

ARTICLE I
ENACTMENT

SECTION

- 1.010 Authority**
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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 and other 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
(Amended by Ordinance No. 929, August 9, 2011)

This ordinance shall be known as The Zoning Ordinance of Winchester, Tennessee, dated June, 1980. The zoning map shall be referred to as the Zoning Map 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 been met;

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF COUNCILMEN 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;
- G. reducing hazards from fire, flood, and other dangers;
- H. 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;
- I. encouraging the most appropriate uses of land;
- J. 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)
(Added by Ordinance No. 572, March 24, 1987)
(Deleted by Ordinance No. 894, June 12, 2008)

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)

(Added by Ordinance No. 775, May 8, 2001)

ADULT BOOKSTORE OR ADULT VIDEO STORE: A business which offers, as its principal or predominate stock or trade, sexually oriented material, 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. **(Added by Ordinance No. 775, May 8, 2001)**

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.

(Added by Ordinance No. 775, May 8, 2001)

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.

(Added by Ordinance No. 775, May 8, 2001)

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. **(Added by Ordinance No. 775, May 8, 2001)**

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.

(Added by Ordinance No. 775, May 8, 2001)

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. **(Added by Ordinance No. 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, wallboard, roofboard, frames, supports, fences or other man-made structure, 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 (5) 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 bounded by the required rear yard, side yards, and the building setback line.

BUILDING, ELEVATED

(Added by Ordinance No. 572, March 24, 1987)

(Deleted by Ordinance No. 894, June 12, 2008)

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 specific location on a lot, within which no building or non-exempted structure shall be placed except as otherwise provided.

(Amended by Ordinance No. 979, August 11, 2015)

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 multicopy 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 non-detached 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 six hundred (600) square feet and have no horizontal exterior dimensions of less than fifteen (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.
(Added by Ordinance No. 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.
(Added by Ordinance No. #775, May 8, 2001)

FAMILY: One of 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

(Deleted by Ordinance No. 894, June 12, 2008)

FLOOD, BASE

(Added by Ordinance No. 572, March 24, 1987)

(Deleted by Ordinance No. 894, June 12, 2008)

FLOOD, 100-YEAR

(Deleted by Ordinance No. 894, June 12, 2008)

FLOODPLAIN

(Deleted by Ordinance No. 894, June 12, 2008)

FLOODPROOFING

(Deleted by Ordinance No. 894, June 12, 2008)

FLOODWAY

(Deleted by Ordinance No. 894, June 12, 2008)

FLOODWAY FRINGE AREAS

(Deleted by Ordinance No. 894, June 12, 2008)

FLOOR 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

(Added by Ordinance No. 572, March 24, 1987)

(Deleted by Ordinance No. 894, June 12, 2008)

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 structure.

HOME OCCUPATION: See Section 4.040.

HOSPITAL: See Medical Facilities.

HOUSEHOLD: All the persons occupying the premises and living as a single nonprofit housekeeping unit regardless of marital status or relationship as distinguished from a group occupying a lodging house or dormitory or similar for group use.

(Added by 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

(Deleted by Ordinance No. 894, June 12, 2008)

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.

(Added by Ordinance No. 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, 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, INTERIOR: A lot other than a corner lot.

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

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 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.

(Added by Ordinance No. 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.

PORTABLE STORAGE UNIT: Any box-like structure located outside, often constructed primarily of metal, either designed or utilized for storage that is transported by a vehicle and delivered to a site. **(Added by Ordinance No. 952, October 9, 2012)**

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. **(Added by Ordinance No. 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. **(Added by Ordinance No. 775, May 8, 2001)**

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.
(Added by Ordinance No. 775, May 8, 2001)

SEXUAL GRATIFICATION: Means “SEXUAL CONDUCT” as defined in this ordinance. **(Added by Ordinance No. 775, May 8, 2001)**

SEXUAL STIMULATION: To excite or arouse the prurient interest or to offer or solicit acts of “SEXUAL CONDUCT” as defined in this ordinance.
(Added by Ordinance No. 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.
(Added by Ordinance No. 775, May 8, 2001)

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.
(Added by Ordinance No. 775, May 8, 2001)

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. **(Added by Ordinance No. 775, May 8, 2001)**

START OF CONSTRUCTION

(Added by Ordinance No. 572, March 24, 1987)

(Deleted by Ordinance No. 894, June 12, 2008)

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 that are assembled and held together in a particular way considered consistent with construction principles. Structures may be principal buildings, accessory buildings, sheds, carports, or other similarly assembled components. It may be either enclosed or open frame. It may be constructed or erected for either permanent or temporary placement, the use of which requires location on the ground or attachment to anything having location on the ground. It may be constructed on site or preassembled, having been delivered to a particular location.

(Amended by Ordinance No. 979, August 11, 2015)

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.

TRANSITIONAL HOMES: (HALFWAY HOUSES): A home used for the purpose of rehabilitating persons from correctional facilities, mental institutions, and alcoholic and drug treatment centers and operated by a public or private agency duly authorized and licensed by the state, which agency houses individuals being cared for by the agency and deemed by the agency to be capable of living and functioning in a community and which provides room and board in addition to continuous professional guidance. No transitional homes will be

allowed to be sited closer than 500 feet from schools, day care centers, residential zoning districts, or other transitional homes.

(Added by Ordinance No. 963, September 10, 2013)

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 part 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 part 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.

3.101. STRUCTURES EXEMPTED FROM BUILDING SETBACK REQUIREMENTS (Added by Ordinance No. 979, August 11, 2015)

The following structures shall be considered exempt from building setback lines unless extenuating circumstances jeopardizing public interest and safety prevail.

- A. Fences or privacy fences located within residential districts that are not greater than the height for which no building permit is required as specified by the adopted building code and that do not present a public safety hazard as determined by the Codes Department.
- B. Signs, Billboards, or other advertising devices, provided the instrument has received site approval via an approved sign permit issued by the Building Codes Department.

3.110. BUFFER STRIPS (Amended by Ordinance No. 621, September 10, 1991) (Amended by Ordinance No. 705, April 30, 1996) (Deleted and Replaced by Ordinance 912, December 8, 2009)

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-2S, R-3 and R-3A), the developer of said use shall provide a buffer strip as defined herein at the point of abutment.

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.
- D. A plot plan receiving conditional approval from the Winchester Municipal-Regional Planning Commission shall have all conditions of approval satisfactorily addressed by the applicant within nine (9) months from the date of the Planning Commission’s action or the conditional approval will automatically expire. Once conditional approval has expired, a new application to appear before the Planning Commission must be submitted along with all appropriate filing fees and other pertinent documents for review.

(Added by Ordinance No. 916, March 9, 2010)

(Deleted and Replaced by Ordinance No. 941, March 13, 2012)

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 Portable Storage Unit Regulations

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:

(Amended by Ordinance No. 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 Place 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.
(Amended by Ordinance No. 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 Stations: 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.
(Added by Ordinance No. 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.
(Amended by Ordinance No. 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. Such space shall have access to a public or private alley, or if there is no alley, to a public street. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

<u>Total Usable Floor Area For Principal Building</u>	<u>Spaces Required (See ARTICLE II for Definition)</u>
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.

(Amended by Ordinance No. 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; however, not more than three (3) 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.
- C. Sign requirements as established in ARTICLE IV, Section 4.080, shall be met.

4.070. PLANNED DEVELOPMENT REGULATIONS

(Deleted by Ordinance No. 570, August 26, 1986)

(Reinserted by Ordinance No. 757, September 14, 1999)

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.

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 (Acres)	District							
	R-1	R-2	R-3	C-2	C-4	M-1	I-1	I-2
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.

Use or Activity	District							
	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					
Convenient services	X	X	X			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. At the discretion of the Board of Zoning Appeals, the location and dimensions of a building footprint displaying the maximum area which may be covered by any building, structure, or improvement may be included in lieu of a site plan for each building site and common open area. In either case, the open spaces around buildings and structures shall be indicated.
(Deleted and Replaced by Ordinance No. 933, September 13, 2011)
- (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.
4. No changes in the final development plan which are approved under this section are to be considered as a waiver of the covenants limiting the use of land, buildings, structures, and improvements within the area of the planned development, and all rights to enforce these covenants against any changes permitted by this section are expressly reserved.

- F. Subdivision and Resale of the Planned Development:
1. A planned development may be subdivided or resubdivided for purposes of sale or lease after the certificate of completion has been issued.
 2. If the subdivision or resubdivision 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 resubdivision. The Planning Commission shall approve the subdivision or resubdivision if each section of the subdivided or resubdivided planned development meets the provisions of this regulation governing density, common open space, and dimensional requirements.
 3. All sections of a subdivided or resubdivided planned development are to be controlled by the final development plan.

4.080. STANDARDS FOR SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES

The regulations for signs, billboards, and other advertising structures are enumerated below:

- A. In any zoning district, the following regulations shall apply as well as the regulations in Chapter 31, Section 3107, and Appendix H, Sections H101 thru H115, "Signs" of the 2003 International Building Code. In the event of conflict between this ordinance and referenced International Building Code, the more restrictive shall apply: **(Amended by Ordinance No. 895, June 12, 2008)**
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 within a radius of 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 (2,000) feet of another billboard. The location of any proposed billboard shall be the

starting point of the radius.

(Amended by Ordinance No. 725, November 11, 1997)

(Amended by Ordinance No. 871, February 06, 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.
(Amended by Ordinance No. 895, June 12, 2008)
 - (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.
(Amended by Ordinance No. 895, June 12, 2008)
 - (d) All such signs advertising events shall be put in place no more than ten (10) days before the event date.
(Amended by Ordinance No. 895, June 12, 2008)
 - (e) All such signs advertising events shall be removed within five (5) days after the event.
(Added by Ordinance No. 895, June 12, 2008)
9. Real estate signs are subject to the following regulations:
(Added by Ordinance No. 895, June 12, 2008)
 - (a) “For Sale”, “For Rent” or “For Lease” signs for a residence shall not exceed five (5) square feet in area, in any zoning district.
 - (b) “For Sale”, “For Rent” or “For Lease” signs for commercial or industrial property shall not exceed sixteen (16) square feet in area, in any zoning district.
 - (c) A sign advertising an “auction” of property, residential or commercial, shall not exceed twenty-four (24) square feet.

- (d) No signs, including pointer signs, are to be placed on any utility poles, traffic stop signs or in the public right-of-way.
 - (e) No pointer signs are to be placed in a Commercial zoned district.
10. In any district, the following signs shall be permitted:
(Renumbered by Ordinance No. 895, June 12, 2008)
- (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) One (1) sign not more than twelve (12) square feet in area giving the names of the contractors, engineers, or architects during the construction of a building, or one (1) sign of not more than thirty-two (32) square feet when required by local, state, and federal funding. **(Renumbered by Ordinance No. 895, June 12, 2008)**
 - (c) Signs established by, or by order of, any governmental agency.
(Renumbered by Ordinance No. 895, June 12, 2008)
 - (d) Signs for special events of public interest require a permit from the Winchester Codes Department.
(Renumbered and Amended by Ordinance No. 895, June 12, 2008)
 - (e) Flags or emblems of political, civic, philanthropic, educational or religious organizations.
(Renumbered by Ordinance No. 895, June 12, 2008)
 - (f) Small unilluminated 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 restrooms, freight entrances and the like.
(Renumbered by Ordinance No. 895, June 12, 2008)
 - (g) Banners prohibited except “over the road” banners advertising special events of public interest that are in compliance with Winchester Utility System regulations.
(Added by Ordinance No. 895, June 12, 2008)

11. Yard/Garage sale signs shall meet the following requirements:
(Added by Ordinance No. 895, June 12, 2008)
- (a) The permit sign shall be posted on the premises of the sale in a conspicuous place so as to be seen by the public or any city official.
 - (b) Two (2) signs of not more than four (4) square feet shall be permitted to be displayed on the property of the residential or nonresidential site for advertisement of the yard/garage sale.
 - (c) Two (2) directional signs of not more than two (2) square feet shall be permitted, provided that the premises on which the yard/garage sale is conducted is not in a major thoroughfare and written permission to erect such signs is received from the property owners on whose property such signs are to be placed.
 - (d) No signs are to be placed on any utility poles, traffic stop signs or in the public right-of-way.
 - (e) No sign or other form of advertisement shall be exhibited for more than two (2) days prior to the day of such sale is to commence.
 - (f) All signs must be removed at close of the yard/garage sale activities.
12. Signs that are prohibited:
(Added by Ordinance No. 895, June 12, 2008)
- (a) Advertising signs on vehicles, such as parked trucks or trailers, on private or public property visible from a public street which has attached thereto or located thereon any sign or advertising device for the basic purpose of directing attention to products or business activity, sold on or off the premises upon which such vehicle is located, except those permanent signs on commercial vehicles regularly used in the normal course of the business.
13. Portable or mobile signs, including portable or mobile flashing signs:
(Added by Ordinance No. 895, June 12, 2008)
- (a) Portable or mobile signs, including any sign mounted on any type of frame, chassis, or trailer, whether on wheels, skids or otherwise mounted, designed to be easily relocated and sometimes referred to as a mobile sign, portable sign or relocatable sign, including temporary ground signs that call attention to a temporary activity taking place on the property where it is posted, such as a special event, shall be kept painted and maintained in good repair and condition. Flashing portable or mobile or relocatable signs shall be in compliance with the latest revision of the National Electrical Code.

- (b) Portable or mobile signs that have been converted to permanent or non-flashing signs shall be mounted in such a manner that it is no longer in a mobile or relocatable supporting structure. The mounting structure supporting the sign shall be submitted to the codes office as a matter of record of the sign's structure and location. As in accordance with this ordinance a permit is required for any sign that is considered permanent.
- (c) Each flashing sign located within the city limits of Winchester, Tennessee shall have a safety electrical inspection by the authority having jurisdiction prior to energizing the sign. A copy of that inspection shall be provided to the codes administration office to be filed as record of that inspection.
- (d) Signs that remain in their portable or mobile structure and not energized, and used as non-flashing advertising signs shall be maintained as noted in item 13(a) above. Any portable or mobile sign that requires anchoring shall be considered permanent.

14. Signs in violation will be removed and will be held no longer than fifteen (15) days at the Winchester Public Works Building. In the interim, those signs can be picked up at the Winchester Public Works Building.
(Added by Ordinance No. 895, June 12, 2008)

B. In the R-1, R-2, R-2S, R-3 and R-3A Residential Districts the following regulations shall apply:
(Amended by Ordinance No. 621, September 10, 1991)
(Amended by Ordinance No. 912, December 8, 2009)

- 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 except for signs allowed by 4.080.B.6.
(Deleted and Replaced by Ordinance No. 938, February 14, 2012)
- 5. Billboards and other advertising structures are prohibited.
- 6. On-premises bulletin boards or identification signs, not exceeding sixty (60) square feet in area, shall be permitted for government owned or managed public recreation uses. **(Added by Ordinance No. 938, February 14, 2012)**

- C. In the C-1, C-2, C-2A, C-3, C-4 and M-1 Commercial Districts, the following regulations shall apply: **(Amended by Ordinance No. 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 higher 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 this 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, that 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 he has 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. PORTABLE STORAGE UNIT REGULATIONS
(Original Section Deleted by Ordinance No. 594, April 11, 1989)
(Added by Ordinance No. 952, October 9, 2012)

Any portable storage unit, as defined in Section 2.020, shall be regulated by the following:

A. General Regulations

The following regulations shall apply to all portable storage units:

1. Prefabricated dwellings, mobile homes, travel trailers and recreational vehicles shall not be permitted as portable storage units.
2. The lessor or owner of the portable storage unit shall keep the unit in good condition, free from evidence of deterioration, weathering or discoloration.
3. No portable storage unit shall be allowed on a vacant lot.
4. No portable storage unit shall be placed so as to interfere with the vision of motorists, or so as to interfere with any utility or drainage.
5. No portable storage unit shall be placed within any public right of way or within 15 feet of the travelway of any street.
6. No portable storage unit shall be placed in a manner that violates any building code, fire or life safety code, or otherwise blocks building egress or access for fire and emergency services on the site or adjacent properties.
7. Nothing herein is intended to prohibit the use of construction trailers by contractors engaged in work on a site; however, the use of a portable storage unit during construction shall be disclosed on the application for a building permit.

B. Regulations Within Residential Districts

The following additional regulations shall apply to any portable storage unit placed within a residential district:

1. No portable storage unit shall be placed within any required front setback nor within five (5) feet of the side or rear property lines.
2. Any portable storage unit placed outside of the rear yard shall not be kept on the property for more than 90 days during any one year period. One (1) extension may be requested in writing for a period of up to ninety (90) additional days.
3. No more than two (2) portable storage units shall be allowed on a lot where a home has been or is being constructed.

4. A portable storage unit shall be an accessory use and used only for storage of materials belonging to persons living on the property and commonly incidental to the principal residential use.
5. A portable storage unit may be utilized for temporary storage due to: relocating to or from a dwelling, construction, remodeling, or damage by fire, explosion or other natural phenomena.
6. Any portable storage unit typically used for nonresidential purposes are not permitted, including but not limited to: containers intended for multi-modal transportation, tractor-trailer type trailers (Federal Highway Administration Vehicle Classification Class 8 or above), and railroad boxcars.

C. Regulations Within Commercial Districts

The following additional regulations shall apply to any portable storage unit placed within a commercial district:

1. No portable storage unit shall be placed within the front yard nor within any required side or rear setback.
2. A portable storage unit shall be an accessory use and used only for storage of materials commonly incidental to the commercial use.

4.120. (Deleted by Ordinance No. 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>
Airport (Overlay) (Added by Ordinance No. 904, March 10, 2009)	
Low-Density Residential	R-1
Medium-Density Residential	R-2
Medium-Density Single Family Residential (Added by Ordinance No. 912, December 8, 2009)	R-2S
High-Density Residential	R-3
High-Density Residential Alternative (Added by Ordinance No. 621, September 10, 1991)	R-3A
Central Business	C-1
Highway Service	C-2
Highway Service Alternative (Added by Ordinance No. 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
Floodplain (Overlay) (Deleted and Replaced by Ordinance No. 894, June 12, 2008)	

5.020. ZONING MAP

(Deleted and Replaced by Ordinance 929, August 9, 2011)

The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map designated as the Zoning Map of Winchester, Tennessee. The Zoning Map and any amendment thereto shall be dated with the effective date of the ordinance of adoption. The signed official copy of the Zoning Map, certified prints of the adopted Zoning Map 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

(Deleted and Replaced by Ordinance No. 929, August 9, 2011)

All territory annexed to the City of Winchester shall be studied by the Planning Commission which shall recommend appropriate zoning classifications to City Council. The City Council shall consider this recommendation and designate zoning classifications for all territory annexed.

5.050. SPECIFIC DISTRICT REGULATIONS

(Amended by Ordinance No. 705, April 30, 1996)

The following regulations shall apply in the thirteen (13) zoning districts established in Section 5.010 of this ordinance.

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;
- G. 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. Minimum Lot Size:

Area (Amended by Ordinance No. 829, November 09, 2004)	12,500 sq. ft.
Area per Family (Amended by Ordinance No. 829, November 09, 2004)	12,500 sq. ft.
Lot Width at Building Setback Line (Amended by Ordinance No. 829, November 09, 2004)	100 feet
Institutional and Community Facility Uses (Added by Ordinance No. 585, June 28, 1988)	Two (2) times the minimum lot area and two (2) times the minimum lot width at building setback line.

2. Minimum Yard Requirements:

Front Setback	35 feet
Side	15 feet
Rear	25 feet
Institutional and Community Facility Uses (Added by Ordinance No. 585, June 28, 1988)	Two (2) times the minimum yard requirements.

3. Maximum Lot Coverage: 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. Height Requirement: 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.

5.051.2. 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. **(Deleted by Ordinance No. 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. **(Amended by Ordinance No. 672, September 13, 1994)**

E. Dimensional Regulations:

All uses permitted in the R-2, Medium-Density Residential District shall comply with the following requirements except as provided in ARTICLE VI.

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 lot area for a single detached dwelling and two (2) times the minimum lot width at building setback line.
(Added by Ordinance No. 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.
(Added by Ordinance No. 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-2S, Medium-Density Single Family Residential District
(Created by Ordinance No. 912, December 8, 2009)**

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-family detached dwellings and other such 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 the total residential development, whether operated for profit or otherwise, except that special exception uses 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-2S, Medium-Density Single Family Residential District, the following uses and their accessory uses are permitted:

1. Single detached dwellings.
2. Prefabricated dwelling.
3. Customary accessory buildings including private garages and noncommercial workshops, provided they are located in the rear yard and not closer than five (5) feet to any lot line.

C. Uses Permitted as Special Exceptions:

1. Churches
2. Public and semi-public recreational facilities and grounds.
3. Cemeteries

D. Uses Prohibited:

1. 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:

1. Minimum Lot Size:

Area - Single Detached Dwelling	7,500 sq. ft.
Area Per Family	7,500 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.

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.

3. Minimum 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 Requirements: 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.

**5.051.4. R-3, High-Density Residential District
(Renumbered by Ordinance No. 912, December 8, 2009)**

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 4.090. **(Amended by Ordinance No. 935, September 13, 2011)**

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	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 lot area for a single detached dwelling and two (2) times the minimum lot width at building setback line for a single detached dwelling.
(Amended by Ordinance No. 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.

(Amended by Ordinance No. 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.
5. Parking Space Requirements: As regulated in ARTICLE IV, Section 4.010.

**5.051.5. R-3A, High-Density Residential Alternative District
(Created by Ordinance No. 621, September 10, 1991)
(Renumbered by Ordinance No. 912, December 8, 2009)**

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 dwellings.
5. Boarding and rooming houses.
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	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	50 feet
- Duplex	75 feet
- Multi-Family	90 feet

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

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 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.

5.052. 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 revenues.

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.
(Added by Ordinance No. 551, June 25, 1985)

D. Uses Prohibited:

Industrial uses; warehousing and storage uses, except those which are located within and incidental to permitted uses; automobile wrecking, junk, and salvage yards; uses not specifically permitted or uses not permitted upon approval as a special exception.

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.
(Added by Ordinance No. 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.
(Added by Ordinance No. 512, April 2, 1981)
4. RESERVED.
(Added by Ordinance No. 728, May 12, 1998)
(Deleted by Ordinance No. 949, June 27, 2012)
5. Adult oriented establishments.
(Added by Ordinance No. 775, May 8, 2001)
6. Day nursery.
(Added by Ordinance No. 932, September 13, 2011)
7. Transitional Homes (Halfway Houses) as defines in Section 2.020.
(Added by Ordinance No. 963, September 10, 2013)

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.
(Amended by Ordinance No. 704, April 30, 1996)

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. RESERVED.

(Added by Ordinance No. 728, May 12, 1998)

(Deleted by Ordinance No. 949, June 27, 2012)

5.052.3. C-2A, Highway Service Alternative District
(Created by Ordinance No. 705, April 30, 1996)

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 and 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 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-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.

**5.052.4. C-3, Neighborhood Service Business District
(Renumbered by Ordinance No. 705, April 30, 1996)**

A. District Description:

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.
(Added by Ordinance No. 850, October 11, 2005)

C. Uses Permitted as Special Exceptions:
(Amended by Ordinance No. 954, January 8, 2013)

In the C-3, Neighborhood Service 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. Convenience store with gasoline sales.

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.
- 2. Minimum Yard Requirements:

Front Setback	25 feet
Side	10 feet
Rear	15 feet
- 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
(Renumbered by Ordinance No. 705, April 30, 1996)**

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 by Ordinance No. 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.
6. Public and semi-public recreational facilities.
7. Utility facilities (without storage yards) necessary for the provision of public services.
8. Planned developments as regulated in ARTICLE IV, Section 4.070.
9. 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 Facility Uses	Two (2) times the minimum lot area for other permitted uses.
(Added by Ordinance No. 585, June 28, 1988)	

2. Minimum Yard Requirements:

Front Setback	25 feet
Side	10 feet
Rear	10 feet
Institutional and Community Facility Uses	Two (2) times the minimum yard requirements.
(Added by Ordinance No. 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
(Renumbered by Ordinance No. 705, April 30, 1996)**

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 Requirements:

Front Setback	35 feet
Side	15 feet or zero for an attached building separated by a common vertical fire wall.
(Amended by Ordinance No. 863, September 12, 2006)	
Rear	15 feet
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 revenues.

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. RESERVED.
(Added by Ordinance No. 520, March 23, 1982)
(Deleted by Ordinance No. 950, June 27, 2012)

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.
4. Automobile wrecking, salvage, and junk yards, subject to provisions of ARTICLE IV, Section 4.100.
(Added by Ordinance No. 950, June 27, 2012)

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 objectionable 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 structure.
2. Convenience sales.
3. Planned developments as regulated in ARTICLE IV, Section 4.070.
4. Indoor Flea Market.
(Added by Ordinance No. 911, October 13, 2009)
5. Commercial recreation and entertainment.
(Added by Ordinance No. 911, October 13, 2009)
6. Exposition hall. **(Added by Ordinance No. 911, October 13, 2009)**

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. OVERLAY DISTRICTS.

(Created by Ordinance No. 927, August 9, 2011)

The Overlay Districts established by this ordinance are designed to promote and protect the public health, safety, convenience, order, prosperity, and other aspects of the general welfare. An Overlay District is superimposed over an underlying zoning district and modifies or supplements the regulations of the underlying zoning district in recognition of distinguishing circumstances.

5.054.1 FO, Floodplain Overlay District.

(Deleted by Ordinance No. 594, April 11, 1989)

(Created by Ordinance No. 894, June 12, 2008)

(Renumbered by Ordinance No. 927, August 9, 2011)

(Deleted and Replaced by Ordinance 930, August 9, 2011)

A. Statutory Authorization, Findings of Fact, Purpose and Objectives.

1. Statutory Authorization.

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

2. Findings of Fact.

(a) The City of Winchester, Tennessee, Mayor and its City Council wishes to establish eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.

(b) Areas of the City of Winchester, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(c) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately

elevated, floodproofed, or otherwise unprotected from flood damages.

3. Statement of Purpose.

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

- (a) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
- (b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
- (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
- (d) Control filling, grading, dredging and other development which may increase flood damage or erosion;
- (e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

4. Objectives.

The objectives of this ordinance are:

- (a) To protect human life, health, safety and property;
- (b) To minimize expenditure of public funds for costly flood control projects;
- (c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) To minimize prolonged business interruptions;
- (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood prone areas;
- (f) To help maintain a stable tax base by providing for the sound use and development of flood prone areas to minimize blight in flood areas;
- (g) To ensure that potential homebuyers are notified that property is in a flood prone area;

- (h) To establish eligibility for participation in the NFIP.

B. Definitions.

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

ACCESSORY STRUCTURE means a subordinate structure to the principal structure on the same lot and, for the purpose of this ordinance, shall conform to the following:

- a. Accessory structures shall only be used for parking of vehicles and storage.
- b. Accessory structures shall be designed to have low flood damage potential.
- c. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- d. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
- e. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

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

ADDITION (TO AN EXISTING BUILDING) means any walled and roofed expansion to the perimeter or height of a building.

APPEAL means a request for a review of the local enforcement officer's interpretation of any provision of this ordinance or a request for a variance.

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

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

AREA OF SPECIAL FLOOD HAZARD see SPECIAL FLOOD HAZARD AREA.

BASE FLOOD means the flood having a one (1) percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1) percent annual chance flood.

BASEMENT means any portion of a building having its floor subgrade (below ground level) on all sides.

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

BUILDING see **STRUCTURE**.

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

ELEVATED BUILDING means a nonbasement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

EMERGENCY FLOOD INSURANCE PROGRAM or **EMERGENCY PROGRAM** means the program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

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

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

EXISTING CONSTRUCTION means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

EXISTING STRUCTURES see **EXISTING CONSTRUCTION**.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

- a. The overflow of inland or tidal waters.
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD ELEVATION DETERMINATION means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one (1) percent or greater chance of occurrence in any given year.

FLOOD ELEVATION STUDY means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

FLOOD HAZARD BOUNDARY MAP (FHBM) means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

FLOODPLAIN or FLOOD PRONE AREA means any land area susceptible to being inundated by water from any source (see definition of FLOOD or FLOODING).

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

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

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

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

FLOOD-RELATED EROSION AREA or **FLOOD-RELATED EROSION PRONE AREA** means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

FLOOD-RELATED EROSION AREA MANAGEMENT means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

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

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

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

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

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

HISTORIC STRUCTURE means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on the City of Winchester, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - 1. By the approved Tennessee program as determined by the Secretary of the Interior or
 - 2. Directly by the Secretary of the Interior.

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

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

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

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

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

MEAN-SEA-LEVEL means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

NATIONAL GEODETIC VERTICAL DATUM (NGVD) means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

NEW CONSTRUCTION means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

NEW MANUFACTURED HOME PARK OR SUBDIVISION means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

NORTH AMERICAN VERTICAL DATUM (NAVD) means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

100-YEAR FLOOD see BASE FLOOD.

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

REASONABLY SAFE FROM FLOODING means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

RECREATIONAL VEHICLE means a vehicle which is:

- a. Built on a single chassis;
- b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck;
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

SPECIAL FLOOD HAZARD AREA is the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed

ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

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

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

STATE COORDINATING AGENCY is the Tennessee Department of Economic and Community Development's, Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

STRUCTURE for purposes of this ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

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

SUBSTANTIAL IMPROVEMENT means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic

structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS OR SUBDIVISIONS is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

VARIANCE is a grant of relief from the requirements of this ordinance.

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

WATER SURFACE ELEVATION means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

C. General Provisions.

1. Application.

This ordinance shall apply to all areas within the incorporated area of the City of Winchester, Tennessee.

2. Basis for Establishing the Areas of Special Flood Hazard.

The Areas of Special Flood Hazard identified in the City of Winchester, Tennessee, as identified by FEMA in: Flood Insurance Study (FIS) **47051CV000A**, dated, **August 4, 2008**, Flood Insurance Rate Map (FIRM), Community Panel Numbers **47051C0132E**, **47051C0133E**, **47051C0134E**, **47051C0142E**, **47051C0151E**, **47051C0152E**, **47051C0153E**, **47051C0154E**, **47051C0160E**, **47051C0161E**, **47051C0162E**, and **47051C0166E**, dated, **August 4, 2008**, and a Letter of Map Revision referencing **Case No. 10-04-2240P** which revises 47051C0143E and 47051C0154E, dated, **February 24, 2011**, along with all supporting technical data, are adopted by reference and declared to be a part of this ordinance.

3. Requirement for Development Permit.

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

4. Compliance.

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

5. Abrogation and Greater Restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

6. Interpretation.

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

7. Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Winchester, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

8. Penalties for Violation.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Winchester, Tennessee from taking such other lawful actions to prevent or remedy any violation.

D. Administration.

1. Designation of Ordinance Administrator.

The Building Official is hereby appointed as the Administrator to implement the provisions of this ordinance.

2. Permit Procedures.

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and

elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

- (a) Application stage.
 - (1) Elevation in relation to mean-sea-level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to a certain height above the highest adjacent grade when applicable under this ordinance.
 - (2) Elevation in relation to mean-sea-level to which any nonresidential building will be floodproofed where Base Flood Elevations are available, or to a certain height above the highest adjacent grade when applicable under this ordinance.
 - (3) A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed nonresidential floodproofed building will meet the floodproofing criteria in Sections 5.054.1.E.1 and 5.054.1.E.2.
 - (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (b) Construction Stage.

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean-sea-level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a nonresidential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a nonresidential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

3. Duties and Responsibilities of the Administrator.

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

- (a) Review all development permits to assure that the permit requirements of this ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
- (b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (c) Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
- (d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
- (e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
- (f) Record the elevation, in relation to mean-sea-level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Section 5.054.1.D.2.
- (g) Record the actual elevation, in relation to mean-sea-level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Section 5.054.1.D.2.
- (h) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Section 5.054.1.D.2.
- (i) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for

example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.

- (j) When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A, on the City of Winchester, Tennessee FIRM meet the requirements of this ordinance.
- (k) Maintain all records pertaining to the provisions of this ordinance in the office of the Administrator which shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

E. Provisions for Flood Hazard Reduction.

1. General Standards.

In all areas of special flood hazard, the following provisions are required:

- (a) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
- (b) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
- (c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

- (f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance;
- (j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;
- (k) All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
- (l) All subdivision proposals and other proposed new development proposals shall meet the standards of Section 5.054.1.E.2;
- (m) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
- (n) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

2. Specific Standards.

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Section 5.054.1.E.1, are required:

- (a) Residential Structures.

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any residential building

(or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”.

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Section 5.054.1.B). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”.

(b) Nonresidential Structures.

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or nonresidential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”.

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or nonresidential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Section 5.054.1.B). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”.

Nonresidential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Section 5.054.1.D.2.

(c) Enclosures.

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- (1) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
 - a. Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - b. The bottom of all openings shall be no higher than one (1) foot above the finished grade;
 - c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- (2) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
- (3) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Section 5.054.1.E.2.

(d) Standards for Manufactured Homes and Recreational Vehicles.

- (1) All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.
- (2) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - a. In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is

elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation, or;

- b. In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Section 5.054.1.B).

(3) Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Sections 5.054.1.E.1 and 5.054.1.E.2.

(4) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(5) All recreational vehicles placed in an identified Special Flood Hazard Area must either:

- a. Be on the site for fewer than one hundred-eighty (180) consecutive days;
- b. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
- c. The recreational vehicle must meet all the requirements for new construction.

(e) Standards for Subdivisions and Other Proposed New Development Proposals.

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

- (1) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision and other proposed new development proposals shall have public utilities and facilities such

as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

- (3) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (4) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Section 5.054.1.E.5).

3. Standards for Special Flood Hazard Areas with Established Base Flood Elevations and with Floodways Designated.

Located within the Special Flood Hazard Areas established in Section 5.054.1.C.2, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

- (a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the City of Winchester, Tennessee and certification, thereof.
- (b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Sections 5.054.1.E.1 and 5.054.1.E.2.

4. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated.

Located within the Special Flood Hazard Areas established in Section 5.054.1.C.2, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

- (a) No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- (b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Sections 5.054.1.E.1 and 5.054.1.E.2.

5. Standards for Streams without Established Base Flood Elevations or Floodways (A Zones).

Located within the Special Flood Hazard Areas established in Section 5.054.1.C.2, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

- (a) The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see (b), below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Sections 5.054.1.E.1 and 5.054.1.E.2.
- (b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
- (c) Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Section 5.054.1.B). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Section 5.054.1.D.2. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Section 5.054.1.E.2.
- (d) Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including

structures or fill material, shall be located within an area equal to the width of the stream or twenty (20) feet, whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City of Winchester, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

- (e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Sections 5.054.1.E.1 and 5.054.1.E.2. Within approximate A Zones, require that those subsections of Section 5.054.1.E.2, dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

6. Standards For Areas of Shallow Flooding (AO and AH Zones).

Located within the Special Flood Hazard Areas established in Section 5.054.1.C.2, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' – 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Sections 5.054.1.E.1 and 5.054.1.E.2, apply:

- (a) All new construction and substantial improvements of residential and nonresidential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 5.054.1.E.2.
- (b) All new construction and substantial improvements of nonresidential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects

of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the Administrator as set forth above and as required in accordance with Section 5.054.1.D.2.

- (c) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

7. Standards For Areas Protected by Flood Protection System (A-99 Zones).

Located within the Areas of Special Flood Hazard established in Section 5.054.1.C.2, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Sections 5.054.1.D and 5.054.1.E, shall apply.

8. Standards for Unmapped Streams.

Located within the City of Winchester, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

- (a) No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
- (b) When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Sections 5.054.1.D and 5.054.1.E.

F. Variance Procedures.

Sections 7.070 and 7.080 generally regulate the Board of Zoning Appeals and Variances, respectively. The provisions of this section shall apply exclusively to areas of Special Flood Hazard within Winchester, Tennessee.

1. Board of Zoning Appeals.

- (a) The City of Winchester, Tennessee Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- (b) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this ordinance to preserve the historic character and design of the structure.
- (c) In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - (1) The danger that materials may be swept onto other property to the injury of others;
 - (2) The danger to life and property due to flooding or erosion;
 - (3) The susceptibility of the proposed facility and its contents to flood damage;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
 - (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (8) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

- (d) Upon consideration of the factors listed above, and the purposes of this ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this ordinance.
- (e) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

2. Conditions for Variances.

- (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Sections 5.054.1.D.1.
- (b) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
- (d) The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

G. Legal Status Provisions.

1. Conflict with Other Ordinances.

In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City of Winchester, Tennessee, the most restrictive shall in all cases apply.

2. Severability.

If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

5.054.2. **AO, Airport Overlay District.**
(Created by Ordinance 904, March 10, 2009)
(Renumbered by Ordinance 927, August 9, 2011)

A. Statutory Authorization, Findings of Fact and Purpose.

1. Statutory Authorization.

This Section is adopted pursuant to the authority delegated in Sections 13-7-201 through 13-7-210 and Sections 42-6-101 through 42-6-116, of the Tennessee Code Annotated.

2. Findings of Fact.

- (a) It is found that an obstruction has the potential for endangering the lives and property of users of the Winchester Municipal Airport and property or occupants of land in its vicinity.
- (b) An obstruction may affect existing and future instrument approach minimums of the Winchester Municipal Airport.
- (c) An obstruction may reduce the size of areas available for the landings, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of the Winchester Municipal Airport and the public investment therein.

3. Statement of Purpose.

The purpose of this Section 5.054.2 is to prevent the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, to mark and light obstructions, and to acquire land or interest in land.

B. Definitions.

As used in Section 5.054.2, unless the context otherwise require:

AIRPORT means the Winchester Municipal Airport.

AIRPORT ELEVATION is 979 feet above mean-sea-level.

APPROACH SURFACE means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 5.054.2.D. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES are defined as set forth in Section 5.054.2.C.

CONICAL SURFACE means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

HAZARD TO AIR NAVIGATION means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HEIGHT means for the purpose of determining the height limits in all zones set forth in the Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

HORIZONTAL SURFACE means a horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincide with the perimeter of the horizontal zone.

LARGER THAN UTILITY RUNWAY means a runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

NONCONFORMING USE means any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of Section 5.054.2 or an amendment thereto.

NONPRECISION INSTRUMENT RUNWAY means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

OBSTRUCTION means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 5.054.2.D.

PERSON means an individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity: includes a trustee, a receiver, an assignee, or similar representative of any of them.

PRECISION INSTRUMENT RUNWAY means a runway, having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or Precision Approach Radar (FAR). It also means a runway for which a precision approach system is planned and is do indicated on an approved airport layout plan or any other planning document.

PRIMARY SURFACE means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway: for military runways or when the runway has

no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of the runway. The width of the primary surface is set forth in Section 5.054.2.C. The elevation of any point on the primary surface is the same as the elevation of the nearest point of the runway centerline.

RUNWAY means a defined area on an airport prepared for landing and take-off of aircraft along its length.

STRUCTURE means an object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestack, earth formation, and overhead transmission lines.

TRANSITIONAL SURFACES means surfaces that extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

TREE means any object of natural growth.

UTILITY RUNWAY means a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

VISUAL RUNWAY means a runway intended solely for the operation of aircraft using visual approach procedures.

C. Airport Zones.

In order to carry out the provisions of Section 5.054.2, there are hereby created and established certain zones within the Airport Overlay District, which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Winchester Municipal Airport. Such zones are shown on the Winchester Municipal Airport Zoning Map consisting of one sheet, prepared by the Airport Authority, dated, September 29, 2005, which is attached to this Ordinance and made a part thereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Runway Larger Than Utility Visual Approach Zone – The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

2. Runway Larger Than Utility with A Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument Approach Zone – The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
3. Transitional Zones – The transitional zones are the areas beneath the transitional surfaces.
4. Horizontal Zone – The horizontal is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
5. Conical Zone – The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

D. Airport Zone Height Limitations.

Except as otherwise provided in Section 5.054.2, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by Section 5.054.2, to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Utility Runway Visual Approach Zone – Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
2. Utility Runway Nonprecision Instrument Approach Zone – Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
3. Runway Larger Than Utility Visual Approach Zone – Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

4. Runway Larger Than Utility With A Visibility Minimum Greater Than $\frac{3}{4}$ Mile Nonprecision Instrument Approach Zone – Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
5. Runway Larger Than Utility With A Visibility Minimum As Low As $\frac{3}{4}$ Mile Nonprecision Instrument Approach Zone – Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
6. Precision Instrument Runway Approach Zone – Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
7. Transitional Zones – Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 1129 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.
8. Horizontal Zone – Established at 150 feet above the airport elevation or at a height of 1129 feet above mean sea level.
9. Conical Zone – Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
10. Excepted Height Limitations – Nothing in Section 5.054.2 shall be construed as prohibiting the growth of any tree to a height up to fifty (50) feet above the surface of the land. The construction or

maintenance of any structure in compliance with the base zoning district height limitation is not construed as prohibited up to fifty (50) feet above the surface of the land.

E. Use Restriction.

Notwithstanding any other provisions of Section 5.054.2, no use may be made of land or water within any zone established under Section 5.054.2 in such a manner as to create electrical interference with navigational signals or radio communication between airport and aircraft, make it difficult for pilots to distinguish between airport lights, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

F. Nonconforming Uses.

1. Regulations Not Retroactive – The regulations prescribed in Section 5.054.2, shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as the effective date of adoption of the Ordinance enacting Section 5.054.2, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure; the construction or alteration of which was begun prior to the effective date of adoption of the Ordinance enacting Section 5.054.2, and is diligently prosecuted.
2. Marking and Lighting – Notwithstanding the preceding provision of Section 5.054.2.D, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Authority to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Winchester Municipal Airport Authority.

G. Permits.

1. Future Uses – Except as specifically provided in subsections (a), (b), and (c), hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for use

inconsistent with the provisions of Section 5.054.2 shall be granted unless a variance has been approved in accordance with Sections 5.054.2.G and 7.080.

- (a) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limit prescribed for such approach zones.
- (b) In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
- (c) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established in Section 5.054.2.D.10.

- 2. Existing Uses – No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of adopting Section 5.054.2 or any amendment thereto or than it is when the application for a permit is made. Except as indicated all applications for such a permit shall be granted.
- 3. Nonconforming Uses Abandoned or Destroyed – Whenever the Enforcement Officer determines that a nonconforming tree or structure has been abandoned or more than eighty percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- 4. Variations – Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in

accordance with the regulations prescribed in Section 5.054.2, may apply to the Board of Zoning Appeals for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of Section 5.054.2. Additionally, no application for variance to the requirements of Section 5.054.2 may be considered by the Board of Zoning Appeals unless a copy of the application has been furnished to the Airport Authority for advice as to the aeronautical effects of the variance. If the Airport Authority does not respond to the application within 15 days after receipt, the Board of Zoning Appeals may act on its own accord to grant or deny said application.

5. Obstruction Marking and Lighting – Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of Section 5.054.2 and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights, as may be necessary. If deemed proper by the Board of Zoning Appeals, this condition may be modified to require the owner to permit the Airport Authority, at its own expense, to install, operate, and maintain the necessary markings and lights.

H. Enforcement.

The City Building Inspector is the Enforcement Officer. It shall be the duty of the City Building Inspector as the Enforcement Officer to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Enforcement Officer upon a form provided for that purpose. Applications required by Section 5.054.2 to be submitted to the Enforcement Officer shall be promptly considered and granted or denied. Application for action by the Board of Zoning Appeals shall be forthwith transmitted by the Enforcement Officer.

I. Appeals.

1. Any person aggrieved, or any taxpayer affected, by any decision of the Airport Authority or Enforcement Officer, made in the administration of Section 5.054.2, may appeal to the Board of Zoning Appeals.

2. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Zoning Appeals, by filing with the Enforcement Officer, a notice of appeal specifying the grounds thereof. The Enforcement Officer shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.
3. An appeal shall stay all proceeding in furtherance of the action appealed from unless the Enforcement Officer certifies to the Board of Zoning Appeals, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of the Enforcement Officer cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Zoning Appeals or notice to the Enforcement Officer and on due cause shown.
4. The Board of Zoning Appeals shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
5. The Board of Zoning Appeals may, in conformity with the provisions of Section 5.054.2, reverse or affirm in whole or part, or modify the order, requirement, decision, or determination as may be appropriate under the circumstances.

J. Judicial Review.

Any person aggrieved, or any taxpayer affected, by any decision of the Board of Zoning Appeals, may appeal to the Circuit Court as provided in Section III of Chapter 12 of the Public Laws of the State of Tennessee.

K. Penalties.

Each violation of Section 5.054.2, or any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine of not more than 500 dollars or imprisonment for not more than 180 days or both; each day a violation continues to exist shall constitute a separate offense.

L. Conflicting Regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in Section 5.054.2 and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other mater, the more stringent limitation or requirement shall govern and prevail.

M. Severability.

If any of the provisions of Section 5.054.2, or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or application of Section 5.054.2, which can be given effect without the invalid provision or application, and to this end, the provisions of Section 5.054.2, are declared to be severable.

**5.054.3. DO, Downtown Overlay District.
(Created by Ordinance No. 928, August 9, 2011)**

A. Purpose

The purpose of the Downtown Overlay District is to maintain and improve the character of Downtown Winchester and to protect the significant investments of time and resources by public and private entities in revitalizing the Downtown.

B. Design Standards and Guidelines

The document, Downtown Overlay District Design Standards and Guidelines, is adopted, as Appendix A, in its entirety to regulate development within this district and shall become a part of this ordinance.

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 Exceptions to 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 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 used as before, if it be done within six (6) months of such damage, unless damaged to the extent of more than fifty (50) percent of its fair market value immediately prior to damage, in which case any repair or 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
(Deleted and Replaced by Ordinance No. 934, September 13, 2011)

A. Front Setback

The front setback requirement of this ordinance shall not apply to any lot where the average depth of existing front setbacks of the directly adjoining developed lot(s) along the same side of and fronting the same street 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 of the directly adjoining developed lot(s) along the same side of and fronting the same street. In residential districts, the front setback shall in no case be less than fifteen (15) feet from the street right-of-way line.

B. Side Setback on Corner Lots

The side yard setback requirement of this ordinance for the side yard of a corner lot which fronts on the side street shall not apply where the average depth of the existing front setback of the directly adjoining developed lot and existing side setback or front setback of the opposite developed corner lot, as applicable, along the same side of and fronting the side street is less than the minimum required front yard depth. In such cases, the side yard setback may be less than required but not less than the average of the existing depth for the front yard of the directly adjoining developed lot and existing side setback or front setback, as applicable, of the opposite developed corner lot along the same side of and fronting the side street. In residential districts, the side yard setback for the side yard of a corner lot which fronts on the side street shall in no case be less than fifteen (15) feet from the street right-of-way line.

C. Rear Setback on Lots with a Rear Yard Abutting a Public Street

The rear setback requirement of this ordinance for any lot with a rear yard abutting a public street shall not apply where the average depth of existing front setbacks of the directly adjoining developed lot(s) along the same side of and fronting the rear street is less than the minimum required front yard depth. In such cases, the rear yard setback may be less than required but not less than the average of the existing depth for front yards of the directly adjoining developed lot(s) along the same side of and fronting the rear street. In residential districts, the rear yard setback for any lot with a rear yard abutting a public street 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 Design Review Commission
- 7.100 Amendments to the Ordinance
- 7.110 Penalties
- 7.120 Remedies
- 7.130 Separability
- 7.140 Interpretation
- 7.150 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 by the Community Development Coordinator and City Building Inspector. The Community Development Coordinator shall be authorized to make all interpretations concerning the provisions of this ordinance. The City Building Inspector shall enforce the provisions of this ordinance and exercise additional powers as described elsewhere in this ordinance. These administrative officers shall have the authority to conduct inspections of structures or premises necessary to insure compliance with the provisions of this ordinance and possess the right to enter upon any premises for the purpose of making such inspections.

(Amended by Ordinance No. 956, May 14, 2013)

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 therefor, 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:
(Amended by Ordinance No. 594, April 11, 1989)

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 posted 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, or 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 posted 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 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 1. and 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: **(Added by Ordinance No. 551, June 25, 1985)**
 - (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.

10. Additional criteria for adult oriented establishments:
(Added by Ordinance No. 775, May 8, 2001)

- (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.

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.

Applications for special exceptions conditionally approved by the Board of Zoning Appeals shall have all conditions of approval satisfactorily addressed by the applicant within nine (9) months from the date of the Board's action or the conditional approval will automatically expire. Once conditional approval has expired, a new application to appear before the Board of Zoning Appeals must be submitted along with all appropriate filing fees and other pertinent documents for review.

(Amended by Ordinance No. 916, March 9, 2010)

(Amended by Ordinance No. 941, March 13, 2012)

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 person 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 Map, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass.
(Amended by Ordinance 929, August 9, 2011)

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 may be waived for a governmental agency.
(Amended by Ordinance No. 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 therefor.
6. **(Deleted by Ordinance No. 594, April 11, 1989)**

E. Time Limit:

Applications for variances conditionally approved by the Board of Zoning Appeals shall have all conditions of approval satisfactorily addressed by the applicant within nine (9) months from the date of the Board's action or the conditional approval will automatically expire. Once conditional approval has expired, a new application to appear before the Board of Zoning Appeals must be submitted along with all appropriate filing fees and other pertinent documents for review.

(Added by Ordinance No. 916, March 9, 2010)

(Deleted and Replaced by Ordinance No. 941, March 13, 2012)

7.090. DESIGN REVIEW COMMISSION.
(Created by Ordinance No. 928, August 9, 2011)

In accordance with 6-54-133 of the Tennessee Code Annotated, the City of Winchester is empowered to create a design review commission. As of the effective date of this ordinance, the Winchester Design Review Commission shall be established and governed by the following.

A. Composition of membership.

The Winchester Design Review Commission shall consist of five (5) members. All members must be residents of the City of Winchester, Tennessee. The membership of the Design Review Commission shall include two (2) members who sit on the Board of the Winchester Downtown Program Corporation (WDPC), one (1) member who shall be an elected official or employee of the City of Winchester, and two (2) members who do not sit on the Board of the WDPC, do not hold elected office in Winchester, and are not employees of the City of Winchester. The elected official or employee member may sit on the Board of the WDPC. If possible, members with skills in or knowledge of architecture, engineering, landscape architecture, urban planning, art, construction, or other profession involved in implementing aesthetic design principles shall be selected.

B. Appointment of members.

Each member of the Design Review Commission shall be appointed or re-appointed by the mayor. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term.

C. Term of members.

Each member shall be appointed for a term of four (4) years, except that the initial terms shall be staggered so that one (1) term expires after four (4) years, two (2) terms expire after three (3) years, one (1) term expires after two (2) years, and one (1) term expires after one (1) year.

D. Removal of members.

Members of the Design Review Commission may be removed without cause at the will of the mayor.

E. Meetings.

Meetings of the Design Review Commission shall be held at such times as the commission may determine. Three (3) members shall constitute a quorum; and it shall take three (3) votes to approve an item. The commission shall keep minutes of its proceedings and decisions. A majority of the commission may adopt rules and regulations to govern the procedure before the commission.

F. Responsibilities.

It shall be the responsibility of the Design Review Commission:

1. To review development proposals in the Downtown Overlay District; and
2. To develop specific review procedures and apply such procedures in either approving or disapproving proposals in accordance with the Downtown Overlay District Design Standards and Guidelines.

G. Applications.

Every application for a building permit in the Downtown Overlay District shall be submitted to the Design Review Commission, along with plans, elevations and specifications, before being approved by the Building Official. A preliminary submittal prior to completion of detailed plans is recommended but not mandatory.

1. General Requirements

Applications must include the following documents, if applicable: (The number of sets of plans to be as determined by the Design Review Commission.)

- (a) Site plan;
- (b) Building elevation;
- (c) Landscaping plan.

2. Specific Requirements

(a) Landscaping.

- (1) Identify all existing trees and denote those to remain and those to be removed. Grade to save trees where possible.
- (2) Indicate proposed new trees, shrubs, and ground covers graphically with plant, common name, and size.

(b) Signage.

- (1) Provide color drawing or actual sign;
- (2) Size;
- (3) Dimensions;
- (4) Construction materials;
- (5) Colors;
- (6) Lettering and illustration;
- (7) Lighting;
- (8) Location; (Provide site plan for ground signs and building elevation for building signs.)
- (9) Ground sign justification;
- (10) Landscaping around sign;

- (11) Linear feet of building frontage.
- (c) Exterior lighting.
 - (1) Provide location;
 - (2) Height;
 - (3) Style of fixtures;
 - (4) Must be designed and arranged to prevent intrusion on adjoining property and streets.
- (d) Garbage collection areas.
 - (1) Indicate type and location on plan;
 - (2) Must be properly screened.
- (e) Electric meters, transformers, and connecting conduit; gas meters; mechanical units; vents (plumbing, heating, etc.).
 - (1) Provide location;
 - (2) Must be properly screened.
- (f) Exterior materials.
 - (1) Provide material;
 - (2) Colors;
 - (3) Samples (bring if available).

H. Procedure

Within thirty (30) days after the submission of a complete application to the Design Review Commission, the Commission shall examine the submission and determine whether the proposed development will conform to the Downtown Overlay District Design Standards and Guidelines and be conducive to the proper development of the downtown. At said meeting, the Design Review Commission shall examine the plans, elevations, and specifications, and any other evidence that may be pertinent or requested. The applicant or his representative shall be required to appear at the Commission meeting or the application will not be considered. The Design Review Commission shall act as expeditiously as practicable and in no event shall any applicant be caused unreasonable delay.

At said meeting or at any meeting within thirty (30) days subsequent thereto, the Design Review Commission shall approve the application if, in its opinion, the proposed development conforms to the Downtown Overlay District Design Standards and Guidelines and shall be conducive to the proper development of the downtown. Upon approval, a Certificate of Compliance shall be issued. The Design Review Commission shall disapprove and return the application if it determines that the proposed development will be unsightly or unsuitable in appearance or detrimental to the downtown. However, the Design Review Commission may make comments and recommendations if it sees fit, toward the end of

informing the applicant, the Building Official, and the City Council why the proposal is unsuitable and what might be done to help bring it into conformance.

I. Issuance of Permit.

If the Design Review Commission approves the application, the Building Official may issue the permit. If the Design Review Commission returns the application with its disapproval and recommendations, the Building Official shall refuse to issue a building permit until such time as appropriate changes have been made and resubmitted in such form that meets the approval of the Design Review Commission.

J. Appeals.

Any applicant may appeal any decision of the Design Review Commission to the Planning Commission. The appeal shall be considered at a regular meeting of the Planning Commission not more than thirty (30) days after said appeal. The Planning Commission, at said hearing, shall listen to all parties who desire to be heard, and after said hearing, shall approve or disapprove the appeal. If the Planning Commission approves, the Building Official may issue the building permit. The action of the Planning Commission in regard to the application, together with the report of the Design Review Commission, shall be entered in the minutes of the Planning Commission.

**7.100 AMENDMENTS TO THE ORDINANCE
(Renumbered by Ordinance No. 928, August 9, 2011)**

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.

(Amended by Ordinance No. 615, April 9, 1991)

7.110. PENALTIES

(Renumbered by Ordinance No. 928, August 9, 2011)

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 continue shall constitute a separate offense.

7.120. REMEDIES

(Renumbered by Ordinance No. 928, August 9, 2011)

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.

7.130. SEPARABILITY

(Renumbered by Ordinance No. 928, August 9, 2011)

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.

7.140. INTERPRETATION

(Renumbered by Ordinance No. 928, August 9, 2011)

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.

7.150. EFFECTIVE DATE

(Renumbered by Ordinance No. 928, August 9, 2011)

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

Howard Hall
Howard Hall, Mayor
Winchester, Tennessee

Attest:

Sam H. Hall
Sam H. Hall, City Clerk

ZONING ORDINANCE
WINCHESTER, TENNESSEE
ORDINANCE NO. 506

ADOPTED
JUNE 24, 1980

AMENDED THROUGH
JULY 27, 2016

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AMENDMENTS

DATE OF FINAL READING	EFFECTIVE DATE	ORDINANCE NO.	REVISIONS
April 2, 1981	April 22, 1981	512	<p>Article II, Section 2.020 – Added a definition for LIMITED MANUFACTURING</p> <p>Article V, Section 5.052.2.C.3 – Added LIMITED MANUFACTURING as a use permitted as a special exception in the C-2, Highway Service District</p>
March 23, 1982	April 12, 1982	520	<p>Article V, Section 5.053.1.B.18 – Added automobile wrecking, salvage, and junk yards as permitted uses in the I-1, Restrictive Industrial District</p>
June 25, 1985	July 25, 1985	551	<p>Article II, Section 2.020 – Added to the definition for DWELLING and added a definition for HOUSEHOLD</p> <p>Article IV, Section 4.010.O – Added off-street parking requirements for upper story residential dwellings</p> <p>Article V, Section 5.052.1.C.2 – Added upper story residential dwellings as a use permitted as a special exception in the C-1, Central Business District</p> <p>Article V, Section 5.052.1.E.6 – Added minimum floor area regulations for upper story residential dwellings in the C-1, Central Business District</p> <p>Article VII, Section 7.060.B.9 – Added criteria for the review of upper story residential dwellings within the procedure for authorizing special exceptions</p>
May 27, 1986	June 16, 1986	566	<p>Article V, Section 5.051.1.E.1 – Amended the minimum area, minimum area per family, and lot width at building setback line in the R-1, Low-Density Residential District</p>
August 26, 1986	September 15, 1986	570	<p>Article IV, Section 4.070 – Deleted section (Planned Development Regulations) in its entirety</p>
March 24,	April 13,	572	<p>Article II, Section 2.020 – Added definitions for</p>

AMENDMENTS

DATE OF FINAL READING	EFFECTIVE DATE	ORDINANCE NO.	REVISIONS
1987	1987		<p>ADDITION (TO AN EXISTING BUILDING); BUILDING, ELEVATED; FLOOD, BASE; FLOOR, LOWEST; & START OF CONSTRUCTION</p> <p>Article IV, Section 4.110.A – Amended to require openings in solid foundation walls elevating a structure that facilitate the unimpeded movement of flood water</p> <p>Article IV, Section 4.110.B – Amended to require a registered engineer or architect to certify floodproofing and provide such certification to the building inspector</p> <p>Article IV, Section 4.110.F – Added regulations to allow the equalization of hydrostatic flood forces on exterior walls of fully enclosed areas below the base flood elevation</p> <p>Article IV, Section 4.120.D – Amended to require service equipment to be designed and/or located to prevent water from entering or accumulating within the components during flooding</p> <p>Article IV, Section 4.120.E – Added a definition for Manufactured Home and requiring such structures to be anchored</p> <p>Article IV, Section 4.120.F – Contained the same language as former Section 4.120.E</p> <p>Article V, Section 5.054.2.D.1 – Amended to include manufactured homes</p> <p>Article V, Section 5.054.2.D.4.(c) – Amended to add a cross-reference to Section 4.110.A</p> <p>Article VII, Section 7.080.D.6.(d) – Added standards for variances of the reconstruction, rehabilitation or restoration of historic structures within areas subject to flooding</p>

AMENDMENTS

DATE OF FINAL READING	EFFECTIVE DATE	ORDINANCE NO.	REVISIONS
May 26, 1987	June 15, 1987	574	<p>Article VII, Section 7.030.A.4 – Added requirements for the building inspector to utilize other data sources in the regulation of development within areas subject to flooding</p> <hr/> <p>Article IV, Section 4.010 – Amended to require vehicles spaces as specified in Article IV, Section 4.015.B</p> <p>Article IV, Section 4.015.B – Amended to allow different parking space dimensions based upon parking pattern</p> <p>Article V, Section 5.051.1.E.1 – Added minimum lot size requirements for institutional and community facility uses in the R-1, Low-Density Residential District</p> <p>Article V, Section 5.051.1.E.2 – Added minimum yard requirements for institutional and community facility uses in the R-1, Low-Density Residential District</p>
June 28, 1988	July 18, 1988	585	<p>Article V, Section 5.051.2.E.1 – Added minimum lot size requirements for institutional and community facility uses in the R-2, Medium-Density Residential District</p> <p>Article V, Section 5.051.2.E.2 – Added minimum yard requirements for institutional and community facility uses in the R-2, Medium-Density Residential District</p> <p>Article V, Section 5.051.4.E.1 – Added minimum lot size requirements for institutional and community facility uses in the R-3, High-Density Residential District</p> <p>Article V, Section 5.051.4.E.2 – Added minimum yard requirements for institutional and community facility uses in the R-3, High-Density Residential District</p>

AMENDMENTS

DATE OF FINAL READING	EFFECTIVE DATE	ORDINANCE NO.	REVISIONS
			Article V, Section 5.052.5.E.1 – Added minimum lot size requirements for institutional and community facility uses in the C-4, Multi-Residential-Commercial District
			Article V, Section 5.052.5.E.2 – Added minimum yard requirements for institutional and community facility uses in the C-4, Multi-Residential-Commercial District
			Article IV, Section 4.110 – Deleted section (Floodway Fringe Areas) in its entirety
			Article IV, Section 4.120 – Deleted section (Flood Damage Prevention Requirements) in its entirety
April 11, 1989	May 1, 1989	594	Article V, Section 5.054 – Deleted section (Floodway District) in its entirety
			Article VII, Section 7.030.A – Deleted additional requirements for building permit applications within areas subject to flooding
			Article VII, Section 7.080.D.6 – Deleted standards for variances within areas subject to flooding
April 9, 1991	April 29, 1991	615	Article VII, Section 7.080.B – Amended to increase the fee for a variance request to \$50
			Article VII, Section 7.100.A – Amended to increase the fee for a rezoning request to \$50
			Article III, Section 3.110 – Amended to add reference to R-3A
September 10, 1991	September 30, 1991	621	Article IV, Section 4.080.B – Amended to add reference to R-3A
			Article V, Section 5.010 – Amended to add reference to R-3A

AMENDMENTS

DATE OF FINAL READING	EFFECTIVE DATE	ORDINANCE NO.	REVISIONS
			Article V, Section 5.051.4 – Created the R-3A, High-Density Residential Alternative District and its associated regulations
September 13, 1994	October 3, 1994	672	<p>Article V, Section 5.051.2.C – Deleted mobile home parks as a use permitted as a special exception in the R-2, Medium-Density Residential District</p> <p>Article V, Section 5.051.2.D – Amended to add mobile home parks as a use prohibited in the R-2, Medium-Density Residential District</p>
April 30, 1996	May 20, 1996	704	<p>Article V, Section 5.052.2.D – Deleted and replaced section (added mini-warehousing and storage as a use prohibited in the C-2, Highway Service District)</p> <p>Article III, Section 3.110 – Amended to add reference to C-2A</p> <p>Article IV, Section 4.010.J – Amended to add reference to C-2A</p> <p>Article IV, Section 4.030.A – Amended to add reference to C-2A</p> <p>Article IV, Section 4.030.C – Amended to add reference to C-2A</p>
April 30, 1996	May 20, 1996	705	<p>Article V, Section 5.010 – Amended to add reference to C-2A</p> <p>Article V, Section 5.050 – Renumbered total number of districts to 13</p> <p>Article V, Section 5.052.3 – Renumbered existing section to 5.052.4</p> <p>Article V, Section 5.052.3 – Created the C-2A, Highway Service Alternative District and its associated regulations</p>

AMENDMENTS

DATE OF FINAL READING	EFFECTIVE DATE	ORDINANCE NO.	REVISIONS
			Article V, Section 5.052.4 – Renumbered existing section to 5.052.5
			Article V, Section 5.052.5 – Renumbered existing section to 5.052.6
November 11, 1997	December 1, 1997	725	Article IV, Section 4.080.A – Amended to increase distance from a residential district and add minimum distance of separation measured along roadways for placement of billboards
May 12, 1998	June 1, 1998	728	Article V, Section 5.052.2.C – Added upper story residential dwellings of temporary occupancy (less than 24 months) as a use permitted as a special exception in the C-2, Highway Service District Article V, Section 5.052.2.E – Added minimum floor area requirements for upper story residential dwellings in the C-2, Highway Service District
September 8, 1998	September 28, 1998	734	Article V, Section 5.052.5.B – Deleted mobile home parks as a use permitted in the C-4, Multi-Residential-Commercial District
September 8, 1998	September 28, 1998	735	Article V, Section 5.051.1.E.1 – Amended the minimum area, minimum area per family, and lot width at building setback line in the R-1, Low-Density Residential District
September 14, 1999	October 4, 1999	757	Article IV, Section 4.070 – Reinserted section (Planned Development Regulations) in its entirety by rescinding Ordinance No. 570
May 8, 2001	May 28, 2001	775	Article II, Section 2.020 – Added definitions for ADULT ARCADE; ADULT BOOKSTORE OR ADULT VIDEO STORE; ADULT CABARET OR ADULT THEATER; ADULT ENTERTAINMENT; ADULT MINI-MOTION PICTURE THEATER; ADULT MOTION PICTURE THEATER; ADULT-ORIENTED ESTABLISHMENT; ESCORT SERVICE; MASSAGE PARLOR; SAUNA; SEXUAL CONDUCT; SEXUAL

AMENDMENTS

DATE OF FINAL READING	EFFECTIVE DATE	ORDINANCE NO.	REVISIONS
			<p>ENCOUNTER CENTER; SEXUAL GRATIFICATION; SEXUAL STIMULATION; SPECIFIED ANATOMICAL AREAS; SPECIFIED SEXUAL ACTIVITIES; & SPECIFIED SERVICES</p> <p>Article V, Section 5.052.2.C – Added ADULT ORIENTED ESTABLISHMENTS as a use permitted as a special exception in the C-2, Highway Service District</p> <p>Article VII, Section 7.060.B – Added additional criteria for reviewing adult oriented establishments when authorizing special exceptions</p>
November 9, 2004	November 29, 2004	829	<p>Article V, Section 5.051.1.E.1 – Amended the minimum area, minimum area per family, and lot width at building setback line in the R-1, Low-Density Residential District</p>
October 11, 2005	October 31, 2005	850	<p>Article V, Section 5.052.4 – Added restaurant-type eating establishments (excluding drive-in and drive-thru services) prohibited from the sale and onsite consumption of alcoholic beverages as a use permitted in the C-3, Neighborhood Service Business District</p>
September 12, 2006	October 2, 2006	863	<p>Article V, Section 5.052.6 – Amended to allow side setbacks of zero (0) feet for an attached building separated by a common vertical fire wall in the M-1 Medical-Professional Office District</p>
February 6, 2007	February 26, 2007	871	<p>Article IV, Section 4.080.A – Amended to measure distance by radius from proposed location of a billboard</p>
June 12, 2008	July 2, 2008	894	<p>Article II, Section 2.020 – Deleted definitions for ADDITION (TO AN EXISTING BUILDING); BUILDING, ELEVATED; FLOOD; FLOOD, BASE; FLOOD, 100-YEAR; FLOODPLAIN; FLOODPROOFING; FLOODWAY; FLOODWAY FRINGE AREAS; FLOOR, LOWEST; LAND SUBJECT TO FLOOD; &</p>

AMENDMENTS

DATE OF FINAL READING	EFFECTIVE DATE	ORDINANCE NO.	REVISIONS
			<p style="text-align: center;">START OF CONSTRUCTION</p> <p>Article V, Section 5.010 – Deleted Floodway F-1 and added Floodplain (Overlay)</p> <p>Article V, Section 5.054 – Created the Floodplain Districts (Overlay) and its associated regulations</p>
June 12, 2008	July 2, 2008	895	<p>Article IV, Section 4.080.A – Amended to reference the 2003 International Building Code; alter the regulation of banners; alter restrictions for placing and removing temporary signs based on the date of an event; add regulations for real estate signs, yard/garage sale signs, and portable or mobile signs; add prohibition of certain signs; add a size limitation for signs displaying the names of companies and professionals associated with a construction project; & add regulations regarding the removal of signs</p>
March 10, 2009	March 30, 2009	904	<p>Article V, Section 5.010 – Amended to add reference to Airport (Overlay)</p> <p>Article V, Section 5.055 – Created the Airport Districts (Overlay) and its associated regulations</p>
October 13, 2009	November 2, 2009	911	<p>Article V, Section 5.053.2.C – Added indoor flea market, commercial recreation and entertainment, and exposition hall as uses permitted as special exceptions in the I-2, General Industrial District</p>
December 8, 2009	December 28, 2009	912	<p>Article III, Section 3.110 – Deleted and replaced section (added reference to R-2S)</p> <p>Article IV, Section 4.080 – Amended to add reference to R-2S</p> <p>Article V, Section 5.010 – Amended to add reference to R-2S</p> <p>Article V, Section 5.051.3 – Created the R-2S, Medium-Density Single Family Residential District and its associated regulations</p>

AMENDMENTS

DATE OF FINAL READING	EFFECTIVE DATE	ORDINANCE NO.	REVISIONS
			Article III, Section 3.120.D – Added 90 day deadline requirements for conditionally approved site plan applications
March 9, 2010	March 29, 2010	916	Article VII, Section 7.060.E – Added 90 day deadline requirements for conditionally approved special exception applications
			Article VII, Section 7.080.E – Added 90 day deadline requirements for conditionally approved variance applications
			Article V, Section 5.054 – Created new section title and description for Overlay Districts
August 9, 2011	August 29, 2011	927	Article V, Section 5.054 – Renumbered existing section to 5.054.1
			Article V, Section 5.055 – Renumbered existing section to 5.054.2
			Article V, Section 5.054.3 – Created the DO, Downtown Overlay District and its associated regulations
			Appendix A – Created the <u>Downtown Overlay District Design Standards and Guidelines</u> and its associated regulations
August 9, 2011	August 29, 2011	928	Article VII, Section 7.090 – Created the Design Review Commission and its associated regulations
			Article VII, Section 7.090 – Renumbered existing section to 7.100
			Article VII, Section 7.100 – Renumbered existing section to 7.110
			Article VII, Section 7.110 – Renumbered existing section to 7.120

AMENDMENTS

DATE OF FINAL READING	EFFECTIVE DATE	ORDINANCE NO.	REVISIONS
			Article VII, Section 7.120 – Renumbered existing section to 7.130
			Article VII, Section 7.130 – Renumbered existing section to 7.140
			Article VII, Section 7.140 – Renumbered existing section to 7.150
			Article I, Section 1.020 – Amended to delete reference to the Zoning Atlas and add reference to the Zoning Map
August 9, 2011	August 29, 2011	929	Article V, Section 5.020 – Deleted and replaced section to reference the Zoning Map
			Article V, Section 5.040 – Deleted and replaced section to alter procedure for zoning annexed territory
			Article VII, Section 7.070.E.2 – Amended by deleting reference to the Zoning Atlas and adding reference to the Zoning Map
August 9, 2011	August 29, 2011	930	Article V, Section 5.054.1 – Deleted and replaced section to update the regulations of the FO, Floodplain Overlay District
September 13, 2011		932	Article V, Section 5.052.2.C – Added day nursery as a use permitted by special exception in the C-2, Highway Service District
September 13, 2011		933	Article IV, Section 4.079.2.B.2.(c) – Deleted and replaced to allow maximum building footprints in lieu of specific site plans for planned developments at the discretion of the Board of Zoning Appeals
September 13, 2011		934	Article VI, Section 6.050 – Deleted and replaced section to alter regulation of exceptions to setback requirements
September 13, 2011		935	Article V, Section 5.051.4.C.9 – Amended to update the section referenced

AMENDMENTS

DATE OF FINAL READING	EFFECTIVE DATE	ORDINANCE NO.	REVISIONS
February 14, 2012		938	<p>Article IV, Section 4.080.B.4 – Amended to reference Section 4.080.B.6</p> <p>Article IV, Section 4.080.B.6 – Added to allow signs for government public recreation uses</p>
February 14, 2012		939	<p>Appendix A – Amended to remove awning style restrictions and allow any awning style compatible with the character of the building and neighboring buildings</p>
March 13, 2012		941	<p>Article III, Section 3.120 – Amended to extend deadline requirements for conditionally approved site plan applications to 9 months</p> <p>Article VII, Section 7.060.E – Amended to extend deadline requirements for conditionally approved special exception applications</p> <p>Article VII, Section 7.080.E – Amended to extend deadline requirements for conditionally approved variance applications</p>
June 27, 2012		949	<p>Article V, Section 5.052.2.C.4 – Deleted upper story residential dwellings of temporary occupancy (less than 24 months) as a use permitted as a special exception in the C-2, Highway Service District</p> <p>Article V, Section 5.052.2.E.6 – Deleted minimum floor area requirements for upper story residential dwellings in the C-2, Highway Service District</p>
June 27, 2012		950	<p>Article V, Section 5.053.1.B.18 – Deleted automobile wrecking, salvage, and junk yards as permitted uses in the I-1, Restrictive Industrial District</p> <p>Article V, Section 5.053.1.C.4 – Added automobile wrecking, salvage, and junk yards as a uses permitted as special exceptions in the I-1, Restrictive Industrial District</p>

AMENDMENTS

DATE OF FINAL READING	EFFECTIVE DATE	ORDINANCE NO.	REVISIONS
October 9, 2012		952	Article II, Section 2.020 - Added definition for PORTABLE STORAGE UNIT Article IV, Section 4.110 - Created Portable Storage Unit Regulations
January 8, 2013		954	Article V, Section 5.052.4.C – Added convenience store with gasoline sales as a use permitted by special exception in the C-3, Neighborhood Service Business District
May 14, 2013		956	Article VII, Section 7.020 – Delete existing text and add text defining the Community Development Coordinator as the interpreter of the Zoning Ordinance.
September 10, 2013		963	Article II, Section 2.020 – Add definition of Transitional Homes (Halfway Houses) Article V, Section 5.052.2.C – Added 7. Transitional Homes (Halfway Houses) as defined in Section 2.020 in C-2 zoning districts “Use Permitted as Special Exception”
July 8, 2014		969	Article II, Section 2.020 – Add terminology to include Assisted Living Facilities to the definition of Convalescent, Rest or Nursing Homes. – Added 8. Article V, Section 5.052.2.C. Uses Permitted as Special Exceptions: Assisted Living Facility, Convalescent, Rest or Nursing Home as defined in Section 2.020.
August 11, 2015		979	Article II, Section 2.020 – Amend terminology to further define the term Structure. Amend terminology to further define the term Building Setback Line. Article III, Section 3.101 – Add Section to include Structures Exempt from Building Setback Requirements.
