, the following institutions and installations:

- 1-306.1301 Cemeteries, mausoleums, crematories and columbariums
- 1-306.1302 Colleges, junior colleges, and universities, but excluding business schools operated as profit-making enterprises
- 1-306.1303 All golf courses
- 1-306.1304 Reservoirs and water tanks
- 1-306.1305 Sewage disposal treatment plants
- 1-306.1306 Commercial marinas and boat docks.

**1-306.14 Non-assembly Cultural Facilities:**

includes the activities typically performed by the following institutions:



- 1-306.1401 Public, parochial and private nonprofit Museums and art galleries.
- 1-306.1402 Public, parochial and private nonprofit libraries and observations.

**1-306.15 Nursing Home Facilities:**

includes the activities typically performed by the following institutions:

- 1-306.1501 Rest homes and homes for the aged
- 1-306.1502 Nursing homes and convalescent hospitals

**1-306.16 Places of Worship Facilities:**

includes any structure or site such as a church, synagogue, chapel or sanctuary; and used for the collective or individual involvement with a religious activity, such as rites, rituals, ceremonies, and discussions.

**1-306.17 Utility and Vehicular Facilities:**

includes the maintenance and operation of the following installations:

- 1-306.1701 Communication equipment, installation and exchanges
- 1-306.1702 Electrical sub-stations
- 1-306.1703 Gas sub-stations
- 1-306.1704 Neighborhood news carrier distribution centers
- 1-306.1705 Police stations and fire stations
- 1-306.1706 Post offices, but excluding major mail-processing centers

**1-307 Commercial Activities; Class and Types**

1-307.1 Animal Care:

includes the provisions of animal care, treatment and bordering services.

1-307.2 Automobile Parking:

includes the parking and storage of motor vehicles. This does not include the storage of scrap automobiles.

1-307.3 Automotive, Craft and Related Equipment Sales and Rental:

includes the retail or wholesale sale or rental, from the premises, of vehicular and related equipment, with incidental maintenance.



**1-307.4 Automotive Repair and Cleaning:**

includes the major repair or painting of motor vehicles, including body work and installation of major accessories, as well as the washing and polishing of motor vehicles.

**1-307.5 Automotive Servicing:**

includes the sale, from the premises, of goods and the provision of services which are generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs, including sale of petroleum products together with the sale and servicing of tires, batteries, automotive accessories and replacement items, lubrication services, and performance of minor repairs.

**1-307.6 Business and Communication Services:**

includes the provision of services of clerical, goods brokerage, communications of a minor processing nature, including multi-copy and blueprinting services, custom printing, (.limited to a maximum of 2,500 square feet of floor space), but excluding the printing of books, other than pamphlets and small reports.

**1-307.7 Construction Sales and Services:**

Includes the construction and incidental storage activities performed by construction on zone lots other than construction sites, as well as the retail or wholesale sales-, from the premises, of material used in the construction of buildings or other structures.

**1-307.8 Consumer Laundry and Repair Services:**

Includes the cleaning or repair of personal apparel and household appliances, furniture, and similar items, other than services listed in Convenience Sales and Service Commercial, but excludes repair of motor vehicles and of structures.

**1-307-9 Convenience Sales and Services:**

Includes the retail sale, from the premises, of drugs and other frequently needed small personal convenience items such as toiletries, tobacco, and magazines, as well as the provision of personal convenience services which are typically needed frequently or recurrently, such as barber





and beauty care; and includes shoe shining and operation of self-service Laundromats and laundry or dry cleaning pick-up stations but excludes other apparel cleaning and repair services. They include small convenience food products retailing. The dispensing of petroleum products may be included as accessory to convenience food products retailing. No establishment shall exceed 5,000 square feet in gross floor area.

**1-307.10 Financial, Consulting and Administration Services:**

includes the provision of financial, insurance, real estate brokerage services, as well as the provisions of advice, designs, information, or consultations of a professional nature (other than the services classified as Community Facility Activities or described as Medical Service, Business and Communication Service, or Research Center). They also include the executive, management, administrative, and desired activities of private, profit-oriented firms, other than public utility firms. These activities do not include the storage of goods and chattels for the purpose of sale unless otherwise permitted by other provisions of this ordinance.

**1-307.11 Food Services:**

includes the retail sale of prepared food or beverages for primarily on-premises consumption on the same zone lot, but not to be consumed within a parked car.

**1-307.12 Food Service; Drive-in;**

includes the retail sale of prepared food or beverages for either home or on-premises consumption, which may be either consumed within a parked car on the zone lot or within the principal building on the zone lot.

**1-307.13 General Personal Services:**

includes the provisions to individuals of informational, instructional, and other services not including Financial Consulting and Administrative Services, Group Assembly, or Transient Habitation or services classified as Community Facilities. These activities do not include the storage of goods or chattels for the purpose of sale unless otherwise permitted by other provisions of the ordinance.



**1-307.14 General Retail Sales and Services:**

includes the retail sale or rental from the premises, primarily for personal or household use, of goods and/or services consisting primarily of items such as commercial amusements or food products sales other than those described as Food Service, Food-Service Drive-in or Convenience Sales and Service Commercial Activities, but excludes sale or rental of motor vehicles, except for parts and accessories, and sale of materials used in construction of buildings or other structures, except for paint, fixtures and hardware.'

**1-307.15 Group Assembly-Extensive:**

includes the provision of cultural, entertainment, educational, and athletic service, other than those classified as Community Facilities, to assembled groups of spectators or participants numbering 500 or more.

**1-307.16 Group Assembly-Limited:**

includes the provision of cultural, entertainment, educational, and athletic services, other than those classified as Community Facilities, to assembled groups of spectators or participants smaller than 500 in number.

**1-307.17 Medical Services:**

includes the provision of therapeutic, preventive, or corrective personal treatment services by physicians, dentists, and other practitioners, as well as the provision of medical testing and analysis services.

**1-307.18 Research Services:**

includes research of an industrial or scientific nature, other than medical testing and analysis and routine product testing, which is offered as a service or which is conducted by and for the private profit-oriented firm. ,

**1-307.19 Retail Business Supply:**

includes the retail sale or rental from the premises, primarily to firms and other organizations using the goods rather than to individuals, of



office equipment and supplies and similar goods, together with the provisions of incidental maintenance services; but excludes sale or rental of motor vehicles, except for parts and accessories, and sale of materials used in construction of buildings or other structures, except for paint, fixtures and hardware.

**1-307.20 Scrap Operation Commercial Activities:**

includes the storage and sale, from the premises, of used waste materials or other items except when such activities are incidental to a manufacturing operation.

**1-307.21 Transient Habitation:**

includes the provision of lodging services to transient guests, having at least 70 percent of its accommodations available on a less-than-weekly basis, other than in the case of activities classified as Residential Activities by Section 1-305 of this chapter.

**1-307.22 Transport and Warehousing:**

includes the provision of warehousing and storage, freight handling, shipping, and trucking services.

**1-307.23 Undertaking Services:**

includes the provision of undertaking and funeral services involving the care and preparation of human deceased prior to burial.

**1-307.24 Wholesale Sales:**

includes the storage and sale, from the premises, of goods to other firms for resale, as well as the storage of goods on the premises and their transfer there from to retail outlets of the same firm; but excludes sale or storage of motor vehicles, except for parts and accessories, sales or storage of materials used in construction of buildings or other structures, - except for paint, fixtures, and hardware, and sale of fuels, including coal and oil.

**1-307.25 Mini-Storage:**

Includes an enclosed storage facility of commercial nature containing independent, fully enclosed and secured bays which are leased to persons exclusively for storage of their household goods or personal property.



## **1-308 Manufacturing Activities; Class and Types**

Manufacturing Activities include the on-site production of goods by methods other than agricultural and extractive in nature. They also include activities accessory to the above.

### **1-308.1 Limited Manufacturing Activities:**

The following activities and operations are included in Limited Manufacturing Activities:

1-308.101 The manufacture, compounding, processing, assembling, packaging, treatment or fabrication of the following products:

- a) Apparel accessories, such as hats, jewelry, umbrellas, not including footwear
- b) Art objects
- c) Bakery goods
- d) Beverages (non-alcoholic)
- e) Dairy products
- f) Instruments for medical, dental, engineering, scientific and other professional purposes
- g) Optical instruments and lenses
- h) Printed matter
- i) Signs

1-308.102 Activities and operations which, include the following:

- a) Book binding
- b) Data processing service
- c) Photocopying
- d) Photoengraving
- e) Precision machining of dies, jigs, and fixtures
- f) Printing
- g) Publishing
- h) Record pressing
- i) Upholstering

### **1-308.2 Intermediate Manufacturing Activities:**

Intermediate activities include the following:

1-308.201 The manufacture, compounding, assembling, packaging, treatment or fabrication of products except for the following:



- a) Cotton seed oil\*
- b) Explosives
- c) Fireworks
- d) Organic fertilizers

**1-308.202 Activities and operations except for the following:**

- a) Abrasive, asbestos, and non-metallic mineral processing\*
- b) Arsenals
- c) Asphaltic cement plants
- d) Atomic reactors
- e) Automobile wrecking yards
- f) Cement and/or concrete plants
- g) Chemical manufacturing in excess of one one (1)ton per day
- h) Cotton ginning\*
- i) Fat rendering
- j) Foundaries
- K) Grain milling
- l) Junk yards
- m) Offal processing
- N) Ore reduction
- o) Paper mill
- p) Petroleum refining
- q) Pulp manufacturing
- r) Radioactive materials waste handling
- s) Rock crushing
- t) Rolling and finishing of ferrous materials\*
- u) Slaughtering
- v) Smelting and refining of metals and alloys\*
- w) Steel works (.Other than those listed)
- x) Tanning
- y) Waste disposal by compacting or incineration, as a principal use.

**1-308.3 Extensive Manufacturing Activities:**

1-308.301 Extensive Manufacturing Activities shall include all Intermediate Manufacturing Activities (described in 1-308.201 above) and the exceptions (described in 1-303.202 above) except as follows:

\*These activities may be considered as Intermediate Manufacturing Activities if conducted in completely enclosed structures and meet the standards applicable in the R-1, Restrictive Industrial District.

\*ibid.



- a) Arsenals
- b) Atomic reactors
- c) Explosives manufacturing and storage
- d) Radioactive waste handling

1-308.302 The definitions 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 VIII, Chapter 6.

**1-309 Agricultural and Extractive Activities,- Class and Types**

1-309.1 Crop Raising Agricultural Activities (Limited):

includes the raising of tree, vine, field, forage and other plant crops intended to provide food or fibers, subject to the following limitations:

- 1-309.101 that the activity involved shall remain secondary or accessory to the primary (residential) use of the land:
- 1-309.102 that the total land area utilized in conjunction with the crop raising activities, shall not exceed ten (10) acres in area; and
- 1-309.103 that the scope of agricultural activity, including all sales and operational aspects, shall continuously remain within the confines of the term home occupation as defined by this ordinance.

1-309.2 Crop and Animal Raising Agricultural Activities (General):

includes the raising of tree, vine, field, forage and other plant crops intended to provide food or fibers, as well as, keeping, grazing, or feeding of animals for animal products, animal increase, or value increase subject to the following limitations:

- 1-309.201 That a minimum lot of at least two and one-half (2 1/2) acres, in area shall be required for any agricultural activity involving the keeping, grazing or feeding of animals; and

1-309.202 that the scope of any sales activity associated with such enterprise shall clearly fall and remain within the confines of the term home occupation as defined by this ordinance.

**1-309.3 Mining and Quarrying Extractive Activities:**

includes the extraction of minerals, including sand and gravel pit operations.

**1-309.4 Plant Nursery Agricultural Activities:**

includes the cultivation for sale of horticultural specialties such as flowers, shrubs, and trees, intended for ornamental or landscaping purposes.



**ARTICLE II  
ESTABLISHMENT OF DISTRICTS  
PROVISIONS FOR OFFICIAL ZONING MAP**

**Chapter 1.            Establishment of Districts**

**2-101            Regular Districts**

In order to implement all purposes and provisions of this ordinance, the following districts are hereby established:

- 2-101.1        [R-1](#), Low Density Residential District
- 2-101.2        [R-2](#), High Density Residential District
- 2-101.3        [R-C](#), Residential - Commercial District
- 2-101.4        [C-1](#), Central Business District
- 2-101.5        [C-2](#), General Business District
- 2-101.6        [I-1](#), Restrictive Industrial District
- 2-101.7        [I-2](#), General Industrial District

**2-102            Special District**

The following area is hereby established as a special district which is applicable to the provisions set forth in this ordinance.

- 2-102.1        [F-1](#), Flood Plain District





## ARTICLE II

### Chapter 2. PROVISIONS FOR OFFICIAL ZONING MAPS

#### 2-201 Incorporation of Maps

The boundaries of districts established by this ordinance are shown on the official zoning maps which are hereby incorporated into the provisions of this ordinance. The zoning maps in their entirety, including all amendments shall be as much a part of this ordinance as if fully set forth and described.

#### 2-202 Identification and Alteration of the Official Zoning Map

The official zoning map shall be identified by the signature of the mayor attested by the city recorder, and bearing the seal of the town under the following words: "this is to certify that this is the official zoning map referred to in (chapter) of ordinance (number) of the Town of Waynesboro, Tennessee," together with the date of the adopting of this ordinance.

If, in accordance with the provisions of this ordinance and Section 13-7-204 of the Tennessee Code Annotated, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the Board of Commissioners with an entry on the official zoning map as follows: "on (date) by official action of the Board of Commissioners the following changes were made in the official zoning map: (Brief description of nature of change)," which entry shall be signed by the mayor and attested by the city recorder.

No amendment to this ordinance which involves matter portrayed on the official zoning map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of Section 13-7-204 of the Tennessee Code Annotated.

Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the office of the zoning administrator shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the city.



## **2-203 Replacement of Official Zoning Map**

In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Board of Commissioners may by resolution adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor and attested by the city recorder, and bearing the seal of the city under the following words: "This is to certify that this official zoning map was adopted (date) as part of ordinance (number) of the Town of Waynesboro, Tennessee."

In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Board of Commissioners may by resolution adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor and attested by the city recorder, and bearing the seal of the city under the following words: "This is to certify that this official zoning map was adopted (date) as part of ordinance (number) of the Town of Waynesboro, Tennessee."



ARTICLE III

RESIDENTIAL DISTRICT REGULATIONS

Chapter 1. STATEMENT OF PURPOSE

3-101 General Purposes of Residential Districts

The residential districts established in this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity and other aspects of the -general welfare. These goals include, among others, the following more specific purposes.

- (a) To provide sufficient space in appropriate locations for residential developments to adequately meet the housing needs of the present and expected future population of the urban area, with due allowance for the need for a variety of choices in site selections;
- (b) To permit improved movement on the public ways and effectively utilize existing public ways, and, as far as possible, to mitigate the effects of heavy traffic and more particularly all through traffic, in residential areas;
- (c) To protect residential areas against flood, fire, explosions, toxic and noxious matter, radiation and other dangers and against offensive matter, heat, glare, humidity and other objectionable influences;
- (d) To protect residential areas against undue congestion, as far as possible, by regulating the density of population, the intensity of activity, and bulk of buildings in relation to the surrounding land and to one another, and by providing for off-street parking spaces for automotive vehicles;
- (e) To require the provision of open space in residential areas wherever practicable; and to encourage the provision of better standards of open space by permitting moderately larger bulk, higher density, and greater intensity with better standards of open space, in order to open up residential areas to light and air, to provide open areas for rest and recreation, and to break up the monotony of continuous building bulk, and thereby to provide a more desirable environment for urban living;



- (f) To provide for access of light and air to windows and for privacy, as far as possible, by controls over the height of buildings and structures;
- (g) To provide appropriate space for public and private educational, religious, recreational, and similar facilities and public utilities which serve the needs of nearby residents, which generally perform their own activities more effectively in a residential environment, and which do not create objectionable influences; and to coordinate the intensity of residential land use with the appropriate community facilities;
- (h) To provide a zoning framework conducive to freedom of architectural design in order to encourage the development of more attractive and economical building forms;
- (i) To provide sufficient space in appropriate locations for agricultural activities,
- (j) To promote the most desirable use of land and direction of building development in accordance with a well considered general plan to promote stability of residential development, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the community's tax revenues.



**ARTICLE III**

**Chapter 2. R-1, RESIDENTIAL, LOW DENSITY**

Intent: To provide a low density residential environment having access to public water, sewerage, public schools and other community facilities, but well separated from heavy traffic and other incompatible activities.

**3-201 Uses Permitted (for definitions of the following uses, see Article I, Chapter 3, Use Classifications)**

- 3-201.1 Dwelling, Single Family (includes prefabricated dwelling as defined in Article I, Chapter 2)
- 3-201.2 Essential Services
- 3-201.3 Accessory uses or structures customarily incidental to the above permitted uses.

**3-202 Uses Prohibited**

Uses not specifically permitted, permitted as a conditional use, or permitted by implication.

**3-203 Conditional Uses**

- 3-203.1 Home Occupations

**3-204 Lot Area, Lot Width, Yards, and Building Area**

The principal structure or structures shall be located to comply with the following requirements:

- 3-204.1 Lot Area:
  - Minimum lot area for dwelling 15,000 sq.ft.
- 3-204.2 Lot Width At Building Line; Minimum Lot Frontage:
  - For residences 75 feet
  - For other permitted uses 100 feet
- 3-204.3 Yards:
  - 3-204.301 Rear yard - minimum 30 feet



- 3-204.302 Side Yard -
  - for one- or two-story buildings 10 feet
  - for three story buildings 20 feet

3-204.303 Front Yard

All principal and accessory structures shall be set back from the right-of-way lines of streets the minimum distance shown below, according to their classifications as indicated on the latest official municipal thoroughfare plan:

Arterial Street . . . . .	50 feet
Collector Street. . . . .	40 feet
Minor Street. . . . .	30 feet

3-204.4 Building Area:

On any lot or tract, the area occupied by all structures, including accessory structures, shall not exceed forty-five (45) percent of the total area. Accessory structures shall not cover more than thirty (30) percent of any required rear yard.

**3-205 Height**

Principal structures shall not exceed three (3) stories not thirty-five (35) feet in height. No accessory structure shall exceed two (2) stories in height.

**3-206 Location of Accessory Structures**

3-206.1 Accessory structures shall not be erected in any required front or side yards.

3-206.2 Accessory structures shall be located at least five (5) feet from all lot lines and from any building on the same lot.



## ARTICLE III

### Chapter 3. R-2, RESIDENTIAL, MEDIUM/HIGH DENSITY

Intent: To accommodate relatively large numbers of dwelling units in relation to land area at locations where large volumes of traffic can be safely handled; public schools, water, sewerage, and other community facilities are readily available; and commercial services are within normal walking distance.

#### **3-301 Uses Permitted** (for definitions of the following uses, see [Article I, Chapter 3, Use classification](#))

- 3-301.1 Uses or structures permitted in the [R-1](#), Residential District.
- 3-301.2 Dwelling, [Mobile Home](#)
- 3-301.3 Dwelling, [Multi-family](#)
- 3-301.4 Group Housing Developments, and Mobile Home Parks, in accordance with provisions set forth in Article VII, Sections [7-701](#) and [7-703](#) of this ordinance.
- 3-301.5 [Boarding Houses](#) and [Rooming Houses](#); provided, that not over fifty (50) percent of the total floor area is used for such purposes.
- 3-301.6 Customary incidental home occupations conducted within the principal structure, but only by a person resident of the premises; provided that not more than one person, not a resident of the premise, be employed.
- 3-301.7 Accessory uses or structures customarily incidental to the above permitted uses.

#### **3-302 Uses Prohibited**

Uses not specifically permitted, permitted as a conditional use, or permitted by implication.

#### **3-303 Conditional Uses**

- 3-303.1 Community Education Facilities
- 3-303.2 Places of Worship



**3-304      Lot Area, Lot Width, Yards and Building Area**

The principal structure or structures shall be located to comply with the following requirements:

**3-304.1      Lot Area:**

3-304.101 For single-family, two-family and three-family dwellings.

Minimum lot area for single family  
6,000 sq.ft.

Minimum lot area for additional family  
4,000 sq.ft.

3-304.102 For single apartment buildings.

Minimum lot area for four unit apartment  
19,000 sq.ft.

Minimum lot area for each additional dwelling unit, after first four and not to exceed 12 units per acres  
3,000 sq.ft.

**3-304.2      Lot Width At Building Line; Minimum Lot Frontage:**

3-304.201 For single-family, two-family, and three-family dwellings.  
Minimum Lot Width at building line; lot frontage  
50 feet

3-304.202 For single apartment buildings  
Minimum Lot Width at building line; lot frontage  
75 feet

**3-304.3      Yards:**

3-304.301 For single-family, two-family, and three-family dwellings:

Minimum rear yard: 15 feet

Minimum side yard:

For one or two-story buildings 6 feet

For three-story buildings 10 feet

For street side portions of corner lots minimum

plus (50) percent





Front yards:

All principal and accessory structures shall be set back from the right-of-way lines a minimum of twenty-five (25) feet.

3-304.302 For single apartment buildings.

Minimum rear yard: 25 feet

Minimum side yard:

For one and two story buildings 10 feet  
Plus an additional five (5) feet  
for each additional story

For street side portions of corner lots - minimum  
Plus (50) percent

Front Yards:

All principal and accessory structures shall be set back from the right-of-way lines a minimum of twenty-five (25) feet.

**3-305      Height**

Principal structures shall not exceed three (3) stories nor thirty-five (35) feet in height.

**3-306      Location of Accessory Structures**

3-306.1 With the exception of signs, accessory structures shall not be erected in any required front or side yards.

3-306.2 Accessory structures shall be located at least five (5) feet from all lots lines and from any building on the same lot.



**Chapter 4. R-C, MULTIPLE RESIDENTIAL/COMMERCIAL DISTRICTS**

Intent: This district is designed to provide adequate and suitable space in appropriate locations for office and commercial uses mutually compatible with higher density residential areas. Characteristics of permitted residential development includes buildings designed for a multiple of dwelling units. Commercial development, having a minimum of characteristics objectionable in a high density residential environment, are permitted if the activities therein minimize direct contact with the ultimate consumers of goods or services, or do not principally involve the sale, transfer, storage, or processing in these districts of goods or chattels. However, a selective list of retail trade and personal service uses are permitted if their principal purpose is to serve the recurring needs of the occupants or employees of other permitted uses in this district. In addition, use of buildings and land is permitted for community facilities and utilities necessary for serving these districts or for general community welfare. This class of district is appropriately located between districts characterized by lower density residential development and areas of more intensive commercial use, or they are extensions along major traffic arteries from areas used for more intensive commercial purposes.

**3-401 Uses Permitted (for definitions of the following uses, see Article I, Chapter 3, Use Classifications);**

3-401.1 The following Residential Activities:

3-401.101 Uses permitted in the R-2 Districts

3-401.2 The following Community Facilities Activities:

3-401.201 Place of Worship

3-401.202. Day Care Centers For Children.

3-401.203 Community Assembly

3-401.204 Community Education Facilities

3-401.205 Non-assembly Cultural Facilities



3-401.206 Administrative Services

3-401.207 Utility and Vehicular Facilities

3-401.208 Family and Group Care Homes For Children

3-401.209 Health Care Facilities

3-401.3 The following Commercial Activities:

3-401.301 Convenience Sales and Services

3-401.302 Automotive Parking

3-401.303 Transient Habitation

3-401.304 Food Services

3-401.305 Medical Services

3-401.306 General Personal Services

3-401.307 Financial, Consulting and Administrative Services

3-401.308 Business & Communication Services

3-401.4 The following Agricultural Activities:

3-401.401 Crop Raising, Limited

3-401.402 Crop and Animal Raising, General

3-401.403 Plant Nursery

3-401.5 The following Accessory Uses and Structures:

3-401.501 Accessory uses or structures customarily incidental to the above permitted uses.

### **3-402 Uses Prohibited**

Uses not specifically permitted, permitted as a conditional use, or permitted by implication.

### **3-403 Conditional Uses**

3-403.1 Family & Group Care Facilities

3-403.2 Nursing Homes

3-403.3 Intermediate Impact Facilities

3-403.4 General Retail

3-403.5 Mini-Storage

3-403.6 Automotive Craft & Related Equipment



**3-404 Lot Area, Lot Width, Yards and Building Area**

The principal structure or structures shall be located to comply with the following requirements:

3-401.1 Lot Area:

Minimum lot area 10,000 sq.ft.

3-401.2 Lot Width at Building Line:

Minimum Lot Frontage:

For residential uses	75 feet
Other uses	50 feet

3-401.3 Yards:

3-404.301 Size of required yards:

Minimum Front Yard - 10	feet
Minimum Side Yard - 12	feet
Minimum Rear Yard - 10	feet

3-404.302 Use of Required Yards.

The following uses may be made of yard areas, provided such uses are otherwise permissible in this district.

Landscaping

All required yard areas not occupied by driveways and sidewalks may be devoted to landscaping as defined in Article I, Chapter 2.

Driveways

Provided that no driveway shall occupy more than half of any required yard.

Sidewalks

3-404.4 Building Area:

On any lot or tract, the area, occupied by all structures, including accessory structures, shall not exceed sixty (60) percent of the total area.



### 3-405 Height

Principal structures shall not exceed three (3) stories nor thirty-five (35) feet in height.

### 3-406 Other Requirements

#### 3-406.1 Exterior Storage:

Exterior storage of goods and materials of any kind is prohibited. The placement of waste disposal facilities is permitted in the rear of the building if access is available.

#### 3-406.2 Location of Accessory Structures

3-406.201 With the exception of signs, accessory structures shall not be erected in any required front or side yards.

3-406.202 Accessory structures shall be located at \_\_\_ least five (5) feet from rear lot lines.



**ARTICLE IV**  
**COMMERCIAL DISTRICT REGULATIONS**

**CHAPTER 1. STATEMENT OF PURPOSE**

**4-101 General Purposes of Commercial Districts**

The Commercial Districts established by this Ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity and other aspects of the general welfare. These goals include, among others, the following:

- (a) To provide sufficient space, in appropriate locations in proximity to established residential areas, for local retail and service trades catering specifically to the recurring shopping needs of the occupants of nearby residents.
- (b) To protect both retail and service developments and nearby residences against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke, dust and other particular matter, odorous matter, heat, humidity, glare, and other objectionable influences.
- (c) To protect both retail and service developments and nearby residences against congestion, by regulating the intensity of retail and service developments consistent with their marketing functions, by restricting those types of establishments which generate heavy traffic, and by providing for off-street parking and loading facilities.
- (d) To provide sufficient and appropriate space, and in particular sufficient area, to meet the needs of the area's expected future need for modern, planned commercial floor space, including the need for off-street parking space in areas where a large proportion of customers come by automobile, and to encourage the tendency of commercial establishments to concentrate in integrated planned developments, to the mutual advantage of both consumers and merchants.
- (e) To provide sufficient space in appropriate locations for commercial districts to satisfy specific functional needs of the area, and in particular the need for medical services, and the needs of the general public traveling along major thoroughfares.



- (f) To provide sufficient space in appropriate locations for the mixture of compatible high density residential and restricted commercial developments where standards for development will provide protection for the environmental essentials of either.
- (g) To provide appropriate locations for areas of transitional uses intervening between commercial developments and residential areas, and thereby alleviate the frictions inherent between dissimilar activities.
- (h) To provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities.
- (i) To provide freedom of architectural design, in order to encourage the development of more attractive, efficient, and economic building forms, within appropriate standards.
- (j) To promote the most desirable use of land and direction of building development in accord with a well considered plan, to promote stability of commercial development, to strengthen the economic base of the area, to protect the character of the districts and their peculiar suitability for particular uses, to conserve the value of land and buildings.



## ARTICLE IV

### Chapter 2. C-1, CENTRAL BUSINESS DISTRICT

Intent: This district is designed to provide for a wide range of retail, office, amusement, and service uses normally found in a central business district. High intensity of use is permitted in this district and increased building bulk is provided as a means of encouraging such development. A setting conducive to, and safe for, a high volume of pedestrian traffic is desired.

#### **4-201 Uses Permitted (for definitions see Article I, Chapter 3, Use Classifications)**

4-201.1 The following Community Facilities Activities:

- 4-201.101 Administrative Community Facilities
- 4-201.102 Community Assembly Facilities
- 4-201.103 Community Education Facilities
- 4-201.104 Essential Services
- 4-201.105 Health Care Facilities
- 4-201.106 Non-assembly Cultural Facilities
- 4-201.107 Nursing Home Facilities
- 4-201.108 Places of Worship
- 4-201.109 Utility and Vehicular Facilities

4-201.2 The following are Commercial Activities:

- 4-201.201 Automotive Parking
- 4-201.202 Business and Communication Services
- 4-201.203 Consumer Laundry and Repair Services
- 4-201.204 Convenience Sales and Service
- 4-201.205 Financial, Consulting and Administrative Services
- 4-201.206 Food Services
- 4-201.207 General Personal Services
- 4-201.208 General Retail Sales and Service
- 4-201.209 Group Assembly-Limited
- 4-201.210 Medical Services
- 4-201.211 Retail Business Supply
- 4-201.212 Transient Habitation

4-201.3 The following are Accessory Uses and Structures;





4-201.301 Accessory off-street parking facilities as required in Article VII, Chapter 3.

4-201.302 Facilities and buildings customarily incidental and appurtenant to a permitted use.

**4-202 Uses Prohibited**

Uses not specifically permitted, permitted as a conditional use or permitted by implication.

**4-203 Conditional Uses**

4-203.1 Residential Uses

4-203.2 Any use complying with the intent of the district.

**4-204 Lot Area, Lot Width, Yards and Building Area**

4-204.1 Lot Area:

Minimum lot area for commercial activities 5,000 sq.ft.  
Minimum lot area for residential activities 15,000 sq.ft.

4-204.2 Lot Width:

Minimum lot width 50 feet

4-204.3 Yards:

4-204.301 Sizes of Required Yards

Within the C-1 District structures containing commercial uses shall provide a ten (10) foot yard along any lot line which is contiguous with a residential district or residential use. When side yards are not required for structures containing commercial uses, if an open area along a side lot line is provided it shall be at least ten (10) feet wide and unobstructed from the ground to the sky. In any instance of conflict among these various provisions the most stringent shall apply.



#### **4-204.302 Use of Required Yards**

The following uses may be made of the required yard areas provided such uses are otherwise permissible in this district.

##### **Landscaping**

All open areas not occupied by driveways, sidewalks, or parking and loading areas shall be devoted to landscaping as defined in Article I, Chapter 2.

##### **Driveways**

Driveways may be located within any required yard, provided, however, that no more than fifty (50) percent of the area of any required yard may be used as a driveway

##### **Sidewalks**

##### **Parking**

Parking may be located within required yards only to the extent provided in Article VII, Chapter 3.

#### **4-204.4 Building Area:**

On any lot, the area occupied by all structures, including accessory structures, shall not exceed seventy-five (75) percent of the total lot area.

#### **4-205 Height**

The maximum height of all buildings located within the C-1 District shall be thirty-five (35) feet above the finished grade established along the front wall of the building.

#### **4-206 Other Requirements**

##### **4-206.1 Exterior Storage:**

Exterior storage of goods and materials of any kind is prohibited. The placement of waste disposal facilities shall be in the rear of the buildings only.



ARTICLE IV

CHAPTER 3. C-2, GENERAL COMMERCIAL DISTRICT

Intent: This district is designed primarily to provide sufficient space primarily along arterial and collector streets for establishments and uses engaged in wholesale and retail trade, offering a wide variety of products and services.

4-301 USES PERMITTED (FOR DEFINITIONS SEE ARTICLE I, CHAPTER 3, USE CLASSIFICATIONS)

4-301.1 The following are Community Facility Activities:

- 4-301.101 Administrative
- 4-301.102 Community Assembly
- 4-301.103 Essential Service
- 4-301.104 Family Care
- 4-301.105 Group Care
- 4-301.106 Health Care
- 4-301.107 Non-assembly Cultural
- 4-301.108 Place of Worship
- 4-301.109 Utility and Vehicular

4-301.2 The following are Commercial Activities:

- 4-301.201 Animal Care (moved to conditional use)
- 4-301.202 Automotive Craft and Related Equipment Sales, Rental and Delivery
- 4-301.203 Automotive Parking
- 4-301.204 Automotive Repair and Cleaning (cond use)
- 4-301.205 Automotive Servicing
- 4-301.206 Business and Communication Service
- 4-301.207 Construction Sales and Service
- 4-301.208 Consumer Laundry and Repair
- 4-301.209 Convenience Sales and Service
- 4-301.210 Financial, Consulting, and Administrative
- 4-301.211 Food Service
- 4-301.212 Food Service Drive-In
- 4-301.213 General Retail Sales and Service
- 4-301.214 Group Assembly (CU Comb 214-215)
- 4-301.215 Group Assembly Limited (500 or less)
- 4-301.216 Medical Service
- 4-301.217 Research Service (Con U)
- 4-301.218 Retail Business Supply
- 4-301.219 Transient Habitation
- 4-301.220 Transport and Warehousing (con U)
- 4-301.221 Undertaking Service
- 4-301.222 Wholesale Sales
- 4-301.223 General Personal Services



4-201.3 The following are Accessory Uses and Structures:

- 4-301.301 Accessory off-street parking and loading facilities as required in Article VII, Chapter 3.
- 4-301.302 Accessory facilities and buildings customarily incidental and appurtenant to a permitted use provided that such accessory facilities and buildings are carried out on the same zone lot and are not otherwise prohibited.

**4-302 Use Prohibited**

Uses not specifically permitted, permitted as a conditional use or permitted by implication.

**4-303 Conditional Uses**

- 4-303.1 Residential Activities;
  - 4-303.101 Multi-Family dwellings
- 4-303.2 Community Facility Activities:
  - 4-303.201 Extensive Impact
  - 4-303.202 Group Assembly Limited (500 or Less)
  - 4-303.203 Institutional Care
  - 4-303.204 Intermediate Impact
  - 4-303.205 Nursing Home
- 4-303.3 Manufacturing Activities:
  - Limited manufacturing activities as defined in [Article I, Chapter 3, Use Classifications](#).
- 4-303.4 Agricultural Activities:
  - 4-303.401 Plant Nursery
- 4-303.5 Any use complying with the intent of the district.

**4-304 Lot Area, Lot Width, Yards and Building Area**

- 4-304.1 Lot Area:
  - Minimum lot area 10,000 sq.ft.



4-304.2 Lot Width:  
Minimum lot width 50 feet

4-304.3 Yards:

4-304.301 Sizes of Required Yards.

Minimum Front Yard - The minimum front yard shall be ten (10) feet.

Minimum Side Yard - Within the C-2 Districts no side yard is required for any commercial usage except where such use abutts a Community Facility Activity. In such instance a ten (10) foot side yard is required for the commercial use where such use abutts the community facilities use. Ten (10) foot side yards are required for all community facilities activities located within the C-2 Districts. Such yards are to be provided along all side lot lines of such uses.

Minimum Rear Yard- The minimum rear yard setback shall be twenty (20) feet.

4-304.302 Use of Required Yards.

The following uses may be made of yard areas, provided such uses are otherwise permissible in this district.

Landscaping - All required yard areas not occupied by sidewalks and driveways shall be devoted to landscaping as defined in [Article I, Chapter 2](#).

Driveways - Driveways may be located within any required yard, provided, however, that no more that 50 percent of the area of any required yard may be used as a driveway.

Sidewalks -

Parking - Parking may be located within required yards only to the extent provided in Article VII, Chapter 3.

4-304.4 Building Area:

The maximum lot coverage shall be fifty (50) percent of the total lot area.



#### **4-305 Height**

The maximum height of all buildings located within the C-2 District shall be thirty-five (35) feet above the finished grade established along the front wall of the building.

#### **4-306 Other Requirements.**

##### 4-306.1 Exterior Storage:

Exterior storage of goods and materials of any kind is prohibited. The placement of waste disposal facilities shall be in the rear of the buildings only.



**ARTICLE V**  
**INDUSTRIAL DISTRICT REGULATIONS**

**CHAPTER 1. STATEMENT OF PURPOSE**

**5-101 GENERAL PURPOSES OF INDUSTRIAL DISTRICTS**

The industrial districts established by this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. These goals include, among others, the following specific purposes:

- (a) To provide sufficient space, in appropriate locations, to meet the needs of the area for all types of distributive, industrial and related activities, with due allowance for the need for choice of suitable sites.
- (b) To protect distributive, industrial and related activities, as well as residential and related activities by providing for the separation of these uses, and, as far as possible, industrial activities are available by prohibiting the use of such space for residential purposes.
- (c) To encourage industrial development which is free from danger of fire, explosions, toxic or noxious matter, other hazards, and from offensive noise, vibration, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products and processes involved.
- (d) To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of industrial and related activities, by restricting those industrial activities which involve danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust or other particulate matter, and other hazards, or create offensive noise, vibration, heat, humidity, glare, and other objectionable influences, by permitting such development in areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products or processes involved.



- (e) To protect industrial activities and related developments against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another, and by requiring space off public ways for parking and loading facilities associated with such activities.
  
- (f) To promote the most desirable use of land and direction of building development to promote stability of industrial and related development, to strengthen the economic base of the area, to protect the character of these districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the city's tax revenues.





**ARTICLE V**

**Chapter 2.        I-1, RESTRICTIVE INDUSTRIAL DISTRICT**

Intent: This class of district is intended to provide space for a wide range of industrial and related uses which conform to a high level of performance standards and have the least objectionable characteristics. It is required that all operations of such establishments be carried on within completely enclosed buildings thus providing a standard of development which removes most adverse characteristics that affect neighboring properties. These districts may provide a buffer between other districts and other industrial activities which have more objectionable influences. New residential activities are excluded, and community facilities and commercial establishments which provide needed services for industry and are complementary thereto are permitted.

**5-201   Uses Permitted (for definitions see Article I, Chapter 3, Use Classifications)**

Within the 1-1, Restrictive Industrial Districts as shown on the Waynesboro Zoning Map, the following activities, as described in Article I, Chapter 3, Use Classifications, are permitted:

5-201.1 The following Community Facilities Activities:

5-201.101 Essential Service

5-201.102 Utility and Vehicular

5-201.2 The following Industrial Activities:

5-201.201 Limited

5-201.202 Intermediate

5-201.3 The Following Commercial Activities:

5-201.301 Animal Care

5-201.302 Feed Service

5-201.303 Research Service

5-201.304 Wholesale Sales



5-201.305 Transport and Warehousing

5-201.306 Retail Business Supply

5-201.307 Construction Sales and Services

5-201.4 Accessory Uses and Structures:

5-201.401 Incidental service, such as food and beverage dispensing and sales facilities, to serve employees and guests of an occupant of the district when conducted as an integral part of principal use and having no exterior advertising.

5-201.402 Accessory facilities and buildings customarily incidental and appurtenant to a permitted use provided that such accessory facilities and buildings are carried out on the same premises and are not otherwise prohibited.

5-201.403 Accessory off-street parking and loading areas as required in Article VII, Chapter 3.

#### **5-202 Uses Prohibited**

Any uses or structures not specifically permitted herein, by right, by accessory use or by conditional use is prohibited.

#### **5-203 Conditional Uses**

The following are conditional uses in this district:

5-203.1 Community Facilities Activities:

5-203.101 Intermediate Impact

5-203.102 Extensive Impact

5-203.2 Commercial Activities:

5-203.201 Group Assembly-Extensive

5-203.202 Mini-Storage

5-203.3 Agricultural and Extractive Activities:

5-203.301 Mining and Quarrying

5-203.302 Plant Nursery



**5-204 Lot Area, Lot Width, Yards and Building Area**

5-204.1 Lot area:

Minimum lot area 10,000 sq.ft.

5-204.2 Lot width:

Minimum lot width 50 feet

5-204.3 Yards:

5-204.301 Sizes of Required Yards:

Front Yard - Twenty (.20) feet.

Side Yard - Within the 1-1 District no side yards are required. However, if an open area extending along a side lot line is provided, it shall be at least ten (10) feet wide.

Rear Yard - Within the 1-1 District no rear yards are required. However, if an open area extending along a rear lot line is provided, it shall be at least ten (10) feet wide.

5-204.302 Uses of Required Yard Areas:

The following uses may be made of yard areas, provided such uses are otherwise permissible in this district.

Landscaping - All required yard areas not occupied by driveways or sidewalks shall be devoted to landscaping as defined in Article I, Chapter 2.

Driveways - Driveways may be located within any required yard, provided, however, that no more than fifty (.50) percent of the area of any required yard may be used as a driveway.

Sidewalks -

Parking - Within 1-1 Districts any yard may be used for off-street parking or loading except as provided in Article VII, Chapter 3. However, such areas shall not be used for storage or processing of any kind.



5-204.4 Building Area;

No restrictions; however, all off-street parking, loading and unloading requirements shall apply.

**5-205 Height**

Buildings hereafter constructed shall not exceed forty-five (45) feet in height,

**5-206 Building Setback Line**

The building setback line is applicable to all principal and accessory structures located within any 1-1 District.

5-206.1 General:

Except as set forth in Section

5-206.2 below, the minimum setback line shall be twenty (20)feet.

5-206.2 Special Provisions for Corner Lots:

On any corner lot, all structures shall conform to the setback requirements along each street set forth in Section

5-206.1 above.

**5-207 Other Requirements**

5-207.1 Enclosure Requirements:

All uses shall be conducted within completely enclosed buildings except for parking and loading, exterior storage, and other accessory uses listed herein which by their nature must necessarily exist outside a building.

5-207.2 Provisions Applying Along District Boundaries:

In any 1-1 District along such portion of the boundary which coincides with a lot line of a lot in a residential district, the buildings and structures shall be set back at least fifty (50) feet from such lot line.

5-207.3 Exterior Storage:

Exterior storage may be permitted in side and rear of the principal building only, provided the location, extent, and screening of storage is approved as a part of the site plan by the planning commission; and further provided that exterior storage shall be screened from public view by a suitable



Fence, wall, or hedge not exceeding fifteen (15) feet in height with the stored materials to be at least two (2) feet below the top of such screen.

#### 5-207.4 Surfacing of Storage Areas:

All storage areas shall be surfaced to provide a durable and dust-free surface. All areas shall be graded and drained so as to dispose of all surface water accumulated within the area.



ARTICLE V

Chapter 3. I-2, GENERAL INDUSTRIAL DISTRICT

Intent: This class of district is intended to provide space for the types of industrial activities which by reason of volume of raw materials or freight, scale of operation, type of structures required, or other similar characteristics require locations relatively well segregated from non-industrial uses. New residential activities are excluded, and community facilities which provide needed services for industry and are complementary thereto are permitted.

**5-301 Uses Permitted (for definitions see Article I, Chapter 3, Use Classifications)**

Within the I-2, General Industrial Districts as shown on the Waynesboro Zoning Map, the following activities, as described in Article I, Chapter 3, are permitted:

5-301.1 The following Community Facility Activities:

5-301.101 Utility and Vehicular

5-301.102 Essential Service

5-301.2 The following Industrial Activities:

5-301.201 Limited

5-301.202 Intermediate

5-301.203 Extensive

5-301.3 The following Commercial Activities:

5-301.301 Animal Care

5-301.302 Food Service

5-301.303 Research Service

5-301.304 Wholesale Sales

5-301.305 Transport and Warehousing

5-301.306 Retail Business Supply

5-301.307 Construction Sales and Service



5-301.4 Permitted Accessory Uses and Structures:

5-301.401 Incidental services, such as food and beverage dispensing and sales facilities, to serve employees and guests of an occupant of the district when conducted as an integral part of a principal use and having no exterior display or advertising.

5-301.402 Accessory facilities and buildings customarily incidental and appurtenant to a permitted use provided that such accessory facilities and buildings are carried out on the same premises and are not otherwise prohibited.

5-301.403 Accessory off-street parking and loading areas as required in Chapter 3 of this Article.

**5-302 Uses Prohibited**

Any uses or structures not specifically permitted herein, by right, by accessory use or by conditional use and are prohibited in the I-2, General Industrial Districts.

**5-303 Conditional Uses**

The following are conditional uses within this district:

5-303.1 Community Facilities Activities:

5-303.101 Intermediate Impact

5-303.102 Extensive Impact

5-303.2 Commercial Activities:

5-303.201 Scrap Operation

5-303.202 Group Assembly-Extensive

**5-304 Bulk Regulations**

5-304.1 Maximum Lot Coverage - fifty (.50) percent.

5-304.2 Maximum Height of Buildings - forty-five (45) feet.

**5-305 Minimum Required Lot Area**

Within the I-2 Districts the minimum required lot area is forty thousand (40,000) square feet.



## **5-306 Yard Requirement**

The basic yard regulations set forth below apply 'to all zone lots within 1-2 Districts.

### 5-306.1 Sizes of Required Yards:

5-306.101 Front Yards - thirty (30) feet.

5-306.102 Side Yards - Within the 1-2 District no side yards are required. However, if an open area extending along a side lot line is provided, it shall be at least ten (10) feet wide.

5-306.103 Rear Yards - twenty (20) feet.

### 5-306.2 Use of Required Yard Areas:

The following uses may be made of yard areas, provided such uses are otherwise permissible in this district.

5-306.201 Landscaping - All required yards not occupied by driveways or sidewalks shall be devoted to landscaping as defined in Article I, Chapter 2.

5-306.202 Driveways - Driveways may be located within any required yard, provided, however, that no more than fifty (50) percent of the area of any required yard may be used as a driveway.

5-306.203 Sidewalks

5-306.204 Parking - Within 1-2 Districts any yard may be used for street parking or loading except as provided in Article VII, Chapter 3, However, such areas shall not be used for storage or processing of any kind.

## **5-307 Building Setback Line**

The building setback line is applicable to all principal and accessory structures located within any 1-2 District.

### 5-307.1 General:

Except as set forth in Section 5-307.2 below the minimum setback line shall be fifty (50) feet.





#### 5-307.2 Special Provisions for Corner Lots:

On any corner lot, all structures shall conform to the setback requirements set forth in Section 5-307.1 above along each street frontage.

### 5-308 Other Requirements

#### 5-308.1 Enclosure Requirements:

All uses shall be conducted within completely enclosed buildings except for agriculture, parking and loading, exterior storage and other accessory uses listed herein which by their nature must necessarily exist outside a building.

#### 5-308.2 Provisions Applying Along District Boundaries:

In any 1-2 District along such portion of the boundary which coincides with a lot line of a lot in residential district, the buildings and structures shall be set back at least fifty (50) feet from such lot line.

#### 5-308.3 Exterior Storage:

Exterior storage may be permitted in side and rear of the principal building only, provided the location, extent, and screening of storage is approved as a part of the site plan by the planning commission; and further provided that exterior storage shall be screened from public view by a suitable fence, wall, or hedge not exceeding fifteen (.15) feet in height with, the stored materials to be kept at least two (2) feet below the top of such screen.

#### 5-308.4 Surfacing of Storage Areas:

All storage areas shall be surfaced to provide a durable and dust-free surface. All areas shall be graded and drained so as to dispose of all surface water accumulated within the area.



**ARTICLE VI**

**FLOODPLAIN DISTRICT REGULATIONS**

**Chapter 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND  
OBJECTIVES**

**6-101 Statutory Authorization**

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, Tennessee Code, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Waynesboro, Tennessee, Mayor and Board of Commissioners, does ordain as follows:

**6-102 Findings of Fact**

- (a) The Waynesboro Mayor and Board of Commissioners wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3(d) of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-88 Edition) and subsequent amendments.
- (b) Areas of Waynesboro are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (c) These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; and by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood proofed, or otherwise unprotected from flood damages.

**6-103 Statement of Purpose**

It is the purpose of this Ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. This Ordinance is designed to:

- (a) Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which cause in damaging increases in erosion, flood heights, or velocities;



- (b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage;
- (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate flood waters;
- (d) Control filling, grading, dredging and other development which may increase erosion or flood damage, and;
- (e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards.

#### **6-104 Objectives**

The objectives of this Ordinance are:

- (a) To protect human life and health;
- (b) To minimize expenditure of public funds for costly flood control projects;
- (c) To minimize the need for rescue and relief efforts associated with flooding;
- (d) To minimize prolonged business interruptions;
- (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in floodable areas;
- (f) To help maintain a stable tax base by providing for the sound use and development of flood prone areas;
- (g) To ensure that potential buyers are notified that property is in a floodable area; and,
- (h) To establish eligibility for participation in the National Flood Insurance Program.



## ARTICLE VI

### Chapter 2. DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

"Accessory Structure" shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

1. Accessory structures shall not be used for human habitation.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
5. Service facilities such as electrical and heating equipment shall be elevated or flood proofed.

"Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.'C. 4001-4128.

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

"Appeal" means a request for a review of the Building Official's interpretation of any provision of this Ordinance or a request for a variance.

"Area of Shallow Flooding" means a designated AO or AH Zone, on a community's Flood Insurance Rate Map (FIRM) with one (1) percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.



"Area of Special Flood-Related Erosion Hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E, on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E, may be further refined.

"Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A, usually is refined into Zones A, AO, AH, Al-30, AE, or A99.

"Base Flood" means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

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

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

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

"Elevated Building" means a non-basement building (i) built to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), (ii) and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones Al-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

"Emergency Flood Insurance Program" or "Emergency Program" means the program as implemented on an emergency basis in accordance with Section 1336, of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.



"Erosion" means the process of the gradual wearing away of land masses. This peril is not per se covered under the Program.

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

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

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

"Existing Structures" see "Existing Construction"

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

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

1. the overflow of inland or tidal waters;
2. the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Elevation Determination" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one (1) percent or greater chance of occurrence in any given year.

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

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



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

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Map and the water surface elevation of the base flood.

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

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

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

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

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

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



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

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

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

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

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

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;





3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior, or
  - b. Directly by the Secretary of the Interior in states without approved programs.

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

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

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

"Manufactured Home" means a. structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

"Mean-Sea-Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.



"National Geodetic Vertical Datum (NGVEM " as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

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

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

"100-year Flood" see "Base Flood".

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

"Recreational Vehicle" means a vehicle which is:

1. built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

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



"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred-eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

"Structure", for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

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

"Substantial Improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to



assure safe living conditions or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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

"Variance" is a grant of relief from the requirements of this Ordinance which permits construction in a manner, otherwise, prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.



## ARTICLE VI

### Chapter 3. General Provisions

#### 6-301 Application

This article shall apply to all areas within the incorporated area of Waynesboro, Tennessee.

#### 6-302 Basis For Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified on the Waynesboro, Tennessee, Federal Emergency Management Agency, Flood Insurance Rate Maps, Community-Panel Numbers 470201 001B; Effective Date: January 16, 1987, and any subsequent amendments or revisions, are adopted by reference and declared to be a part of this Ordinance. These areas shall be incorporated into the Waynesboro, Tennessee, Zoning Map.

#### 6-303 Requirement for Development Permit

A development permit shall be required in conformity with this Article prior to the commencement of any development activity.

#### 6-304 Compliance

No structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

#### 6-305 Abrogation and Greater Restrictions

This Ordinance is not intended to repeal, abrogate, or impair any existing easement, covenant, or deed restriction. However, where this Ordinance conflicts or overlaps with another, whichever imposes the more stringent restrictions shall prevail.

#### 6-306 Interpretation

In the interpretation and application of this Ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

#### 6-307 Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by



man-made or natural causes. This Ordinance does not imply that land outside the flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Waynesboro, Tennessee, or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

#### **6-308 Penalties for Violation**

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Waynesboro, Tennessee from taking such other lawful actions to prevent or remedy any violation.



## ARTICLE VI

### Chapter 4. ADMINISTRATION

#### 6-401 Designation of Zoning Administrator

The Zoning Administrator is hereby appointed to administer and implement the provisions of this Ordinance.

#### 6-402 Permit Procedures

Application for a development permit shall be made to the Zoning Administrator on forms furnished by him prior to any development activity. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials, or equipment, drainage facilities. Specifically, the following information is required:

##### (a) Application Stage

- (1) Elevation in relation to mean-sea-level of the proposed lowest floor (including basement) of all buildings. (See (2), below.)
- (2) Elevation in relation to mean-sea-level to which any nonresidential building will be floodproofed, where base flood elevation data is available. (See (2), below.)
- (3) Certificate from a registered professional engineer or architect that the nonresidential floodproofed building will meet the floodproofing criteria in Article VI, Chapter 4, Section 6-402,(b), where base flood elevation data is available.
- (4). Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

##### (b) Construction Stage

Within unnumbered A Zones, where flood elevation data are not available, the Zoning Administrator shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building and the highest adjacent grade. USGS Quadrangle maps may be utilized when no more detailed reference exists to establish reference elevations.



Within all flood zones where base flood elevation data are utilized, the Zoning Administrator shall require that upon placement of the lowest floor, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Zoning Administrator a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean-sea-level. Said certification shall be prepared by, or under the direct supervision of, a registered land surveyor, professional engineer, or architect and certified by same. When, floodproofing is utilized for a particular building, said certification shall be prepared by, or under the direct supervision of, a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Zoning Administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

#### **6-403 Duties and Responsibilities of the Zoning Administrator**

Duties of the Zoning Administrator shall include, but not be limited to:

- (a) Review of all development permits to assure that the requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
- (b) Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404, of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.
- (c) Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.





- (d) Record the actual elevation (in relation to mean-sea-level or highest adjacent grade, whichever is applicable) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with Chapter 4, Section 6-402, (b). (See (b), Construction Stage, above.)
- (e) Record the actual elevation (in relation to mean-sea-level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been floodproofed, in accordance with Chapter 4, Section 6-402, (b). (See (b), Construction Stage, above.)
- (f) When floodproofing is utilized, the Zoning Administrator shall obtain certification from a registered professional engineer or architect, in accordance with Chapter 4, Section 6-402, (b). (See (b), Construction Stage, above.)
- (g) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Zoning Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Chapter 6.
- (h) When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Zoning Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A, on the Community FHBM or FIRM, meet the requirements of this Article.
- (i) All records pertaining to the provisions of this Ordinance shall be maintained in the office of the Zoning Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.
- (j) Assure that the flood carrying capacity within an altered or relocated portion of any water course is maintained.



**Chapter 5. PROVISIONS FOR FLOOD HAZARD REDUCTION**

**6-501 General Standards**

In all flood prone areas the following provisions are required:

- (a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (b) Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
- (c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (e) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (i) Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Article; and,



- (j) Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provision of this Ordinance, shall be undertaken only if said nonconformity is not extended.

#### **6-502 Specific Standards**

These provisions shall apply to all areas of special flood hazard as provided herein:

In all areas of special flood hazard where base flood elevation data have been provided, including A Zones, A1-30 Zones, AE Zones, AO Zones, AH Zones and A99 Zones, and has provided a regulatory floodway, as set forth in Chapter 3, Section 6-302, the following provisions are required:

- (a) Residential Construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Chapter 5, Section 6-502, (c) .
- (b) Nonresidential Construction. New construction or substantial improvement of any commercial, industrial, or nonresidential building shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level of the base flood elevation. Buildings located in all A-Zones may be floodproofed in lieu of being elevated provided that all areas of the buildings below the required elevation are watertight with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Zoning Administrator, as set forth in Chapter 4, Section 6-402, (b).
- (c) Elevated Building. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.



- (1) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.
    - a. Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
    - b. The bottom of all openings shall be no higher than one foot above grade; and
    - c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
  - (2) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
  - (3) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Chapter 5, Section 6-502, of this Article. .
- (d) Standards for Manufactured Homes and Recreational Vehicles
- (1) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions of existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.
  - (2) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
    - a. The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation on a permanent foundation;
    - b. The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and,



- c. In or outside of an existing or new manufactured home park or subdivision, or in an expansion of an existing manufactured home park or subdivision, on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of Chapter 5, Section 6-504, (d), (2), a, and b, above.

(3) All recreational vehicles placed on sites must either:

- a. Be on the site for fewer than 180 consecutive days;
- b. Be fully licensed and ready for highway use; or
- c. The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of Chapter 5, Section 6-502, (d), (I), or (2), a, and b, above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

In all areas of special flood hazard where base flood elevation data or floodway data have not been provided, the provisions of Chapter 4, Section 6-403, (h), shall be utilized for all requirements relative to the base flood elevation or floodways.

**6-503 Standards for Areas of Special Flood Hazard Zones A1-30 and AE, with Established Base Flood Elevation, but Without Floodways Designated**

Located within the areas of special flood hazard established in Chapter 3, Section 6-302, where streams exist with base flood data provided but where no floodways have been provided, (Zones A1-30 and AE) the following provisions apply:

- (a) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.



- (b) New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Chapter 5, Section 6-502.

**6-504 Standards for Areas of Shallow Flooding (AO and AH Zones)**

Located within the areas of special flood hazard established in Chapter 3, Section 6-302, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore/ the following provisions apply:

- (a) All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement,, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.
- (b) All new construction and substantial improvements of nonresidential buildings shall:
  - (1) have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least two (2) feet above the highest adjacent grade; or,
  - (2) together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (c) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

**6-505 Standards for Areas Protected by Flood Protection System (A-99 Zones)**

Located within the areas of special flood hazard established in Chapter 3, Section 6-302, are areas of the 100-year flood protected by a flood protection system which is under construction but where base flood elevations and flood hazard factors have not been determined. With these areas (A-99 Zones) the following provisions apply:



- (a) All provisions of Chapter 4, and Chapter 5, Section 6-501 and 6-508, shall apply.

**6-506 Standards for Areas of Special Flood Hazard with Established Base Flood Elevation with Floodways Designated**

Located within the areas of special flood hazard established in Chapter 3, Section 6-302, where streams exist with base flood data and floodways provided, the following provisions apply:

- (a) No encroachments, including fill material, new construction substantial improvements or other developments shall be located within designated floodways, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood during the occurrence of the base flood discharge at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- (b) If Chapter 5, Section 6-506, (a), above, is satisfied, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Chapter 5, Section 6-502.

**6-507 Standards for Unmapped Streams**

Located within Waynesboro, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor base flood data or floodways have been provided. Adjacent to such streams the following provisions shall apply:

- (a) In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream along each side of the stream, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the locality.
- (b) When flood elevation data is available, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Chapter 4, Section 6-402, (b) .



## 6-508 Standards for Subdivision Proposals

Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to ensure that:

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (d) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty (50) lots and/or five (5) acres.





## ARTICLE VI

### Chapter 6. VARIANCE PROCEDURES

The provisions of this section shall apply exclusively to areas of special flood hazard.

#### **6-601 Board of Zoning Appeals**

- (a) The Waynesboro Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Chapter.
- (b) Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
- (c) In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
  - (1) The danger that materials may be swept onto other property to the injury of others;
  - (2) The danger to life and property due to flooding or erosion;
  - (3) The susceptibility of the proposed facility and its contents to flood damage;
  - (4) The importance of the services provided by the proposed facility to the community;
  - (5) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
  - (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - (7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;



- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
  - (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (d) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Ordinance.
  - (e) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

#### **6-602 Conditions for Variances**

- (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief - necessary so as not to destroy the historic character and design of the building.
- (b) Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
- (c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.
- (d) The Zoning Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.



ARTICLE VII

APPLICATION OF REGULATIONS

Chapter 1. STATEMENT OF PURPOSE

The districts established in this ordinance (as set forth in district regulations in Articles III through VI) are designed to guide the future use of land in Waynesboro by encouraging the development of desirable residential, commercial, and industrial areas with appropriate groupings of compatible and related uses and thus promote and protect the public health, safety, and general welfare.

The following provisions are established to provide the conditions that must be met by everyone under the jurisdiction of this ordinance, except as hereinafter provided.



**Chapter 2. GENERAL PROVISIONS**

**7-201 General Standards For Development**

In the interest of promoting the most appropriate and economical use of the land while assuring that the character of the residential districts is maintained, the Planning Commission in its review of a proposed development shall consider the following:

- 7-201.1 The protection of the character, property<sup>1</sup>.values, privacy and other characteristics of the surrounding neighborhood;
- 7-201.2 The provision for surface drainage control, water supply, sewage disposal, recreation and traffic control; and
- 7-201.3 The preservation and protection of existing trees, ground cover, top soil, streams, rock outcroppings and scenic and historic sites from dangers and damage caused by excessive and poorly planned grading for streets and building sites.

**7-202 Use**

No building or structure shall hereafter be erected, no existing building or structure or part thereof shall be reconstructed, moved or altered nor shall any land, structure or building be used except in conformity with the regulations herein specified for the district in which it is located.

**7-203 Height and Density**

No building or structure shall hereafter be erected, constructed, reconstructed or altered to:

- 7-203.1 Exceed the height limits;
- 7-203.2 House a greater number of families or occupy a smaller lot area per family than provided for in this ordinance; or
- 7-203.3 Have narrower or smaller front or side yards than are herein required.

**7-204 Lot Area and Reduction of Lot Size**

No lot, even through it may consist of one or more adjacent lots in the same ownership at the time of passage of this ordinance,



shall be reduced in size so that the lot width, or size of yards or lot area per family or any other requirement of this ordinance is not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

**7-205 Yards**

No part of a yard or other open space or the off-street parking or loading space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of the-yard or off-street parking or loading space required for another building except in the C-1 District.

**7-206 One (1) Principal Building on a Lot**

Only one (1) principal building and its customary accessory buildings may hereafter be erected on any one' (1) lot.

**7-207 Public Street Frontage**

No building shall be erected on a lot which does not abut for at least twenty-five (25) feet on a public street.

**7-208 Requirement of Buffer Strips**

Where a use is established in areas zoned nonresidential C-1, C-2, and 1-1, and which abuts at any point upon property zoned residential R-1, and R-2, the developer of said use shall provide a buffer strip as defined herein at the point of abuttment. Furthermore, there shall be installed around the rear and sides of all drive-in restaurants, a four (4) foot metal,, mesh fence designed to keep any litter or trash that may be generated or; the site, unless peculiar conditions deem otherwise as determined by the Board of Appeals.

**7-209 Availability of Public Utilities**

Generally, all public utilities, specifically including water and public sewer, shall be available. Where public sewer is not available, no lot or housing site may be created which is less than twenty thousand (20,000) square feet in area and all septic fields for each dwelling unit shall be located within the area of fee simple ownership of said dwelling unit. A written statement from the Wayne County Health Department approving the subsurface sewage disposal system must be presented to the Zoning Administrator before a zoning permit is issued.

**7-210 District Boundary Lines**

Unless otherwise indicated, the district boundary lines are center lines of streets or blocks or such lines extended, lot lines, corporate limit lines, or the center line of the main tracts of a



railroad. Such lines drawn as to appear on these lines are hereby located on these lines. Where district boundary lines approximately parallel street or other rights-of-way such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by use of the scale of said zoning map.

### **7-211 Access Control**

In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact the following regulations shall apply:

- 7-211.1 A point of access for vehicles onto a street shall not exceed thirty (30) feet in width for all residential, retail and commercial service uses. All points of access shall be so constructed as to provide for proper drainage of property and public street. A minimum of a fifteen (15) inch culvert shall be provided in the ditch line. For industrial land uses a point of access for vehicles onto a street shall not exceed forty-five (45) feet in width.
- 7-211.2 There shall be no more than two (2) points of access to any one public street for each four hundred (400). feet of lot frontage, or fraction thereof, provided, however, that lots less than one hundred (100)feet in width shall have no more than one point of access to any one public street.
- 7-211.3 No point of access shall be allowed within twenty-five (25) feet from the corner of the intersecting streets of any public intersection. On collectors or arterials this minimum shall be forty (40) feet.
- 7-211.4 No curbs on city streets or rights-of-way shall be cut or altered without written approval of the City Manager, and if a state highway, a permit must also be obtained from the Tennessee Department of Transportation.
- 7-211.5 Where two driveways are provided for one lot frontage, the clear distance between the driveways shall not be less than twenty-five (25) feet.



7-211.6 Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Board of Zoning Appeals.

**7-212 Solar Orientation.**

Solar orientation devices shall be subject to the setback and height limitations affecting dwellings, buildings, and other major improvements. The use of solar-energy devices for the purpose of providing energy is a permitted use within all zones, either as a part of the structure, or an independent structure. In order to maximize solar access, whenever possible the development should place highest densities on south facing slopes. Furthermore, all streets should be oriented on a east/west axis to the greatest possible extent in order that all lots be oriented with their greatest dimension on a north/south axis. Whenever possible, lot orientation from the north/south axis should vary no more than 20 degrees from the north/south axis. There shall be no solar device between the front yard setback line and the principal structure.

**7-213 Accessory Use Regulations.**

The use of land, buildings, and other structures permitted in each of the districts established by this ordinance are designed by listing the principal uses. In addition to such principal uses, accessory uses which are customarily incidental to the permitted principal uses are also permitted in each -district. Each accessory use shall:

- 7-213.1 Be customarily incidental to the principal use established on the same lot.
- 7-213.2 Be subordinate to and serve such principal use.
- 7-213.3 Be subordinate in area, intent, and purpose to such principal use.
- 7-213.4 Contribute to the comfort, convenience, or necessity of users of such principal use.
- 7-213.5 Total accessory uses in residential areas shall be limited in size to no more than one-third the size of its principal use on any lot.

**7-214 Placement Of Accessory Buildings In Residential Districts.**

Within all residential districts, no accessory building shall be erected in any required front or side yard, and no separate accessory building shall be erected within five (5) feet of any other building.



## **7-215 Temporary Use Regulations.**

The following regulations are necessary to govern the operation of certain necessary or seasonal uses nonpermanent in nature. Application for a Temporary Use Permit shall be made to the Zoning Administrator. Said application shall contain a graphic description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:

### 7-215.1 Carnival or Circus:

May obtain a Temporary Use Permit in the C-2, 1-1, or F-1 Districts; however, such permit shall be issued for a period of not longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided.

### 7-215.2 Seasonal Venders:

May obtain a Temporary Use Permit in the C-2 and R-C Districts, along the main arteries only. May obtain a 30 day permit for the display & sale of firewood, Christmas trees, fireworks, fruit & vegetables.

### 7-215.3 Temporary Buildings:

In any district, a Temporary Use Permit may be issued for contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year but renewal permits for six months extensions for a particular use may be granted. Such use shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs first.

### 7-215.4 Religious Tent Meetings:

In any district, a Temporary Use Permit may be issued for a tent or other temporary structures used to house a religious meeting. Such permit shall be issued for not more than a thirty (30) day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.





7-215.5 Temporary Dwelling Unit in Cases of Special Hardship:

In any residential district, a Temporary Use Permit may be issued to place a mobile home (double-wides excluded) temporarily on a lot in which the principal structure was destroyed by fire, explosion or natural phenomenon. The purpose of such placement temporarily shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent an exceptional hardship on the same. Placement of such temporary structure must not represent a hazard to the safety, health, or welfare of the community. An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from the local utilities system and the Wayne County Health Department when applicable, approving the water supply and sewage disposal systems of the temporary structure. Such a permit may be initially issued for nine (9) months. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of eighteen (18) months.

7-215.6 Temporary Dwelling Unit in Cases of Construction Projects:

Whenever construction workers and the like require temporary dwellings while working on a construction project in Waynesboro, travel trailers may be located within an existing trailer park subject to the following conditions:

7-215.601 An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from the local utilities system and the Wayne County Health Department when applicable, approving the water supply and sewage disposal systems of the temporary structure.

7-215.602 Such permit shall be issued for a period not to exceed six (6) months.

**7-216 Customary Incidental Home Occupations.**

A customary incidental home occupation is a gainful occupation or profession (including the professional office of an architect,



artist, dentist, engineer, lawyer and the like, barber, beauty and tailor shops), conducted by members of a family residing on the premises or only one person in addition to those persons residing therein and conducted entirely within the principal dwelling unit. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings. An announcement sign of not more than four (4) square feet in area is permitted.

When questions arise regarding the legality of specific home occupations, the Board of Zoning Appeals shall determine whether said home occupation is in compliance with the district in which said home occupation is located. However, activities such as dancing instruction, band instrument instruction, except piano instruction, tea rooms, tourist homes, real estate offices, convalescent homes, mortuaries, animal clinics, retail sales business, or any other activity deemed by the Board to be incompatible with the district or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation.



Chapter 3. ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS**7-301 General Provisions**

- 7-301.1 Off-street automobile parking space shall be provided on every lot on which any of the following uses are hereafter established. The number of automobile parking spaces provided shall be at least as great as the number of spaces specified below for various uses except as otherwise provided below. Each space shall be at least ten (10) feet wide and twenty (20) feet long two hundred (200) square feet in area---and shall have vehicular access to a public street. Turning space shall be provided so that no vehicle will be required to back onto a major or secondary thoroughfare, excluding residential property.
- 7-301.2 In all zone districts, accessory off-street parking open or enclosed, shall be provided in conformity with the requirements set forth in this section for all uses permitted by right or as a conditional use.
- 7-301.3 In addition, all other applicable requirements of this chapter shall apply as a condition precedent to the use of such development.
- 7-301.4 In the case of uses where the Board^ of Appeals is required to prescribe the number of parking spaces, the Board shall make its determination on a recommendation from the Planning Commission taking into account the traffic generation of the uses, the time of operation, their location, factors as affect the need for off-street parking, and such other requirements as prescribed under the conditional use provisions of this ordinance.

**7-302 Space Requirements For Accessory Off-Street Parking**

Accessory off-street parking shall be provided on each lot in which any of the following uses are hereafter established. Such parking area shall meet the minimum requirements set forth below.

- 7-302.1 The following regulations on accessory off-street parking spaces are adopted in order to provide needed spaces off the streets for parking in connection with residences and other activities.



7-302.101 Permanent Residential,

- a) Single family, duplex, mobile home

No less than two (2) spaces per dwelling unit.

- b) Multifamily (apartments and townhouses)

No less than two (.2) spaces, per dwelling unit.

7-302.102 Semi-transient Residential.

- a) Boarding and Rooming House

No less than one (.1) space for each bedroom available for rent.

- b) Hotel

One (1) space for each three (3) employees plus one (1) space for each guest bedroom.

**7-302.2 Community Facilities Parking:**

Off-street parking spaces which are accessory to community facility uses shall be used by occupants, visitors, patrons, or employees of such uses and shall not be rented to persons other than the above.

**7-302.201 Administrative Services.**

One (1) space for each four hundred (400) square feet of gross floor area.

7-302.202 Community Education.

High schools (.grade 10 through 12, inclusive) – four (4) spaces per classroom or one (1)space for each six (6) seats in an auditorium, arena, or stadium, whichever requires the greater number of spaces, but in no case" shall more than three hundred (300) spaces be required, except as may be recommended by the planning commission.



Elementary and junior high schools  
two (2) spaces per classroom or (1) space for each six  
(6) seats in an auditorium.

7-302.203 Health Care.

Minimum one (1) space per one thousand (1,000) square feet of gross floor area plus one (1) space for each four (4) beds, and subject to additional requirements under the conditional use provisions of this ordinance specified in Article VIII, Chapter 6.

7-302.204 Intermediate Impact.

Colleges or universities minimum one (1) space per one .thousand (1,000) square feet or gross floor area used for academic purposes, plus one space for each four student rooming unit, plus one space for each six seats in an auditorium, arena, or stadium located on the same zone lot as the university or within five hundred (500) feet of the zone lot on which the use is located, and subject to additional requirements under the conditional use provisions of this ordinance.

All other intermediate impact the number of spaces to be prescribed by the Board of Zoning Appeals under the conditional use provisions of this ordinance as specified in Article VIII, Chapter 6.

7-302.205 Non-assembly Cultural.

Minimum one (1) space per five hundred (500) square feet of gross floor area and subject to additional requirements under the conditional use provisions of this ordinance as specified in Article VIII, Chapter 6.



7-302.206 Nursing Homes

Minimum of four (4) spaces plus one (1) space for every four (4) beds, and subject to additional requirements under the conditional use provisions of this ordinance as specified in Article VIII, Chapter 6.

7-302.207 Places of Worship.

One (1) space for each four (4) seats contained in the largest assembly area.

7-302.208 Utility and Vehicular.

Minimum one (1) space for each five hundred (.500) square feet of gross floor area, and subject to additional requirements under the conditional use provisions of this ordinance specified in Article VIII, Chapter 6.

7-302.209 All Other Community Facility Activities.

The number of spaces is to be prescribed by the Board of Appeals under the conditional use provisions of this ordinance as specified in Article VIII, Chapter 6.

The Board shall base its determination on the traffic generation of the facilities, the time of operations of such facilities, their location, and other such factors as affect the need for off-street parking as required under the conditional use provisions.

The following activities are included:

- a) Community Assembly
- b) Day Care Centers For Children
- c) Day Care Centers for Developmentally Disabled Adults
- d) Essential Services
- e) Extensive Impact
- f) Family and Group Care Homes for Children



- g) Family Care
- h) Group Care
- i) Institutional Care

**7-302.3 Commercial Facilities Parking:**

The following provisions for accessory off-street parking are developed in order to provide parking spaces off all public ways sufficient to give necessary access to developing centers of commerce outside the high density commercial core, to reduce traffic congestion caused by parking on public ways, to prevent substantial amounts of traffic from circulating in and parking on residential streets surrounding commercial centers, to provide for a higher standard of commercial development, and thus to promote and protect the public health, safety, and general welfare.

Accessory off-street parking shall be provided for the specified number of square feet of gross floor area or seating capacity or other specified unit of measurement (or fraction of one half (1/2) or more thereof) for the following activity types:

7-302.301 Animal Care.

One (1) space for each three hundred (300) square feet of floor space.

7-302.302 Automotive, Craft and Related Sales and Rental.

One (1) space for each regular employee plus one (1) space for each three hundred (300) square feet of floor area used for repair work.

7-302.303 Automotive Repair & Cleaning.

One (1) space for each regular employee plus one (1) space for each three hundred (300) square feet of floor area used for repair work.



7-302.304 Automotive Servicing.

Three (.3) spaces for each grease rack or similar facility plus one (.1) space for each attendant.

7-302.305 Business and Communication Service.

One (1) space for each four hundred (400) square feet of floor space.

7-302.306 Construction Sales.

Two (2) spaces for each one thousand (.1,000) square feet of floor space.

7-302.307 Consumer Laundry and Repair (except where consisting primarily of repair and cleaning of large items such as furniture and carpets).

One (1) space, ten (10) by twenty (20) for each one hundred (100) square feet of gross floor space, except in the C-1, Central Business District.

7-302.308 Consumer Laundry and Repair (whenever service consists of cleaning large items such as furniture and carpets).

Two (2) spaces for each one thousand (1,000) square feet of floor space.

7-302.309 Convenience Sales and Services.

One (1) space, ten (.10) by twenty (20) , for each one hundred (100) square feet of gross floor space, except in the C-1, Central Business District.

7-302.310 Financial, Consulting and Administrative.

One (1) space for each four hundred (400) square feet of floor space.

7-302.311 Food Service.

One (1) space for each four (4) seats provided for patron use, plus one (1) space for each two (2) employees.





- 7-302.312 Food Service, Drive-In.  
One (1) space for each four (4) seats provided for patron use, plus one (1) space for each two (2) employees.
- 7-302.313 General Personal Service.  
One (1) space, ten (10) by twenty (20), for each one hundred (100) square feet of gross floor space, except in the C-1, Central Business District.
- 7-302.314 General Retail Sales & Service.  
One (1) space, nine (9) by eighteen (18), for each two hundred fifty (250) square feet of gross floor space, except in the C-1, Central Business District.
- 7-302.315 Group Assembly-Limited  
One (1) space per four (4) permanent seats plus one (1) space for every twenty-five (25) square feet of area where temporary seats are uses.
- 7-302.316 Medical Services  
One (1) space for each regular employee plus one (1) space per one thousand (1,000) square feet of gross floor area.
- 7-302.317 Research Service.  
One (1) space for each four hundred (400) square feet of floor space.
- 7-302.318 Retail Business and Supply  
One (1) space for each regular employee plus two (2) spaces per one thousand (1,000) square feet of floor space.
- 7-302.319 Transient Habitation  
One (1) space for each unit in a building serving transient guests, except that the Board of Appeals may permit a lesser number of spaces where it is adequately shown that most of the guests do not use private automobiles for or during their stay, but in no case shall there be less than one (1) space for each two (2) units within the building serving transient guests.



7-302.320 Transport and Warehousing.

One (1) space per two thousand (2,000) square feet of gross floor area plus one (1) space per thousand (1,000) square feet of open storage area.

7-302.321 Undertaking Service.

One (1) space per one hundred (100) square feet of gross floor area, or where a chapel is provided one (1) space for each four (4) permanent seats plus one (1) space for every twenty-five (25) square feet of floor area where temporary seats are used, whichever requires the greater number of spaces.

7-302.322 Wholesale Sales.

Two (2) spaces for each one thousand (1,000) square feet of floor space.

7-302.323 All other Commercial Activities

The Board of Appeals shall prescribe the accessory off-street parking requirements for the activity types listed below under the conditional use provisions of this ordinance as specified in Article VIII, Chapter 6.

The Board shall base its determination of the traffic generation of the facilities, the time of operations of such facilities, their location, and other such factors as required under the conditional use provisions.

The following activities are included:

- a) Automotive Parking
- b) Group Assembly-Extensive
- c) Scrap operations



#### **7-302.4 Manufacturing Facilities Parking:**

The following regulations on accessory off-street parking spaces are adopted in order to provide parking spaces off all public ways for the increasing number of people driving to work, to help prevent all-day parking in residential and commercial areas adjacent to industrial areas, and to provide for better and more efficient access to and from industrial establishments, and thus to promote and protect public health, safety, and general welfare.

##### **7-302.401 Limited Manufacturing.**

One (1) accessory off-street parking space shall be provided for each one thousand five hundred (1,500) square feet of gross floor area or one (1) space for each three (3) employees during a single or two (2) successive shifts whichever requires the greater number of spaces.

##### **7-302.402 Intermediate and Extensive Manufacturing**

One (1) accessory off-street parking space shall be provided for each one hundred (100) square feet of office space and one (1) additional space for each employee other than office personnel employed during a single or two (2) successive shifts whichever requires the greater number of spaces.

##### **7-302.403 Conditional Uses.**

In the case of uses where the Board of Appeals is required to prescribe the number of parking spaces, the Board shall make its determination taking in account the traffic generation of the uses, the time of operation, their location, factors as affect the need for off-street parking, and such other requirements as prescribed under the conditional use provisions of this ordinance.



### **7-302.5 Agricultural and Extractive Facilities Parking:**

In the applicable districts, accessory off-street parking shall be provided as follows:

#### 7-302.501 Plant Nursery.

One (1) space per each acre of such use.

#### 7-302.502 Mining and Quarrying.

The number of spaces to be prescribed by the Board of Appeals under the conditional use provisions of this ordinance as specified in Article VIII, Chapter 6.

#### 7-302.503 Conditional Uses.

In the case of Agricultural and Extractive Uses for which the Board of Appeals is required to prescribe the number of parking spaces under the conditional use provisions of this ordinance, the Board shall base its determination on the traffic generation of the facilities, the time of operation of such facilities, their location, and other such factors as affect the need for off-street parking as required under the conditional use provisions.

### **7-302.6 Additional Regulations For Accessory Off-Street Parking**

#### 7-302.601 Reduction of Requirements For Accessory Off-Street Parking For Residential Activities.

Within the R-1, R-2, and R-C districts, the Board of Appeals may, by conditional use permit, reduce the number of required accessory off-street parking spaces when the following conditions are certified to the Board:

- a) That Federal funds are used to supplement rent or income of the occupants;
- b) That public and other services are reasonably accessible and within easy walking distance; and



- c) Occupancy is to be primarily elderly persons sixty years of age or over. However, in no case shall the number of spaces be reduced below one (1) space per two (2) dwelling units; nor shall the number of spaces be reduced merely to accommodate additional dwelling units.

7-302.602 Additional Regulations for Accessory Off-Street Parking For Commercial and Manufacturing Activities.

- a) Zone Lot or Building Containing Two or More Uses:

Where any zone lot or building contains two (2) or more uses having different parking requirements as set forth in this Chapter, the parking requirements for each type of use shall apply to the extent of that use.

- b) Operation of Accessory Off-Street Parking Spaces:

Off-street parking spaces which are accessory to residences or required as accessory to uses specified herein shall be designed and operated exclusively for the storage of the motor vehicles used by the occupants of such residences, or by the visitors, occupants, employees, patrons, or customers of such uses.

- c) Area of Accessory Parking:

Each accessory off-street parking space, open or enclosed, shall be a minimum of nine (.9) feet wide and twenty (20) feet long exclusive of drives, ramps, and aisles.

**7-303 Off-Site Accessory Parking Requirements**

7-303.1 Off-Site Parking Spaces For Community Facility Uses in Residential Districts.

Off-site parking spaces accessory to a permitted Community Facility use in residential districts may be located on a zone lot other than the same zone lot as such use provided that:



- 7-303.101 Such spaces are located in a district other than a residential district;
  - 7-303.102 Such spaces are located no further than five hundred (500) feet from the nearest boundary of the zone lot occupied by the Community Facility to which they are accessory;
  - 7-303.103 Such spaces are in the same ownership as the use to which they are accessory and necessary written instruments are executed to insure that the required number of spaces will remain available throughout the life of such use;
  - 7-303.104 Such spaces conform to all applicable regulations of the district in which they are located; and
  - 7-303.105 There is no way to arrange such space on the same zone lot as such use.
- 7-303.2 Off-Site Accessory Parking for Residential Uses in Commercial Districts.
- Off-site parking spaces accessory to residential uses permitted in commercial districts may be located on a zone lot other than the same zone lot as such use to which the spaces are accessory provided that:
- 7-303.201 There is no way to arrange such spaces on the same zone lot as such use;
  - 7-303.202 Such spaces are located to draw a minimum of vehicular traffic to and through streets having predominantly residential frontage;
  - 7-303.203 Such spaces are located no farther than four hundred (400) feet from the nearest boundary of the zone lot occupied by residences to which they are accessory;



7-303.204 Such spaces are in the same ownership as the use to which they are accessory and necessary instruments are executed to ensure the required number of spaces will remain available throughout the life of such use; and

7-303.205 Such spaces conform to all applicable district regulations of the district in which they are located.

7-303.3 Off-Site Accessory Parking for Non-Residential Uses in Commercial Districts.

Off-site parking spaces accessory to non-residential uses permitted in Commercial Districts, except the Central Business District, may be located on a zone lot other than the same zone lot as such use to which the spaces are accessory provided that:

7-303.301 Such spaces are located in any commercial district, except Central Business, and any industrial district;

7-303.302 There is no way to arrange such spaces on the same zone lot as such use;

7-303.303 Such spaces are located to draw a minimum of vehicular traffic to and through streets having predominantly residential frontage;

7-303.304 Such spaces are located no farther than five hundred (500) feet from the nearest boundary of the zone lot occupied by community facility uses to which the spaces are accessory;

7-303.305 Such spaces are in the same ownership .as the use to which the spaces are accessory and necessary instruments are executed to ensure the required number of spaces will remain available throughout the life of such use; and

Such spaces conform to all applicable district regulations of both the district in which the principal use is located and in the district in which the spaces are located. In the event of conflict between applicable district regulations, the most restrictive shall prevail.



7-303.4 Off-Site Accessory Parking Requirements in Industrial Districts.

Off-site parking spaces accessory to any permitted use in an Industrial District may be located on a zone lot other than the same zone lot as such use to which the spaces are accessory, provided that:

- 7-303.401 Such spaces are located within an Industrial District,
- 7-303.402 There is no way to arrange such spaces on the same zone lot as such use,
- 7-303.403 Such spaces are located to draw a minimum of vehicular traffic to and through streets having predominantly residential frontage,
- 7-303.404 Such spaces are located no further than six hundred (600) feet from the nearest boundary of the zone lot to which they are accessory, and
- 7-303.405 Such spaces are in the same ownership as the use to which they are accessory and necessary instruments are executed to ensure the required number of spaces will remain available throughout the life of such use.

**7-304 Development Standards for Accessory Off-Street Parking**

7-304.1 General Provisions:

7-304.101 Design Objectives.

Parking areas shall be designed with careful regard given to orderly arrangement, topography, amenity of view, ease of access, and as an integral part of the overall site design.

For reasons of use and appearance, it is desirable that parking areas be level or on terraces formed with the slope of the land. Changes in level between such terraces should be formed by retaining walls or landscaped banks.





Efforts shall be made to assure that a parking area does not dominate a site or building. Such efforts may include depressing the level of the parking area, construction of earth berms, dividing large lots into smaller sub-lots, and other similar techniques.

7-304.102 Submission Of A Plot Plan.

Any application for a zoning permit, or for a conditional use permit where no zoning permit is necessary, that requires ten (10) or more accessory off-street parking spaces to be provided on a zone lot, shall be accompanied by plot plan--drawn to scale and fully dimensioned. Said plan shall be attached to said application showing the location, design, and layout of such parking facilities and approved by the Planning Commission. The Planning Commission may require a fixed percentage of such parking area to be devoted to landscaping, and allowance of approximately ten (10) percent of the total parking area may be considered as a reasonable minimum.

7-304.103 Location Of Access To The Street.

The entrances and exits of all required or permitted accessory off-street parking facilities with ten (10) or more spaces shall be located not less than fifty feet (50) from the intersection of any two (2) street lines. However, access less than fifty (50) feet of such intersection may be permitted if the zoning Administrator certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion. The Zoning Administrator shall refer such matter to the Planning Commission for a report and base his determination on such report.

7-304.104 Surfacing.

All off-street parking areas containing ten (10) spaces or more shall be surfaced with asphalt, concrete or other hard surfaced dustless material and so constructed to provide for adequate drainage both on and off-site and to prevent the release of dust. In no case shall drainage be allowed to cross sidewalks.



7-304.105 Screening.

Open off-street parking areas with ten (10) spaces or more, which are located on a zone lot adjacent to the boundary of a residential use, either at natural grade or on a roof, shall be screened from adjoining zone lots by a buffer strip. The buffer strip shall consist of either:

- a) A strip at least four (4) feet wide, densely planted with shrubs or trees at least four (4) feet high at the time of planting, and which are of a type which may be expected to form a year-round dense screen at least six (6) feet high within three (3) years, or
- b) a wall or barrier or uniformly painted fence, where, in the opinion of the Board of Appeals, such fence would be compatible with the adjoining properties and in harmony with the neighborhood setting.

In addition such screening:

- a) shall be maintained in good conditions at all times,
- b) shall not be placed within fifteen (15) feet of the normal vehicular entrances and exits,
- c) shall have no signs hung or attached thereto other than those permitted signs for parking areas as specified in Chapter 4 of this Article, and
- d) shall not obstruct visibility of motorists at street intersections.

7-304.106 Lighting.

Any lighting used to illuminate off-street parking areas shall be directed away from property in any residential district in such a way as not to create a nuisance, and such lighting shall not exceed 0.5 foot candle at or above any residential district boundary-or commercial district boundary where residences are located and permitted.



7-304.107 Large Parking Areas.

Off-street parking areas containing more than one hundred (100) parking spaces shall be subdivided into sub-lots containing not more than one hundred (100) parking spaces by landscaped strips, landscaped works, or similar techniques.

7-304.2 Special Provisions for Residential Districts:

7-304.201 Large Parking Areas.

Off-street parking areas containing more than fifty (50) spaces shall be subdivided into sub-lots containing not more than fifty (50) parking spaces by landscaped strips, landscaped works, or similar techniques.

7-304.202 Restriction of Parking Within Required Open Spaces.

No accessory off-street parking having ten (10) or more spaces shall be located within the required open space on any zone lot.

**7-305 Accessory Off-Street Loading Regulations**

7-305.1 General Purpose:

The following provisions for accessory off-street loading berths are adopted in order to provide needed space off all public ways for loading and unloading activities, to limit the use of streets for such purposes, to help relieve traffic congestion in residential areas, and thus to promote and protect the public health, safety, and general welfare.

7-305.2 Required Off-Street Loading Berths for New Construction, Enlargements or Modifications:

Every building or structure hereafter constructed and used for business or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public or private alley, or if there is no alley, to a public street. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:



Total Usable Floor Area for Principal Building	Spaces Required (See ARTICLE I, Chapter 2 for Definition)
0 to 4,999 sq.ft.	One (1) space
5,000 to 9,999 sq.ft.	Two (2) spaces
10,000 to 14,999 sq.ft.	Three (3) spaces
15,000 to 19,999 sq.ft.	Four (4) spaces
Over 20,000 sq.ft.	Four (4) spaces, plus one (1) space for each additional 20,000 sq.ft.

The Board of Zoning Appeals may reduce or increase this requirement in the interest of safety where unusual or special conditions are due consideration.

7-305.3 Size of Required Berths.

Off-street loading berths, open or enclosed, shall have a minimum dimension of: Length -fifty-five (55) feet; Width - twelve (.12) feet; and Vertical Clearance - fifteen (.15) feet. The dimensions of off-street berths shall not include driveways or entrances to, or exits from, such off-street berths.

7-305.4 Location of Access to the Street.

No accessory off-street loading berth, and no entrance or exit thereto, shall be located less than fifty (.50) feet from the intersection of two (.2) street lines. However, a location closer to such intersection may be permitted, if the Zoning Administrator certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion.

7-305.5 Surfacing.

All permitted or required open off-street loading berths shall be surfaced with asphalt, concrete, or other hard-surfaced material, and constructed so as to provide for adequate drainage and prevent the release of dust.

7-305.6 Screening.

All permitted or required open off-street loading berths adjacent to residential districts or commercial districts where residences are permitted shall be screened from the adjoining residential districts and commercial districts, by either:



- a) A strip at least four (4) feet wide, densely planted with shrubs or trees which are at least four (4) feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six (6) feet high within three (3) years; or
- b) a wall or barrier or uniformly painted fence where, in the opinion of the Board of Appeals, such fence would be compatible with the adjoining properties and in harmony with the neighborhood setting.

In addition, such screening:

- a) shall be maintained in good condition at all times,
- b) shall not be located within fifteen (15) feet of normal vehicular entrances and exits, and
- c) shall have no signs hung or attached thereto other than those permitted for loading berths as specified in Chapter 4 of this Article.

**7-306 Certification of Minimum Parking Requirements**

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



## ARTICLE VII

### Chapter 4. STANDARDS FOR SIGNS, BILLBOARDS AND OTHER ADVERTISING STRUCTURES

Intent: These conditions are established as a reasonable and impartial method of regulating advertising structures in order to insure light, air and open space, to reduce hazards at intersections, and to protect property values of the entire community. The regulations for signs, billboards, and other advertising structures are enumerated below.

#### **7-401 General Requirements**

- 7-401.1 No sign or billboard except those authorized in Section 402 of this Chapter, shall be erected until a permit has been obtained therefore from the building inspector.
- 7-401.2 No ground sign supports shall be located closer than five (5) feet to any street line or property line.
- 7-401.3 Any street located within fifteen (15) feet of the street line shall be at least eight (8) feet above grade level. No sign shall be permitted where, in the opinion of the Board of Appeals, a traffic hazard would be created.
- 7-401.4 No billboard or ground sign shall be erected to exceed the maximum height limitation for the district in which it is located. No billboard shall exceed fifty (50) feet in length.
- 7-401.5 Billboards shall be erected or placed in conformity with the side, front, and rear yard requirements for the district in which located. However, no billboard shall be erected or placed closer than within one hundred (100) feet of any Residential District.
- 7-401.6 If signs are not kept in good repair in the opinion of the Board of Zoning Appeals, the sign permit may be revoked and such signs removed by the City.

#### **7-402 Signs Permitted In All Districts**

- 7-402.1 Signs of duly constituted governmental bodies including warnings at crossroads.
- 7-402.2 Flags or emblems of political, civic, philanthropic, educational, or religious organizations.



- 7-402.3 Temporary signs appertaining to campaigns, drives, or events of political, civic, philanthropic, educational, or religious organization are subject to the following regulations:
- 7-402.301 Each sign shall not exceed five (5) square feet in area, excluding banners, provided that such surface area may exceed five (5) square feet for a single period of not more than seven (7) days in any quarter calendar year.
  - 7-402.302 Such signs shall not be nailed to trees, fence posts or public utility poles and shall not be located on the public right-of-way, excluding banners.
  - 7-402.303 All signs advertising events shall be removed within ten (10) days after the event date.
- 7-402.4 Memorial plaques, cornerstones, historical tablets, and the like.
- 7-402.5 Signs not visible off the lot upon which they are situated.
- 7-402.6 Signs posted in conjunction with door bells or mailboxes not exceeding seven (7) square inches of surface area.
- 7-402.7 Signs required by law or governmental order, rule, or regulation, unless specifically prohibited limited, or restricted.
- 7-402.8 Small un-illuminated signs, not exceeding one and one half (1½) square feet of surface area, displayed strictly for the direction, safety, and convenience of the public, including signs which identify restrooms, parking area entrances or exits, freight entrances and the like.
- 7-402.9 Address signs, not more than one for each street frontage or each principal use on a lot and not exceeding seventy-two (72) square inches in surface area showing only the numerical address designations of the premise upon which they are situated.
- 7-402.10 One (1) sign of not more than six (6) square feet pertaining to the sale, lease, hire, or rental of the property on which the sign is displayed provided, that if said property faces more than one street, one sign shall be allowed on each frontage. Each such



sign shall be located not nearer than ten (10) feet to the adjoining premise, and not nearer than five (5) feet to a street line.

7-402.11 One (1) un-illuminated sign of not more than two (2) square feet for purposes of charitable, educational, or religious institutions.

7-402.12 One (1) temporary sign not to exceed six (6) square feet in area indicating the name of the contractors, engineers, and/or architects of a project during a construction period.

#### **7-403 Signs Permitted In Residential Districts**

7-403.1 Nameplates indicating name, address, house number, announcement of boarders or roomers, or customary home occupations are permitted.

7-403.2 For multi-family dwellings and mobile home parks, identification signs not exceeding twenty (20) square feet in area are permitted.

7-403.3 Church, school, or public building bulletin boards or identification signs, not exceeding twenty (20) square feet in area are permitted.

7-403.4 Flashing or intermittent illumination is prohibited.

7-403.5 Billboards and other advertising structures are prohibited.

#### **7-404 Signs Permitted In Commercial Districts**

7-404.1 Bulletin boards or identification signs, not exceeding sixty (60) square feet in area, shall be permitted for-public recreation uses, community facilities, hospitals and clinics.

7-404.2 Business signs shall be permitted subject only to the restrictions in Section 7-401 of this Chapter.

7-404.3 Billboards and other outdoor structures are permitted, subject to the general restrictions set forth in Section 7-401. However, flashing or intermittent illumination signs are prohibited from the R-C, Residential/Commercial District.

#### **7-405 Signs Permitted In Industrial- Districts**

7-405.1 Business signs shall be permitted which relate to the business on the premises, and are subject to the restrictions in Section 7-401 of this Article.





- 7-405.2 Signs not exceeding three hundred (300) square feet in surface area may be attached to a building wall or roof, projected from a building or constructed as ground signs on independent permanent supports, provided that no part of the sign shall project over any right-of-way.
- 7-405.3 Any sign of more than fifty (50) square feet in surface area shall be set back at least fifteen (15) feet from the street lines.
- 7-405.4 Flashing or intermittent illumination is prohibited.
- 7-405.5 Billboards and other outdoor advertising structures are permitted.

**7-406 Signs Prohibited In All Districts**

- 7-406.1 Signs on any vacant lot or parcel of land lying between two (2) residential structures or uses where said structures or uses are less than one hundred (100) feet apart or located within fifty (50) feet of any residential use in the same block frontage.
- 7-406.2 Off-site signs, within one hundred (100) feet of any public school ground or public park.
- 7-406.3 Except for public safety, signs within three hundred (300) feet of railroad crossings.
- 7-406.4 Signs painted on or attached to fence posts, trees, rocks, canopy posts, utility poles, and the like.



## ARTICLE VII

### Chapter 5. NONCONFORMING AND NONCOMPLYING USES

#### 7-501 Nonconforming Uses

The provisions governing nonconforming uses are established in order to provide a gradual remedy for existing undesirable conditions resulting from incompatible nonconforming uses. While such uses are generally permitted to continue, this ordinance is designed to restrict further investment in such uses which would make them more permanent establishments in inappropriate locations. It is the intent of this ordinance to so administer the elimination of nonconforming uses, buildings, and structures as to avoid an unreasonable invasion of established private property rights. Lawful nonconforming uses, buildings, and structures existing at the time of passage of this ordinance or any amendment thereto shall be allowed to remain subject to the following provisions:

##### 7-501.1 Change From Nonconforming Use to Another Use:

An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same or higher classification; provided, however, that establishment of another nonconforming use of the same or higher 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.

##### 7-501.2 Area Restriction:

A nonconforming use of land shall be restricted to the area occupied by such use as of the effective date of this ordinance. A nonconforming use of a building or buildings shall not be enlarged to additional land after the effective date of this ordinance.

##### 7-501.3 Discontinuance Of A Nonconforming Use:

When a nonconforming use of any structure or land, excepting nonconforming mobile homes or mobile home parks, has been discontinued for a period of one (1) year, it shall not be reestablished or changed to any use not in conformity with the provisions of this Ordinance immediately upon the removal of a nonconforming mobile home, or discontinuance of a nonconforming mobile home park the nonconformity of such structure and use of land shall lapse except as provided in 7-501.301 below and 7-501.301 upgrading of a nonconforming mobile home use. Where a nonconforming mobile home is upgraded to a new higher value single wide mobile home, it shall require Board of Zoning Appeal approval, and shall have six (6) months limitation for completion thereof.



7-501.4 Damage to a Nonconforming Use:

Any nonconforming building or nonconforming use which is damaged by fire, flood, wind, or other acts of God, may be reconstructed and used as before, if it be done within six (6) months of such damage, unless damaged to the extent of more than fifty (50) percent of its fair market value immediately prior to damage, in which case any repair or reconstruction shall be in conformity with the provisions of this ordinance.

7-501.5 Damage or Destruction of Commercial or Industrial Nonconforming Uses:

Any commercial or industrial use subject; to the provisions of this section shall be allowed to destroy and reconstruct new facilities necessary to the conduct of such operation, provided that no destruction or rebuilding:

- (a) shall result in a change of one nonconforming use to another nonconforming use
- (b) shall infringe upon, or increase the extent of any infringement existing at the time of this Ordinance, upon any open space required by this Ordinance
- (c) shall take place only upon a zone lot(s) other than that upon which said use was operating as of the effective date of this Ordinance.

7-501.6 Alteration of a Nonconforming Use:

A nonconforming building or building housing a nonconforming use shall not be structurally altered except in conformance with the provisions of this ordinance. The provisions shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.

7-501.7 Alteration of Commercial and Industrial Nonconforming Uses :

Any commercial or industrial use subject to the provisions of this section shall be allowed to continue in operation and to make such alterations as may prove necessary for the continuation of said use. However, no alteration may be made which would result in a change from one nonconforming use to another nonconforming use and further



provided that any such alteration permitted here-under shall take place only upon the zone lot(s) on which said use was operating as of the effective date of this Ordinance.

7-501.3 Expansion of Commercial and Industrial Non-conforming Uses:

Any commercial or industrial use subject to the provisions of this section shall be allowed to continue in operation and to expand provided that no expansion permitted under this section:

- (a) shall result in a change of one nonconforming use to another nonconforming use
- (b) shall infringe, or increase the extent or any infringement existing at the time of adoption of this Ordinance, upon any open space required by this Ordinance
- (c) shall take place upon a zone lot(s) other than that upon which said use was operating as of the effective date of this Ordinance.

**7-502 Non-complying Uses**

The provisions governing non-complying lots, buildings or other structures are established in order to control buildings and other structures, including signs, which do not meet the bulk or any other provisions applicable in the districts in which they are located except those provisions which pertain to activity or use.

7-502.1 Continuation of Use:

The use of a non-complying building or other structure or parcel may be continued, except as otherwise provided in this chapter.

7-502.2 Repairs and Alterations:

Repairs, incidental alterations, or structural alterations may be made in non-complying buildings ... or other structures subject to the provisions of 7-502.3 through 7-502.402 below.

7-502.3 Enlargements or Conversions:

A non-complying building or other structure may be enlarged or converted, provided that no enlargement or conversion may be made which would either create a new noncompliance or increase the degree



of non-compliance of a building or other structure or parcel of any portion thereof.

7-502.301 Buildings Non-complying as to Lot Area

If a building does not comply with the applicable district regulations on lot area per dwelling unit (lot area of zone lot being smaller than required for the number of dwelling units on such zone lot) such building may be converted (and, in mixed buildings, the residential use may be extended, except where in the flood plain district), provided that the deficiency in the required lot area is not thereby increased (for example, a non-complying building on a zone lot of 2,500 square feet, which before conversion required a lot area of 4,000 square feet and was, therefore deficient by 1,500 square feet, can be converted into any combination of dwelling units requiring a lot area of no more than 4,000 square feet).

7-502.4 Damage or Destruction of Non-complying Uses:

7-502.401 Permitted Reconstruction

In all districts, when a non-complying building or other structure is damaged by any involuntary means to the extent of fifty (50) percent or more of its total floor area, such building or other structure may be reconstructed only in accordance with the applicable bulk regulations and other provisions of this ordinance.

7-502.402 Use of Alternate Formula

In any case where the applicant or Zoning Administrator alleges that floor area is an inappropriate measure to the extent of damage or destruction, and elects to substitute reconstruction costs for floor area, an application may be made to the Board of Appeals to determine the extent, of such damage or destruction. Said Board may grant such application permitting such a building or other structure to be reconstructed as provided in Section 7-502.401 above-Permitted Reconstruction, only when the Board finds that the ratio of the estimated cost of reconstructing the damage or destroyed portion of such building or structure is not greater than fifty (50) percent of the estimated cost of reconstructing the entire building or structure.



## ARTICLE VII

### Chapter 6. EXCEPTIONS AND MODIFICATIONS

Intent: The following provisions are established to provide relief from unnecessary hardships that may occur from the applications of this ordinance to a specific piece of property. Further, it is intended to provide for the establishment of regulations for uses that could not reasonably adhere to the provisions of this ordinance.

#### 7-601 Existing Uses, Lots, Buildings, or Other Structures

- 7-601.1 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 non-conforming use provisions in Article 7, Chapter 5 of this ordinance.
- 7.601.2 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 non-complying regulations in Article 7, Chapter 5 of this ordinance.

#### 7-602 Lots of Record

Where the owner of a plot of land consisting of one (1) or more adjacent lots at the time of enactment of this ordinance did not at that time own sufficient contiguous land to enable him to conform to the minimum lot size requirements of this ordinance, or if the topography, physical shape or other unique features of such lots of record prevent reasonable compliance with the setback or other requirements of this ordinance, such plot of land may nevertheless be used as a building site. The yard and other space requirements of the district in which the piece of land is located may be reduced by the smallest amount that will permit reasonable use of the property as a building site. However, in no case shall the Zoning Administrator permit any lot in a residential district to be used as a building site which is less than four thousand (4,000) square feet in total area and thirty (30) feet in width, or has a front yard setback of less than fifteen (15) feet and a side yard setback of less than three (3) feet.

##### 7-602.1 Lots-of Record Under Separate Ownership:

Where a lot has less area than the minimum requirements for the district within which the lot is located



and has continuously been a lot of record, in separate ownership from adjacent property, prior to and since the passage of the ordinance, the lot may be used only for single-family dwelling purposes or for any non-dwelling purpose permitted in the district in which it is located. The Board of Appeals shall determine whether or not the lot in question was a lot-of-record on the effective date of the ordinance.

7-602.2 Lots-of-Record with Continuous Frontage:

Where two (2) or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership such lots shall be combined to form one or more building sites meeting the minimum zone lot requirements of the district in which they are located.

7-602.3 Reduction in Lot Area Prohibited:

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

**7-603 Subdivision of Zone Lot After Development**

In all districts, after any portion of a zone lot has been developed under the provisions of this section, such zone lot may be subdivided into smaller zone lots only if each resulting zone lot and building or buildings thereon comply with all of the appropriate regulations pertaining to bulk, yards, open space, and parking and loading requirements of the district in which they are located.

**7-604 Front Yard Setbacks of Dwellings**

The front yard setback requirement of this ordinance for dwellings shall not apply on any lot where the average setback of existing buildings located wholly or in part within one hundred (100) feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setback but no less than the average of the setbacks of the aforementioned existing buildings.

**7-605 Exception to Height Regulations:**

The height limitation contained in the district regulations does not apply to spires, belfries, cupolas, antennas, water tanks,



ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy,

**7-606 Corner Lots**

The side yard setback requirements for corner lots shall be the same as the front setback requirements for the next adjacent lot fronting on the street that the side yard of the corner lot faces.

**7-607 Vision Clearance**

In all districts, except the C-1, Central Business District, no fence, wall, shrubbery or other obstruction to vision between the heights of three (3) feet and fifteen (15) feet above the finished grade of streets shall be erected, permitted or maintained within twenty (20) feet of the intersection of the rights-of-way lines of streets and railroads.

**7-608 Permitted Obstructions In Required Yards**

In all residential districts, the following shall not be considered obstructions when located within a required yard, except these items shall meet the visibility requirements as given in Section 7-607 of this Chapter.

7.608.1 In any yard:

Arbors and Trellises

Awnings or canopies projecting from a building wall over a required" yard

Chimneys projected not more than three (3) feet into any required yard

Fire escapes or staircases

Flag poles

Fountains

Mailboxes

Open terraces, including natural plant landscaping

Recreational equipment (except swimming pools)

Retaining Walls

Sculpture or other similar objects of art





**7-609 Parking, Storage, Or Use Of Major Recreation Equipment**

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, tent trailers, pick-up campers or coaches (designed to be mounted on automobile vehicles), motorized dwellings, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district in any front yard; provided however, that such equipment may park anywhere on residential premises for not to exceed twenty-four (24) hours. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.



## ARTICLE VII

### Chapter 7. Supplementary Development Standards

Intent: These conditions are established as a reasonable and impartial method of regulating the development of Group Housing Projects, Shopping Centers and Mobile Home Parks in order to insure light, air, and open space, and to protect property values of the entire community.

#### 7-701 Group Housing Development Standards

In the case of a group- housing development of two or more buildings to be constructed on a plot of ground of at least two acres not subdivided into the customary streets and lots, and-which will not be so subdivided or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual building units in such housing developments, the application of the terms of this ordinance shall be reviewed by the Planning Commission and varied by the Board of Zoning Appeals in a manner that will be in harmony with the character of the neighborhood.

##### 7-701.1 General Requirements:

Each group housing development shall be reviewed by and receive approval of the Planning Commission. A group housing project may be constructed provided:

- 7-701.101 Uses are limited to those permitted within the district in which the project is located;
- 7-701.102 Building heights do not exceed the height limits permitted in the district in which the project is located;
- 7-701.103 The overall intensity of land use is no higher and the standard of open space is no lower than that permitted in the district in which the project is located; and
- 7-701.104 The distance of every building from the nearest property line shall meet the front yard and side yard setback requirements of the district in which the project is located.

##### 7-701.2 Location Site Plan Requirements:

At a scale not smaller than 1" = 2,000', the developer shall submit a site plan showing:

- a) The approximate boundaries of the site.



- b) The average number of dwelling units per acre of buildable land not including streets shall not exceed twelve (12). Maximum buildable acreage shall consist of seventy-five (75) percent of the total residentially zoned acreage available.
- c) All yard requirements as established for the R-2 District are applicable.

7-701.403 Design-Internal Drives.

- a) The maximum grade on any drive shall be seven (7) percent.
- b) Where feasible, all drive intersections shall be at right angles.

7-701.404 Public Street Access.

- a) The minimum distance between access points along public street frontage, centerline to centerline, shall be two hundred (200) feet.
- b) The minimum distance between the center line of an access point and the nearest curb line or street line of a public street intersection shall be one hundred (100) feet.

**7-702 Planned Shopping Center Development Standards**

A planned shopping center consisting of one (1) or more buildings to be constructed on a plot of land containing two (2) or more acres not subdivided into lots may be constructed subject to the following provisions.

7-702.1 General Requirements:

Each planned shopping center development shall be reviewed by and receive approval of the Planning Commission. A planned shopping center development may be constructed provided:

7-702.101 Uses are limited to those permitted within the district in which the project is located;

7-702.102 Building heights do not exceed the height limits permitted in the district in which the project is located; and



7-702-103 The distance of every building from the nearest property line shall meet the front yard and side yard setback requirements of the district in which the project is located.

7-702.104 Location.

- a) The proposed development should not interject new traffic movements through a residential neighborhood.
- b) Where the project abuts a residential district, there shall be a ten (10) foot planted evergreen buffer strip along the rear and side lot lines adjacent to the residential district.

7-702.105 Access.

- a) The site must be easily reached over roads with enough unused traffic, capacity to avoid future congestion .
- b) By automobile, the site must be easy to enter and safe to leave
- c) off-street automobile parking space requirements for the proposed uses are provided on the lot

7-702.106 Size and Shape.

- a) The site should be all in one piece, undivided by highways and free from dedicated streets.
- b) There should be ample space provided to allow for future expansion for buildings and parking.
- c) There should be no major grading complications .

7-702.2 Location Site Plan Requirements:

The cite plan shall show the following features, with appropriate dimensions:

7-702.201 Location, arrangement, and dimensions of automobile parking space, width of aisles, width of bays, angle of parking.



- 7-702.202 Location, arrangement, and dimensions of truck loading and unloading spaces and docks.
- 7-702.203 Location and dimensions of vehicular entrances, exits, and drives.
- 7-702.204 Location and dimensions of proposed Building entrances, exits, walks, and walkways.
- 7-702.205 General drainage system.
- 7-702.206 Location and materials of walls and fences.
- 7-702.207 Ground cover, topography, slopes, banks, ditches,
- 7-702.208 The location and general exterior dimensions of main and accessory buildings.
- 7-702.209 The location, size, height, and orientation of all signs other than signs flat on building facades.
- 7-702.3 Review Procedures;
- 7-702.301 Preliminary Review.
- Ten (10) copies of the proposal containing the information required above shall be submitted to the Waynesboro Planning Commission at least ten (10) days in advance, for preliminary review.
- 7-702.302 Final Site Review.
- The final development plan, drawn to scale, and with controlling dimensions, shall contain all the necessary information and be accompanied by such supporting data as may be required, by the Planning Commission.
- The Commission shall review the proposed development plan and supporting data upon the basis of the requirements of this Chapter. Thereafter, the Commission shall take action as follows:
- a) If it shall find that "such plan meets "the requirements of this chapter, it shall approve the same as the final development plan and so notify the Zoning Administrator.
  - b) If it shall find that the plan should be amended, altered, or changed as specified



by the Commission, it shall notify the applicant. Thereupon the applicant shall prepare and file with the Commission, a final development plan complying with the specifications of the Commission, and the Commission shall approve the same and so notify the Zoning Administrator; or

- c) If it shall find that such plan is not in harmony with existing land development, or does not comply with the requirements of this chapter and is not susceptible to alteration, change or amendment to meet such requirements, or if the applicant fails to file a final development plan in compliance with subsection (b) hereof, the Commission shall disapprove the same.

### **7-703 Mobile Home Park Development Standards**

#### 7-703.1 General Requirements:

The following land development standards shall apply for all mobile home parks:

- 7-703.101 No parcel of land containing less than two (2) acres and less than ten (10) mobile home spaces, available at the time of first occupancy, shall be utilized for a mobile home park.
- 7-703.102 The mobile home park shall be located on a well-drained site, properly graded to insure rapid drainage and to avoid the possibility of stagnant pools of water.
- 7-703.103 Roads within the mobile home park shall be paved to a width of not less than eighteen (18) feet; and the right-of-way shall only be of sufficient width to include the road surface itself and necessary drainage facilities. All roads within the mobile home park shall be private roads and shall not be accepted as public roads.
- 7-703.104 All mobile home spaces within the park shall abut the access road as described in 7-703.103 above.
- 7-703.105 Each mobile home space shall be provided with the connection to the sanitary sewer line.



- 7-703.106 Trailers, with or without toilet facilities that cannot be connected to an approved sewer system shall not be permitted in a mobile home park.
- 7-703.107 Cabanas, travel trailers, and other similar enclosed structures are permitted only as temporary uses, subject to Section 7-215 of this Article.
- 7-703.108 Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within the mobile home park, except that one (1) mobile home in the park may be used to house a rental office.
- 7-703.109 Ground anchors shall be installed at each mobile home space to permit tiedowns of mobile homes.
- 7-703.110 No mobile home park shall be permitted unless such park is served by a public water supply.

7-703.2 Dimensional Requirements for Parks:

- 7-703.201 Each mobile home park shall have a front yard of thirty (30) feet exclusive of any required yards for each mobile home space, extending for the full width of the parcel devoted to said use.
- 7-703.202 Each mobile home park shall provide rear and side yards of not less than fifteen (15) feet, exclusive of any required yards for each mobile home space, from the parcel boundary.
- 7-703.203 In instances where a side or rear yard abuts a public street, said yard shall not be less than thirty (30) feet.
- 7-703.204 No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.
- 7-703.205 - Each mobile home park shall be permitted, to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only the name and address of the park and may be lighted by indirect lighting only.

7-703.3 Dimensional Requirements for Mobile Home Spaces:



Each mobile home space shall be of sufficient size that, in addition to the mobile home, the following space shall be provided:

- 7-703.301 Each mobile home space shall be at least thirty-six (36)" feet wide and such space shall be clearly defined by permanent markers.
- 7-703.302 There shall be a front yard setback of ten (10) feet from all access roads within the mobile home park.
- 7-703.303 Mobile homes shall be harbored on each space so there shall be at least a twenty-foot clearance between mobile homes; provided, however, with respect to mobile homes parked end-to-end, the end-to-end clearance shall not be less than fifteen (15) feet. No mobile home shall be located closer than twenty (20) feet from any building within the mobile home park.
- 7-703.304 There shall be at least two (2) paved, off-street parking spaces for each mobile home space, which shall be on the same site as the trailer served, and may be located in the rear or side yard or said trailer space.
- 7-703.305 Each mobile home space shall be provided with a pad which shall be a minimum of twelve (12) feet by fifty (50) feet, which shall be constructed of four (4) inches of compacted gravel.
- 7-703.306 The mobile park shall be developed to a density compatible with the district in which it is located; however, the minimum lot area per mobile home space with public water and sewer shall be three thousand six hundred (3,600) square feet. For double-wide mobile homes, the minimum lot size shall be six thousand (6,000) square feet.

7-703.4 Location Site Plan Requirements:

The following information shall be shown on the required site plan:

- 7-703.401. The location and legal description of the proposed mobile home park..
- 7-703.4.02 The location and size of all .buildings, improvements, and facilities constructed or to be constructed within the mobile home park.





- 7-703.403 The proposed use of buildings shown on the site plan.
- 7-703.404 The location and size of all mobile home spaces.
- 7-703.405 The location of all points of entry and exit for motor vehicles and the internal circulation pattern.
- 7-703.406 The location of all off-street parking facilities.
- 7-703.407 The location of park and recreation areas.
- 7-703.408 The name• and address of the applicant.
- 7-703.409 A comprehensive drainage plan.
- 7-703.410 Such other architectural, engineering, and topographic data as may be required to permit the local health department, the Waynesboro Zoning Administrator, staff planner, and the Board of Zoning Appeals to determine if the provisions of these regulations are being complied with shall be submitted with the site plan.
- 7-703.411 A time schedule for development shall be prepared, which, shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1)year.
- 7-703.412 All mobile home parks which do not conform to the provisions of the zoning ordinance shall be governed in accordance with the nonconforming use provisions of this ordinance.

7-703.5 Application for Mobile Home Park Building Permit:

An application for a permit to develop and construct a mobile home park shall be filed in accordance with ARTICLE VII, Chapter 7, of this ordinance and shall be accompanied by all site plans, schedules, and other information herein required said, application shall be processed in the following manner:

- 7-703.501 The written application, plans, and schedules, herein required will be submitted to Waynesboro Zoning Administrator and staff planner, shall duly review these materials and shall coordinate the review with other affected agencies and departments.



7-703.502 The Waynesboro Zoning Administrator and staff planner shall, after review, recommend approval or disapproval of the proposed mobile home park to the Board of Zoning Appeals, which then may authorize the issuance of a permit for construction of the park as approved, or state the conditions under which approval for construction may be granted.



**ARTICLE VIII**

**ADMINISTRATION AND ENFORCEMENT**

**Chapter 1. ORGANIZATION AND PURPOSE**

The administration of this ordinance is hereby vested in two offices of the government of the Town of Waynesboro, Tennessee as follows:

- (a) The Office of Zoning Administrator
- (b) The Board of Zoning Appeals

It is the purpose of this Article to set out the authority of each of these two offices and then describe the procedures and substantive standards with respect to the following administrative functions

- (a) Issuance of Zoning Permits.
- (b) Hearing of Requests for the Granting of Variances from the Provisions of this ordinance.
- (c) Hearing of Requests for the Granting of Conditional Use Permits.
- (d) Procedure for Amending the Map and Text of this ordinance.



ARTICLE VIII

Chapter 2. APPOINTMENT AND DUTIES OF THE ZONING ADMINISTRATOR

8-201 Appointment of the Zoning Administrator

There is hereby created the Office of Zoning Administrator. The Zoning Administrator shall be the executive head of the office and shall be appointed by the Board of Commissioners in accordance with all applicable administrative procedures.

8-202 Duties of the Office of Zoning Administrator

The Zoning Administrator shall enforce this ordinance, and in addition thereto and in furtherance of said authority he shall:

8-202.1 Issue all Zoning Permits, and make and maintain records thereof;

8-202.2 Conduct inspections of buildings, structures, and use of land to determine compliance with the provisions of this ordinance;

8-202.3 Maintain permanent and current records of this ordinance, and subsequent amendments including, but not limited to, all maps, amendments, conditional uses, variances, appeals and applications therefore;

8-202.4 Provide information to the public on all matters relating to this ordinance;

8-202.5 Receive, file and forward to all necessary agencies all applications for conditional uses, and for amendments to this ordinance;

8-202.6 Receive, file and forward to the Board of Zoning Appeals all applications for variances or other matters, on which the Board is required to pass under the provisions of this ordinance.

8-202.7 Initiate, direct and review, from time to time, a study of the provisions of this ordinance, and make reports of his recommendations to the Planning Commission-at least annually.



**8-203 Powers of *the* Zoning Administrator Regarding the Issuance of Permits**

The Zoning Administrator shall have the power to grant Zoning Permits and make inspections of buildings or premises necessary to carry out his duties in the enforcement of this ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any Zoning Permits for any excavation or construction until he has inspected such plans in detail and found them to conform to this ordinance.

Under no circumstances is the Zoning Administrator permitted to make changes to this ordinance nor to vary its terms and provisions in carrying out his duties.

The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this ordinance .are complied with by the applicant despite violations of contracts such as covenants or private agreements which may occur upon the granting of said permit.



ARTICLE VIII

Chapter 3. ZONING PERMITS

8-301 Zoning Permits Required

No building or other structure shall be erected, moved, added to or structurally altered without a zoning permit issued by the Office of the Zoning Administrator. Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any officer, department, or employee of the Town of Waynesboro unless the application for such permit has been examined by the Office of the Zoning Administrator and has affixed to it a certificate of the Office of Zoning Administrator indicating that the proposed building or structure complies with all the provisions of this ordinance. Any permit issued in conflict with the provisions of this ordinance shall be null and void.

8-302 Plot Plan Required for Zoning Permits

The Zoning Administrator shall require that all applications for zoning permits be accompanied by plans and specifications, including a plot plan in triplicate, drawn to scale showing the following information:

8-302.1 Residential Buildings or Other Structures  
Involving Four (4) Dwelling Units or Less  
Located on a Single Zone Lot:

The plot plan of any residential structure of residential activity excepting single-family attached dwellings, with four (4) units or less shall indicate:

8-302.101 The actual shape, location and dimensions of the lot.

8-302.102 The shape, size and location of all buildings or other structures to be erected, altered or moved, and of any building or other structure already on the lot.

8-302.103 The existing and intended use of the lot and all such buildings or other structures upon it, including the number of dwelling units the building is intended to accommodate.



8-302.104 Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

8-302.2 All Other Buildings or Structures and Activities:

8-302.201 The actual size, location and dimensions of the lot.

8-302.202 The shape, size, and location of all buildings or other structures to be erected, altered or moved, and of any building or other structure already on the lot.

8-302.203 The existing and intended use of the lot and of all such structures upon it, including, for residential activities, the number of dwelling units the building is intended to accommodate.

8-302.204 Topographic features (contour not greater than five (5) foot intervals).

8-302.205 Location of all driveways and entrances.

8-302.206 Location of all accessory off-street parking areas, to include a plot plan showing design and layout of such parking facilities where five (5) or more accessory off-street parking spaces are to be provided.

8-302.207 Location of all accessory off street loading berths.

8-302.293 Location of open space.

8-302.209 Proposed ground coverage, floor area and building heights.

8-302.210 Position of fences and walls (materials specified)

8-302.211 Position of screen planting (type of planting specified)

8-302.212 Location, type, and size of proposed signs.

8-302.213 Proposed means of surface drainage.



8-302.214 Location of all easements and rights-of-way.

8-302.215 Location of areas subject to flooding.

8-302.216 Percolation tests where subsoil sewage disposal is anticipated.





ARTICLE VIII

Chapter 4. THE BOARD OF ZONING APPEALS

8-401 Creation of the Board of Zoning Appeals

8-401.1 Membership and Appointment:

A Board of Zoning Appeals is hereby established which is referred to in this ordinance as the "Board" or "Board of Appeals". In accordance with 13-7-205 through 13-7-207 of the Tennessee Code Annotated, the Board shall consist of the members of the Planning Commission.

8-401.2 Term of Office of Board Members, Removal and Vacancies:

The members of the Board shall serve terms that coincide with their terms on the Waynesboro Planning Commission. All members of the Board shall serve without compensation and may be removed from the membership on the Board for continued absence or just causes. Any member being so removed shall be provided, upon his request, a public hearing upon the removal decision. Vacancies of said Board shall be filled for the unexpired term of those members whose position has become vacant, in the manner provided herein for the appointment of such member.

8-401.3 Election of Officers:

The officers of the Planning Commission shall also serve as the officers of the Board of Zoning Appeals.

8-401.4 Conflict of Interest:

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



8-401.5 Meetings, of the Board:

Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

**8-402 Powers of the Board**

The Board is hereby vested 'with the powers to:

- 8-402.1 Hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator in carrying out the enforcement of this ordinance, whereby it is alleged in writing that the zoning Administrator is in error or has acted in an arbitrary manner.
- 8-402.2 Hear and act upon application for variances in accordance with Chapter 5 of this article to alleviate hardships by virtue of the inability of the landowner to comply strictly with the provisions of this ordinance by reasons of unique shape, topography, or physical features of the zone lot.
- 8-402.3 Hear and act upon applications for conditional use permits in the manner and subject to the standards set out in Chapter 6 of this article.
- 8-402.4 Hear and decide all questions involving interpretation of any of the provisions of this ordinance.
- 8-402.5 Hear and decide all matters referred to it on which it is required to act under this ordinance.
- 8-402.6 Within its budget appropriation and other funds at its disposal, enter into contracts for such services as it may require.

**8-403 Rules and Proceedings of the Board**

The Board shall adopt rules for the conduct of its meetings. Such rules shall require at the minimum that:



- 8-403.1 The presence of four (4) members shall constitute a quorum and the concurring vote of at least four (4) members of the Board shall be necessary to deny or grant any application before the Board.
- 8-403.2 No action shall be taken by the Board on any case until after a public hearing and notice thereof. Said notice of public hearing shall be legal notice published in a newspaper of general circulation in Waynesboro at least ten (10) days before the date set for a public hearing and a written notice of the hearing of an appeal be sent by mail to the appellant and all directly affected property owners at least ten (10) days before the hearing of an appeal. No appeal shall be considered and heard by the Board less than fifteen (15) days after filing such appeal. If new information is uncovered regarding an action of the Board that could not have been reasonably presented in public hearing before the Board, the Board shall establish a date for the purpose of a rehearing in accordance with the appropriate procedures herein.
- 8-403.3 The Board may call upon any other office or agency of the city government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the Board as may be reasonably required.
- 8-403.4 The Waynesboro Municipal Planning Commission shall be permitted to submit an advisory opinion on any matter before the Board and such opinion shall be made part of the record of such public hearing.
- 8-403.5 Any officer, agency or department of the Town of Waynesboro or other aggrieved party may appeal any decision of the Board to a court of competent jurisdiction as provided for by state law.
- 8-403.6 In any decision made by the Board on a variance the Board shall:
- 8-403.601 Indicate the specific section of this ordinance under which the variance is being considered, and shall state its findings beyond such generalities as "in the interest of public health, safety and general welfare."



8-403.602 In cases pertaining to hardship, specifically identify the hardship warranting such action by the Board.

8-403.7 Any decision made by the Board on a conditional use permit shall indicate the specific section of this ordinance under which the permit is being considered and shall state its findings beyond such generalities as "in the interest of public health, safety and general welfare," and shall state clearly the specific conditions imposed in granting such permit.

8-403.8 Appeals will be assigned for hearing in the order in which they appear on the calendar thereof, except that appeals may be advanced for hearing by order of the Board, good and sufficient cause being shown.

8-403.9 At the public hearing of the case before the Board, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.

8-403.10 An appeal must be made within thirty (30) days from the date of refusal by the zoning Administrator to issue a zoning permit.

#### **8-404 Stay of Proceedings**

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certified to the Board, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause imminent peril to life or property. In such instance the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction on application, on notice to the Zoning Administrator, and on due cause shown.

#### **8-405 Rehearings**

8-405.1 No rehearing of the decision by the Board shall be had except:

8-405.101 On motion to reconsider the vote.

8-405.102 On a written request for a rehearing.



- 8-405.2 If the motion to reconsider received four (4) affirmative votes, the Board of Zoning Appeals may vote on the motion to grant the request for a rehearing, subject to such conditions as the Board may by resolution in each case stipulate.
- 8-405.3 No request to grant a rehearing will be entertained unless new evidence is submitted which could not reasonably be presented at the previous hearing. If the request for a rehearing is granted, the case shall be put on the calendar for a rehearing. In all cases, the request for a rehearing shall be in writing, reciting the reasons for the request and shall be duly verified and accompanied by the necessary data and diagrams. The persons requesting the rehearing shall be notified to appear before the Board on a date to be set by the Board.
- 8-405.4 No rehearing for a variance shall be granted an applicant found to be in willful violation of the express provisions of a prior variance granted under the authority of this article.

#### **8-406 Time Limitations on Obtaining Permits**

All permits authorized by the Board of Zoning Appeals after the effective date of this ordinance, whereby variances, special uses or exceptions, or conditional uses are granted, shall be obtained within three (3) years from the date of the original authorization by the Board, otherwise, the right to obtain said permit shall expire and become invalid.

#### **8-407 Liability of Board Members, Zoning Administrator and Employees**

Any Board member, zoning Administrator, or other employee charged with the enforcement of this ordinance, acting for the Town of Waynesboro in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability and shall be held harmless by the Town of Waynesboro of any damage that may occur to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any Board member, zoning administrator, or employee charged with the enforcement of this ordinance because of such act performed by him in the enforcement of any provision of this ordinance shall be defended by legal representatives furnished by the Town of Waynesboro until the final determination of such proceedings.



**8-408 Right of Entry Upon Land**

The Board, its members and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this ordinance.



ARTICLE VIII

Chapter 5. ZONING VARIANCES

The Board of Zoning Appeals may grant variances where it makes findings of fact based upon the standards prescribed in this chapter.

**8-501 Application For Variances, Notice of Hearing,**

A written application for a variance shall be filed with the Board by the property owner or his designated agent on forms provided by the Board and the application shall contain information and exhibits as may be required under Section 8-302.2. No more than sixty (60) days after the filing of the application, a hearing shall be held on the application, unless otherwise withdrawn or postponed by written request by the applicant. Notice of hearing shall be in accordance with Section 8-404.

**8-502 Notice to Affected Property Owners**

It shall be the general rule of the Board that reasonable efforts shall be made to contact and notify interested parties, who in the opinion of the Board, may be affected by any matter brought before the Board.

**8-503 Standards for Variances**

The Board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

- 8-503.1 The particular physical surroundings, shape, or topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out;
- 8-503.2 The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;
- 8-503.3 The variance will not authorize activities in a zoning district other than those permitted by this ordinance;
- 8-503.4 Financial returns only shall not be considered as a basis for granting a variance;



- 8-503.5 The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance;
- 8-503.6 That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;
- 8-503.7 The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- 8-503.8 The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which property is located; and
- 8-503.9 The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the area.

**8-504 Nonconformity Does Not Constitute Grounds For Granting of a Variance**

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

**8-505 Prohibition of- Use Variances**

Under no circumstances shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this ordinance in the district involved or any use expressly or by implication prohibited by the terms of this ordinance in said district.

**8-506 Conditions and Restrictions By the Board**

The Board may impose such, conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in Section 8-503 to reduce or minimize the injurious effect of such variation upon surrounding property and better carry out the general intent of this ordinance. The Board may establish expiration dates as a condition or as a part of the variance.





**8-507 Board Has Powers of Administrative Official on Appeals;  
Reversing Decision of Administrative Official**

*In exercising its powers, the Board of Zoning Appeals may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination appealed from and may make such order, requirements, decision, or determination as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken.*

**8-508 Variance Appeals**

Any person including any agency of the city government aggrieved by a decision of the Board on a variance may appeal by certiorari to a court of competent jurisdiction. The judgment and findings of the Board on all questions that may be involved in any appeal, cause, hearing or proceeding under this chapter shall be final, and subject to review only for illegality or want of jurisdiction.

**8-509 Special Provisions Governing the Consideration of Variances From the Provisions of Article VI, Flood Plain District Regulations**

The following requirements are additional to those set forth in other sections of this ordinance and apply to the granting of variance from the provisions of Article VI, Flood Plain District.

- 8-509.1 The Board of Zoning Appeals shall not grant any variance within a designated flood way unless the developer submits a study prepared by a registered professional engineer certifying, that no increase in the 100-year flood would result from the proposed development.
- 8-509.2 Variances shall only be issued upon a determination by the Board that the relief granted is the minimum necessary considering the flood hazard.
- 8-509.3 The chairman of the Board shall notify the applicant for variance in writing that (i) the issuance of a variance to construct the lowest floor of the structure below the elevation of the 100-year flood could result in increased premium rates for flood insurance and (ii) such construction below the elevation of the 100-year flood increases the risks to life and property. Such notification and variance supporting evidence shall be maintained with the records of the proceedings of the Board.



ARTICLE VIII

Chapter 6. CONDITIONAL USE PERMITS

8-601 Conditional Uses

The Board of Zoning Appeals may hear and decide, in accordance with the provisions of this ordinance, requests for conditional use permits. 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 of the Tennessee Code Annotated.

8-602 Application For Conditional Use Permits, Notice of Public Hearing

The application for a conditional use permit shall be made by the property owner or his designated agent and filed in writing with the Board on forms provided by the Board, and shall contain information and exhibits as may be required under Section 8-603 or in the case of buildings or other structures or uses to be located within flood plain districts, as may be required by Flood Plain District Regulations. Not more than sixty (60) days after filing such application a hearing shall be held on the application, unless otherwise withdrawn or postponed upon written request by the applicant. Notice of the hearing shall be placed in a local newspaper at least fifteen (15) days prior to the meeting date.

8-603 Requirements For Conditional Use Permits

General requirements are hereby established which shall apply to all applications for conditional use permits, and specific standards listed shall apply to the issuance of a conditional use permit as appropriate. The Board may impose such other conditions and restrictions upon the premises benefited by a conditional use permit as may be necessary to comply with the provisions set out in Section 8-603.1 in order to reduce or minimize the injurious effect of such conditional use upon and insure compatibility with surrounding property and to better carry out the general intent of this ordinance. The Board may establish expiration dates for the expiration of any conditional use permit as a condition of approval.

8-603.1 General Requirements:

A conditional use permit may be granted provided the Board finds that the intended use:

- 8-603.101 Is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected:



- 8-603.102 Will not adversely affect other property in the area in which it is located;
- 8-603.103 Is within the provision of "Conditional Uses" as set forth in this ordinance; and
- 8-603.104 Conforms to all applicable provisions of this ordinance for the district in which it is located and is necessary for public convenience in that location.

#### 6-603.2 Specific Standards for Community Facility Activities

In addition to the requirements of the applicable district and the general requirements set forth above, a conditional use permit may be granted for the community facility activities specified in this section when the standards established are met as part of the condition for issuing the permit in the applicable zone districts.

#### 8-603.201 Special Conditions for Community Assembly.

- a) No such facilities shall be permitted on a zone lot unless it contains twice the lot area requirements of the district: provided, however, that if such community assembly includes outdoor activities the minimum lot area shall be four (4) acres.
- b) All bulk regulations of the zone district shall apply.
- c) Off-street Parking:
  - (1) For non-profit clubs, lodges, meeting halls and recreation centers, one (1) space for each four (4) seats in an assembly area within the facility, or one (1) space for each seventy-five (75) square feet of gross floor area, whichever is the greater, shall be provided.
  - (2) For temporary non-profit festivals, the " required number of off-street parking spaces shall be determined by the zoning Administrator, taking into account the traffic generation of such facility, the hours of operation and other such factors as affect the need for off-street parking.



- d) Except for temporary non-profit festivals, fencing, screening and landscaping shall be provided as appropriate for such facility, except that no landscaped screen shall be located closer than fifteen (15) feet of any vehicular entrance or exit to the property.
- e) The location and operation of such community assembly facility shall be in keeping with the character of the surrounding area and shall not adversely affect the properties within the surrounding area.
- f) All public utilities and sewage disposal shall be available to the site and shall be subject to approval by the appropriate governmental agencies.
- g) Except for temporary non-profit festivals, the site and/or architectural plans shall first be approved by the Waynesboro Planning Commission taking into account the above conditions.

8-602.202 Special Conditions for Community Education.

- a) No such activities shall be permitted in a zone lot unless it meets the minimum standards established by the Tennessee Department of Education:
  - (1) minimum of four (4) acres of usable land for any combination of grades K through eight;
  - (2) minimum of eight (8) acres of usable land for any combination of grades seven through twelve;
  - (3) plus one (1) acre for each additional 100 pupils of enrollment.
- b) The off-street parking requirements of this ordinance in Article VII, Chapter 3 shall apply.
- c) All public utilities and sewage disposal shall be available to the site and shall be subject to approval by the appropriate governmental agencies.
- d) Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.



- e) The site and architectural plans shall first be approved by the Waynesboro Planning Commission taking into account the above conditions.

8-603.203 Special Conditions for Day Care Centers for Children (more than twelve (12) children).

- a) No such facility shall be permitted on a zone lot unless it contains a minimum of ten thousand (10,000) square feet, or twice the lot area requirements of the zone district, whichever is greater.
- b) All other bulk regulations of the district shall be met.
- c) One (1) accessory off-street parking space for each twelve (12) children accommodated in the child care facility shall be provided.
- d) Special passenger loading and unloading facilities shall be provided on the same zone lot for vehicles to pick up and deliver passengers. Such facilities shall provide for driveways that do not require any back up movements by vehicles to enter or exit the zone lot.
- e) All public utilities and sewage disposal shall be available to the site and shall be subject to approval by the appropriate governmental agencies.
- f) All regulations of the State of Tennessee that pertain to the use shall be met.
- g) The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facility.

8-603.204 Special Conditions for Day Care Centers for Developmentally Disabled Adults.

- a) No such facility shall be permitted on a zone lot unless it contains a minimum of ten thousand (10,000) square feet, or twice the lot area requirements of the zone district, whichever is greater.
- b) All other bulk regulations of the district shall be met.



- c) One (1) accessory off-street parking space for each five (5) persons accommodated in the facility shall be provided for facilities accommodating a total of fifty (50) or less persons. When more than (50) persons are accommodated, one (1) accessory off-street parking space for each ten (10) additional persons in excess of fifty (50) shall be provided.
- d) All public utilities and sewage disposal shall be available to the site and shall be subject to approval by the appropriate government agencies. The Waynesboro Fire Department must approve the facility for fire safety.
- e) All regulations of the State of Tennessee that pertain to the use shall be met.
- f) No more than one (1) day care facility for developmentally disabled adults may be permitted on a single block in a residential zone classification. Other criteria may be used to avoid a concentration of such facilities.
- g) The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facility.
- h) Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area from such facility.

8-603.205 Special Conditions For Intermediate and Extensive Impact

- a) The location, size, and design of such facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
- b) The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
- c) The proposed facility shall provide a basic community function or essential service



necessary for a convenient and functional living environment in order to be located on the proposed site.

- d) The off-street parking requirements shall be based upon a recommendation from the Waynesboro Planning Commission.
- e) The site plan for such facilities shall first be approved by the Waynesboro Planning Commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facility.

8-603.206 Special Conditions for Family Care and Group Care.

- a) The purpose (s) of the facility must be clearly established by the agency responsible and the appropriate staff services must be provided to achieve the stated purpose(s). Group care facilities accommodating from seven (7) to twelve (12) individuals shall have twenty-four (24) hour staff and professional services in the behavioral sciences available. Group care facilities accommodating more than twelve (12) individuals shall have resident twenty-four (24) hour staff and shall provide professional services in the behavioral sciences. The Waynesboro Planning Commission must make a written finding to the Board of Zoning Appeals regarding these requirements based on advice from such agencies as the Tennessee Department of Human Services, the Wayne County Health- Department, and/or the Wayne County Guidance Center.
- b) Any activity lawfully regulated by any public agency may be permitted for only that time period for which a valid license is obtained, Where grades c~ classes of approvals are granted, only the most restrictive may be permitted.
- c) No more than one (1) of either a family care or group care community facility may be permitted on a single block having a residential zone classification or situated



on any opposing block having a residential zone, classification. Other criteria may be used to avoid a concentration of such facilities.

- d) Family care community facilities may not accommodate more than one (1) individual (.excluding staff) per living room.
- e) Group care community facilities must contain fifteen hundred and fifty (1,550) square feet of net floor space for the first six (6) residents including resident staff and one hundred and fifty (150) square feet of net floor space per person above six (6) residents.
- f) Necessary utilities and sewage disposal shall be available to the site and the water supply and sanitary waste disposal must be approved by the appropriate governmental agencies. The Waynesboro Fire Department must approve the facility for fire safety.
- g) Group care facilities accommodating from seven (7) to twelve (12) persons and family care facilities accommodating from one (1) to six (6) persons shall meet all bulk regulations of the district for a residence.
- h) Group care facilities accommodating from thirteen (13) to fifty (50) persons shall have a minimum lot area of five (5) acres. When more than fifty (50) persons are accommodated, there shall be one (1) additional acre required for each ten (10) persons accommodated.
- i) The minimum side and rear yards for group care facilities accommodating thirteen (13) or more persons shall be fifty (50) feet for a ,one or two-story building, increased by five (5) feet for each story above two (2).
- j) One accessory off-street parking space for each three (3) individuals accommodated shall be provided, except that this requirement may be altered depending on the specific program.
- k) The site and architectural plans shall be first approved by The Planning Commission





taking into account but not limited to the following considerations: compatibility with the surrounding area, any adverse impact of the proposed activity on the character of the area, needed fencing and screening, adequate open space and recreation space if appropriate, and all other requirements of this section.

8-603.207 Special Conditions for Family and Group Day Care Homes for Children-five (5) to twelve (12) children.

- a) The required lot size and bulk regulations of the district for a residence shall apply.
- b) All public utilities and sewage disposal shall be available to the site and shall be subject to approval by the appropriate governmental agencies. The Waynesboro Fire Department shall approve the facility for safety.
- c) All requirements of the State of Tennessee that pertain to the use shall be met.
- d) The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facility.
- e) Fencing, screening and landscaping shall be provided as appropriate to protect the surrounding area.
- f) The site, and architectural plans for such facility shall be approved by the Waynesboro Planning Commission, taking into account the above conditions as well as any other pertinent factors.

8-603.208 Special Conditions for Health Care, al

Minimum Lot Area:

- (1) No health, clinic shall be permitted on a zone lot unless it contains ten thousand (10,000) square feet, or twice the lot area requirements of the district, whichever is greater.
- (2) No hospitals, or centers for observation or rehabilitation shall be



permitted on a zone lot unless it contains a minimum of five (5) acres.

- b) The minimum side and rear yards for hospitals and centers for observation or rehabilitation shall be fifty (50) feet for a one (1) or two (2) story building, increased by five (5) feet for each story above two ( 2) .
- c) All other regulations of the zone district shall apply.
- e) There shall be provided along the entire site boundaries fencing, screening and landscaping as appropriate to protect the surrounding residential area.
- f) All public utilities and sewage disposal shall be available to the site and shall be approved by the city manager.
- g) The site and/or architectural plans shall first be approved by The Planning Commission taking into account the above conditions,
- h) The following activity classes and types may be permitted accessory to the Health Care Activities provided they appropriately complement the Health Care Activity, will not impose an adverse impact on the surrounding land use, and be subject to all other provisions of the zoning district:
  - (1) Community Facility Activities
  - (2) Commercial Activities:
    - Convenience Sales and Service
    - Automotive Parking Food Service Medical Service

8-603.209 Special Conditions for Institutional Care.

- a) The facility shall have resident twenty-four (24) hour staff and appropriate professional service must be supplied.



- b) The minimum lot area shall be five (5) acres plus one (1) additional acre for each ten (10) persons accommodated.
- c) Any activity lawfully regulated by any public agency may be permitted for only that time period for which a valid license is obtained. Where grades or classes of approval are granted, only the most restrictive may be permitted.
- d) The minimum side and rear yards for institutional care community facilities shall be one hundred (100) feet for each story above two (2).
- e) All other regulations of the district shall apply.
- f) One (1) accessory off-street parking space for each three (3) individuals accommodated shall be provided, except that this requirement may be altered depending on the specific facility.
- g) All public utilities and sewage disposal shall be available to the site and shall be approved by the appropriate governmental agencies. The Waynesboro Fire Department must approve the facility for safety.
- h) The specific location shall be approved by a resolution adopted by the Town Commission prior to the hearing by the Board of Zoning Appeals. If the Board of Commissioners does not act within sixty (60) days of the date of notification by the Zoning Administrator, Board of Commissioners approval shall be waived, and the Board may proceed to hear the application.
- i) The site and/or architectural plans shall be approved by the Waynesboro Planning Commission taking into account compatibility with the surrounding area, and adverse impact of the proposed activity on the character of the area, needed fencing and screening, adequate living, open, and recreation space, security, and any other pertinent factors.

8-803.210 Special Conditions for Non-assembly Cultural.



- a) No such activity shall be permitted in a zone lot unless it contains twice the lot area required of the zone district.
- b) All bulk regulations of the zone district shall apply.
- c) The off-street parking requirements of this ordinance in Article VII, Chapter 3 shall apply.
- d) Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.
- e) The location and operation of such facility shall be in keeping with the character of the surrounding area.
- f) The site and architectural plans shall first be approved by the Waynesboro Planning Commission taking into account the above conditions.

8-603.211 Special Conditions for Nursing Homes.

- a) No such facility shall be permitted on a zone lot unless it contains a minimum of ten thousand (10,000) square feet, or twice the lot area requirements of the zone district whichever is greater.
- b) All bulk regulations of the district shall be met.
- c) The requirements of the accessory off-street parking regulations of this ordinance in Article VII, Chapter 3, shall apply.
- d) All regulations of the State of Tennessee shall be met.
- e) All public utilities and sewage disposal shall be available to the site, and shall be subject to approval by appropriate governmental agencies.
- f) The application shall first be reviewed by the county health department, and the site and



architectural plans for such a facility be approved by the Waynesboro Planning Commission taking into account the -above conditions as well as any other pertinent factors.

8-603.212 Special Conditions for Places of Worship.

- a) No such activity shall be permitted in a zone lot unless it contains twice the lot area required of the zone district.
- b) All bulk regulations of the zone district shall apply,
- c) The off-street parking requirements of this ordinance in Article VII, Chapter 3, shall apply.
- d) Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.
- e) The location and operation of such facility shall be in keeping with the character of the surrounding area.
- f) The site and architectural plans shall first be approved by the Waynesboro Planning Commission taking into account the above conditions.

8-603,213 Special Conditions For Utility and Vehicular.

- a) The location of such facility shall be within a certain service area in order to provide the most efficient service to such area.
- b) All of the bulk regulations of the zone district shall apply.
- c) The location of such facility shall not materially increase traffic on surrounding streets.
- d) The location of such facility shall not have an adverse effect on surrounding properties.
- e) There shall be provided along the entire site boundaries fencing, screening, and landscaping as appropriate to protect the surrounding residential area.



- f) The site plans for such facility is first approved by the Waynesboro Planning Commission taking into account the above conditions as well as any other pertinent factors.

8-603.3 Specific Standards For Commercial Activities:

A conditional use permit shall not be granted for the commercial activities specified in Article IV unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable districts.

8-603.301 Special Conditions for Scrap Operation Activity.

- a) The location and topography of the site shall be situated so that fencing, screening, and landscaping can be provided as appropriate to protect the surrounding areas from the activities on the site.
- b) The scrap operation shall not include any open burning activity on the site.
- c) The bulk regulations and performance standards of this ordinance shall apply.
- d) Insect and rodent control measures shall be provided as approved by the County Health Department.
- e) All required fences and landscaped screen shall be maintained in a neat and attractive manner.
- f) The operation of such, facility shall not have an adverse effect on the properties' in the surrounding areas.
- g) The location and operation of such facility shall not produce damaging pollution to surrounding streams.

8-603.302 Special Conditions for Group Assembly Extensive Activities,

- a) The location, size and design of such facilities shall be situated so that the proposed development shall be compatible with the development within the surrounding area thus reducing the impact upon the surrounding area.



- b) The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
- c) The off-street parking requirements shall be based upon a recommendation from the Waynesboro Planning Commission.
- d) The site plan for such facilities shall first be approved by the Waynesboro Planning Commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facilities.

8-602.4 Specific Standards for Agricultural and Extractive Activities:

A conditional use permit shall not be granted for the agricultural and extractive activity specified in Section 8-603.401 or 8-603.402 unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable zone districts.

8-603.401 Special Conditions for Plant Nursery in Residential Districts.

The Board of Zoning Appeals shall prescribe the number of accessory off-street parking spaces that will adequately service the activity.

8-603.402 Special Conditions for Mining and Quarrying Activity.

- a) The location of such an activity shall be in an area sparsely developed during the length of time the mining or quarrying activity is anticipated.
- b) Any permit issued hereunder shall be based on a site plan or other document submitted with an application which shall provide for the following:
  - (1) Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contour intervals shall be at two (2) foot intervals.



- (2) Location of the area in which the proposed quarrying activity is to be conducted.
  - (3) Location of all proposed buildings crusher and screening equipment, roadways and other facilities proposed on the site.
  - (4) Proposed method of drainage of the quarry area.
  - (5) Proposed fencing of the quarry area. Fencing shall be provided around all open excavations.
  - (6) Methods proposed for blasting. Open blasting commonly referred to as "pop shots" shall be prohibited.
  - (7) Methods proposed to control noise, vibration and other particulate matter in order to meet the performance standards as set out in this ordinance.
  - (8) Finished contours of the site after the quarrying operation has been terminated. The site shall be graded and/or filled so as to be in substantial conformity with the topography of the surrounding lands. All fill material shall be non-toxic, non-flammable, and non-combustible solids. All areas that are backfilled shall be left so that adequate drainage is provided.
- c) Approval for mining and quarrying activities may also include accessory concrete batching plants, asphaltic cement mixing plants, and/or rock crushing activities on the same zone lot or adjoining zone lots which may have directly opposing frontages on the same public street. If such accessory activities are included on the quarry site, the total site must meet all -the special condition requirements for mining and quarrying activities; however, in conditions of multiple zone lots, the outer perimeter of the site shall be considered the lot line.
- d) Before issuing a permit the Board shall require the owner of the quarry facility to execute not less than six hundred dollars (\$600.00) or more than one thousand dollars (\$1,000) per acres of active quarry throughout a five (5) year period to restore the lands in the manner prescribed herein, including the removal of all structures and machinery.





- e) Any permit issued hereunder shall not be for a period exceeding five (5) years. After the expiration date of such special permit the Board may review and grant an extension of the time in the manner and procedure as prescribed for an original application, and
- f). The site plan is first approved by the Waynesboro Planning Commission taking into account the above conditions as well as any other related factors to the use and operation of such facilities.

8-603.403 Special Conditions for Commercial Storage of Explosives

- a) The location of such an activity is in an area likely to be sparsely developed for reason of topography, lack of existing or planned utilities, accessibility or of similar cause.
- b) Such facility shall not be located on a site having an area of less than fifteen (15) acres.
- c) All regulations of the State Fire Marshall and the Waynesboro Fire Department relating to the storage of explosives shall be met.
- d) Any special permit issued hereunder shall .not be for a period of exceeding five (5) years. After the expiration date of such special permit the Board may review and grant an extension of time in the same manner and procedure as prescribed for on original application.
- e) The site plan is first approved by the Waynesboro Planning Commission taking into account the above conditions as well as any other factors related to the use and operations of such facilities.



## 8-603.5 Specific Standards For Flood plain and Flood Fringe Districts

A conditional use permit shall not be granted for any use requiring such a permit until the Board of Zoning Appeals has:

- a) Reviewed the contents of the plan required by Article VI.
- b) Considered all relevant factors specified in Section 8-603.501 below.
- c) Attached such conditions, as listed in Section 8-603.502, as it deems necessary for the protection of the public health, safety and welfare.

### 8-603.501 Factors upon Which the Decision of the Board Shall be Based.

In its review of any conditional use proposed for location within any area subject to flood the Board shall consider all relevant factors specified in Article VI of this ordinance, and:

- a) The danger of life and property due to increased flood heights or velocities caused by encroachments.
- b) The danger that materials may be swept on to other lands or downstream to the injury of others.
- c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- e) The importance of the services provided by the proposed-facility to the community.
- f) The requirements of the facility for a waterfront location.
- g) The availability of alternative locations not subject to flooding for the proposed use.



- h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- i) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- j) The safety of access to the property in times of flood of ordinary and emergency vehicles.
- k) The expected heights, velocity, duration rate of rise, and sediment transport of the flood water expected at the site.
  - 1) Such other factors which are relative to the purpose of this ordinance.

8-603.502 Conditions Attached to Conditional Uses.

Upon consideration of any conditional use proposed for location within any area subject to flood the Board may attach such conditions to the granting of such use as it deems necessary to further the purposes of this ordinance. Among such conditions, without limitation because of specific enumeration, may be included:

- a) Modification of waste disposal and water supply facilities.
- b) Limitation of periods of use and operation.
- c) Imposition of operation controls, sureties, and deed restrictions.
- d) Requirements for construction of channel modifications, dikes, levees, and other protective measures.
- e) Flood-proofing measures such as those set forth, in Article VI.

**8-604 Conditional Use Permit Appeals**

Any person or agency of the Town Government may appeal to a court of competent jurisdiction from the Board's decision as provided under statutes of the State of Tennessee. The judgment and findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this Chapter shall be final, and subject to review only for illegality or want of jurisdiction.



## ARTICLE VIII

### Chapter 7. AMENDMENTS

Intent: This article is established to provide a means whereby certain desirable changes and additions can be made to the Zoning Ordinance from time to time. These amendments must be in relation to the Comprehensive Plan and the general welfare of the community.

#### 8-701 Amendment Procedures

This Zoning Ordinance may be amended from time to time by the Board of Commissioners of the Town of Waynesboro; but no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the Waynesboro Planning Commission for review and recommendation. The Planning Commission shall have thirty (30) days within which to submit its report. If the Planning Commission disapproves the amendment within thirty (30) days, it shall require the favorable vote of a majority of the Board of Commissioners to become effective. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

Before enacting an amendment to this ordinance, the Board of Commissioners of Waynesboro shall hold public hearings thereon, at least fifteen (15) days notice of the time and place of which shall be published in a newspaper of general circulation in the Town of Waynesboro.

No change or departure from the text or maps as certified by the Planning Commission shall be made, unless such change or departure be first submitted to the Planning Commission and approved by it, or, if disapproved, receive the favorable vote of a majority of the entire membership of said legislative body.



ARTICLE VIII

Chapter 8. LEGAL STATUS PROVISIONS

Intent: This article is established to present the legal status of this ordinance and to resolve differences and conflicts between this ordinance and other ordinances.

**8-801 Conflict With Other Regulations**

Whenever the regulations of this ordinance require more restrictive standards than are required in or under any other statute, the requirements of this ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this ordinance, the provisions of such statute shall govern.

**8-802 Separability**

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

**8-803 Effective Date**

This ordinance shall take effect and be in force from and after the date of its adoption, the public welfare demanding it.

Certified by the Waynesboro Municipal Planning Commission

June 21, 1982.

Approved and adopted by the Board of Commissioners of the City of Waynesboro, Tennessee:

Passed 1st reading: September 13, 1982

Passed 2nd reading: September 27, 1982

Passed 3rd and final reading: November 22, 1982



Floyd S. Merriman, , Mayor

ATTEST :

Flora E. Lacher  
City Recorder

