

ZONING ORDINANCE
WINCHESTER, TENNESSEE
ORDINANCE NO. 506

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ARTICLE I
ENACTMENT

SECTION

- 1.010 Authority
- 1.020 Title
- 1.030 Enactment
- 1.040 Purpose

1.010. Authority. An ordinance, in pursuance of the authority granted by Sections 13-7-201 through 13-7-401 Tennessee Code Annotated, to provide the establishment of districts within the corporate limits of the City of Winchester, Tennessee: to regulate within such districts the location, height, bulk, number of stories and size of buildings, structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes including areas subject to flooding; to provide methods of administration of this ordinance; and to prescribe penalties for the violation thereof.

1.020. Title. This ordinance shall be known as The Zoning Ordinance of Winchester, Tennessee, date June, 1980. The zoning map shall be referred to as the Official Zoning Atlas of Winchester, Tennessee and all explanatory matter thereon is hereby adopted and made a part of this ordinance.

1.030. Enactment. WHEREAS, Section 13-7-201 through 13-7-401 of the Tennessee Code Annotated empowers the City to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS, the City Council deems it necessary, for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare of the City to enact such an ordinance, and

WHEREAS, all the requirements of Sections 13-7-201 through 13-7-401 of the Tennessee Code Annotated with regard to the preparation of the zoning plan of the Planning Commission and subsequent action of the City Council have met;

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF COUNCILMAN THAT THE ZONING ORDINANCE OF WINCHESTER, TENNESSEE, BE ENACTED INTO LAW.

1.040. Purpose. The purpose of this ordinance is to promote the public health, safety, morals, convenience, order, prosperity and general welfare by:

- A. enhancing the character and stability of residential, business, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;

- B. preventing overcrowding of land;
- C. conserving the value of land and buildings;
- D. minimizing traffic hazards and congestion;
- E. preventing undue concentration of population;
- F. providing for adequate light, air, privacy, and sanitation;
- F. reducing hazards from fire, flood, and other dangers;
- G. assisting in the economic provision, utilization, and expansion of all services provided by the public, including but not limited to roads, water and sewer service, recreation, schools, and emergency services.
- H. Encouraging the most appropriate uses of land;
- I. Enhancing the natural, man-made and historical amenities of Winchester, Tennessee.

ARTICLE II

DEFINITIONS

SECTION

2.010 Scope

2.020 Definitions

2.010. Scope. For the purpose of this ordinance and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as follows:

- A. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word “shall” is mandatory.
- D. The word “may” is permissive.
- E. The words “used” or “occupied” includes the words “intended,” “designed,” or “arranged to be used” or “occupied.”
- F. The word “lot” includes the words “plot” or “parcel”.

2.020. Definitions. The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this ordinance. Terms not herein defined shall have their standard dictionary definition or such as the context may imply.

ACCESS: The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

ACCESSORY BUILDING: A subordinate building, the use of which is incidental to that of a principal building and located on the same lot therewith.

ACCESSORY USE: A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

ADDITION (TO AN EXISTING BUILDING): 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.

(Ordinance #572, March 24, 1987)

ADULT ARCADE: Any place to which the public is permitted or invited wherein coin-operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting, describing of “specified sexual activities” or “specified anatomical areas”. (See definitions of SPECIFIED ANATOMICAL AREA and SPECIFIED SEXUAL ACTIVITIES)

ADULT BOOKSTORE OR ADULT VIDEO STORE: A business which offers, as its principal or predominate stock or trade, sexually oriented materials, devices, or paraphernalia or specified sexual activities, or any combination or form thereof, whether printed, filmed recorded or live and which restricts or purports to restrict admission to adults or to any class of adults.

ADULT CABARET OR ADULT THEATER: An establishment which features as a principal use of its business, entertainers and/or waiters and/or bartenders who expose to public view of the patrons within such establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material; including swim suits, lingerie, or latex covering. “Adult Cabaret” includes a commercial establishment, which features entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainers.

ADULT ENTERTAINMENT: Any exhibition of any adult-oriented motion picture, live performance, display or dance of any type, which has a significant or substantial portion of such performance, any actual or simulated performance of specified sexual activities of exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers.

ADULT MINI-MOTION PICTURE THEATER: An enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “SPECIFIED SEXUAL ACTIVITIES” or “SPECIFIED ANATOMICAL AREAS” as defined in this section, for observation by patrons therein.

ADULT MOTION PICTURE THEATER: An enclosed building with a capacity of fifty (50) or more persons regularly used for presenting material having a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein, for observation by patrons therein.

ADULT-ORIENTED ESTABLISHMENT: Includes, but not limited to, an adult bookstore, adult motion picture theater, adult mini-motion picture establishment, adult cabaret, escort agency, sexual encounter center, massage parlor, rap parlor, sauna, and further “ADULT-ORIENTED ESTABLISHMENT” means any premises to which the public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. “ADULT-ORIENTED ESTABLISHMENT” further includes, without being limited to any adult entertainment studio or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, model studio, escort service, escort or any other term of like import.

(Ordinance 775, May 8, 2001)

ADVERTISING: Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designed, used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, milestones, signboards, wallboards, roofboards, 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.

ADVERTISING SIGN OR STRUCTURE: See Sign.

AGRICULTURE USE: This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests, and woods, provided, however, all health codes of Winchester, Tennessee, are complied with.

The feeding or disposal of community or collected garbage to animals shall not be deemed an agricultural use, nor shall commercial feed lots, the raising of fur-bearing animals, fish or minnow hatcheries, riding stables, livery or boarding stables or dog kennels be so considered.

AGRICULTURAL ACCESSORY USE: Those structures or equipment which are normally required in the operation of agriculture uses.

ALLEY: A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility and public service purposes.

ALTERATION: As applied to a building or structure, means a change or rearrangement in the structural parts, or an enlargement, whether by extending a side or by increasing its height or structural changes, other than repairs, that would affect safety. The term “alter” in its various modes and tenses and its practical forms, refers to the making of an alteration.

AREA, BUILDING: The total areas taken on a horizontal plane at the main grade level of the principal building and all necessary buildings exclusive of uncovered porches, terraces, and steps.

AUTOMOBILE WRECKING: The dismantling, storage, sale or dumping of used motor vehicles, trailers, or parts thereof.

AUTOMOBILE WRECKING, JUNK, AND SALVAGE YARDS: Any lot or place which is exposed to weather and upon which more than five motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative, are placed, located, or found.

AVERAGE GROUND ELEVATION: The elevation of the mean finished grade at the front of a structure.

BASEMENT: A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average ground elevation or when subdivided and used for commercial activities.

BOARD: The Winchester, Tennessee, Board of Zoning Appeals.

BUFFER STRIP: A greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than forty (40) feet apart and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet.

BUILDING: Any structure having a roof supported by columns or by walls, including tents, lunch wagons, dining cars, mobile homes, and similar structures whether stationary or movable.

BUILDING AREA OF LOT: That portion of a lot that is bounded by the required rear yard, side yards, and the building setback line.

BUILDING, ELEVATED: A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

(Ordinance #572, March 24, 1987)

BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

BUILDING SETBACK LINE: A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

BUILDING SETBACK LINE, FRONT: A line delineating the minimum allowable distance between the street right-of-way, or if an official future street right-of-way has been established, from that future street right-of-way line, and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to or concentric with the street right-of-way.

BUILDING SETBACK LINE, REAR: A line delineating the minimum, allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

BUILDING SETBACK LINE, SIDE: A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

BUSINESS AND COMMUNICATION SERVICES: The provision of services of clerical, goods brokerage, communications of a minor processing nature, including multi-copy and blueprinting services, custom printing, but excluding the printing of books, other than pamphlets and small reports.

CAMPING GROUND: A parcel of land used or intended to be used, let, or rented for occupancy by campers or for occupancy by camping trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

CLINIC: See Medical Facility.

CONVENIENCE SALES: The retail sale of small convenience items such as toiletries, tobacco, and magazines. The dispensing of petroleum products may be included as accessory to convenience food products retailing.

CONVENIENCE SERVICES: Services which are typically needed frequently or recurrently, such as barber and beauty care; and includes the operation of self-service Laundromats but excludes other apparel cleaning and repair services.

COVERAGE: The lot area covered by all buildings located therein, including the area covered by all overhanging roofs.

COUNTRY CLUB: A chartered, nonprofit membership club, with facilities catering primarily to its membership and providing one or more of the following recreational or social amenities: golf, riding, club house, pool, tennis, dining facilities, and lounge.

DAY NURSERY: Any place, home, or institution, which receives five (5) or more young children, conducted for cultivating the normal aptitude for exercise, play observation, initiation, and construction.

DEVELOPMENT: Any manmade 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.

DISTRICT: Any section or sections of the area lying within Winchester, Tennessee, for which the regulations governing the use, density, bulk, height, and coverage of buildings and other structures are in force.

DWELLING: A building or part thereof used as a habitation under one of the following categories:

- a. Single detached dwelling means a building and accessories thereto principally used, designed, or adapted for use by a single household.
- b. Duplex dwelling means 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.
- c. Apartment dwelling means 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.
- d. Rooming house means 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.
- e. Boarding house means 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.

- f. Town house means a residential structure containing three or more single nondetached dwelling units separated by a common vertical wall.
- g. Condominium means an apartment building or townhouse containing three or more dwelling units being under or intended for separate ownership for each household living accommodations.
- h. Multi-family means a townhouse or apartment dwelling.
- i. Prefabricated dwelling means 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
- j. Mobile home or trailer means a vehicular, portable structure built on a permanent chassis designed for year-round occupancy and designed to be used with or without a permanent foundation when connected to the required utilities including the plumbing, heating, and electrical contained therein, and which is capable of being moved, towed, or transported by another vehicle. Recreation vehicles and travel trailers are not included in this definition of mobile home.
- k. Upper story residential means the area of a building above the ground floor which is principally used, designed, or adapted for use by one or more households each of which has separate living quarters.

(Ordinance #551, June 25, 1985)

ESCORT SERVICE: A person who, for a fee, commission, profit, payment or other monetary consideration, furnishes or offers to furnish escorts or provides or offers to introduce patrons to escorts;

- a. “Service-Oriented Escort Bureau” is an escort service which:

- 1. Maintains an open office at an established place of business;

2. Employs or provides only escorts which possess valid permits issued under this part;
3. Does not use an escort bureau runner; and
4. Does not advertise that sexual conduct will be provided to a patron.

b. “Sexually-Oriented Escort Bureau” is an escort service which:

1. Does not maintain an open office;
2. Employs as an employee, agent or independent contractor, use an escort bureau runner;
3. Advertises that sexual conduct will be provided, or that escorts which provide such sexual conduct will be provided, referred, or introduced to a patron;
4. Solicits, offers to provide or does provide acts of sexual conduct to an escort patron.
5. Does not deliver contracts to every patron or customer; or
6. Employs contracts with a sexually oriented escort or refers or provides to a patron, a sexually oriented escort.

(Ordinance #775, May 8, 2001)

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

FINANCIAL, CONSULTING AND ADMINISTRATIVE: Includes the provision of financial, insurance, real estate brokerage services, as well as the provision of advice, designs, information, or consultation of a professional nature. Also includes 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 regulation.

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of rivers or streams or the unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD, BASE: The flood having a one (1) percent chance of flooding in any given year.

(Ordinance #572, March 24, 1987)

FLOOD, 100-Year: 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.”

FLOODPLAIN: A relatively flat or low area adjoining a river or stream which is periodically subject to partial or complete inundation by floodwaters, or a low area subject to the unusual and rapid accumulation of runoff of surface waters from any source. For the purposes of this ordinance the land subject to inundation by the 100-year flood plain.

FLOODPROFFING: Any combination of structural or non-structural additions, changes, or adjustments which reduces or eliminates flood damage to real estate, improved real property, water supply and sanitary sewer facilities, electrical systems, and structures and their contents.

FLOODWAY: The stream channel and the portion of the adjacent flood plain which must be reserved solely for the passage of floodwaters in order to prevent an increase in upstream flood heights of more than one (1) foot above the predevelopment conditions.

FLOODWAY FRINGE AREAS: Lands lying outside a designated floodway but within the area subject to inundation by the 100-year flood.

FLOOD AREA: The sum of the gross floor area for each of the several stories under roof, measured from the exterior limits or faces of a building or structure.

FLOOR, LOWEST: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistance enclosure, usable solely for parking of vehicles, building access or storage, on 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 requirement of this ordinance.

(Ordinance #572, March 24, 1987)

FRONTAGE: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

GASOLINE SERVICE STATION: Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil (but no butane or propane fuels), or automobile accessories, and incidental services including facilities for lubricating, hand car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

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

HEALTH DEPARTMENT: The Franklin County Health Department.

HEIGHT OF BUILDING OR STRUCTURES: The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building or the structure.

HOME OCCUPATION: See Section 4.040.

HOSPITAL: See Medical Facilities.

HOUSEHOLD: All the persons occupying the premises and living as a single non-profit housekeeping unit regardless of marital status or relationship as distinguished from a group occupying a lodging house or dormitory or similar for group use.
(Ordinance #551, June 25, 1985)

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

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

Along Wagner Creek, Boiling Fork Creek, Tims Ford Reservoir, sinkholes and other low places identified as having special flood hazards by the Office of Federal Insurance and Hazard Mitigation (FIHM). The lands identified as subject to inundation by the 100-year flood and all lands lying below the 100-year flood elevations as demonstrated by the maps and charts contained in the Flood Insurance Study, City of Winchester, Tennessee; Franklin County dated February 26, 1979, as prepared by the Federal Emergency Management Agency, Office of Federal Insurance and Hazard Mitigation, and all subsequent revisions thereto, which are made a part of this ordinance.

LIGHT INDUSTRY: Is defined, for the purpose of this ordinance, on the basis of performance in terms of absence of objectionable noise, smoke, odor, dust, dirt, noxious gases, glare and heat; and of the creation of hazards to health and life by reason of fire, effects of industrial wastes, psychological effects and generation of motor vehicle traffic.

LIMITED MANUFACTURING: Manufacturing activities having performance standards the same as LIGHT INDUSTRY and include the manufacturing compounding, processing, assembling, packaging, treatment, or fabrication of products such as: apparel, not including footwear; printing; bakery goods; and, professional, scientific, and controlling instruments.
(Ordinance #512, April 2, 1981)

LOADING SPACE: An area ten (10) feet by forty (40) feet with a fourteen (14) foot height clearance provided for the standing, loading, or unloading of a truck or other vehicle.

LOT: A piece, plot, or parcel of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one principal building and its accessory buildings, including the open spaces required under this ordinance.

LOT, AREA: The total surface land area included within lot lines.

LOT, CORNER: A lot of which at least two adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two such sides is less than one hundred thirty-five (135) degrees.

LOT, DEPTH: The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

LOT, FRONTAGE: That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The boundary dividing a given lot from the street, an alley or adjacent lots.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the effect date of this zoning ordinance.

LOT WIDTH: The width of a lot at the building setback line measured at right angles to its depth.

MARINA: A facility for the docking and servicing of boats.

MASSAGE PARLOR: An establishment or place primarily in the business of providing massage or tanning services where one or more of the employees exposes to public view of the patrons within such establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material.

(Ordinance # 775, May 8, 2001)

MEDICAL FACILITIES:

Convalescent, Rest or Nursing Home: A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

Dental Clinic or Medical Clinic: A facility for the examination and treatment of ill and afflicted human out-patients, provided, however, that patients are not kept overnight except under emergency conditions.

Hospital: An institution providing health services primarily for human in-patient medical care for sick or injured and including related facilities such as laboratories, out-patient facilities, emergency medical services, and staff offices which are an integral part of the facility.

Public Health Center: A facility utilized by a health unit for the provision of public health services.

MINIMUM FLOOR ELEVATION: The lowest elevation permissible for the construction, erection, or other placement of any floor, including a basement floor.

MOBILE HOME PARK: Any area, tract, site or plot of land whereupon mobile homes as herein defined are placed, located or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

NONCONFORMING USE: A building, structure, or use of land existing at the time of enactment of this ordinance which does not conform to the regulations of the district in which it is located.

NOXIOUS MATTER: Material in gaseous, liquid or solid form which is capable of causing injury to living organisms, chemical reactions, or detrimental effects upon the social, economic or psychological well-being of individuals.

OPEN SPACE: An area on the same lot with a main building which is open, unoccupied and unobstructed by structures from the ground to the sky except as otherwise provided in this ordinance.

OWNER: Includes his duly authorized agent or attorney, a purchaser, devisee, fiduciary, and a person having a vested or contingent interest in the property in question.

PARKING LOT: An off-street facility including parking spaces with adequate provisions for drives and aisles for maneuvering and obtaining access, and for entrance and exit.

PARKING SPACE: An off-street space available for parking one motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

PLANNED DEVELOPMENT: A single planned area of land which (1) has both individual building sites and common property such as a park, and (2) is designed and organized to be capable of satisfactory use and operation as a separate entity without necessarily having the participation of other building sites or other common property; the ownership of the common property may be either public or private.

PLANNING COMMISSION: The Winchester Municipal-Regional Planning Commission.

PLAT: A map, plan, or layout indicating the location and boundaries of individual properties.

PRINCIPAL USE: The specific primary purpose for which land or a building is used.

PRIVATE WASTEWATER TREATMENT: Individual subsurface sewage disposal systems (i.e., septic tanks), package treatment plants or individual aeration systems employed for the collection and treatment and/or disposal of wastewater, as approved by the local health office.

PROFESSIONAL OFFICE: The office of a physician, dentist, attorney, architect, engineer, planner, accountant, or similar professions.

PUBLIC USES: Public parks, schools, and administrative, cultural, and service buildings, not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

PUBLIC WASTEWATER SYSTEM: A municipal, community, or utility district sewerage treatment and disposal system of a type approved by the State Department of Public Health and the Public Service Commission.

PUBLIC WATER: A municipal, community or utility district water treatment and distribution system of a type approved by the State Department of Public Health and the Public Service Commission.

ROADWAY: The actual road surface including necessary road shoulders and drainage facilities including ditches and curbs and gutters, which is used to transport motor vehicles.

SANITARY LANDFILL: An area or site utilized by a public or private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State Department of Public Health.

SAUNA: An establishment or place primarily in the business of providing a steam bath or massage services.
(Ordinance 775, May 8, 2001)

SEXUAL CONDUCT: The engaging in or the commission of an act of sexual intercourse, oral-genital contact, or the touching of the sexual organs, pubic region, buttocks or female breast of any person for the purpose of arousing or gratifying the sexual desire of another person.

SEXUAL ENCOUNTER CENTER: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- b. Physical contact between male and female persons and/or persons of the same sex when one or more of the persons exposes to view of the persons within such establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region or buttocks, even if partially covered by opaque material or completely covered by translucent material.

SEXUAL GRATIFICATION: Means “SEXUAL CONDUCT” as defined in this ordinance.

SEXUAL STIMULATION: To excite or arouse the prurient interest or to offer or solicit acts of “SEXUAL CONDUCT” as defined in this ordinance.
(Ordinance 775, May 8, 2001)

SHELTER, FALL-OUT: A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fall-out, air raids, storms, or other emergencies.

SIGN, BILLBOARD, OR OTHER ADVERTISING DEVICE: Any structure or part thereof or device attached thereto, or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or any representation used as, or which is in the nature of, an announcement, direction or advertisement. The word “sign” includes the word “billboard” or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city or other political unit.

Business Sign: A sign which directs attention to the business or profession conducted on the premises.

Advertising Sign: A sign which directs attention to a business commodity, service or entertainment conducted, sold or offered elsewhere than on the premises and only incidentally on the premises if at all.

Billboards: A type of advertising sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.

Flashing Sign: Any illuminated sign, whether stationary, revolving, or rotating, which exhibits changing light or color effects, provided that revolving or rotating signs which exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed flashing signs only if they exhibit sudden or marked changes in such light or color effects.

Ground Sign: A sign supported by a pole, upright, or braces on the ground.

Illuminated Sign: A sign designed to give forth any artificial light or reflect such light from an artificial source.

Indirect Illumination Sign: Any illuminated non-flashing sign whose illumination is derived entirely from an external artificial source and is so arranged that no direct rays of light are projected from such artificial source into residences or streets.

Off-Premises Sign: A sign relating to a product, service, or establishment that is not on the premises on which the sign is located.

On-Premises Sign: A sign relating to a product, service, or establishment that is on the premises on which the sign is located.

Pole Sign or Banjo Sign: A type of ground sign at least ten (10) feet above the ground supported on a single post or pole most commonly associated with gasoline service stations.

Wall or Flat Sign: Any sign erected parallel to the face or on the outside wall of any building which projects out at any angle there from and projects more than twelve (12) inches beyond the face of such wall.

Roof Sign: A detached sign supported upon the roof or wall of a building.

Marquee Sign: A projecting sign attached to or hung from a marquee and said marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building, building line, or property line.

Temporary Sign: Temporary signs shall include any sign, banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only.

SPECIAL EXCEPTION: A use which is specifically permitted if the owner can demonstrate to the satisfaction of the Board that it will meet certain standards, enumerated safeguards, or qualifying conditions.

SPECIFIED ANATOMICAL AREAS: Is defined as follows:

- a. Less than completely and opaquely covered:
 - 1. Human genitals;
 - 2. Pubic region;
 - 3. Buttocks; and
 - 4. Female breasts below a point immediately above the top of the areola.
- b. Human male genitals in a discernibly turgid state, even if completely opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Is defined as follows:

- a. Human genitals in a state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse or sodomy; or
- c. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

SPECIFIED SERVICES: Massage services, private dances, private modeling, acting as an “escort” as defined in this ordinance, and any other live “ADULT ENTERTAINMENT” as defined in this ordinance.

(Ordinance #775, May 8, 2001)

START OF CONSTRUCTION: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home as defined in Section 4.120.E.) on a site, such as

the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home as defined in Section 4.120.E., 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. (Ordinance #572, March 24, 1987)

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 between the topmost floor and the roof which is used for human occupancy in which the floor area with eight (8) feet or more head clearance equals fifty (50) percent or more of the floor area of the next story below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of the floor area of the story next below shall be a “half-story.” A basement shall be considered as a story if more than half of its height is above the average ground level from which the “height of a building” is measured or if it is used for commercial purposes.

STREET: A public road, highway, or thoroughfare which constitutes, or is designed to constitute, the main access to more than one lot and which has been legally dedicated and accepted for public use.

STRUCTURE: Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground and including among other things, signs, billboards, and fences.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (1) before the repair or improvement or (2) before the damage occurred. Structural improvement, whether or not that alteration affects the external dimensions of the structure, does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions, or (2) any alteration or restoration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

TOXIC MATERIALS: Materials (gaseous, liquid, solid, particulate) which is capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.

TRAVEL TRAILER: A vehicular, portable structure designed as a temporary dwelling for travel, recreation, and vacation uses.

TRAVEL TRAILER PARK: A plot of land designed and equipped to accommodate travel trailers for short periods of time.

USE: The purpose for which land or a building or other structure is designed, arranged or intended, or for which it is or may be occupied or maintained.

YARD: An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance, provided that accessory buildings may be located in a rear yard.

YARD, FRONT: The yard extending across the entire width of the lot between the nearest parts of the principal building, including porches, and the front lot line.

YARD, REAR: The yard extending across the entire width of the lot between the nearest parts of the principal building, including porches, and the rear lot line.

YARD, SIDE: The required space unoccupied except as herein provided, measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard.

ARTICLE III

GENERAL PROVISIONS

SECTION

- 3.010 Scope
- 3.020 Only one (1) principal building on any lot
- 3.030 Lot must abut a public street
- 3.040 Rear yard abutting a public street
- 3.050 Corner lots
- 3.060 Future street lines
- 3.070 Reduction in lot area prohibited
- 3.080 Obstruction to vision at street intersection prohibited
- 3.090 Access control
- 3.100 Accessory use regulations
- 3.110 Buffer strips
- 3.120 Plot plan requirements

3.010. Scope. For the purpose of the zoning ordinance, there shall be certain general provisions which shall apply, except as specifically noted, to the City as a whole.

3.020. Only one (1) principal building on any lot. Only one (1) principal building and its customary accessory buildings may hereafter be erected on any lot. This provision does not prohibit planned development complexes as permitted under ARTICLE IV, Section 4.070 of this ordinance.

3.030. Lot must abut a public street. No building shall be erected on a lot which does not abut at least one (1) publicly approved and accepted street for a distance of at least twenty-five (25) feet.

3.040. Rear yard abutting a public street. When the rear yard of a lot abuts a public street, all structures built in the rear yard shall observe the same setback from the street right-of-way line, center line of the street, or property line, as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street.

3.050. 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.

3.060. Future street lines. For the purpose of providing adequate space for the future widening of streets, required setbacks, or front yards shall be determined by the right-of-way as shown in the most current official Winchester Tennessee Transportation Plan.

3.070. Reduction in lot area prohibited. No 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.

3.080. Obstruction to vision at street intersection prohibited. On a corner lot in any district except the Central Business District, within the area formed by the center lines of the intersecting or intercepting streets and a line joining points on such center lines at a distance of seventy-five (75) feet from their intersection, there shall be no obstruction to vision between the height of three and one-half (3 ½) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

3.090. 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:

- A. A point of access for vehicles onto a street shall not exceed thirty (30) feet in width. All points of access shall be so constructed as to provide for proper drainage.
- B. 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.
- C. No point of access shall be allowed within twenty (20) feet of the right-of-way line of any public intersection.
- D. No curbs on city streets or rights-of-way shall be cut or altered without written approval of the Winchester Street Superintendent, or if a state highway, a permit must be obtained from the Tennessee Department of Transportation.
- E. Where two driveways are provided for one lot frontage, the clear distance between driveways shall not be less than twenty-five (25) feet.
- F. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where this arrangement would require that vehicles back directly into a public street.

3.100. 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:

- A. Be customarily incidental to the principal use established on the same lot.
- B. Be subordinate to serve such principal use.
- C. Be subordinate in area, intent, and purpose to such principal use.
- D. Contribute to the comfort, convenience, or necessity of users of such principal use.

3.110. Buffer strips. Where a use is established in areas zoned nonresidential (C-1, C-2, ~~C-2A~~, C-3, C-4, M-1, I-1 and I-2) which abuts at any point upon property zoned residential (R-1, R-2, R-3 and ~~R-3-A~~), the developer of said use shall provide a buffer strip as defined herein at the point of abutment.

(C-2A - Ordinance 705, April 30, 1996)

(R-3A – Ordinance 621, September 10, 1991)

3.120. Plot plan requirements. The purpose of this provision is to prevent undesirable site development which would unduly create inadequate circulation and unnecessary congestion; to obtain maximum convenience, safety, economy and identity in relation to adjacent sites; and to provide maximum flexibility for expansion, change in use, and adaptation to individual needs. Thus, applicants for building permits must submit scale drawings, according to the particular types of development proposals, to the Winchester Municipal-Regional Planning Commission in accordance with the following procedures.

- A. Proposals for the construction or location of one (1) or more principal structures on a lot (with the exception of single-family, two-family, and three-family dwellings) shall be submitted at a scale no smaller than 1”-100”, and must exhibit required automobile storage areas, loading and unloading spaces, maneuvering areas, loading and unloading spaces, maneuvering areas, openings for ingress and egress to public streets, and landscape treatment in accordance with ARTICLE III, GENERAL PROVISIONS outlined in this ordinance.
- B. Proposals for planned developments and mobile home parks shall follow separate provisions out-lined in ARTICLE IV, SECTION 4.070 and 4.090 in this ordinance.
- C. The above applications must be supported by any other information or data as might be deemed necessary by the Winchester Municipal-Regional Planning Commission.

ARTICLE IV

SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

SECTION

- 4.010 Off-street parking requirements
- 4.020 Off-street loading and unloading requirements
- 4.030 Temporary use regulations
- 4.040 Customary incidental home occupations
- 4.050 Fall-out shelter restrictions
- 4.060 Gasoline service station restrictions
- 4.070 Planned development regulations
- 4.080 Standards for signs, billboards, and other advertising structures
- 4.090 Development standards for mobile home parks
- 4.100 Development standards for automobile wrecking, junk and salvage yards
- 4.110 Floodway fringe area
- 4.120 Flood damage prevention requirements

4.010. Off-street parking requirements. Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be as specified in ARTICLE IV, Section 4.015.B of this ordinance and such space shall be provided with vehicular access to a street or alley. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

(Ordinance #585, June 28, 1988)

- A. Single Detached Dwelling and Duplex: Not less than two (2) spaces for each dwelling unit.
- B. Apartment Dwelling: Not less than one and one-half (1 ½) spaces per dwelling unit.
- C. Boarding Houses and Rooming Houses: Not less than one (1) space for each one (1) room to be rented.
- D. Townhouse and Condominium: Not less than two (2) spaces per dwelling unit.
- E. Other Dwelling Units: Not less than two (2) spaces per dwelling unit.
- F. Hotels, Motels and Other Tourist Accommodations: Not less than one (1) space for each room to be rented plus one (1) additional space for each three (3) employees.

- G. Any Auditorium, Church, Stadium, or Other Value of Public Assembly: Not less than one (1) space for each four (4) seats provided in such places of assembly. For Places of public assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc., at least one (1) space for each two hundred (200) square feet of floor space devoted to that particular use shall be provided.
- H. Manufacturing, Industrial or Wholesaling Use: Not less than one (1) space for each five (5) employees anticipated during maximum production, with a minimum of five (5) spaces provided for any establishment. For establishments maintaining space for the sale of products at retail, there shall be provided one (1) parking space for each five hundred (500) square feet of floor area devoted to retail sales.
- I. Office and Professional Buildings: Not less than one (1) parking space for each three hundred (300) square feet of office space located on the first floor, plus one parking space for each five hundred (500) square feet of floor space (or fraction thereof) above or below the first or main floor; provided that office space constructed or arranged on the floors above or below the first floors of retail or other business establishments and not used in connection therewith, shall fall within the meaning of this subsection.
- J. Retail Sales and Service Establishments: Not less than one (1) parking space for each two hundred and fifty (250) square feet, or fraction thereof, of floor space in C-2, C-2A, C-4 and M-1 commercial districts and one (1) space for each three hundred (300) square feet, or fraction thereof, of floor space in the C-3, neighborhood service business district.
(Ordinance 705, April 30, 1996)
- K. Medical or Dental Clinic: Not less than four (4) spaces per doctor, plus one (1) additional space for each two (2) employees.
- L. Service Station: Not less than five (5) spaces for grease rack or service bay, or one (1) space for each 1,400 square feet of lot area or fraction thereof, whichever is greater.
- M. Restaurants: Not less than one (1) space per one hundred fifty (150) square feet of floor area, plus one (1) space for each two employees. For drive-in restaurants, one (1) space per one hundred (100) square feet of floor area.
- N. Other: For buildings and uses not listed, the off-street parking requirements shall be determined by the Board of Zoning Appeals.

- O. Upper Story Residential Dwelling: Not less than one and one-half (1 ½) spaces per dwelling unit.
(Ordinance #551, June 25, 1985)

4.011. 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 Building Inspector to determine whether or not the requirements of this section are met.

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

4.013. Remote parking space. If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the main entrance to such principal use, provided such land is in the same ownership or lease as the principal use. Such land shall be used for no other purpose so long as no other adequate provision of parking space, meeting the requirements of this ordinance, has been made for the principal use.

4.014. Extension of parking space into a residential district. Required parking space may be extended one hundred (100) feet into a residential district, provided that:

- A. The parking space adjoins a commercial or industrial district.
- B. The parking space has its only access to or fronts upon the same street as the property in the commercial or industrial districts for which it provides the required parking spaces.
- C. The parking space is separated from abutting properties in the residential districts by a buffer strip.

4.015. Requirements for design of parking lots.

- A. Except for parcels of land devoted to one- and two- family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
- B. Each parking space shall have as a minimum the following dimensions and area.

1. Ninety degree (90°) parking pattern – ten (10) feet x twenty (20) feet parking space, two hundred (200) square feet.
2. Other angle parking patterns – nine (9) feet x eighteen (18) feet parking space, one hundred sixty-two (162) square feet.
3. Parallel or curb parking pattern – ten (10) feet x twenty-two (22) feet parking space, two hundred twenty (220) square feet.
4. Handicapped parking space – twelve and one-half (12 ½) feet in width.

(Ordinance # 585, June 28, 1988)

- C. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 3.090 of this ordinance.
- D. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.

4.020. Off-street loading and unloading requirements. Every building or structure hereafter constructed and used for industry, 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, 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 II for Definition)
0 to 4,999 square feet	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 square feet	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.

4.030. 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 not be made to the Building Inspector. Said application shall contain a graphic description of the property to be utilized and a site plan, a 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:

- A. Carnival or Circus: May obtain a Temporary Use Permit in the C-2, C-2A, C-4, I-1, I-2, 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.
(Ordinance 705, April 30, 1996)
- B. Christmas Tree Sale: May obtain a 30-day Temporary Use Permit for the display and sale of Christmas trees on open lots in any districts.
- C. 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 may be renewed for six month extensions for a particular use shall be granted. Such use shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs sooner.
- D. Religious Tent Meetings: In any district, except the M-1, Medical-Professional Office District, a Temporary Use Permit may be issued for a tent or other temporary structures to house a religious meeting. Such permit shall be issued for not more than a 30-day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.
- E. 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-wide excluded) temporarily on a lot in which the principal structure was destroyed by fire, explosion or natural phenomenal. 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 Winchester Utilities System 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.

4.040. 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, physician and the like, barber, beauty and tailor

shops, or the accommodation of not more than two (2) boarders) 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.

4.050. Fall-out shelter restrictions. Fall out shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Areas of underground fall-out shelters extending not more than thirty (30) inches above the general ground level of the graded lot shall not be included in computations of lot coverage by all buildings. The Board of Zoning Appeals may waive side and rear yard setback requirements to permit construction of joint shelters by two or more property owners, provided, however, that side and rear yard setback requirements shall be met where property involved in the joint proposal abuts or adjoins property not included in the proposal.

4.060. Gasoline service station restrictions. The following regulations shall apply to all gasoline service stations:

- A. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands.
- B. Gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line.
- D. Sign requirements as established in ARTICLE IV, Section 4.080, shall be met.

4.070. Planned Development Regulations. The purpose and intent of this section is to encourage the total planning of relatively large tracts of land consistent with the long-range general comprehensive plan of the City, encourage innovations in design and the application of sound design principles, provide a framework within which an effective relationship of different land uses and activities can be planned on a total basis,

provide a harmonious relationship with surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities, and provide a means of developing areas of physiographic or other physical features to enhance natural beauty and other attributes. This section shall only be used for planned developments upon determination by the Board of Zoning Appeals that the proposed development is in harmony with the purpose and intent as stipulated. Planned developments are permitted only as special exceptions after review by the Board.

(Deleted – Ordinance #570, August 26, 1986)

(Reinstated – Ordinance #757, September 14, 1999)

4.071. General provisions. The following general provisions apply to all planned developments:

- A. Ownership and Division of Land: No tract of land may be considered for or approved as a planned development unless such tract is under single ownership. The holder of a written option to purchase, any governmental agency, or a redeveloper under contract shall be considered landowners for purposes of this section. Unless otherwise provided as a condition of approval of a planned development, the landowner of an adopted planned development may divide and transfer parts of such development. The transferee shall complete each such unit, and use and maintain it in strict conformance with the adopted final master development plan.
- B. Relationship to the Subdivision Regulations: The uniqueness of each proposal for a planned development may require that there be modification from the specifications established in the subdivision regulations adopted by the Winchester Municipal-Regional Planning Commission. Modifications may be incorporated only with the approval of the Planning Commission.
- C. Common Open Space:
 - 1. The location, shape, size, and character of the common open space shall be reviewed in detail.
 - 2. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development considering its size, density, expected population, topography, and the number and type of dwellings or structures to be provided.
 - 3. Common open space must be suitably improved for its intended use but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the

common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.

4. The use and improvements of common open space must be planned in relation to any existing or proposed public or semi-public open space which adjoins or which is within close proximity to the perimeter of the planned development.
5. All land shown on the final development plan as common open space, when not retained by the developer, must be conveyed under one of the following options:
 - (a) It may be conveyed to a public agency which will agree to maintain the common open space and any building, structures, or improvements which have been placed on it.
 - (b) It may be conveyed to a trustee (s) provided in a deed of record which establishes an association or similar organization for the maintenance of the planned development. The common open space may be conveyed to the trustee(s) subject to the approval of the Board of Zoning Appeals which will result in the restriction of the common open space to the uses specified on the final development plan, and which will provide for the maintenance of the common open space in a manner which assures its intended purpose.
6. No common open space may be put to any use not specified in the final development plan unless the final development plan has been amended to permit that use. However, no change of use authorized may be considered as a waiver of any of the covenants limiting right of enforcement.
7. The developer or any organization established for the ownership and maintenance of any common open space shall not dispose of any common open space by sale or otherwise (except to an organization established to own and maintain the common open space) without first offering to dedicate the same to the City. Said dedication must be approved by the Board of Zoning Appeals and accepted by the Winchester Board of Mayor and Councilmen.
8. In the event that the developer or the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of the planned development fail to maintain the common open space in reasonable order and condition in accordance with the adopted

master development plan, the Building Inspector may serve written notice upon such organization and/or owners or residents of the planned development. If deficiencies or maintenance are not corrected after thirty (30) days, the Building Inspector shall call upon any public or private agency to maintain the common open space. The cost of such maintenance by such agency shall be assessed proportionally against the properties within the planned development that have right of enjoyment of the common open space, and shall become a lien on said properties.

4.072. Minimum size. The minimum size of a planned development is established according to the following table:

Minimum Area	Districts							
Acres	R-1	R-2	R-3	C-2	C-4	M-1	I-1	I-22
2	X	X	X	X				
3					X	X		
4							X	X

4.073. Types of planned developments. Planned developments shall consist of two (2) types. They are as follows:

A. Single Purpose Planned Development:

A single purpose planned development is one which shall consist primarily of one (1) principal use or activity. The principal use or activity may be either residential or commercial or industrial in nature and is housed in two (2) or more buildings.

B. Mixed Purpose Planned Development:

A mixed purpose planned development is one which shall consist primarily of two (2) principal uses or activities. The principal uses or activities may be either residential and commercial or industrial and commercial in nature and housed in two (2) or more buildings.

4.074. Permitted activities and uses. Any activity or use that is allowed in the zoning district where the planned development is located shall be permitted as part of that planned development. The following uses, which are not permitted in the district where the planned development is located, may however be permitted by the Board of Zoning Appeals provided such uses are desirable or convenient for the users of the planned development as it is developed or the immediate neighborhood, and provided that such uses are planned so as to assure that they will not materially alter the existing character of the neighborhood.

DISTRICTS

Use of Activity	R-1	R-2	R-3	C-2	C-4	M-1	I-1	I-2
Single detached dwelling				X	X	X		
Duplex	X			X		X		
Townhouse	X	X		X		X		
Apartment				X		X		
Convenient sales	X	X	X					
Financial, consulting administrative					X		X	X
Restaurants, excluding drive-in	X	X	X		X			
Medical service	X	X	X	X	X		X	X
Common public and private open space	X	X	X	X	X	X	X	X
Recreation and assembly facilities				X	X	X	X	X

4.075. Limitations on commercial activities in planned developments. The commercial activities allowed in a mixed purpose planned development shall be permitted provided that such activities shall not exceed in the aggregate more than five (5) percent of the total floor area in such development, and provided further that the maximum floor area devoted to such activities by any single establishment shall be 3,000 square feet.

4.076. Obstructions, height regulations, accessory structures, customary home occupations, off-street parking and sign control. All structures and facilities within a planned development shall conform to the requirements governing these items as specified in the regulation pertaining to the appropriate district within which it is located.

4.077. Overall densities for residential activities in planned developments. The maximum overall densities for residential activities shall be in terms of the number of dwelling units per gross acre of all area within a development, as provided herein:

- A. Maximum density for any residential component shall not exceed the maximum residential density permitted in the zone district where the planned development is located.

For planned developments proposed in zone districts that do not have established residential densities, the maximum density for any residential component shall not exceed the highest residential density by type permitted in the City.

B. Density increases over and above the permitted zone district maximum density may be granted by the Board of Zoning Appeals and shall be governed by the precepts listed below, which are to be treated as additive, and not compounded.

1. For mixed residential types, a maximum increase of twenty (20) percent.
2. For mixed purpose planned development, a maximum increase of sixteen (16) percent.
3. For underground utilities, a maximum increase of ten (10) percent.
4. For improved common open space, a maximum increase of sixteen (16) percent.
5. For unimproved common open space, a maximum increase of twelve (12) percent.
6. For preservation of natural, historic or archaeological features, a maximum of sixteen (16) percent.
7. For every additional acre above the minimum area size requirement for planned developments, two (2) percent increase to a maximum of ten (10) percent.

C. Reductions in the permitted zone district maximum density may be required by the Board of Zoning Appeals if it is determined that such reduction is warranted by the following conditions:

1. Inconvenient or unsafe access of the planned development.
2. Traffic congestion for streets adjoining the development.
3. An excessive burden imposed on parks, recreational areas, schools, and other public facilities which serve or are proposed to serve the development.

4.078. Minimum lot area and frontage requirements within a planned development. No minimum lot size or yards shall be required within a planned development, except that frontage on dedicated public roads shall observe front yard

requirements in accordance with the zoning classification where the development is located, and peripheral yards abutting the exterior limits of the planned development boundary (except for boundaries delineated in or by water) shall observe yard requirements in accordance with the zoning classification in which the development is located. Every dwelling unit or other permitted use in the planned development shall have access to a public road or street either directly or via an approved private road, pedestrian way, court, or other area dedicated to public use or reserved for private use, or common element guaranteeing access. Permitted uses are not required to front on public dedicated road or street.

4.079. Building spacing.

- A. Minimum building spacing: Space between buildings shall be one-half (1/2) of the sum of the heights of the buildings, but in no case shall the distance be less than twenty (20) feet.
- B. Minimum distance to the property line: The minimum distance between the building and the property line shall be one-half (1/2) the height of the building, but in no case shall the distance be less than twenty (20) feet.

4.079.1. Perimeter requirements. If topographical or other barriers do not provide adequate privacy for existing uses adjacent to the planned development, the Planning Commission or the Board of Zoning Appeals may impose either of the following requirements:

- A. Structures located on the perimeter of the planned development must be set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses, if applicable.
- B. Structures located on the perimeter of the planned development must be permanently screened in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses. Such screening should be suitably landscaped with grass and/or ground cover, shrubs and trees.

4.079.2. Administrative procedure.

A. Outline Development Plan:

- 1. The developer shall make a request to construct a planned development within one of the allowable districts to the Building Inspector. At his option, the developer may accompany his request with an outline development plan specified in this section. If no outline development plan is filed with the request, the developer shall submit a preliminary development plan as outlined in the following section.

2. An outline development plan consists of both maps and a written statement.
 - (a) The maps may be in a general schematic form, but must contain the following information:
 - (1) The existing topographic character of the land.
 - (2) Existing and proposed land uses and the approximate density of the existing dwellings.
 - (3) The approximate location of any road shown on the major thoroughfare plan.
 - (4) Public uses, including schools, parks, play areas, and other open spaces, both existing and proposed.
 - (b) The written statement to accompany the outline development plan must contain the following information:
 - (1) A statement of the present ownership of all the land included with the proposed development.
 - (2) A general indication of the expected schedule of the development.
3. Within thirty (30) days after the filing of the outline plan, the staff shall forward the plan to the Board of Zoning Appeals with a written report recommending the plan be approved, approved with modifications, or disapproved, giving reasons for these recommendations.
4. The Board of Zoning Appeals will act on the recommendation by the staff and the procedure specified for special exceptions in Section 7.060 of this ordinance shall be followed. However, no building permits will be issued on land within the planned development until final plans for the development have been reviewed and approval granted by the Board of Zoning Appeals.

B. Preliminary Development Plan:

1. If an outline development plan has been submitted and approved, the Board shall review the submission of a preliminary development plan in stages or as a whole. If a preliminary development plan has not been submitted within three (3) months following the approval of the outline development plan, the Board may withdraw its approval of the planned development. In its discretion and for good cause, The Board may extend for three (3) months the period for the filing of the preliminary development plan.
2. The preliminary development plan must include all the following information:
 - (a) A map showing street systems, lot lines, lot designs, and existing topographic characteristics.
 - (b) Areas proposed to be conveyed, dedicated, or reserved for parks, playgrounds, swimming pools, recreation buildings, supporting commercial areas, similar public and semi-public uses.
 - (c) A site plan for each building site and common open area, showing the approximate location and dimensions of all buildings, structures, and improvements and indicating the open spaces around buildings and structures.
 - (d) Elevation and perspective drawings of all proposed structures and improvements. The drawings need not be the results of final architectural decisions and need not be in detail.
 - (e) A development schedule indicating (1) the approximate date when construction of the project can be expected to begin (2) the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin; (3) the anticipated rate of development; (4) the approximate dates when the development of each of the stages in the development will be completed; and (5) the area and location of common open space that will be provided at each stage.

- (f) An off-street parking and loading plan.
- (g) An estimate of population and density and extent of activities to be allocated to parts of the project.
- (h) The general means of the disposition of sanitary waste and storm water.
- (i) A tabulation of the land area to be devoted to various uses and activities and overall densities.
- (j) Agreements, provisions, or covenants which govern the use, maintenance, and continued protection of the planned development and any of its common open areas.
- (k) The following plans and diagrams, insofar as the Board of Zoning Appeals finds that the planned development creates special problems of traffic, parking, landscaping or economic feasibility:
 - (1) A circulation diagram indicating the proposed movement of vehicles, goods, and pedestrians within the planned development and, to and from existing and proposed thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of this circulation pattern must be shown.
 - (2) A landscaping and tree planting plan.
 - (3) An economic feasibility report or market analysis.
- (l) If no outline development plan has been filed, the preliminary plan must contain the information required by subsection A,2, (a) and (b) and must include enough of the area surrounding the proposed planned development to show the relationship of the planned development to adjacent uses.

3. The Board of Zoning Appeals shall review the preliminary development plan and recommend its approval if it complies with the intent of this planned development section and contains all the information as specified in subsection B.2.

C. Final Development Plan:

1. Within three months following the approval of the preliminary development plan, the developer shall file with the Board a final plan containing in final form the information previously required in granting preliminary approval and the necessary signatures as required by the Winchester Subdivision Regulations. In its discretion, and for good cause, the Board may extend for three months the period for the filing of the final development plan.
2. The Board shall review the final development, and, if it is in substantial compliance with the preliminary development plan, shall recommend approval.
3. The Building Inspector shall issue building permits for building and structures in the area covered by the approved final development plan if they are in conformity with the approved final development plan and with all other applicable regulations. He shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved final development plan if the complete building or structure conforms to the requirements of the approved final development plan and all other applicable regulations.

D. Changes to Final Development Plan:

1. No changes may be made in the approved final plan during the construction of the planned development except as specified.
 - (a) Minor changes in the location, sitting, and height of buildings and structures may be authorized by the Board of Zoning Appeals if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this section may change the size of any building or structure by more than ten (10) percent.

- (b) All other changes in use, rearrangement of lots, blocks, or building tracts, provisions for open spaces, or any other desired changes in the approved final plan must be submitted to the Board which will make its recommendation for approval or disapproval. No amendments may be made in the approved final plan unless they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the City.
- 2. Any changes which are approved for the final plan must be recorded as amendments to the recorded copy of the final plan.
- 3. If no construction has begun or no use has been established in the development within one (1) year after approval of the final development plan, the final development plan will lapse and be of no further effect.

E. Control of Planned Development Following Completion:

- 1. Upon completion of all the work within the development, the Board of Zoning Appeals shall issue a certificate of completion. The Secretary of the Board shall note the issuance of the certificate on the recorded final development plan.
- 2. After the certificate of completion has been issued, the use of land and the construction, modification, or alteration of any buildings or structures within the planned development will be governed by the approved final development plan rather than by any other provisions of this regulation.
- 3. After the certificate of completion has been issued, no changes may be made in the approved final development plan except upon application to the Board under the procedures provided below:
 - (a) Any minor extensions, alterations, or modifications of existing buildings or structures may be authorized by the Board of Zoning Appeals if they are consistent with the purposes and intent of the final plan. No change authorized by this section may change the size of any building or structure by more than ten (10) percent.

- (b) Any uses not authorized by the approved final plan, but allowable in the planned development as a permitted use under the provisions of this regulation, or permitted as a special exception in the zone in which the planned development is located, may be added to the final development plan upon approval by the Board of zoning Appeals.
- (c) A building or structure that is totally or substantially destroyed may be reconstructed but only in compliance with the final development plan unless an amendment to the final development plan is approved under one of the two procedures specified above.
- (d) Changes in the use of common open space may be authorized by an amendment to the final development plan under one of the two procedures specified above.
- (e) All other changes in the final development plan must be made by the Board of Zoning Appeals under the procedures authorized by this regulation. No changes may be made in the final development plan unless they are required for the continued successful function of the planned development, or unless that are required by changes in the development policy of the City or County.

F. Subdivision and Resale of the Planned Development:

1. A planned development may be subdivided or re-subdivided for purposes of sale or lease after the certificate of completion has been issued.
2. If the subdivision or re-subdivision of a planned development will create a new lot line the applicant shall make a request to the Planning Commission for the approval of the subdivision or re-subdivision. The Planning Commission shall approve the subdivision or re-subdivision if each section of the subdivided or re-subdivided planned development meets the provisions of this regulation governing density, common open space, and dimensional requirements.

3. All sections of a subdivided or re-subdivided planned development are to be controlled by the final development plan.

4.080. Standards for signs, billboards, and other advertising structures. 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:

A. In any zoning district, the following general regulations shall apply as well as the regulations in Chapter 31, Section 3108, "Signs and Outdoor Displays," of the 1997 Southern Standard Building Code:

1. No sign shall be erected or maintained where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal, device or, emergency vehicle.
2. No illuminated sign shall be permitted within fifty (50) feet of property in any residential district unless the illumination of such sign is so designed that it does not shine or reflect light onto such property.
3. 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.
4. All portions of a billboard shall be erected or placed in conformity with the side, front, and rear yard requirements of the district in which located. However, no billboard shall be erected or placed closer than within one thousand (1,000) feet of any Residential zoned district boundary line and no billboard shall be erected or placed within a radius of two thousand (2000) feet of another billboard. The location of any proposed billboard shall be the starting point of the radius.
(Ordinance #725, November 11, 1997) (Ordinance #871, February 6, 2007)
5. On the premises outdoor advertising signs, including flashing or intermittent illumination shall not intrude upon the public right-of-way.
6. Signs erected and overhanging any sidewalk must be placed at least nine (9) feet above the sidewalk and may extend over the sidewalk a distance equal to two-thirds (2/3) the width of the sidewalk, but in no case exceeding ten (10) feet.

7. Professional signs and signs for home occupations shall not exceed four (4) square feet in area in the Residential Districts.
8. Temporary signs and posters are subject to the following regulations:
 - (a) Each sign shall not exceed five (5) square feet in area, excluding banners.
 - (b) The signs shall not be located closer together than five hundred (500) feet.
 - (c) Such signs shall not be nailed to trees, fence posts or public utility poles and shall not be located in the public right-of-way, excluding banners.
 - (d) All such signs advertising events shall be removed within ten (10) days after the event date.
9. In any district, the following signs shall be permitted:
 - (a) For parking areas, entrance and exit signs not exceeding four (4) square feet in area and not more than one (1) sign not more than sixteen (16) square feet in area identifying or designating the conditions of the use of such parking area.
 - (b) Non-illuminated “For Sale” or “For Rent” signs not exceeding four (4) square feet in area.
 - (c) One (1) sign not more than twelve (12) square feet in area giving the names of the contractors, engineers, or architect, during construction of a building.
 - (d) Signs established by, or by order of, any governmental agency.
 - (e) For special events of public interest, one (1) sign not over thirty-two (32) square feet in area.
 - (f) Flags or emblems of political, civic, philanthropic, educational or religious organizations.

- (g) Small un-illuminated signs, not exceeding one and one-half (1 ½) square feet in area, displayed strictly for the direction, safety, and convenience of the public, including signs which identify rest rooms, freight entrances and the like.

B. In the R-1, R-2, R-3 and **R-3-A** Residential Districts the following regulations shall apply:
(Ordinance # 621, September 10, 1991)

- 1. Name plates indicating name, address, house number, announcement of boarders or roomers, or customary home occupations are permitted.
- 2. For multi-family dwellings and mobile home parks, identification signs not exceeding twenty (20) square feet in area are permitted.
- 3. Church, school, or public building bulletin boards or identification signs, not exceeding twenty (20) square feet in area are permitted.
- 4. Flashing or intermittent illumination is prohibited.
- 5. Billboards and other advertising structures are prohibited.

C. In the C-1, C-2, **C-2A**, C-3, C-4 and M-1 Commercial Districts, the following regulations shall apply:
(Ordinance 705, April 30, 1996)

- 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.
- 2. Business signs shall be permitted subject only to the restrictions in Section 4.080.A. of this ordinance. All ground signs shall be located within the property line.
- 3. For other permitted uses, one business sign not exceeding one (1) square foot of surface for each two (2) lineal feet of lot fronting on a public street, will be permitted. Such sign shall be directly related to the activity conducted on said premises.
- 4. Billboards and other outdoor advertising structures are permitted, subject to the general restrictions set forth in Section 4.080.A. However, billboards are prohibited from the C-3, Neighborhood Service Business District and flashing or intermittent illumination signs are prohibited from the M-1, Medical Professional Office District.

D. In the I-1 and I-2, Industrial Districts, the following regulations shall apply:

1. Business signs shall be permitted which relate to the business on the premises. Such signs shall be located not closer than one-half (1/2) the required setback from all property lines.
2. Flashing or intermittent illumination is prohibited.
3. Billboards and other outdoor advertising structures are permitted.

4.090. Development standards for mobile home parks. The following land development standards shall apply for all mobile home parks:

- A. 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.
- B. 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.

C. Dimensional Requirement for Parks:

1. 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.
2. 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.
3. In instances where a side or rear yard abuts a public street, said yard shall not be less than thirty (30) feet.
4. 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.
5. 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.

D. 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:

1. Each mobile home space shall be at least thirty-six (36) feet wide and such space shall be clearly defined by permanent markers.
2. There shall be a front yard setback of ten (10) feet from all access roads within the mobile home park.
3. 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.
4. 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 of said trailer space.
5. 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.
6. 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. In areas without public wastewater service, the minimum lot area shall be seven thousand five hundred (7,500) square feet for single-wide mobile home and ten thousand (10,000) square feet for a double-wide mobile home unless a high density is approved by the Franklin County Environmentalist and the Board of Zoning Appeals after appropriate soils test have been completed and analyzed as to the capability of the soil to accommodate a septic tank and drain field.

No mobile home park shall be permitted unless such park is served by a public water supply.

E. General Requirements:

1. Roads within the mobile home park shall be paved to a width of not less than twenty-four (24) feet in accordance with the procedures and standards for minor residential streets as specified in the Winchester Subdivision Regulations; 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.
2. All mobile home spaces within the park shall abut the access road as described in subsection E.1. of the section.
3. Each mobile home space shall be provided with the connection to the sanitary sewer line or to a sewer system approved by the Franklin County health Department and Board of Zoning Appeals.
4. Trailers, with or without toilet facilities, which cannot be connected to an approved sewer system shall not be permitted in a mobile home park.
5. Cabanas, travel trailers, and other similar enclosed structures are prohibited.
6. Mobile homes shall not be used for commercial, industrial, or other non-residential uses within the mobile home park, except that one (1) mobile home in the park may be used to house a rental office.
7. Ground anchors shall be installed at each mobile home space to permit tie-downs of mobile homes.

F. Plans and Schedules Required: The following information shall be shown on the required site plan:

1. The location and legal description of the proposed mobile home park.
2. The location and size of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.
3. The proposed use of buildings shown on the site plan.
4. The location and size of all mobile home spaces.

5. The location of all points of entry and exit for motor vehicles and the internal circulation pattern.
6. The location of all off-street parking facilities.
7. The location of park and recreation areas.
8. The name and address of the applicant.
9. Such other architectural, engineering, and topographic data as may be required to permit the local health department, the Winchester Building Inspector, 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.
10. 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.
11. All mobile home parks which do not conform to the provisions of the zoning ordinance shall be governed in accordance with the provisions of Section 6.020 of this ordinance.

G. 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, Section 7.060, 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:

1. The written application, plans, and schedules, herein required, and a statement of approval of the proposed sewage disposal system from the Franklin County Health Department will be submitted to the Winchester Building Inspector and staff planner. The Building Inspector and staff planner shall dully review these materials and shall coordinate the review with other affected agencies and departments.
2. The Winchester Building Inspector 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.

4.100. Development standards for automobile wrecking, junk and salvage yards. Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property value by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses, such as those outlined above, will have properly minimized their objectionable characteristics:

- A. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
- B. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than three hundred feet from any established residential zone.
- C. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height. Storage between the road or street and such fence, screen, or wall is expressly prohibited. Any fence, screen, or wall for concealment shall be maintained in good condition.
- D. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.
- E. Off-Road Parking: As regulated in ARTICLE IV, Section 4.010.
- F. Ingress and Egress: The number of vehicular access driveways permitted on any single street frontage shall be limited to:
 - 1. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.
 - 2. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width maximum, exclusive of curb returns.
- G. Application for Automobile Wrecking, Junk or Salvage Yard Permit: No person shall own or maintain an automobile wrecking, junk, or salvage yard within Winchester until they have secured a permit from the Winchester Board of Zoning Appeals. An application for said permit shall be filed in accordance with ARTICLE VII, Section 7.060, of this

ordinance and shall be accompanied by a detailed site plan, a schedule for construction, and any other information herein required. Said application shall be submitted along with any plans and schedules. The Board shall vote to approve or disapprove the application in accordance with the time schedule in SECTION 7.060.

4.110. Deleted.

(Ordinance 594, April 11, 1989)

4.120. Deleted.

(Ordinance 594, April 11, 1989)

ARTICLE V
ZONING DISTRICTS

SECTION

- 5.010 Classification of districts
- 5.020 Zoning Map
- 5.030 Zoning district boundaries
- 5.040 Zoning of annexed territory
- 5.050 Specific district regulations

5.010. Classification of districts. For the purpose of this ordinance, the following zoning districts are hereby established in the City of Winchester, Tennessee:

<u>Zoning District</u>	<u>District Abbreviation</u>
Low-Density Residential	R-1
Medium-Density Residential	R-2
High-Density Residential	R-3
High-Density Residential Alternative (Ordinance #621, September 10, 1991)	R-3A
Central Business	C-1
Highway Service	C-2
Highway Service, Alternative (Ordinance 705, April 30, 1996)	C-2A
Neighborhood Service Business	C-3
Multi-Residential-Commercial	C-4
Medical-Professional Office	M-1
Restrictive Industrial	I -1
General Industrial	I -2
Floodway	F-1

5.020. Zoning Map. The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the maps designated as the Official Zoning Atlas of Winchester, Tennessee. The Zoning Atlas and any amendment thereto shall be dated with the effective date of the ordinance that adopts same. Certified prints of the adopted Official Zoning Atlas and amendments thereto shall be maintained in the office of the City Clerk and shall be available for inspection by the public at all reasonable times, as long as this ordinance remains in effect.

5.030. Zoning district boundaries. Unless otherwise indicated, the district boundary lines are centerlines of streets or blocks or such lines extended. Lot lines, corporate limit lines or the centerline of the main tracks of a railroad. Such lines drawn as to appear on these lines are hereby on these lines. Where district boundary lines approximately parallel a street or other right-of-way, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning map. If no distance is given, such dimensions shall be determined by use of the scale and said zoning map. Questions concerning the exact locations of district boundaries shall be determined by the Winchester Board of Zoning Appeals.

Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Zoning Appeals may permit the extension of the regulations for either portion of the lot not to exceed five hundred (500) feet beyond the district line into the remaining portion of the lot.

5.040. Zoning of annexed territory. All territory which may hereafter be annexed to the City of Winchester shall be zoned "Low-Density Residential, R-1." Such annexed territory shall retain such zoning classification until such time as the necessary studies are made by the Planning Commission and the Official Zoning Atlas is amended in the manner provided in ARTICLE VII, Section 7.090.

5.050. Specific district regulations. The following regulations shall apply in the thirteen (13) zoning districts established in Section 5.010 of this ordinance.
(Ordinance 705, April 30, 1996)

5.051. Residential Districts. The Residential Districts established by this ordinance are designed to promote and protect public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare. These general goals include, among others, the following specific purposes:

- A. To provide sufficient space in appropriate locations for residential development to meet the housing needs of the City's present and expected future population, with due allowance for the need for a choice of sites and building types;
- B. To protect residential areas, as far as possible, against heavy traffic and against through traffic of all kinds;
- C. To protect residential areas against congestion, by regulating the density of population and the bulk of buildings in relation to the land around them and to one another, and by providing for off-street parking spaces.
- D. To require the provision of open space and a maximum conservation of natural sites in residential areas, and to encourage the provision of additional open space by permitting planned development of moderately higher density and intensity coverage with concomitantly higher standards of open space, in order to provide large open areas with greater utility for

rest and recreation; and to encourage the development of more attractive and economic and less monotonous building forms, by providing freedom of architectural and site design;

- E. To provide for access of light and air to windows and for privacy by controls over the spacing and height of buildings and other structures;
- F. To provide appropriate space for those public and private educational, recreational, health, and similar facilities 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;
- E. To promote the most desirable use of land and direction of building development in accord with a well-considered 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 City's tax revenue.

5.051.1. R-1, Low-Density Residential District

A. District Description:

This district is designed to provide suitable areas for low density residential development characterized by an open appearance. Most generally this district will consist of single-family detached dwellings except when otherwise permitted as a planned development and such other structures as are accessory thereto. This district also includes community facilities, public utilities, and open uses which serve specifically the residents of the district, or which are benefited by and compatible with a residential environment. Further, it is the intent of this ordinance that this district be located so that the provision of appropriate urban services and facilities will be physically and economically facilitated. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted:

In the R-1, Low-Density Residential District, the following uses and their accessory uses are permitted:

1. Single detached dwelling.

2. Prefabricated dwelling.
3. Customary accessory buildings, including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than five (5) feet to any lot line.
4. Customary incidental home occupation as regulated in ARTICLE IV, Section 4.040.
5. Agriculture.

C. Uses Permitted as Special Exceptions:

In the R-1, Low-Density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, Section 7.060.

1. Churches.
2. Public and private schools offering general education courses.
3. Nursery schools or kindergartens.
4. Public and semi-public recreational facilities and grounds.
5. Utility facilities (without storage yards) necessary for the provision of public services.
6. Planned developments as regulated in ARTICLE IV, Section 4.070.
7. Government buildings and community centers.
8. Cemeteries.

D. Uses Prohibited:

Mobile homes; mobile home parks; billboards and similar advertising structures; uses not specifically permitted; or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the R-1, Low-Density Residential District shall comply with the following requirements except as provided in ARTICLE VI.

- | | | |
|----|---|---|
| 1. | <u>Minimum Lot Size:</u> | |
| | Area | 12,500 sq. ft. |
| | Area per Family | 12,500 sq. ft. |
| | Lot Width at Building Setback Line | 100 feet |
| | (Ordinance #829, November 09, 2004) | |
| | Institutional and Community Facility Uses | - Two (2) times the minimum lot area and two (2) times the minimum lot width at building setback line. |
| | (Ordinance #585, June 28, 1988) | |
| 2. | <u>Minimum Yard Requirements:</u> | |
| | Front Setback | 35 feet |
| | Side | 15 feet |
| | Rear | 25 feet |
| | Institutional and Community Facility Uses | - Two (2) times the minimum yard requirements. |
| | (Ordinance #585, June 28, 1988) | |
| 3. | <u>Maximum Lot Coverage:</u> | On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed thirty-five (35) percent of the total area of such lot or parcel. |
| 4. | <u>Height Requirement:</u> | No building shall exceed thirty-five (35) feet in height, except as provided in ARTICLE VI, Section 6.030. |
| 5. | <u>Parking Space Requirements:</u> | As regulated in ARTICLE IV, Section 4.010. |

5.051.2. R-2, Medium-Density Residential District.

A. District Description:

This district is designed to provide suitable areas for medium density residential development where complete urban services and facilities are provided or where the extension of such services and facilities will be physically and economically facilitated. Most generally this district will be characterized by single- and two-family (duplex) detached dwellings and mobile home parks except when otherwise permitted as a planned development and such other structures as are accessory thereto. This

district is intended also to permit community facilities and public utility installations which are necessary to service and do service specifically the residents of the district, or which are benefited by and compatible with a residential environment. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted:

In the R-2, Medium-Density Residential District, the following uses and their accessory uses are permitted:

1. Single detached dwelling.
2. Prefabricated dwelling.
3. Duplex dwelling.
4. Customary accessory buildings including private garages and non-commercial workshops provided they are located in the rear yard and not closer than five (5) feet to any lot line.
5. Customary incidental home occupations as regulated in ARTICLE IV, Section 4.040.
6. Agriculture.

C. Uses Permitted as Special Exceptions:

In the R-2, Medium-Density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, Section 7.060.

1. Churches.
2. Public and private schools offering general education courses.
3. Nursery schools or kindergartens.
4. Public and semi-public recreational facilities and grounds.

5. Utility facilities (without storage yards) necessary for the provision of public services.
6. Planned developments as regulated in ARTICLE IV, Section 4.070.
7. Government buildings and community centers.
8. Cemeteries.
9. (Delete # 9)
(Ordinance #672, September 13, 1994)

D. Uses Prohibited:

Mobile homes; mobile home parks; billboards and similar advertising structures; uses not specifically permitted; or uses not permitted upon approval as a special exception. (Ordinance #672, September 13, 1994)

E. Dimensional Regulations:

1. Minimum Lot Size:

Area - Single Detached Dwelling	7,500 sq. ft.
- Duplex	8,000 sq. ft.
Area Per Family - Single Detached	7,500 sq. ft.
- Duplex	4,000 sq. ft.
Lot Width at Building Setback Line	75 feet
Institutional and Community Facility Uses	- Two (2) times the minimum area for a single detached dwelling and two (2) times the minimum lot width at building setback line.

(Ordinance #585, June 28, 1988)

2. Minimum Yard Requirements:

Front Setback	30 feet
Side	10 feet
Rear	15 feet

Institutional and Community Facility Uses - Two (2) times the minimum yard requirements.

(Ordinance #585, June 28, 1988)

3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed forty (40) percent of the total area of such lot or parcel.

4. Height Requirements: No building shall exceed thirty-five (35) feet in height, except as provided in ARTICLE VI, Section 6.030.

5. Parking Space Requirements: As regulated in ARTICLE IV, Section 4.010.

5.051.3. R-3, High-Density Residential District.

A. District Description:

This district is designed to provide suitable areas for high-density residential development where sufficient urban facilities are available or where such facilities will be available prior to development. Most generally this district will be characterized by residential structures each containing a multiple number of dwelling units as well as single- and two-family (duplex) detached dwellings, mobile homes and mobile home parks. However, it is the intent of this ordinance to not restrict in number the dwelling units contained in a building provided there is sufficient area of zone lot and open space on such lot relative to the number of dwelling units thereon. This district is intended also to permit community facility and public utility installations which are necessary to service and do service specifically the residents of the district, or which installations are benefited by and compatible with a residential environment. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted:

In the R-3, High-Density Residential District, the following uses and their accessory uses are permitted:

1. Single detached dwelling.
2. Prefabricated dwelling.
3. Duplex dwelling.
4. Multi-family dwelling
5. Boarding and rooming houses.

6. Mobile homes.
7. Customary accessory buildings including private garages and non-commercial workshops provided they are located in the rear yard and not closer than five (5) feet to any lot line.
8. Customary incidental home occupations as regulated in ARTICLE IV, Section 4.040.

C. Uses Permitted as Special Exceptions:

In the R-3, High-Density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, Section 7.060.

1. Churches.
2. Public and private schools offering general education courses.
3. Nursery schools or kindergartens.
4. Public and semi-public recreational facilities and grounds.
5. Utility facilities (without storage yards) necessary for the provision of public services.
6. Planned developments as regulated in ARTICLE IV, Section 4.070.
7. Government buildings and community center.
8. Cemeteries.
9. Mobile home parks as regulated in ARTICLE IV, SECTION 4.080.

D. Uses Prohibited:

Uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the R-3, High-Density Residential District shall comply with the following requirements except as provided in ARTICLE VI.

1. Minimum Lot Size:

Area - Single Detached Dwelling	5,000 sq. ft.
Duplex Dwelling	8,000 sq. ft.
Multi-Family Dwelling	9,000 sq. ft.
Area Per Family – Single Detached	5,000 sq. ft.
Duplex	4,000 sq. ft.
Multi-Family	3,000 sq. ft.
Lot Width at Building Setback Line	
Single Detached	50 feet
Duplex	75 feet
Multi-Family	90 feet

Institutional and Community Facility Uses	-	Two (2) times the minimum area for a single detached dwelling and two (2) times the minimum lot width at building setback line for a single detached dwelling.
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(Ordinance #585, June 28, 1988)

2. Minimum Yard Requirements:

Front Setback	25 feet
Side - Single Detached Dwelling	8 feet
Duplex	10 feet
Multi-Family Dwelling	12 feet
Rear	15 feet

Institutional and Community Facility Uses	-	Two (2) times the minimum yard requirements for a single detached dwelling.
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(Ordinance #585, June 28, 1988)

3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed fifty (50) percent of the total area of such lot or parcel.

4. Height Requirement: No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in ARTICLE VI, Section 6.030.

6. Parking Space Requirements: As regulated in ARTICLE IV, Section 4.010.

5.051.4. R-3A, High-Density Residential Alternative District.

A. District Description:

This district is designed to provide suitable areas for high density residential development where sufficient urban facilities are available or where such facilities will be available prior to development. Most generally this district will be characterized by residential structures each containing a multiple number of dwelling units as well as single- and two-family (duplex) detached dwellings. However, it is the intent of this ordinance to not restrict in number the dwelling units contained in a building provided there is sufficient area of zone lot and open space on such lot relative to the number of dwelling units thereon. This district is intended also to permit community facility and public utility installations which are necessary to service and do service specifically the residents of the district, or which installations are benefited by and compatible with a residential environment. It is the express purpose of this ordinance to exclude from this district mobile homes and mobile home parks in addition to all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted:

In the R-3A, High-Density Residential Alternative District, the following uses and their accessory uses are permitted:

1. Single detached dwelling.
2. Prefabricated dwelling.
3. Duplex dwelling.
4. Multi-family dwelling.
5. Boarding and rooming house.
6. Customary accessory buildings including private garages and non-commercial workshops provided they are located in the rear yard and not closer than five (5) feet to any lot line.

7. Customary incidental home occupations as regulated in ARTICLE IV, Section 4.040.

C. Uses Permitted as Special Exceptions:

In the R-3A, High-Density Residential Alternative District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, Section 7.060

1. Churches.
2. Public and private schools offering general education courses.
3. Nursery schools or kindergartens.
4. Public and semi-public recreational facilities and grounds.
5. Utility facilities (without storage yards) necessary for the provision of public services.
6. Governmental buildings and community centers.
7. Cemeteries.

D. Uses Prohibited:

Uses not specifically permitted or uses not permitted upon approval as a special exception including mobile homes and mobile home parks.

E. Dimensional Regulations:

All uses permitted in the R-3A, High-Density Residential Alternative District shall comply with the following requirement except as provided in ARTICLE VI.

1. Minimum Lot Size:

Area Single Detached Dwelling	5,000 sq. ft.
Duplex Dwelling	8,000 sq. ft.
Multi-Family Dwelling	9,000 sq. ft.
Area Per Family-	
Single Detached Dwelling	5,000 sq. ft.
Duplex Dwelling	4,000 sq. ft.
Multi-Family Dwelling	3,000 sq. ft.
Lot Width at Building Setback Line –	
Single Detached Dwelling	50 feet

	Duplex Dwelling	75 feet
	Multi-Family Dwelling	90 feet
2.	<u>Minimum Yard Requirements:</u>	
	Front Setback	25 feet
	Side –	
	Single Detached Dwelling	8 feet
	Duplex Dwelling	10 feet
	Multi-Family Dwelling	12 feet
	Rear	15 feet
3.	<u>Maximum Lot Coverage:</u> On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed fifty (50) percent of the total area of such lot or parcel.	
4.	<u>Height Requirements:</u> No building shall exceed thirty-five (35) feet in height, except as provided in ARTICLE VI, Section 6.030.	
5.	<u>Parking Space Requirements:</u> As regulated in ARTICLE IV, Section 4.010.	

(Ordinance #621, September 10, 1991)

5.052. 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 residences.
- 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 particulate 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 space in appropriate locations for commercial districts to satisfy specific functional needs of Winchester, and in particular the need for medical services, and the needs of the general public traveling along major highways.
- E. 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.
- F. To provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities.
- G. To enhance the central business district and to promote and protect its service attributes, to lessen congestion in the district, to provide for high intensity of land use consistent with land valuation, and to protect its intended functional aspects against encroachment by detrimental influences.
- H. 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 Winchester, to protect the character of the districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect Winchester's tax revenue.

5.052.1. C-1, Central Business District:

A. District Description:

This district is designed to provide for a wide range of retail, office, amusement, service uses, and light industrial processes involving high performance standards. In addition, this district provides for governmental uses, and community facilities and utilities necessary to serve the district or which are required for the general community welfare. The regulations are structured to permit maximum freedom of pedestrian movement. Relative high density and intensity of use is permitted in this district.

B. Uses Permitted:

In the C-1, Central Business District, the following uses and their accessory uses are permitted:

1. Retail establishments.

2. Professional, finance, insurance, real estate, personal, business and repair services.
3. Manufacturing provided it is incidental to the retail business or service which sells the made products on the premises and that such manufacturing activity occupied less than forty (40) percent of the floor area and employs not more than five (5) operators.
4. Hotels, motels and boarding houses.
5. Commercial amusement establishments.
6. Churches and other places of assembly.
7. Mortuaries.
8. Newspaper and printing plants.
9. Governmental buildings and community centers.
10. Utility facilities (without storage) necessary for the provision of public services.
11. Communication services.
12. Educational services.
13. Signs and billboards as regulated in ARTICLE IV, Section 4.080.

C. Uses Permitted as Special Exception:

In the C-1, Central Business District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, Section 7.060.

1. Automotive parking lot.
2. Upper story residential dwelling.
(Ordinance #551, June 25, 1985)

D. Uses Prohibited:

Industrial uses; warehousing (including mini-warehousing and storage) and storage uses, except those which are located within and incidental to permitted use; truck terminals; junkyards, including automobile wrecking and salvage; uses not specifically permitted or uses not permitted upon approval as a special exception.

(Ordinance #704, April 30, 1996)

E. Dimensional Regulations:

All uses permitted in the C-1, Central Business District shall comply with the following requirements except as provided in ARTICLE VI.

1. Minimum Lot Size: No minimum lot size shall be required in the C-1 District.
2. Minimum Yard Requirements: No yards, as such, are required within the C-1 District. However, if an open area extending along a side lot line is provided, it shall be at least ten (10) feet wide, and it shall be unobstructed.
3. Maximum Lot Coverage: There is no restriction on the area occupied by all buildings including accessory buildings on a lot or parcel located in the C-1 District.
4. Height Requirement: The maximum height of all buildings located in the C-1 District shall be established as follows, except as provided in ARTICLE VI, Section 6.030.
 - (a) The maximum building height at the street line shall be four stories or fifty (50) feet.
 - (b) For each foot the building is set back from the street line, the height of the building may be increased by 1.5 feet to a maximum height of sixty-five (65) feet.
5. Parking Space Requirements: As regulated in ARTICLE IV, Section 4.010.
6. Minimum Floor Area – Upper Story Residential Dwelling: The minimum floor area for an upper story residential dwelling unit shall be 500 square feet.
(Ordinance #551, June 25, 1985)

5.052.2. C-2, Highway Service District:

A. District Description:

This district is designed to provide adequate space in appropriate locations for uses which serve the needs of the motoring public. Automobile and other vehicular service establishments, transient sleeping accommodations, and eating and drinking establishments primarily characterize this district. In addition, commercial trade and service uses are permitted if necessary to serve the recurring needs of persons frequenting these districts. Community facilities and utilities necessary to serve these districts, or necessary for the general community welfare are also permitted. Bulk limitations required of uses in these districts, in part, are designed to maximize compatibility with lesser intense use of land or building in proximate residential districts. Appropriate locations for this district are along major traffic arteries.

B. Uses Permitted:

In the C-2, Highway Service District, the following uses and their accessory uses are permitted.

1. Retail Trade:

- (a) Building materials, hardware, and farm equipment;
- (b) General merchandise;
- (c) Food;
- (d) Automotive, marine craft, aircraft and accessories;
- (e) Apparel and accessories;
- (f) Furniture, home furnishings, and equipment;
- (g) Eating and drinking;
- (h) Drug, antiques, books, sporting goods, garden supplies, jewelry, fuel and ice.

2. Hotels, motels, and tourist courts.

3. Churches and mortuaries.

4. Professional services.
5. Gasoline service stations subject to the provisions of ARTICLE IV, Section 4.060.
6. Commercial recreation uses.
7. Signs and billboards as regulated in ARTICLE IV, Section 4.080.
8. Finance, insurance and real estate services.
9. Personal services.
10. Business services.
11. Repair services.
12. Governmental services.
13. Educational services.
14. Transportation, communication and utility services.

C. Uses Permitted as Special Exceptions:

In the C-2, Highway Service District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, Section 7.060.

1. Travel trailer parks and overnight campgrounds.
2. Planned developments as regulated in ARTICLE IV, Section 4.070.
3. Limited manufacturing activities as defined in Section 2.020.
(Ordinance # 512, April 2, 1981)
4. Upper story residential dwelling for limited use. Limited use is defined as temporary occupancy by a household not to exceed a continuous residency period of twenty-four (24) months.
(Ordinance #728, May 12, 1998)
5. Adult oriented establishments.
(Ordinance #775, May 8, 2001)

D. Uses Prohibited:

Industrial uses; warehousing (including mini-warehousing and storage) and storage uses, except those which are located within and incidental to permitted use; truck terminals; junkyards, including automobile wrecking and salvage; uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the C-2, Highway Service District shall comply with the following requirements except as provided in ARTICLE VI.

1. Minimum Lot Size: No minimum lot size shall be required in the C-2 District.
2. Minimum Yard Requirements:
Front Setback 35 feet
Side - None is required. However, if an open area extending along a side lot line is provided, it shall be at least ten (10) feet wide, and it shall be unobstructed.
Rear - Fifteen (15) feet if a rear entrance is provided, otherwise none is required.
3. Maximum Lot Coverage: No maximum lot coverage shall be imposed in the C-2 District.
4. Height Requirement: No building shall exceed forty (40) feet in height, except as provided in ARTICLE VI, Section 6.030.
5. Parking Space Requirement: As regulated in ARTICLE IV, Section 4.010.
6. Minimum Floor Area – Upper Story Residential Dwelling: The minimum floor area for an upper story residential dwelling shall be 500 square feet.
(Ordinance #728, May 12, 1998)

5052.3. C-2A, Highway Service Alternative District:

A. District Description:

This district is designed to provide adequate space in appropriate locations for uses which serve the needs of the motoring public. Automobile and other vehicular service establishments, transient sleeping accommodations, eating, drinking establishments, light manufacturing,

and mini-warehouses primarily characterize this district. In addition, commercial trade and service uses are permitted if necessary to serve the recurring needs of persons frequenting these districts. Community facilities and utilities necessary to serve these districts, necessary for the general uses in these districts, in part, are designed to maximize compatibility with lesser intense use of land or building in proximate residential districts. Appropriate locations for this district are along major traffic arteries.

B. Uses Permitted:

In the C-2A, Highway Service Alternative District, the following uses and their accessory uses are permitted.

1. Mini-warehousing and storage.

C. Uses Permitted as Special Exceptions:

In the C-2A, Highway Service Alternative District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, Section 7.060.

1. Reserved.

D. Uses Prohibited:

Industrial uses; truck terminals, junkyards, including automobile wrecking and salvage; uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the C-2A, Highway Service Alternative District shall comply with the following requirements except as provided in ARTICLE VI.

1. Minimum Lot Size: No minimum lot size shall be required in the C-2A District.

2. Minimum Yard Requirements:

Front Setback	35 feet
Side -	None is required. However, if an open area extending along a side lot line is provided, it shall be at least ten (10) feet wide, and it shall be unobstructed.

Rear - Fifteen (15) feet if a rear entrance is provided, otherwise none is required.

3. Maximum Lot Coverage: No maximum lot coverage shall be imposed in the C-2A District.
4. Height Requirement: No building shall exceed forty (40) feet in height, except as provided in ARTICLE VI, Section 6.030.
5. Parking Space Requirement: As regulated in ARTICLE IV, Section 4.010.

(Ordinance #705, April 30, 1996)

5.052.4. C-3, Neighborhood Service Business District:

- A. This district is designed to provide for uses to serve the recurring household needs and personal service requirements of the occupants of nearby residential areas. The permitted establishments are those which provide for regular local shopping and which, therefore, are visited frequently by customers. This district may occur along or away from arterial streets, characteristically are small, and are distributed widely for convenient accessibility by residential area occupants. The bulk regulations are established to provide for maximum compatibility between the commercial activity in the district and adjacent residential activity, and to lessen the concentration of vehicular traffic as compared to other commercial districts providing goods and services for a more extensive marketing area.

B. Uses Permitted:

In the C-3, Neighborhood Service Business District, the following uses and their accessory uses are permitted:

1. Generally recognized retail business which supplies commodities on the premises for persons residing in adjacent residential areas, such as groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, and notions or hardware.
2. Personal service establishment which performs services on the premises such as repair shops (radio, television, shoe and etc.), beauty parlors or barbershops and self-service laundries.
3. Signs as regulated in ARTICLE IV, Section 4.080.
4. Restaurants, grills, and similar eating establishments excluding drive-in and drive-thru services. All such eating establishments are

prohibited from the sale and onsite consumption of alcoholic beverages.

(Ordinance #850, October 11, 2005)

C. Uses Permitted as Special Exceptions:

No uses shall be permitted as special exceptions in the C-3 District.

D. Uses Prohibited:

In the C-3, Neighborhood Service Business District, all uses, except those uses or their accessory uses specifically permitted are prohibited, including retail liquor and package stores.

E. Dimensional Regulations:

All uses permitted in the C-3, Neighborhood Service Business District shall comply with the following requirements except as provided in ARTICLE VI.

1. Minimum Lot Size: The minimum lot size in the C-3 District shall be 10,000 square feet.

Institutional and Community

Facility Uses -

Two (2) times the minimum lot area for other permitted uses.

(Ordinance #585, June 28, 1988)

2. Minimum Yard Requirements:

Front Setback

25 feet

Side

10 feet

Rear

15 feet

Institutional and Community

Facility Uses -

Two (2) times the minimum yard requirements.

(Ordinance #585, June 28, 1988)

3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed sixty (60) percent of the total area of such lot or parcel.

4. Height Requirement: No building shall exceed thirty-five (35) feet in height, except as provided in ARTICLE VI, Section 6.030.

5. Parking Space Requirement: As regulated in ARTICLE IV, Section 4.010.

5.052.5. C-4, Multi-Residential-Commercial District

A. District Description:

This district is designed to provide adequate and suitable space in appropriate locations for high density residential uses mutually compatible with limited commercial uses. Characteristic of permitted residential developments are multi-family dwelling units. Commercial developments, having a minimum of characteristics objectionable in a high density residential environment, are permitted, if the activities therein minimize direct contact with ultimate consumers of goods or services, or do not principally involve the sale, transfer, storage or processing in this district 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 the district. In addition, use of buildings and land is permitted for community facilities and utilities necessary for serving these districts or for the general community welfare. (The structure of the regulations is designed to require off-street parking.) This 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.

B. Uses Permitted:

In the C-4, Multi-Residential-Commercial District, the following uses and their accessory uses are permitted:

1. Multi-family dwelling.
2. **Reserved.**
(Deleted – Ordinance #734, September 8, 1998)
3. Generally recognized retail business which supplies commodities on the premises for persons residing in adjacent residential areas, such as: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware.
4. Personal service establishment which performs services on the premises such as: repair shops (watches, radio, television, and shoe, etc.), tailor shops, beauty parlors or barbershops, photographic studios and self-service laundries.
5. Restaurants, grills and similar eating establishments, excluding drive-ins.

6. Financial institutions which perform services on the premises.
7. Signs and billboards as regulated in ARTICLE IV, Section 4.080.

C. Uses Permitted as Special Exceptions:

In the C-4, Multi-Residential-Commercial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, Section 7.060.

1. Churches.
2. Public and private schools offering general education courses.
3. Nursing home.
4. Nursery schools or kindergartens.
5. Public and semi-public recreational facilities.
6. Utility facilities (without storage yards) necessary for the provision of public services.
7. Planned developments as regulated in ARTICLE IV, Section 4.070.
8. Government buildings and community centers.

D. Uses Prohibited:

In the C-4, Multi-Residential-Commercial District, all uses, except those uses or their accessory uses specifically permitted or permitted upon approval as a special exception are prohibited, including retail liquor and package stores.

E. Dimensional Regulations:

All uses permitted in the C-4, Multi-Residential-Commercial District shall comply with the following requirements except as provided in ARTICLE VI.

1. Minimum Lot Size:

Area - Multi-Family Dwelling	20,000 sq. ft.
Other	10,000 sq. ft.
Area Per Family - Not to exceed sixteen (16) families per acre.	

Lot Width at Building Setback Line - None is required.

Institutional and Community - Two (2) times the minimum
Facility Uses lot area for other permitted uses.
(Ordinance #585, June 28, 1988)

2. Minimum Yard Requirements:

Front Setback	25 feet
Side	10 feet
Rear	10 feet

Institutional and Community - Two (2) times the minimum
Facility Uses yard requirements.
(Ordinance #585, June 28, 1988)

3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed sixty (60) percent of the total area of such lot or parcel.
4. Height Requirement: No building shall exceed forty (40) feet in height, except as provided in ARTICLE VI, Section 6.030.
5. Parking Space Requirement: As regulated in ARTICLE IV, Section 4.010.

5.052.6. M-1, Medical-Professional Office District.

A. District Description:

This district is designed to provide adequate space in appropriate locations suitable for accommodating the population needs for medical, dental or similar personal services, or uses broadly ancillary thereto; and to provide for professional and business offices. In addition, commercial trade and service uses are permitted if necessary to serve the recurring needs of persons frequenting this district. Community facilities and utilities necessary for the general community welfare are also permitted. Bulk limitations required of uses in the district, in part, are designed to maximize compatibility with lesser intense use of land or building in proximate residential districts.

B. Uses Permitted:

In the M-1, Medical-Professional Office District, the following uses and their accessory uses are permitted.

1. Hospitals.

2. Medical offices, including clinics and analytical facilities.
3. Nursing homes.
4. Financial institutions, such as banks, credit unions, saving and loan associations and similar uses.
5. Offices of activities that provide advice, designs, information, or consultation of a professional nature. These activities also include the executive, management, administrative, and desired activities of private, profit oriented firms excluding public utilities.
6. Drug stores.
7. Florist.
8. Signs as regulated in ARTICLE IV, Section 4.080.

C. Uses Permitted as Special Exceptions:

In the M-1, Medical-Professional Office District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, Section 7.060.

1. Restaurant, designed for on-premises consumption within a principal structure.
2. Planned developments as regulated in ARTICLE IV, Section 4.070.

D. Uses Prohibited:

Outdoor storage of goods or materials or equipment; warehousing or indoor storage of goods or material; beyond that normally incident to the above permitted uses; animal care facilities; uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimension Regulations:

All uses permitted in the M-1, Medical-Professional Office District shall comply with the following requirements except as provided in ARTICLE VI.

1. Minimum Lot Size 20,000 sq. feet
2. Minimum Yard Requirement

Front Setback	35 feet
Side	15 feet or zero for an attached building separated by a common vertical fire wall.

(Ordinance #863, September 12, 2006)

Rear	15 feet
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3. Maximum Lot Coverage: There is no restriction on the area occupied by all buildings including accessory buildings on a lot or parcel located in the M-1 District.
4. Height Requirement: No building shall exceed fifty (50) feet in height, except as provided in ARTICLE VI, Section 6.030.
5. Parking Space Requirements: As regulated in ARTICLE IV, Section 4.010.

5.053. 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 of Winchester's expected economic expansion 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, provide that appropriate space needs for distributive and 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, radiation, smoke, dust or other particulate matter, and 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 Winchester 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 Winchester's tax revenue.

5.053.1. I-1, Restrictive Industrial District

A. District Description:

This district is designed for a wide range of industrial and related uses which conform to a high level of performance standards. Industrial establishments of this type, within completely enclosed buildings, provide a buffer between Commercial Districts and other industrial uses which involve more objectionable influences. New residential development is excluded from this district, both to protect residences from an undesirable environment and to ensure the reservation of adequate areas for industrial development. Community facilities which provide needed services to industrial development are permitted.

B. Uses Permitted:

In the I-1, Restrictive Industrial District, the following uses and their accessory uses are permitted:

1. Food and kindred products manufacturing, except meat products.
2. Textile mill products manufacturing except dyeing and finishing of textiles.
3. Apparel and other finished products made from fabrics, leather, and similar materials manufacturing.
4. Furniture and fixtures manufacturing.
5. Printing, publishing and allied industries.

6. Stone, clay, and glass products manufacturing.
7. Fabricated metal products manufacturing except ordinance and accessories.
8. Professional, scientific, and controlling instruments; photographic and optical goods, watches and clocks manufacturing.
9. Miscellaneous manufacturing including jewelry, silverware and plated ware, musical instruments and parts, toys, amusement and sporting goods manufacturing, pens, pencils, and other office materials, costume jewelry, novelties and miscellaneous notions; tobacco manufacturing, motion picture production.
10. All types of wholesale trade.
11. Office functions only where it is directly related to the industrial establishment in which it is located.
12. Signs and billboards as regulated in ARTICLE IV, Section 4.080.
13. Warehouse, storage and truck terminal facilities.
14. Agricultural equipment sales and repair.
15. All public utilities including buildings, necessary structures, storage yards and other related uses.
16. Animal health facilities including veterinary clinics.
17. Building materials storage and sales.
18. Automobile wrecking, salvage, and junk yards, subject to provisions of ARTICLE IV, Section 4.100.
(Ordinance #520, March 23, 1982)

C. Uses Permitted as Special Exceptions:

In the I-1, Restrictive Industrial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, Section 7.060:

1. Restaurants and cafeterias where food is consumed on the premises inside the principal structure.

2. Convenience sales.
3. Planned developments as regulated in ARTICLE IV, Section 4.070.

D. Uses Prohibited:

Uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the I-1, Restrictive Industrial District shall comply with the following requirements except as provided in ARTICLE VI:

1. Minimum Lot Size: No minimum lot size is required in the I-1 District.
2. Minimum Yard Requirements:

Front Setback	40 feet
Side	20 feet
Rear	15 feet
3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory building may not exceed fifty (50) percent of the total area of such lot or parcel.
4. Height Requirement: No building shall exceed fifty (50) feet in height, except as provided in ARTICLE VI, Section 6.030.
5. Parking Space Requirements: As regulated in ARTICLE IV, Section 4.010.

5.053.2. I-2, General Industrial District.

A. District Description:

This district is designed to accommodate industrial uses which involve more objectional influences and hazards, and which therefore, cannot be reasonably expected to conform to a high level of performance standards, but which are essential for the economic viability of the Winchester area. No new residential developments are permitted, thereby insuring protection of such developments from an undesirable environment while at the same time ensuring adequate areas for industrial activities.

B. Uses Permitted:

In the I-2, General Industrial District, the following uses and their accessory uses are permitted:

1. Uses that are permitted in the I-1, Restrictive Industrial District.
2. Lumber and wood products manufacturing.
3. Lots or yards for scrap or salvage operations or for processing, storage, display, or sales of any scrap or salvage materials.
4. Automobile wrecking, salvage, and junk yards, subject to provisions of ARTICLE IV, Section 4.100.
5. Meat products manufacturing.
6. Dyeing and finishing of textiles.
7. Paper and allied products manufacturing.
8. Chemicals and allied products manufacturing.
9. Petroleum refining and related industries.
10. Rubber and miscellaneous plastic products manufacturing.
11. Primary metal industries.
12. Ordinance and accessories manufacturing.
13. Airports
14. Solid waste disposal, subject to the approval of the Franklin County Health Department, the Tennessee Department of Public Health and the Winchester Board of Mayor and Councilmen.
15. Mining activities and related services.

C. Uses Permitted as Special Exceptions:

In the I-2, General Industrial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, Section 7.060.

1. Restaurants and cafeterias where food is consumed on the premises inside the principal structures.
2. Convenience sales.
3. Planned developments as regulated in ARTICLE IV, Section 4.070.

D. Uses Prohibited:

Uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the I-2, General Industrial District shall comply with the following requirements except as provided in ARTICLE VI:

1. Minimum Lot Size: No minimum lot size is required in the I-2 District.
2. Minimum Yard Requirements:

Front Setback	45 feet
Side	20 feet
Rear	20 feet
3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory building may not exceed fifty (50) percent of the total area of such lot or parcel.
4. Height Requirement: No building shall exceed fifty (50) feet in height, except as provided in ARTICLE VI, Section 6.030.
5. Parking Space Requirements: As regulated in ARTICLE IV, Section 4.010.

5.054. Deleted.

(Ordinance # 594, April 11, 1989)

5.054.1. Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as channel siltation or bridge openings restricted by debris. This ordinance shall not create a liability on the City of Winchester or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

5.054.2. F-1, Floodway District.

A. Floodways Established:

Floodways are hereby established for the purpose of meeting the needs of the streams to safely carry floodwaters; to protect the stream channels and their floodplains from encroachment so that flood heights and flood damages will not be appreciably increased; to provide the necessary regulation for the protection of the public health and safety in areas subject to flooding; and to reduce the financial burdens imposed on the community by floods. In applying the provisions of this ordinance, floodways shall be defined as follows:

1. Along Wagner Creek. The floodway as delineated by the Flood Insurance Study, City of Winchester, Tennessee, Franklin County, dated February 26, 1979, and all subsequent revisions thereto. The boundaries of the floodway shall be shown on the Zoning Atlas of the City of Winchester, Tennessee. The Flood Insurance Study shall be kept and maintained by the Building Inspector and shall be available for inspection and examination by the public during normal office hours.
2. Along sinkholes and other low places. All lands lying below the elevation of the lowest point in the watershed boundary unless a study prepared by a registered professional engineer demonstrates that a lower elevation would be safe from the danger of inundation by the 100-year flood.

B. Uses Permitted:

In the F-1, Floodway District, the following open-type uses are permitted in the floodway subject to the approval of the Planning Commission and to such conditions as the Planning Commission may specify to preserve the character of adjoining districts and to protect the public interest:

1. Uses permitted in floodway adjacent to residential districts.
 - a. Agriculture and forestry, general farming, truck gardening, cultivation of field crops, orchards, nurseries, turf farming, livestock grazing, and other uses of a similar nature.

- b. Open-type public and semi-public recreational uses or facilities such as golf courses, driving ranges, archery ranges, picnic grounds, parks, playgrounds, and other uses of a similar nature provided no principal structure is located within the floodway.
 - c. Yard areas, lawns, green and open spaces, wildlife habitat and refuges, hiking trails, nature trails, bikeways, and other uses of a similar nature.
 - d. Railroads, streets, bridges, and public or private utilities.
 - e. Marina and boat launching ramps provided that no principal buildings are located within a floodway unless they are designated and constructed to withstand without a significant damage, the 100-year flood conditions at the site.
 - f. Accessory uses incidental to and customarily to the above uses.
2. Uses permitted in floodway adjacent to commercial and industrial districts.
- a. Any of the above permitted uses.
 - b. Storage yards for equipment and materials not subject to major damage by flood-waters and that are firmly anchored to prevent flotation or which are readily removable from the area within the time available after flood warning.
 - c. Loading and unloading areas, parking lots, new and used car lots, and other uses of a similar nature provided no principal structure is located within the floodway.
 - d. Other similar uses accessory to those permitted in the adjoining district.

C. Uses Prohibited:

The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or that could be injurious to human, animal, or plant life. The storage or dumping of wrecked or junked automobiles, machinery, or appliances is prohibited.

D. Requirements for Permitted Uses:

1. No new structure for human habitation, including mobile homes, modular homes, or cabins shall be permitted within any designated floodway.
2. The following shall not be placed or caused to be placed in any designated floodway or in any stream channel: fences (except one- or two-wire stock fences), dam, embankment, levee, dike, pile, abutment, fill, culvert, bridge, structure, or matter in, along, across, or projecting into the floodway or stream channel which may constrict, retard, impeded, or change the direction of the flow of floodwaters, either in itself or by catching debris carried by such water, or that is placed where the flow of floodwaters might carry the same downstream to the detriment of life or property.
3. When a developer proposes to offset the effects of a development in the floodway or on the flood-carrying capacity of any stream by the construction of channel improvements, he shall submit to the Planning Commission an engineering study which fully evaluates the effects of such development. The study shall use the 100-year flood as herein defined as the basis of such analysis. All adjacent communities and the Tennessee State Planning Office shall be notified by the developer via certified mail of all such intended activities prior to any alteration or relocation of a water- notification to the Federal Insurance Administrator. In addition, the developer shall assure the City of Winchester, in writing, that the altered or relocated portion of the watercourse will be maintained such that its flow capacity is not diminished by debris accumulation, silt deposition, or vegetative growth.
4. Within any designated floodway any building or structure in existence prior to the effective date of these flood damage prevention requirements that is hereafter destroyed or substantially damaged by any means may be reconstructed and used as before only if the following requirements are met:
 - (a) The reconstruction does not exceed the volume and external dimensions of the original structure or does not offer any greater obstruction to the flow of floodwaters than did the original structure.

- (b) Non-residential structures may be reconstructed only if the lowest floor (including basement) elevation is at least one (1) foot above the level of the 100-year flood or the structure is floodproofed (in accordance with the requirements of Section 4.110.B.) to a height of at least one (1) foot above the level of the 100-year flood.
 - (c) Residential structures may be reconstructed only if the lowest floor (including basement) of the structure is elevated to a point above the level of the 100-year flood.
 - (d) The level of the 100-year flood shall not be increased above that demonstrated in the Flood Insurance Study, City of Winchester, Tennessee, by such reconstruction.
- 5. No permit shall be issued for the construction or erection of any structure (temporary or permanent) including railroads, streets, bridges, and utility, or for any other development (temporary or permanent) within a designated floodway until the plans for such development have been submitted to the Planning Commission and approval is given in writing for such construction or use.
- 6. In its review of the plans submitted, the Planning Commission shall be guided by the following standards, keeping in mind that the purpose of the floodway is to prevent floodplain encroachment which will increase flood heights or endanger life or property:
 - (a) No structure (temporary or permanent), fill (including fill for roads, levees, railroads, etc), culvert, bridge, storage of equipment or materials, or other development shall be permitted which, acting alone or in combination with existing or future uses; decreases the flow capacity of the floodway or increases flood heights.
 - (b) Any permitted structure or filling of land shall be designed and constructed on the property so as to offer the minimum obstruction to and effect on the flow of floodwaters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjacent structures.

- (c) Any permitted structure shall be of adequate structural strength to withstand the effects of water pressure and flood velocities and shall be firmly anchored to prevent flotation or lateral movement.

ARTICLE VI

EXCEPTIONS AND MODIFICATIONS

SECTION

- 6.010 Scope
- 6.020 Nonconforming uses
- 6.030 Exceptions to height limitations
- 6.040 Lots of record
- 6.050 Exception to front setback requirements
- 6.060 Absolute minimum lot size

6.010. Scope. ARTICLE VI of this ordinance is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided in ARTICLE IV and ARTICLE V.

6.020. Nonconforming uses. It is the intent of this ordinance to recognize that the elimination, as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of this ordinance is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions of this ordinance. It is also 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 as to avoid an unreasonable invasion of established private property rights. Lawful nonconforming uses, buildings, and structures existing at the time of the passage of this ordinance or any amendment thereto shall be allowed to remain subject to the following provisions:

- A. 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.
- B. 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.
- C. 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.

- D. Any nonconforming building or nonconforming use which is damaged by fire, flood, wind, or other act of God, may be reconstructed and uses 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 reconstructions shall be in conformity with the provisions of this ordinance.
- E. A nonconforming building or building housing a nonconforming use shall not be structurally altered except in conformance with the provisions of this ordinance. These provisions shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.

6.030. Exceptions to height limitations. The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, transmission towers, windmills, chimneys, smokestacks, conveyors, flag poles, radio towers, masts and aerials.

6.040. Lots of record. The following provisions shall apply to all existing lots of record:

- A. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as in the opinion of the Board of Zoning Appeals as possible.
- B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this ordinance, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.
- C. Where two 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 requirements of the district in which they are located.

6.050. Exceptions to setback requirements. The front setback requirement of this ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line.

6.060. Absolute minimum lot size. In no case shall the Building Inspector or the Board of Zoning Appeals 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 at its narrowest point, or has a front setback of less than fifteen (15) feet and a side setback of less than three (3) feet.

ARTICLE VII

ADMINISTRATION AND ENFORCEMENT

SECTION

- 7.010 Administration of the ordinance
- 7.020 The enforcement officer
- 7.030 Building permits
- 7.040 Temporary use permits
- 7.050 Certificate of occupancy
- 7.060 Procedure for authorizing special exceptions
- 7.070 Board of Zoning Appeals
- 7.080 Variances
- 7.090 Amendments to the ordinance
- 7.100 Penalties
- 7.110 Remedies
- 7.120 Separability
- 7.130 Interpretation
- 7.140 Effective date

7.010. Administration of the ordinance. Except as otherwise provided, no structure or land shall after the effective date of this ordinance be used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory.

7.020. The enforcement officer. The provisions of this ordinance shall be administered and enforced by the City Building Inspector. In performance of administering and enforcing this ordinance, he shall:

- A. Issue all Building Permits and make and maintain records thereof.
- B. Issue all Certificates of Occupancy and make and maintain records thereof.
- C. Issue and renew, where applicable, all Temporary Use Permits and make and maintain records thereof.

- D. Maintain and keep current zoning maps and records of amendments thereto.
- E. Receive, file and forward to the Board of Zoning Appeals all applications for variances or other matters on which the Board is required to act under the provisions of this ordinance.
- F. Conduct inspections as required in this ordinance and such other inspections as are necessary to insure compliance with the various other general provisions of this ordinance. The Building Inspector shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties.

7.030. Building permits. It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or repair of any structure, including accessory structures, to use a building or structure or to change the use of a building or structure, or to commence the filling of land without a permit therefore, issued by the Building Inspector.

No Building Permit shall be issued by the Building Inspector except in conformity with the provisions of this ordinance, unless there is received a written order from the Board of Zoning Appeals in the form of an administrative review, special exception, or variance as provided by this ordinance.

A. Application:

Application for a Building Permit shall be made in writing to the Building Inspector on forms provided for that purpose. All applications for Building Permits shall be accompanied by a plan or a plat in duplicate, drawn to scale, and showing the following:

- 1. The actual shape, location, and dimensions of the lot to be built upon.
- 2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot and the elevation of the building site.
- 3. The existing and intended use of all such buildings or other structures.
- 4. Location and design of off-street parking areas and off-street loading areas, and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

B. Fee:

The Winchester City Board of Mayor and Councilmen shall establish a schedule of fees and a collection procedure for Building Permits. The schedule of fees shall be posed in the office of the Building Inspector and City Hall. Only the City Board may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application.

C. Issuance of Permit:

If the proposed excavation, construction, moving, alteration as set forth in the application is in conformity with the provisions of this ordinance, the Building Inspector shall issue a Building Permit for such excavation or construction. If an application for a Building Permit is not approved, the Building Inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed a waiving of any provisions of this ordinance.

D. Construction Progress:

Any Building Permit issued becomes invalid if work authorized by it is not commenced within six (6) months of the date of issuance or if the work authorized by the permit is suspended or discontinued for a period of one (1) year.

7.040. Temporary use permits. It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the City Building Inspector, as provided for in ARTICLE IV, Section 4.030 of this ordinance. Application for a Temporary Use Permit shall be made in writing to the Building Inspector on the form provided for that purpose. A schedule of fees shall be established by the Winchester City Board of Mayor and Councilmen. Such schedule shall be posed in the office of the Building Inspector and City Hall. Until the appropriate fee has been paid in full, no action shall be taken on any application.

7.050. Certificate of occupancy. No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the Building Inspector shall have issued a Certificate of Occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of this ordinance. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy of use, it shall be the duty of the Building Inspector to make a final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with provisions of this ordinance, or, if such certificate is refused, to state the refusal in writing with the cause for such refusal.

7.060. Procedure for authorizing special exceptions: The following procedure is established to provide procedures for review of a proposed use by the Board of Zoning Appeals. The procedure shall be the same whether review is required by this ordinance or whether a review is requested by the Building Inspector to determine whether a proposed use is potentially noxious, dangerous or offensive.

A. Application:

An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, and any other material pertinent to the request which the Board may require.

B. Criteria for Review:

Prior to the issuance of a special exception, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provisions and arrangement has been made concerning the following, where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
2. Off-street parking and loading areas where required, with particular attention to the items in item one (1) above and the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district.
3. Refuse and service areas, with particular reference to the items in one (1) and two (2) above.
4. Utilities, with reference to locations, availability, and compatibility.
5. Screening and buffering with reference to type, dimensions and character.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
7. Required yard and other open space.

8. General compatibility with adjacent properties and other property in the district.

9. The following additional rules apply for upper story residential development proposals:

(a) All upper story residential development proposals shall require a certified statement demonstrating a firm agreement for parking reserved exclusively for the use of the upper story residential development.

(b) All upper story residential development proposals shall be in compliance with Title 4, Building, Utility, and Housing Codes of the Winchester Municipal Code.

(Ordinance # 551, June 25, 1985)

10. Additional criteria for adult oriented establishments:

(a) No such establishment shall be located within 500 feet (measured from property line to property line) of another adult oriented establishment.

(b) No such business shall be located within 1000 feet (measured from property line to property line) of a residential land use activity, or any educational, child- or adult-care, cultural, religious, health care or recreational land use activities.

(c) All applicable State and local regulations pertaining to adult oriented establishments shall be met.

(d) Sign messages shall be limited to verbal description of material or services on the premises and may not include any graphic or pictorial depiction of material or services available on the premises.

(e) Messages or signs which are visible or intended to be visible from outside the property (such as on or within doors or windows) shall not display materials, items, publications, pictures, films, or live presentation of persons performing or services offered on the premises.

(Ordinance #775, May 8, 2001)

C. Restrictions:

In the exercise of its approval, the Board may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this ordinance.

D. Validity of Plans:

All approved plans, conditions, restrictions, and rules made a part of the approval of the Board shall constitute certification on the part of applicant that the proposed use shall conform to such regulations at all times.

E. Time Limit:

All applications reviewed by the Board shall be decided within sixty (60) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

7.070. Board of Zoning Appeals. In accordance with 13-7-205 through 13-7-207 of the Tennessee Code Annotated, the Winchester Municipal-Regional Planning Commission shall serve as the Winchester Board of Zoning Appeals.

A. Procedure:

Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board may determine. Such chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records of applications and action taken thereon which shall be public records.

B. Appeals to the Board:

An appeal to the Winchester Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any governmental office, department, board, or bureau affected by, any decision of the Building Inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any persons or party may appear in person, by agent, or by attorney.

C. Stay of Proceedings:

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board of Zoning

Appeals, 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 Building Inspector, and on due cause shown.

D. Appeal to the Court:

Any person or persons or any board, taxpayer, department, or bureau of the City aggrieved by any decision of the Board may seek review by a court of competent jurisdiction of such decision in a manner provided by the laws of the State of Tennessee.

E. Powers of the Board:

The Board of Zoning Appeals shall have the following powers:

1. Administrative Review:

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Building Inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance.

2. Special Exceptions:

To hear and decide applications for special exceptions as specified in this ordinance, hear requests for interpretation of the zoning Atlas, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass.

3. Variances:

To hear and decide applications for variances from the terms of this ordinance.

7.080. Variances. The purpose of this variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would

deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this ordinance.

A. Application:

After written denial of a permit, a property owner may make application for a variance, using any form which might be made available by the Board of Zoning Appeals.

B. Fee:

A fee of fifty (50) dollars payable to the City of Winchester shall be charged to defray expenses toward the review and processing of each application for a variance, except that the fee shall be waived for a governmental agency.

(Ordinance #615, April 9, 1991)

C. Hearings:

Upon receipt of an application and fee, the Board shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. The Board shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below.

D. Standards for Variances:

In granting a variance, the Board shall ascertain that the following criteria are met:

1. Variances shall be granted only where special circumstances or conditions, fully described in the finding of the Board, do not apply generally in the district.
2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.
3. For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.

4. The granting of any variance shall be in harmony with the general purposes and intent of this ordinance and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.
5. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the persons applying therefore.
6. Deleted.
(Ordinance 594, April 11, 1989)

7.090. Amendments to the ordinance. The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed by the Board of Mayor and Councilmen of the City of Winchester. Any member of the City Board may introduce such legislation, or any official, board, or any other person may present a petition to the City Board requesting an amendment or amendments to this ordinance. These amendments must be in relation to the Comprehensive Plan and the general welfare of the community.

No amendment to this ordinance shall become effective unless it shall have been proposed by or shall have first been submitted to the Winchester Municipal-Regional 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 Mayor and Councilmen 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.

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 the City Board.

Before enacting amendment to this ordinance, the Board of Mayor and Councilmen shall hold a public hearing 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 City of Winchester.

A. Fee:

A fee of fifty (50) dollars due and payable to the City of Winchester at the time of filing of a petition shall be posted with requests to amend the Zoning Ordinance. The fee is to be used to defray costs resulting from such petition and any subsequent amendment of the Zoning Ordinance.
(Ordinance #615, April 9, 1991)

7.100. Penalties. Any persons violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five (25) dollars or not more than fifty (50) dollars for each offense. Each day such violations shall continue, it shall constitute a separate offense.

7.110. Remedies. In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance, the Building Inspector or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

7.120. Separability. Should any section, clause, 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.

7.130. Interpretation. Whenever the conditions 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 conditions of any other statute require more restrictive standards than are required by this ordinance, the condition of such statute shall govern.

7.140. 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 Winchester Municipal-Regional Planning Commission

April 21, 1980

Date

Approved and adopted by the Board of Mayor and Councilman of the City of Winchester, Tennessee.

June 24, 1980

Date

Signed Howard Hall

Howard Hall, Mayor
Winchester, Tennessee

Attest:

Signed Sam H. Hall
Sam H. Hall, City Clerk

