

ORDINANCE 21- 02

AN ORDINANCE TO AMEND AND REPLACE IN ITS ENTIRETY TITLE 14, CHAPTER 2, ARTICLE II AND CREATE A NEW ARTICLE VIII OF THE ZONING ORDINANCE OF THE GREENBRIER MUNICIPAL CODE OF TOWN OF GREENBRIER.

NOW THEREFORE, BE IT ENACTED BY THE MAYOR AND BOARD OF THE CITY OF GREENBRIER, TENNESSEE, THAT

Section 1. Title 14, Chapter 2, Article II of the Zoning Ordinance of the Greenbrier Municipal Code of the Town of Greenbrier be amended and replaced in its entirety with the following:

ARTICLE II

DEFINITIONS

SECTION

- 2.010 Scope
- 2.020 Definitions
- 2.030 General Classification System

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 definitions 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.

ADULT ORIENTED ESTABLISHMENT: A use type with the same meaning as the term "adult-oriented establishment" as used in T.C.A Section 7-51-1102, and in construing this term, the definitions contained in T.C.A. Sections 7-51-1102(1) – (6) and (9) – (26), are likewise incorporated by reference and made a part of this Ordinance. (Also see Sexually Oriented Material)

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 such advertising is a structure within the meaning of the word "structure" as utilized in this ordinance.

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.

ANIMAL HOSPITAL: An establishment for the care and treatment of the diseases and injuries of animals and where animals may be boarded during their convalescence. Includes veterinary clinics. An Animal Hospital shall not include Kennel.

ART GALLERY: A commercial establishment engaged in the sale, loan, and/or display of paintings, sculpture, video art, or other works. Art Gallery does not include Cultural Facility, such as a library, museum, or non-commercial gallery that may also display paintings, sculpture, video art, or other works.

ASSISTED LIVING FACILITY: A facility that provides daily assistance and long-term residence for disabled or elderly individuals. This includes a combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily

living, such as dressing, grooming, bathing, etc. An Assisted Living Facility shall not include Independent Living Facility, Community Residence, or Nursing Home.

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 two (2) motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative, or which are discarded or junked are placed, located, or found.

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

BANQUET HALL: An establishment which is rented by individuals or groups to accommodate private functions, such as banquets, weddings, anniversaries, and other similar celebrations. Such use may or may not include kitchen facilities for the preparation or catering of food, the sale of alcoholic beverages for on-premises consumption only during scheduled events and not open to the general public, and/or outdoor gardens or reception facilities.

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.

BED AND BREAKFAST HOME RESIDENCE: A residence within which not more than three (3) sleeping rooms (limited to three (3) persons or one (1) family unit per room) are provided for occasional paying guests on an overnight basis for periods not to exceed fourteen (14) consecutive days in any thirty (30) day period of time, with breakfast being available on the premises. A bed and breakfast home is allowed only in a building originally constructed as a one (1) family dwelling subject to the provisions prescribed in the zone district where in the use is located. **(Added by Ordinance. No. 95-04, June 5, 1995.)**

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

BREWERY TAP ROOM AND RETAIL SALES: Retail sale of beer, wine, or liquor manufactured on the premises and the retail sale of shirts, mugs, and other associated products.

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 A LOT: That portion of a lot bounded by the required rear yard, side yards, and the building setback line.

BUILDING, ATTACHED: A building which has at least part of the wall in common with another building, or which is connected to another building by a roof.

BUILDING INSPECTOR: The building inspector for the City of Greenbrier

BUILDING HEIGHT: The vertical distance from grade to the average height of the highest roof structure. Average height is the average of the height of the roof at the exterior building wall and the height of the roof at the ridge. Grade is considered to be the highest finished ground elevation adjacent to the building in the front yard.

BUILDING LINE: The inner edge of any required yard or setback, and the corresponding outer edge of the buildable area.

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, RESIDENTIAL: A building which is arranged, designed, used, or intended to be used for residential occupancy by one (1) or more families or households. This shall include, but is not limited to, the following types: single-family dwellings, townhome dwellings, and multi-family dwellings.

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

BUILDING SETBACK LINE, FRONT: A line delineating the minimum allowable distance between the street right-of-way 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.

BUILDING, TEMPORARY: Any building not designed to be permanently located, placed, or affixed in the place where it is or where it is intended to be placed.

BULK: A term encompassing the regulation of the size and location of a structure as it relates to its lot and to other structures. The term Bulk includes, but is not limited to, the following:

1. Size and height of buildings.

2. Location of exterior walls at all levels in relation to setback lines, lot lines, streets, or other buildings.
3. All open spaces allocated to buildings.
4. Amount of lot area provided per dwelling unit.

BUSINESS: An occupation, employment, or enterprise that occupies time, attention, labor and materials, or where merchandise is exhibited or sold, or where services are offered.

CALIPER: The American Association of Nurserymen (AANS) standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four (4) inch caliper size, and as measured at twelve (12) inches above the ground for larger sizes.

CAR WASH: A commercial establishment engaged in the washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment, whether automatic or by hand.

CEMETARY: Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, and necessary sales and maintenance facilities. Mortuaries may be included when operated within the boundary or such cemetery.

CLINIC: See MEDICAL FACILITY.

COMMERCIAL MESSAGE: Any sign, wording, logo, or other representation that directly or indirectly names, advertises, or calls attention to a business, product, service, or other commercial activity.

COMMERCIAL VEHICLE: Any vehicle operated for the transportation of person or property in the furtherance of any commercial enterprise, for-hire or not-for hire. This definition shall not include a commuter van, a vehicle currently being used for ride-sharing or a recreational vehicle that is not being used commercially.

COMMON OWNERSHIP: Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

COMMUNITY GARDEN: A place where community residents may grow vegetables, fruits, herbs, flowers, and similar plants for their personal consumption.

COMMUNITY RESIDENCE: A group residence consisting of a group home or specialized residential care home licensed, certified or accredited by the appropriate state or federal agencies, and serving as a single housekeeping unit for the housing of unrelated persons with functional disabilities who share responsibilities, meals, recreation, social activities, and other aspects of residential living. Community Residence includes a residence which services persons as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse. It does not

include a nursing facility, medical facility, residential medical rehab facility, or physical rehab facility.

1. **COMMUNITY RESIDENCE, SMALL**

A community residence providing living accommodations for no more than eight (8) residents, including live-in staff. Visiting staff who do not reside within the community residence shall not be counted for purposes of establishing the number of residents. Facilities meeting the definition of a Family as per Tennessee State Law shall not be considered as Community Residence, Small.

2. **COMMUNITY RESIDENCE, LARGE**

A community residence providing living accommodations for more than eight (8) residents.

COMMUNITY GARDEN: A place where community residents may grow vegetables, fruits, herbs, flowers, and similar plants for their personal consumption.

CONDITIONAL USE: A use that owing to some special characteristics attendant to its operation or installation is permitted in a zoning district only after review by the Board of Zoning Appeals. A use is a conditional use if it is designated as such in this Ordinance.

CONFORMING STRUCTURE: Any structure that complies with all the regulations of this Ordinance, governing bulk for the zoning district in which such building or structure is located or is designed or intended for a conforming use.

CONTRACTOR STORAGE YARD: Any land or buildings used primarily for the storage of equipment, vehicles (3 or more), machinery, building materials, paints, pipe, or electrical components used by the owner or occupant of the premises in the conduct of any construction trade or craft.

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

CULTURAL FACILITY: A use that is open to the public and provides cultural services and facilities including, but not limited to, museums, cultural centers, historical societies, aquariums, and libraries operated by a public, private, or non-profit organization.

DATA CENTER: A building, dedicated space within a building, or a group of buildings used to house computer systems and associated components, such as telecommunications and storage systems for the remote storage, processing, or distribution of large amounts of data. Does not include Call Center.

DAY CARE CENTER, ADULT: A facility, other than within a residential dwelling unit, providing care for more than three (3) elderly and/or functionally impaired adults in a protective setting for less than twenty-four (24) hours per day. Adult Day Care Center does not include a program operated by a Place of Worship that provides care for elderly and/or functionally impaired adults in a protective setting for less than twenty-four (24) hours per day.

DAY CARE CENTER, CHILD: A facility, other than within a residential dwelling unit, providing care for more than three (3) children in a protective setting for less than twenty-four (24) hours per day. Child Day Care Center does not include a program operated by an Educational Facility (all types) or Place of Worship, that provides care for children three (3) year of age or older for less than twenty-four (24) hours per day.

DAY CARE HOME, ADULT: A dwelling in which a permanent occupant of the dwelling provides care in a protective setting for up to twelve (12) elderly and/or functionally impaired adults who do not spend the night at the dwelling.

DAY CARE HOME, CHILD: A dwelling in which a permanent occupancy of the dwelling provides care for up to twelve (12) children from multiple households. The number counted includes the family's natural or adopted children and all other persons under the age of twelve (12).

DEVELOPMENT: Any manmade change to improve 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 Greenbrier, Tennessee, for which the regulations governing the use, density, bulk, height, and coverage or buildings and other structures are in force.

DRIVE-THROUGH FACILITY: Premises used to provide or disperse products or services through an attendant, window or automated machine, to persons remaining in motor vehicles in a designated stack aisle. A Drive-Through Facility may be in combination with other uses, such as a Financial Institution, Personal Services Establishment, Retail Goods Establishment, or Restaurant.

DWELLING: A building, or portion of a building, used exclusively for residential purposes, including single-family, modular, townhome, and multi-family dwelling, but not including manufactured or mobile dwellings, trailers, recreational vehicles, campers, tents, hotels/motels, rooming houses, or automobiles.

DWELLING, MANUFACTURED: A structure, transportable in one (1) or more sections, which, in the travelling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure and commonly referred to as a double-wide mobile home; except that "manufactured home" includes any structure that meets all the requirements of this definition, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under this Tennessee Code Annotated Title 68.

DWELLING, MOBILE: A structure manufactured before June 15, 1976, that is not constructed in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, compiled in forty-two (42) U.S.C. § 5401 et seq. It is a structure that is transportable in one (1) or more sections

that in the travelling mode is eight (8) body-feet or more in width and forty (40) body-feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet and that is built on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes any plumbing, heating, air conditioning, and electrical systems contained in the structure and commonly referred to as a single-wide mobile home.

DWELLING, MODULAR: A dwelling unit constructed on-site in accordance with the municipal building code and composed of components substantially assembled in a manufactured plant and transported to the building site for final assembly on a permanent foundation and is not a manufactured or mobile dwelling. (See § TCA Section 68-126-304).

DWELLING, MULTI-FAMILY: A building containing three (3) or more individual dwelling units with varying arrangements of party walls and entrances where each dwelling unit has an individual entrance to a common hallway or the outdoors. Dwelling, Multi-Family shall not include Dwelling, Townhome.

DWELLING, SINGLE-FAMILY: A building containing one (1) individual dwelling unit, which is located on an individual lot and is not attached to any other dwelling unit (includes Modular Dwelling per § TCA Section 68-126-304). Dwelling, Single-Family shall not include Manufactured, Mobile Dwelling.

DWELLING, TOWNHOME: A structure consisting of no less than two (2) dwelling units, with no other dwelling, or portion of other dwelling, directly above or below, where each unit has a separate entrance and direct ground level access to the outdoors. These units are connected to other dwelling units by a single party wall with no opening. These units also include what is commonly referred to as duplexes or two-family dwellings. Dwelling, Townhome shall not include Dwelling, Multi-Family. Dwelling, Townhome refers to the design of a building and does not reflect the type of ownership of the individual units.

DWELLING UNIT: A dwelling unit consists of a room or group of rooms, which include permanently installed bathroom and kitchen facilities, and are arranged, designed and used exclusively as living quarters for one (1) family or household.

EASEMENT: An interest in land that provides for a specified use of that land by a person(s) other than the fee owner.

EDUCATIONAL FACILITY, PRIMARY/SECONDARY: A public, private, or parochial school offering instruction at the elementary, junior, and/or senior high school levels. In addition to classrooms, other facilities may include auditoriums, cafeterias, and sporting facilities. Boarding facilities may also be allowed.

EDUCATIONAL FACILITY, VOCATIONAL SCHOOL: A school established to provide for the teaching of industrial, clerical, managerial, or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum. Educational Facilities, Vocational School shall not include Educational Facilities, College/University.

EDUCATIONIONAL FACILITY, COLLEGE/UNIVERSITY: A post-secondary institution for higher learning that grants associate or bachelor degrees. The institution may also have research facilities, and/or professional schools that

grant master and doctoral degrees. Also included are residential dormitories, fraternity and sorority houses, student unions, cafeterias, auditoriums, and sporting facilities. Educational Facilities, College/University also includes theological schools for training ministers, priests or rabbis. Educational Facilities, College/University shall not include Educational Facilities, Vocational.

ENCROACHMENT: The extension or placement of any structure or component of a structure into a required yard.

ENGINEER: Any Engineer licensed by the State of Tennessee.

ENTRANCE WAY: The doorway into a building along with the architectural treatments that accompany it.

ERECT: To build, construct, attach, hang, place, suspend, or affix.

FALL RADIUS: The area in which a Tower will land if it falls. This radius equates to the height of the tower, except for a collapsible tower, in which case it equates to the area in which the tower will fall as certified by the manufacturer or structural engineer licensed in Tennessee.

FAMILY: One or more persons occupying a single unit, provided that unless all members are related by blood or marriage, no such family (excepting as set forth below shall contain over five (5) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families, and that four (4) or less boarders, including roomers, may be accommodated. The term "family" shall not be construed to mean a fraternity, sorority, club, or institutional group. The term family, as used in this ordinance, shall be construed include groups of eight (8) or fewer unrelated mentally retarded or physically handicapped persons and with two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally retarded or physically handicapped persons residing in the house. See Chapter 24, of Title 13, Tennessee Code.

FARM: Land on which the raising of crops or livestock, including orchards, vineyards, nurseries, or animal husbandry, along with any buildings or structure necessary to conduct such activities, but excluding feed lots, stock yards, slaughtering operations and commercial hog farms, poultry houses, silos, grain elevators, plant nurseries, and logging operations.

FENCE: An artificially constructed barrier of wood, masonry, stone, wire, metal, or other combination of materials of twenty-four (24) inches or more in height erected to enclose, screen, or separate areas.

FENCE, OPEN: A fence, including any gates, designed and constructed so that the surface area of any segment of such fence contains at least fifty percent (50%) open space as compared to solid materials.

FENCE, SOLID: A fence, including gates, made entirely of opaque material.

FINANCIAL INSTITUTION: A bank, savings and loan, credit union, mortgage office, or automated teller machine (ATM). A Financial Institution shall not include a payday or title loan agency.

FIRE ESCAPE: A fireproof stairway, ladder, or chute on the outside wall of a building intended to be used to help occupants escape from the building in case of fire or other calamity.

FLAG: Any fabric or bunting containing distinctive colors, patterns, or symbols and used as a symbol of a government, political subdivision, or other entity.

FLAGPOLE: A freestanding structure on a lot used for the sole purpose of displaying flags.

FLOOR AREA, GROSS: Gross Floor Area, when prescribed as the basis of measurement in this Ordinance shall be the sum of the gross horizontal area of the plans of the several floors of a building, as measured from the outside face of the walls.

FLOOR TO AREA RATIO (FAR): The numerical value obtained by dividing the gross floor area of a building or buildings by the lot area on which such building or buildings are located, as measured from the outside face of the walls.

FOOTCANDLE: A unit of illumination. It is equivalent to the illumination at all points that are one (1) foot distant from uniform source of one (1) candlepower.

FUNERAL HOME: A building used for the preparation of the deceased for burial display of the deceased and rituals before burial or cremation. A Funeral Home includes chapels located within the building used for the display of the deceased and the conducting of rituals before burial or cremation.

GARAGE: A building, either attached or detached, used or designed to be used for storage of automobiles and accessory storage related to the use of the principal dwelling.

GAZEBO: A freestanding outdoor structure that is open-sided and designed for recreational use and not for habitation.

GENERAL BUSINESS SERVICES: Commercial cleaning, pest exterminating, radio and television production and broadcasting, printing, photo finishing, photographic studios, mailing, interior design services, and similar business services. General Business Services shall not include a payday or title loan agency.

GOVERNMENT FACILITY AND OFFICES: Land, buildings, or structures owned, operated and/or occupied by a governmental agency to provide a governmental service to the public including public recreational facilities. Government Facilities and Offices does not include Public Safety Facility or Public Works Facility or school buildings which would be considered Education Facilities.

GOLF COURSE: A tract of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, and shelters as accessory uses. A Driving Range may be included as part of a Golf Course.

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

HEALTH/FITNESS CENTER: An establishment that provides exercise facilities such as running, jogging, aerobics, weight lifting, court sports and swimming, as well as locker rooms, showers, massage rooms, saunas, and other related accessory uses.

HEALTH DEPARTMENT: The Robertson County Health Department.

HEAVY RETAIL, RENTAL, AND SERVICE ESTABLISHMENT: This use includes retail, rental, and/or service establishments that may have permanent outdoor service or storage areas, or partially enclosed structures including, but not limited to, large-scale home improvement centers, building supplies, lumberyards, retail nurseries, garden supply, heavy equipment sales, rental and leasing, truck rental, recreational vehicles, and playground equipment sales and rental.

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.

HELISTOP: Any area used or to be used for the landing or take-off of helicopters, or other steep-gradient aircraft capable of hovering, but does not afford refueling, maintenance, or repair facilities, and accommodates only a single helicopter.

HIGH IMPACT FACILITY: Public and semi-public facilities and activities which have a high impact upon surrounding land due to nuisance characteristics, traffic generation, and other characteristics. These include airports, energy generating facilities, railroad yards, detention and/or correctional facilities, and similar activities.

HOME FOR THE AGED: Residential home represented and held out to the general public as a home which accepts primarily aged persons for relatively permanent, domiciliary care, providing room, board and personal services to four (4) or more non-related persons.

HOME OCCUPATION: See Section 4.040.

HOSPITAL: See MEDICAL FACILITIES.

HOTEL/MOTEL: An establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include, but shall not be limited to, conference and meeting rooms, restaurants, bars, and recreational facilities. Payment is on a daily or weekly basis and the length of stay does not exceed one (1) month for more than twenty-five (25) percent of the rooms. A Hotel/Motel shall not include Multi-Family Dwellings.

IMPERVIOUS SURFACE: The portion of a site occupied by structures, pavement, or other surfaces that do not allow for the absorption of water.

INCIDENTAL ALTERATIONS: Changes or replacements in the nonstructural parts of a building or other structures without limitations to the following examples:

- A. Changes or replacements in the nonstructural parts of a building or other structure without limitations to the following examples:
1. Alteration of interior partitions to improve livability in a nonconforming residential building, provided that no additional dwelling units are created;
 2. A minor addition to the exterior of a residential building, such as an open porch;
 3. Alterations of interior non-load-bearing partitions in all other types of buildings or other structures.
 4. Replacement of, minor change in, capacity of utility pipes, ducts or conduits; or
- B. Changes or replacements in the structural parts of a building or other structure limited to the following examples or others of similar character or extent:
1. Making windows or doors in exterior walls;
 2. Replacement of building facade having nonload-bearing capacity;
 3. Strengthening the floor load-bearing capacity, in not more than ten (10) percent of the total floor area, to permit the accommodation of specialized machinery or equipment.

INDEPENDENT LIVING FACILITY: A residential complex containing dwellings where the occupancy is limited to person who are fifty-five (55) years of age or older or, if two (2) persons occupy a unit, at least one (1) shall be fifty-five (55) years or older. Such facilities may include common areas for meals and socializing, offer minimal convenience services, but exclude institutional care such as medical or nursing care. An Independent Living Facility shall not include Assisted Living Facility, Community Residence, Nursing Home, or Home for the Aged.

INDOOR ENTERTAINMENT FACILITY: Predominately spectator uses conducted within an enclosed building including, but not limited to, movie theaters and sport or game matches or exhibitions. An Indoor Entertainment Facility includes accessory uses, such as snack bars or refreshment stands, which are designed and intended primarily for the use of patrons. Indoor Entertainment shall not include Indoor Recreation or Living Entertainment. Indoor Entertainment is distinguished for Indoor Recreation in that the predominant use is spectator-oriented and not participatory.

INDOOR RECREATION FACILITY: Predominantly participant uses where recreational activities or games of skill are conducted within a wholly enclosed building including, but not limited to, a bowling alley, pool hall, miniature golf course, arcade, indoor tennis courts, indoor sports arenas, indoor swimming pools, indoor ice rink, or similar uses. An Indoor Recreation Facility shall include accessory uses, such as snack bars or refreshment stands that are designed and intended primarily for the use of patrons. Indoor Recreation Facility may also

include those establishments that maintain a restaurant on-premises for patrons of the establishment. Indoor Recreation Facility shall not include Indoor Entertainment.

INSTITUTIONAL USE: An educational facility, place of worship, or other use operated by a public agency or non-profit organization and permitted as a use in one or more residential zoning districts. Child day-care centers, nursing homes, assisted living facilities, independent living facilities, cultural facilities, and marinas shall be considered institutional uses regardless of ownership or operation.

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.

KENNEL: An establishment where pet animals owned by another person are temporarily boarded for pay or remuneration of any sort. Kennel shall include those facilities where pet animals are boarded for the day. Kennel shall not apply to zoos or animal hospitals operated by veterinarians duly licensed under the law where the boarding of animals is accessory to medical treatment.

LANDSCAPING: The planting and maintenance of trees, shrubs, lawns, and other ground cover or materials, provided that terraces, fountains, retaining walls, street furniture, sculptures, or other art objects, and similar accessory features may be included as landscaping if integrally designed.

LIVE ENTERTAINMENT: A musical, theatrical, dance, cabaret, or comedy act performed live by one (1) or more persons. Restaurants that regularly host such performances shall be considered Live Entertainment uses. Restaurants that include dancing by patrons and guests are considered Live Entertainment uses. A Live Entertainment establishment may possess a beer and liquor license and provide food for consumption on the premises.

LOADING SPACE: An area twelve (12) feet by fifty (50) feet with a fourteen (14) foot height clearance providing 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 (1) or more lots of record, occupied or to be occupied by one (1) principal building and its accessory buildings, including the open space required under this ordinance.

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

LOT, CORNER: A lot of which at least two (2) adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two (2) such sides is less than one hundred-thirty-five (135) degrees.

LOT COVERAGE: The portion of a lot that is occupied by buildings or structures, including accessory structures, expressed as a percentage of total lot area. Lot coverage shall not include driveways, parking spaces, patios, sidewalks,

swimming pools, or water gardens and other similar impervious or semi-impervious surfaces.

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, DOUBLE-FRONTAGE: A lot having frontage on two (2) streets at opposite ends of the lot, which is not a Corner Lot.

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

LOT, INTERIOR: A lot other than a corner lot or a double-frontage lot.

LOT LINES: A property boundary line of any lot. Where any portion of the lot extends into an abutting street or alley, the lot line shall be deemed to be the established or existing street or alley right-of-way line.

LOT LINE, INTERIOR: A lot line which does not abut a street or alley.

LOT LINE, REAR: The boundary of a lot which is most distant from and is, or is approximately, parallel to the front lot line. In the case of an irregular or triangular shaped lot and for purposes of determining the rear yard dimension, the rear lot line shall be deemed to be a line ten (10) feet in length, within the lot, which is parallel to and at a maximum distance from the front lot line.

LOT LINE, SIDE: Any boundary of a lot that is not a front lot line or a rear lot line.

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

LOT WIDTH: The minimum horizontal distance between the side lot lines of a lot measured at the required front yard setback line.

MANUFACTURING, HEAVY: Manufacturing uses that involve the generation outside the property of noise, odor, vibration, or dust. Examples include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items, and other electrical items; the processing of food and related products, dry cleaning plants, lumber mills, pulp and paper mills, and the manufacture of other wood products; and electric power generation plants. Specifically prohibited are rendering, petroleum refining, and manufacture of chemicals, fertilizers, paint, and turpentine.

MANUFACTURING, LIGHT: The mechanical transformation of predominantly previously prepared materials into new products, including the assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration. Examples include, but are not limited to: production of small machines or electronic parts and equipment; woodworking and cabinet building; publishing

and lithography; computer design and development; research, development, testing facilities and laboratories; apparel production; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item.

MEDIA PRODUCTION FACILITY, MAJOR: A pre-production and/or post production studio complex that encompasses the production of audio, television, and movies located on a minimum of ten (10) contiguous acres of property and consisting of various production buildings/stages, production office space, dressing rooms, administrative/executive buildings, dining, shops, and limited on-site residential units that support the studio complex.

MEDICAL FACILITIES:

- A. **Convalescent, Rest or Nursing Home** - A health facility where persons are housed and furnished with means and continuing nursing care for compensation.
- B. **Dental Clinic or Medical Clinic** - A facility operated by one (1) or more physicians, dentists, chiropractors, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. Medical Clinics shall also include alternative medical clinics, such as acupuncture and physical therapy offices, which provides integrated care in the treatment of permanent or temporary neurologic and musculoskeletal disabilities. Massage establishments where such service is provided by a certified massage therapist or similar licensed professional shall not be considered a Physical Therapy Office, but rather a Personal Services Establishment.
- C. **MEDICAL/DENTAL LABORATORY:** A business establishment engaged in the testing and analysis of material for medical or dental services, or in the construction, alteration, or repair of bridges, crowns, dentures, eyewear, contact lenses, orthodontic appliances, or any other prosthetic appliances. Direct contact with patients for consultation, treatment, or other services are not included as part of the business activities.
- D. **Hospital** - An institution providing health services primarily for human in-patient medical care for sick or injured and including related facilities such as services, and staff offices which are an integral part of the facility.
- E. **Public Health Center** - A facility utilized by a health unit for the provision of public health services.

MINING AND QUARRYING: Mineral and stone extraction and processing, including blasting, crushing, screening, conveying, stockpiling, and sale of stone, sand, gravel, and other similar mineral and natural resources.

MOBILE HOME PARK: Any area, tract, site or plot of land whereupon three (3) or more mobile homes as herein defined are placed, located or maintained in single ownership for rental purposes, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

MORTUARY: An establishment where the deceased are prepared for burial. The facility may include a small chapel for the conduct of services prior to burial.

MOTOR VEHICLE DEALERSHIP: Any business establishment that sells or leases new or used automobiles, trucks, vans, trailers, recreational vehicles, boats, or motorcycles, or other similar motorized transportation vehicles. An automobile dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for repair and service of vehicles.

MOTOR VEHICLE OPERATIONS FACILITY: A privately-owned facility for the dispatch, storage, and maintenance of emergency medical care vehicles, taxicabs, and other livery vehicles. This also includes wreckers, but storage of vehicles is not permitted (See Motor Vehicle Service and Repair, Major). Motor Vehicle Operations Facility shall not include Public Works Facility or Public Safety Facility, where the vehicles of the fire, police, or other municipal departments are dispatched, stored, and/or maintained.

MOTOR VEHICLE RENTAL ESTABLISHMENT: Rental of automobiles and light trucks and vans, including incidental parking and servicing of rental vehicles.

MOTOR VEHICLE SALES, NEW: The retail of motor vehicles or related equipment with no previous retail owner, transfer only between manufacturer and Motor Vehicle Dealership.

MOTOR VEHICLE SALES, USED: The retail of motor vehicles or related equipment that previously have had one (1) or more retail owners or have been driven more than the limited use necessary in moving or road testing.

MOTOR VEHICLE SALES, SALVAGE: The retail of inoperable motor vehicles or related equipment that are sold for parts and not as an operating vehicle.

MOTOR VEHICLE SERVICE STATION/FUEL CENTER: A business where flammable or combustible liquids or gases used as fuel for motor vehicles are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Accessory uses may include retail sales including food and drinks for off-premises consumption as may be permitted by other laws.

MOTOR VEHICLE SERVICE AND REPAIR, MAJOR: Such use includes, but shall not be limited to, establishments involved in engine rebuilding, transmission repair, major reconditioning of worn or damaged motor vehicles or trailers, towing and collision service, including body, frame, or frame straightening or repair, and painting of motor vehicles.

MOTOR VEHICLE SERVICE AND REPAIR, MINOR: Such use includes, but is not limited to, minor repairs to motor vehicles, including repair or replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel servicing, alignment and balancing, repair and replacement of shock absorbers, and replacement or adjustment of mufflers and tail pipes, hoses, belts, light bulbs, fuses, windshield wipers/wiper blades, grease retainers, wheel bearings, and the like. Motor Vehicle Service and Repair, Minor includes establishments where gasoline and/or fuel oil, and oil, grease, batteries, tires, and automobile accessories are sold in addition to the repair facilities.

MOVIE THEATER: A theater designed for showing movies or motion pictures.

NON-CONFORMING LOT: A lot of record that does not meet the lot area or lot width requirements of this Ordinance for the zoning district in which it is located.

NONCOMPLYING:

A. Any lawful building or other structure which does not comply with any one (1) or more of the applicable bulk regulations. Also, Structures which at one time conformed to applicable zoning regulations, but because of subsequent amendments to the Zoning Ordinance no longer conform to applicable yard, height, lot coverage, or other dimensional or bulk provisions or does not meet other on-site development standards, such as an insufficient number of parking spaces, of this Ordinance.

B. Any lawful use other than a nonconforming use, which does not comply with any part of any one (1) or more of the applicable regulations pertaining to:

1. Location along district boundary;
2. Signs; or
3. Accessory off-street parking and loading;

either on the effective date **March 7, 1977**, or as a result of any subsequent amendment to the zoning ordinance.

NONCONFORMING USE: A lawful use of a building or other structure or of a tract of land which does not conform to any one (1) or more of the applicable use regulations of the district in which it is located, either on the effective date of **March 7, 1977**, or as a result of any subsequent amendment to the zoning ordinance.

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.

NURSING HOME: A facility providing bed care and inpatient services on a twenty-four (24) hour per day basis for persons required regular medical attention. This definition excludes a facility providing surgical or emergency medical services, or a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease. A Nursing Home shall not include Independent Living Facility, Assisted Living Facility, Community Residence or Hospital.

OFFICE: A use that engages in the processing, manipulation, or application of business information or professional expertise. Such an office may or may not offer services to the public. An Office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, nor is an office engaged in the repair of products or retail services. It is characteristics of an Office that retail or wholesale goods are not shown on the premises to a customer. Examples include, but are not limited to, professional

offices for non-profit organizations, advertising, accounting, investments services, insurance, contracting architecture, engineering, legal services, and real estate services. Office does not include government offices, which are considered Government Facility and Offices.

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.

OPEN SPACE, COMMON: Open space which is held in common ownership by, and for the benefit of, all owners and tenants of a development and their guests and is maintained by an association of the owners and tenants of a development and their guests and is maintained by an association of the owners and tenants.

OUTDOOR ENTERTAINMENT FACILITY: Predominantly spectator uses conducted outdoors in open or only partially enclosed facilities. Typically uses include, but are not limited to, fairgrounds, outdoor stadiums, outdoor theaters, rodeos, music arenas, theme parks, and amusement parks. Outdoor Entertainment Facilities shall include accessory uses, such as snack bars or refreshment stands that are designed and intended primarily for the use of patrons. Outdoor Entertainment Facility shall not include Outdoor Recreation Facility.

OUTDOOR RECREATION FACILITY: Predominantly participant uses that take place outside of a building including, but not limited to, miniature golf courses, golf driving range, swimming pools, tennis courts, ball fields, skateboard parks, and other similar facilities. Outdoor Recreation Facilities shall include accessory uses, such as snack bars or refreshment stands that are designed and intended primarily for the use of patrons. Outdoor Recreation Facilities may also include those establishments that maintain a restaurant on-premises for patrons of the establishment. Outdoor Recreation Facility shall not include Outdoor Entertainment Facility, Parks, Golf Courses, and Racetracks.

PARKING, OFF-STREET: The storage space for an automobile on premises other than streets, alleys, or rights-of-way.

PARKING, ON-STREET: The storage space for an automobile that is located within the street right-of-way.

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 LOT (PRINCIPAL USE): An open, hard-surfaced area, other than street or public way, available to the public, to be used for the storage, for limited periods of time, of operable passenger automobiles and commercial vehicles. Such storage may be for compensation, free or as an accommodation to residents of a multi-family dwelling, or clients and customers of a business.

PARKING SPACE: An off-street space available for parking one (1) motor vehicle and having an area of not less than one hundred sixty-two (162) square feet exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

PAYDAY / TITLE LOAN AGENCY: Any building, room, space, or portion thereof where a business operates that makes loans in exchange for possession of the certificate of title to property or a security interest in titled property, as regulated by Title 45, Chapter 15, of the Tennessee Code Annotated.

PERMITTED USE: A use permitted in a zoning district upon satisfaction of the standards and requirements of this Ordinance. A permitted use does not require special administrative review and approval.

PERSONAL SERVICES ESTABLISHMENT: An establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, tanning salons, massage parlors, shoe repair, laundromats, pet grooming establishments, dry cleaners and tailors.

PERVIOUS SURFACE AREA: The portion of a site not occupied by buildings, pavement, or other surfaces and which allows the absorption of water into the ground.

PLACE OF WORSHIP: A building, together with its accessory buildings and uses, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

PLANNED DEVELOPMENT: The subdivision and/or development of a land area as a single unified development, where a certain Zoning District Ordinance regulations, such as bulk and use standards, may be modified to allow for more flexible planning in conformance with the planned development standards and approval processes.

PLANNING COMMISSION: The Greenbrier Municipal Planning Commission.

PLANT NURSERY: The growing, storage, and sale of garden plants, shrubs, trees, vines, groundcovers, and other related landscaping materials. Such uses may include greenhouses, outdoor storage of goods, materials, and equipment, irrigation systems and caretaker's dwellings.

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

PORCH: A structure, which can be enclosed or unenclosed, that projects from the exterior wall of a building, has direct access to the street level of the building, and is covered by a roof or eaves. An Unenclosed Porch is a porch that is open on two (2) or more sides with rails. An Enclosed Porch is a porch that is enclosed by walls, screens, lattice, or other material on two (2) or more sides. A screened-in porch shall be considered an Enclosed Porch.

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

PUBLIC SAFETY FACILITY: Facilities operated by public safety agencies including fire stations and other fire prevention and firefighting facilities, and police and sheriff substations and headquarters, including interim incarceration

facilities. The vehicles of fire and police may be dispatched, stored, and/or maintained within the Public Safety Facility.

PUBLIC WORKS FACILITY AND UTILITY: All production, storage, transmission, and recovery facilities for water, sewer, electric, telephone, and other similar utilities owned or operated by any public agency or utility. This includes any municipal repair, storage, or production facility or public works yard, as well as any accessory office or meeting rooms. Municipal vehicles may be dispatched, stored, and/or maintained within the Public Works Facility. Public Works Facility and Utility does not include Public Safety Facility.

RECREATIONAL TRAINING SCHOOL: A business establishment which provides training for recreational activities such as martial arts, baseball, soccer, cheerleading, gymnastics, and dancing.

RESEARCH AND DEVELOPMENT FACILITY: An establishment where research and development is conducted in the following industries: biotechnology, pharmaceuticals, medical instrumentation or supplies, communications and information technology, electronics and instrumentation, and computer hardware and software. Research and Development Facilities do not involve the manufacture, fabrication, processing, or sale of product.

RESTAURANT, CARRY OUT: An establishment that sells ready to consume food or beverages where no provisions are made for consumption on the premises.

RESTAURANT, FULL SERVICE: An establishment where ready to consume food or beverages are prepared, served and primarily consumed on premises. Any facilities for carry-out shall be clearly subordinate to the principal use of providing food for consumption on the premises.

RESTAURANT, QUICK SERVICE: An establishment designed for rapid food delivery to customers seated in automobiles or from a counter or drive through window, for consumption on or off the premises. An establishment having a walk-up or drive through window and meeting four (4) or more of the following characteristics shall be deemed a Quick Service Restaurant for zoning purposes:

1. A drive through window with a permanent menu board.
2. Fifty-five percent (55%) or less of the floor area devoted to customer seating.
3. Customers pay for food before consuming it.
4. A self-service condiment bar is provided.
5. Trash receptacles are provided for self-service bussing.
6. Packaging of food is done in disposable containers.

RETAIL GOODS ESTABLISHMENT: A commercial enterprise that provides physical goods, products or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser. Retail Goods Establishment shall not include Heavy Retail, Rental, and Service Establishments.

RIGHT-OF-WAY: The minimum right-of-way on all streets shall be fifty (50) feet which measures twenty-five (25) feet from the center line. On all collector streets, the right-of-way shall be thirty (30) feet from the street center line. On all

arterial streets, the right-of-way shall be a minimum of forty (40) feet on each side of the street center line. Collector and arterial streets are shown on the official Major Thoroughfare Plan of Greenbrier. The outer boundary of the right-of-way is contiguous with any property line abutting the street.

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 Health and Environment.

SELF-SERVICE STORAGE FACILITY: A facility used only for the storage of property where individual renters control individual storage spaces and no commercial transactions are permitted other than the rental of the storage units.

SEMI-TRAILER: A vehicle without motive power, factory or reconstructively designed, to be drawn on highways by a motor vehicle (primarily, a truck tractor) and so built that some part of its weight and that of its load rests upon the towing vehicle when attached; the semi-trailer can be unhitched and stored or parked separately when attached to motive power, and may or may not be loaded while parked.

SETBACK: The minimum distance by which any building or structure must be separated from a property line.

SEXUALLY ORIENTED MATERIAL: Means any book, article, magazine, publication or written matter of any kind, drawing, etching, painting, photograph, motion picture film or sound recording which depicts sexual activity, actual or simulated, involving human beings or animals, or which exhibits uncovered human genitals or pubic region in a lewd or lascivious manner or which exhibits male genitals in a discernibly turgid state is completely uncovered. **(Amended by Adding New Definitions, Ordinance No. 99-01, March 1, 1999)**

SHADE TREE: A deciduous tree planted primarily for its high crown of foliage or overhead canopy. A large shade tree is over forty (40) feet in height. Medium shade trees are between twenty-five (25) and forty (40) feet in height. Small shade trees reach up to twenty-five (25) feet in height.

SHED: A relatively small accessory building often purchased pre-built or as a kit in pre-fabricated sections not designed to be served by heat or plumbing, and not placed on a permanent foundation. A Shed is typically intended to store lawn, garden, or pool care equipment.

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.

SHOPPING CENTER: A group of retail and other commercial establishments that is planned, owned, and managed as a single property. The center's size and orientation are generally determined by the market characteristics of the

trade area served by the center. The two (2) main configurations of shopping centers are malls and strip centers.

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, posterboard" 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.

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. (off premises sign)

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.

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

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

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.

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.

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

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. (A maximum of six (6) months.)

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 therefrom and projects no more than twelve (12) inches beyond the face of such wall.

SITE PLAN REVIEW: The review of a Site Plan and other studies to assist in determining the manner in which the applicant intends to make use of his/her property and to confirm compliance with the standards of this Ordinance.

SMALL CELLS: Wireless transmitters and receivers with low radio frequency designed to provide network coverage to smaller focused areas. Small Cells are typically mounted on ground poles or buildings in a manner that blends into the attached environment.

SOCIAL CLUB OR LODGE: A membership organization and its premises that holds regular meetings and caters exclusively to members and their guests for social, intellectual, recreational, or athletic purposes. A Social Club or Lodge may, subject to other regulations controlling such uses, maintain dining facilities, possess a liquor license, or engage professional entertainment for the enjoyment of dues-paying members and their guests.

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:

Include the following:

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

SPECIFIED SEXUAL ACTIVITY:

Includes the following:

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts of human masturbation, sexual intercourse, or sodomy.
3. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.
4. Flagellation or torture in the context of a sexual relationship.
5. Masochism, erotic, or sexually oriented torture, beating, or the infliction of pain.
6. Erotic touching, fondling, or other such contact with an animal by a human being.
7. Human excretion, urination, menstruation, vaginal, or anal irrigation as

part of or in connection with any of the activities set forth in one (1) through six (6).

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 (1) lot and which has been legally dedicated and accepted for public use.

STREET, FRONTAGE: All of the property fronting on one (1) side of a street between two (2) intersecting streets, or in the case of a dead-end street, all of the property along the side of the street between an intersecting street and the end of such dead-end street.

STREET LEVEL: The story of a building that has its floor at the closest level to the street, with direct pedestrian access to that story from the outside.

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

TEMPORARY CONTRACTOR TRAILER: This use includes security trailers, construction equipment sheds, contractor trailers, and similar uses incidental to a construction project and sales of homes within a newly constructed development.

TEMPORARY USE: Any use placed on land or in a building for short duration, and which may not conform to the standards required if it were to be in place for an indefinite period of time.

TENT: Any temporary structure or enclosure, the roof of which or one-half or more of the sides are constructed of silk, cotton, canvas, fabric, or similar pliable material.

TITLE LOAN AGENCY: See Payday / Title Loan Agency definition.

TOWER: A monopole structure constructed from grade that supports Telecommunications Facilities. The term Tower shall not include amateur radio operators' equipment, as licensed by the FCC.

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.

TRACTOR TRAILER RIG: A motor powered truck tractor vehicle, factory or reconstructively designed, to be attached to a semi-trailer and when so attached is utilized as a mobile rig to transport, convey, or move freight, goods, products, and merchandise of all types on highways from one location to another generally for commercial and industrial purposes; the truck tractor vehicle is used primarily for drawing other nonmotive vehicles and not so constructed to carry a load other than a part of the weight of the vehicle and the load so drawn.

TRANSITION YARD: Land area with landscape plantings and other components used to visibly separate one use from another, or to shield or block noise, lights, or other nuisances.

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.

VACATION RENTAL: A dwelling unit or other structure rented and/or used exclusively by a person or group of persons for lodging for terms of less than thirty (30) days. Rented means any form of monetary or non-monetary consideration. A Vacation Rental is also a Short-Term Rental.

WAREHOUSE/DISTRIBUTION: The storage, wholesale, and/or distribution of manufactured products, supplies, equipment, and other items.

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 nearest part of the principal building, including porches, and the front lot line.

YARD, INTERIOR SIDE: A side yard that does not abut a street right-of-way.

YARD, REAR: A yard extending between the side lot lines for the required minimum dept, as specified by the zoning district in which such lot is located, measured perpendicular to the rear lot line. (See Figure 15: Yards). In the case of an irregular or triangular shaped lot, the rear lot line shall be deemed to be a line ten (10) feet in length, within the lot, which is parallel to and at a maximum distance from the front lot line.

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

YARD, SIDE STREET: A side yard on a corner lot which abuts a public street.

2.030 USE CLASSIFICATION SYSTEM

The provisions of this section shall be known as the use classifications. The purpose of these provisions is to classify land uses into a number of specifically defined types on the basis of common functional characteristics and similar compatibility with other uses, thereby with criteria which are directly relevant to the public interest.

A. Listing of Activity Classifications

All activities are hereby classified into the following activity types:

1. Residential Activities

a. Permanent

**Dwelling, Single Detached
Dwelling, Duplex
Dwelling, Mobile Home
Dwelling, Multi-Family
Mobile Home Park**

b. Semi-Permanent

**Boarding House
Rooming House**

2. Community Facility Activities

**Administrative
Community Assembly
Community Education
Cultural and Recreation Services
Essential Service
Extensive Impact
Health Care
Intermediate Impact
Personal and Group Care Facilities
Religious Facilities**

3. Commercial Activities

**Animal Care and Veterinarian Services
Automotive Parking
Automotive Service and Repair
Building Materials and Farm Equipment
Consumer Repair Services
Construction Sales and Services
Convenience Commercial
Entertainment and Amusement Services
Financial, Consulting, and Administrative
Food and Beverage Service
Food Service - Drive-In
General Business and Communication Services
General Personal Service
General Retail Trade
Group Assembly
Medical and Professional Services
Transient Habitation
Transport and Warehousing
Undertaking Services
Vehicular, Craft, and Related Equipment Sales,**

**Retail and Delivery
Wholesale Sales**

4. Manufacturing Activities

**Extensive
Intermediate
Limited**

5. Agricultural, Resources Production, and Extractive Activities

**Agricultural Services
Commercial Feed Lots and Stockyards
Crop and Animal Raising
Mining and Quarrying
Plant and Forest Nurseries**

B. Accessory Uses

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

C. Residential Activities

1. Permanent Residential

The occupancy of living accommodations on a monthly or longer basis with none of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis. This shall not include institutional living arrangements involving the provision of any kind of special care or forced residence such as nursing homes, orphanages, asylums, half-way houses or prisons, except as provided by general law of the state. The following dwelling types as defined by this resolution are permanent residential activities; however, only those dwelling types as indicated by individual regulations may be permitted therein.

**Dwelling, Single Detached
Dwelling, Duplex
Dwelling, Mobile Home
Dwelling, Multi-Family Apartment, Townhouse
Mobile Home Park**

2. Semi-Permanent Residential

The occupancy of living accommodations partly on a monthly or longer basis and partly for a shorter time period, but with less than thirty (30) percent of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis. This shall not include institutional living

arrangements involving the provision of a special kind of care or forced residence, such as nursing homes, orphanages, asylums, half-way houses, and prisons, except as provided by general law of the state. The following dwelling or rooming unit types as defined by this resolution are considered as semi-permanent residential activities; however, only those dwelling or rooming unit types as indicated by individual district regulations may be permitted therein.

**Boarding House
Rooming House**

D. Community Facility Activities

1. Administrative Services

The activities typically performed by public, utility, and nonprofit private administrative offices. These activities would include:

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

2. Community Assembly

The activities typically performed by or at institutions and installations for various social, athletic, and recreational purposes. These activities do not include facilities primarily utilized for profit. They would include:

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

3. Community Education

The activities typically performed by the following institutions:

**Kindergarten, Primary and Secondary Schools
Public and Private Nursery Schools**

4. Cultural and Recreational Services

The activities of a cultural or recreational nature which are either owned by, or operated for the use and enjoyment of, the general public. This does not embrace such facilities which are privately owned and operated for profit. These activities would include:

**Art Galleries
Libraries
Museums**

**Parks, Playgrounds, and Playfields
Planetariums and Aquariums
Recreational Centers and Gymnasiums
Swimming Pools and Beaches
Zoological and Botanical Gardens**

5. Essential Services

Includes the maintenance and operations of the following installations:

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

6. Extensive Impact Facilities

The activities that have a high degree of impact upon surrounding land uses due to their hazards or nuisance characteristics, as well as traffic generation, parking, and land requirements and typically performed by, or the maintenance and operation of, the following institutions and installations:

**Airports, Air Cargo Terminals, Heliports, or Other
Aeronautical Devices
Correction and Detention Institutions
Electricity Generating Facilities and Transmission Lines
Garbage Incineration Plants, Including Cogeneration
Facilities; Sanitary Landfills
Major Fuel Transmission Lines and Facilities
Major Mail Processing Centers
Military Installations
Public and Private Utility Corporations and Truck Yards,
Including Storage Yards
Railroad Yards and Other Transportation Equipment
Marshaling and Storage Yards**

7. Health Care-Facilities

Includes the activities typically performed by the following institutions, but not including the offices, clinics, etc., of private physicians or other health care professionals:

**Convalescent Homes
Hospitals
Medical Clinics**

8. Intermediate Impact Facilities

The activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking

requirements, land requirements, or potential nuisances and typically performed by, or the maintenance and operation of, the following institutions or installations.

Cemeteries, Columbariums, and Mausoleums
Colleges, Junior Colleges, and Universities, but
Excluding Profit-Making Business Schools
Commercial Boat Docks, Marinas, and Yacht Clubs
Country Clubs
Golf Courses
Radio and TV Transmission Facilities
Water Storage Facilities, Water and Sewage
Treatment Plants

9. Personal and Group Care Facilities

The activities and facilities to provide for the care of preteenage children, disabled and handicapped persons needing special care or supervision, care for the elderly and other individuals requiring supervised care, but excluding facilities for delinquent, criminally dangerous, or psychotic people. These activities would include:

Associations for Physically or Mentally
Handicapped Persons
Day Care Centers
Group Homes for Physically or Mentally
Handicapped Persons
Nursing Homes
Orphanages
Retirement or Rest Homes

10. Religious Facilities

The activities or facilities utilized by various religious organizations for worship or community service functions, but excluding any facility the primary functions of which is to produce products or printed matter for sale or general distribution. The activities include:

Chapels
Churches
Convents or Monasteries
Sanctuaries
Synagogues
Temples

E. Commercial Activities

1. Animal Care and Veterinarian Services

Include the provision of animal care, treatment, and boarding services.

Veterinarian Clinics and Kennels

2. Automotive Parking

Includes the parking and/or storage of motor vehicles, but excluding junk or scrap vehicles.

**Auto Parking Lots
Parking Garages**

3. Automotive Services and Repair

Includes the sale, from the premises, of goods and the provision of services which are generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs, as well as clean-up, painting and repair of automotive vehicles, including body work and installation of accessories.

**Auto Cleaning and Repair Services
Auto Glass Repair and Replacement Shops
Auto Inspection and Diagnostic Services
Auto Paint Shops
Auto Towing Services
Car Washes
Gasoline, Fuel, and Oil Sales and Service
Radiator and Muffler Shops
Tire Retreading and Repair Shops
Wheel alignment and Transmission Repair Shops**

4. Building Materials and Equipment

Includes the retail and wholesale sales and storage of materials used in the construction of buildings and other structures as well as the retail and wholesale sale and storage of implements, equipment, feed and seed used in agricultural pursuits.

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

5. Consumer Repair Services

Include the servicing and repair of appliances, furniture, and equipment generally used or owned by individuals, not including the repair of any type of automobile.

**Blacksmith Shops
Electrical Repair Shops
Gunsmith Shops
Instrument Repair Shops
Lawn Mower Repair Shop
Locksmith Shops**

Office Equipment Cleaning and Repair
Refrigeration and Air Conditioning Repair
Reupholster and Furniture Repair
Saddlery Repair Shops
Watch, Clock, and Jewelry Repair

6. Construction Sales and Services

Includes the offices, buildings, and shops of various types of contractors as well as incidental on-site construction and storage.

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

7. Convenience Commercial

Includes the retail sale, from the premises, of groceries, drugs, and other frequently needed personal convenience items, as well as the provision of personal convenience services which are typically needed frequently or recurrently provided than no establishment shall exceed five thousand (5,000) square feet of gross floor area.

Barber Shops
Beauty Shops
Drug Stores
Fruit and Vegetable Markets
Grocery Stores
Hardware Store (No outside storage)
Laundry and Dry Cleaning Pick-Up Stations
Liquor Stores
News Stands
Self-Service Gasoline Pumps
Tobacco Shops

8. Entertainment and Amusement Services

Include the provisions of cultural, entertainment, educational, and athletic services, other than those classified as Community Facility Activities, to assemble groups of spectators or participants.

Art Galleries (Commercial)
Batting and Golf Driving Ranges
Bowling Alleys and Billiard Parlors
Coin Operated Amusement Arcades
Dance Halls and Studios
Exhibition Halls and Auditoriums
Recording and TV Production Services
Skating Rinks
Theaters
Theatrical Producers, Bands, Orchestras, and Entertainers

9. Financial, Consulting, and Administrative Services

Include the provision of financial, insurance, and real estate brokerage services, as well as advice, designs, information, or consultations of a professional nature (other than those classified as Community Facility Activities, Medical and Professional Service, or Business and Communication Services). These also include the executive management, or administrative activities of private, profit oriented firms but exclude the sale and/or storage of goods or chattel, unless otherwise permitted by this resolution.

Agricultural Credit, Institution
Banking and Bank-Related Functions
Credit Unions
Holding and Investment Organizations
Insurance Carriers, Agents, Brokers, and Service
Money Management and Investment Offices

Real Estate Brokers, Managers and Appraisers
Rediscount and Financing Institutions for Credit Agencies
Other Than Banks
Savings and Loan Associations
Securities Commodities, Brokers, Dealers, and Exchanges
Title Offices

10. Food and Beverage Service

Include the retail sale of prepared food or beverages for primarily on-premises consumption within the principal structure on the zone lot.

Restaurants
Taverns

11. Food Service-Drive-In

Includes the retail sale of prepared food or beverages for either home or on premise consumption either within the principal structure or within a parked car on the same zone lot.

Drive-In Restaurants
Fast Food Restaurants with Drive-Thru Service

12. General Business and Communication Services

Include the provision of service of a clerical, goods brokerage, and communications of a minor processing nature, copying and blueprinting services, custom printing (except, books) but exclude the sale and/or storage of goods and chattel, unless otherwise permitted by this resolution.

Advertising Agencies and Services
Commercial Cleaning Services
Commercial Testing Laboratories
Communications Services:
Radio and Television Broadcasting Studios
Telegraph Offices and Message Centers
Telephone Exchanges and Relay Towers
Television and Recording Production Studios
Computer and Data Processing Services
Credit Reporting, Adjustment, and Collection Agencies
Detective Agencies and Protective Services
Drafting Services
Employment, Personnel, and Temporary Help Services
Exterminating Services
Interior Decorator and Consulting Services
Mailing Reproduction, and Commercial Art Services
Management, Consulting, and Public Relations Services
Membership Organizations:
Automobile Clubs
Better Business Bureaus
Chamber of Commerce

**Labor Unions
Political Organizations
Professional Associations
News Syndicates.
Photofinishing Services
Research and Development Laboratories
Trading Stamp Services
Travel Agencies
Vehicular and Equipment Rental and Leasing Services**

13. General Personal Service

Include the provision to individuals of informational and instructional services as well as the provision of care and maintenance for personal items. These activities do not include the storage or sale of goods or chattel, unless otherwise permitted herein.

**Catering Services
Laundry, Cleaning, and Garment Services
Miscellaneous Personal Services:
 Clothing Rental Agencies
 Health Spas
Photographic Studios
Shoe Repair and Hat Cleaning Shops
Special Training and Schooling Services:
 Art and Music Schools
 Barber and Beauty Schools
 Business Schools
 Dancing Schools/exercise Studios
 Driving Schools**

14. General Retail Trade

Includes the retail sales or rental from the premises, primarily for personal or household use, of goods and/or services, but excluding goods and services listed in the other classifications herein.

**Antique and Second Hand Merchandise Stores
Automotive Parts (No Exterior Storage)
Book and Stationery Stores
Camera Stores
Candy, Nut and Confectionery Stores
Children's and Infant's Stores
Dairy Products Stores
Department Stores
Drapery, Curtain, and Upholstery Stores
Drug Stores and Proprietary Stores
Family Clothing Stores
Floor Covering Stores
Florists
Fruit Stores and Vegetable Markets
Furniture Stores
Furriers and Fur Shops
Gift Shops**

Grocery Stores
Hardware Stores
Hobby, Toy, and Game Stores
Household Appliance Stores
Jewelry Stores
Liquor Stores
Luggage Shops
Meat and Seafood Markets
Men's and Boy's Clothing and Furnishing Stores
Miscellaneous Apparel and Accessory Stores:
 Bathing Suit Stores
 Custom Tailors
 Shirt Shops
 Sports Apparel Stores
 Uniform Stores
Miscellaneous General Merchandise Stores:
 Direct Selling Organizations
 Mail Order Houses
Miscellaneous Home Furnishings Stores:
 Bedding and Linen Stores
 Cookware Stores
 Glassware and China Shops
 Lamp and Shade Shops
 Paint and Wallpaper Stores
Music Stores
News Stands
Radio and Television Stores
Retail Bakeries
Sewing and Piece Goods Stores
Shoe Stores
Sporting Goods Stores
Tobacco Shops
Variety Stores
Women's Accessory and Specialty Stores
Women's Ready-to-Wear Store

15. Group Assembly

Includes the provision of cultural, entertainment, educational, and athletic services, other than those classified as Community Facilities, to large groups of assembled spectators and/or participants (five hundred (500) or more) or that have a substantial potential impact upon adjoining property.

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

16. Medical and Professional Services

Include the provision of therapeutic, preventative, or corrective personal treatment services by physicians, dentists, and other practitioners, as well as testing and analysis and the offices of various other professionals the service of which is provided in an office environment.

Accounting, Auditing, and Bookkeeping Services
Artists Studios (excluding Commercial Artists)
Attorneys and Law Offices
Chiropractors Offices
Consulting Scientists
Dental Offices and Laboratories
Educational and Scientific Research Services
Engineering and Architectural Services
Optometrists
Physicians' Offices and Clinics (Out Patient Services)
Psychologists and Psychotherapists
Songwriters and Music Arrangers
Urban Planning Services
Writers and Lecturers

17. Transient Habitation

Includes the provision of lodging services to transient guests, having at least seventy (70) percent of its accommodations available on a less-than-weekly basis, other than those classified as Residential Activities:

Hotels
Motels
Tourist Courts

18. Transport and Warehousing

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

Bus and Truck Maintenance and Repair
Food Lockers
General Warehousing
Household Goods Storage
Packing and Crating Services
Railroad, Bus and Transit Terminals
Refrigerated Warehousing
Truck Terminals and Freight Handling Services

19. Undertaking Services

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

Funeral and Crematory Services

20. Vehicular, Craft, and Related Equipment

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

**Boat and Motor Dealers
Mobile Home Dealers
Motor Vehicle Dealers
Motorcycle Dealers
Recreational Vehicle and Trailer Dealers**

21. Wholesale Sales

Include the storage and sale from the premises of goods to other firms for resale, as well as the storage of goods and their transfer to retail outlets; but exclude sale or storage of motor vehicles, except for parts and accessories. These would include such uses as:

**Apparel, Piece Goods, and Notions
Beer, Wine, and Distilled Alcoholic Beverages
Chemicals and Allied Products
Drugs, Drug Proprietaries, and Sundries
Electrical Goods and Appliances
Farm Products Raw Materials
Farm Supplies
Furniture and Home Furnishings
Groceries and Related Products
Hardware, Plumbing, and Heating Equipment and Supplies
Lumber and Other Construction Materials
Machinery, Equipment, and Supplies
Metals and Minerals
Motor Vehicles and Automotive Parts and Supplies
Paints, Varnishes, and Supplies
Paper and Paper Products
Petroleum and Petroleum Products
Sporting, Recreational, Photographic, and Hobby Goods
Tobacco and Tobacco Products
Toys and Supplies**

22. Activity Type - Adult Entertainment Establishments (Added by Ordinance No. 99-01, March 1, 1999)

a. Intent and Limitations

This grouping is intended to include all "adult oriented businesses" and activities defined by this ordinance. This grouping includes all facilities wherein material is presented or exhibited which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined by this ordinance for observation by patrons therein.

b. Use Listing

**Adult Arcade
Adult Bookstore
Adult Mini-Motion Picture Theater
Adult Motion Picture Theater**

F. Manufacturing Activities

Manufacturing activities include the on-site production of goods by methods other than agricultural or extractive in nature.

1. Limited Manufacturing Activities

Include the following operations:

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

**Apparel and Apparel Accessories
Art Objects
Bakery Goods
Beverages (Nonalcoholic)
Dairy Products
Instruments for Medical, Dental, Engineering,
Scientific, and Other Professional Purposes
Optical Instruments and Loans
Printed Matter
Signs**

- b. Activities and operations which include the following:

**Book Binding
Data Processing Service
Photocopying
Photoengraving
Precision Machining of Dies, Jigs, and Fixtures
Printing
Publishing
Record Pressing
Upholstering
Welding**

2. Intermediate Manufacturing Activities

Include the following:

- a. The manufacture, compounding, assembling, packaging, treatment or fabrication of all products, except for the following:

**Cotton Seed Oil
Explosives**

Fireworks
Organic Fertilizers

- b. All manufacturing activities and, operations, **except for the following:**

**Abrasive, Asbestos, and Nonmetallic
Mineral Processing**
Arsenals
Asphaltic Cement Plants
Atomic Reactors
**Automobile Wrecking Yards, Scrap and
Waste Materials**
Cement and/or Concrete Plants
Chemical Manufacturing in excess one (1) per day.
Cotton Ginning
Fat Rendering
Foundries
Grain Milling,
Junk Yards
Offal Processing
Ore Reduction
Paper Mills
Petroleum Refining
Pulp Manufacturing
Radioactive Materials Waste Handling
Rolling and Finishing of Ferrous Materials
Slaughtering of Animals
Smelting and Refining of Metals and Alloys
Steel Works (other than those listed)
Tanning
**Waste Disposal by Compacting or Incineration,
as a principal use**

3. **Extensive manufacturing Activities Materials**

Include all Intermediate Manufacturing Activities (described above) and the exceptions listed above, except as follows:

Arsenals
Atomic Reactors
Explosives Manufacturing and Storage
Fireworks Manufacturing
Hazardous Wastes Storage and/or Transfer
Radioactive Waste Handling

The above exceptions may be defined to be included within the Extensive Manufacturing Classification only after proper review by the Board of Appeals.

G. Agricultural, Resource Production, and Extractive

1. Agricultural Services

Include various activities designed to provide needed services for agricultural activities and are appropriately located in close proximity, thereto.

Crop Drying, Storage, and Processing
Crop Planting, Cultivating, and Protection Services
Horticultural Services
Livery Stables
Riding Stables
Soil Preparation Services

2. Commercial Feed Lots and Stockyards

Include facilities and operations involved in the storage and feeding (other than pasture grazing) of animals for resale or slaughter.

3. Crop and Animal Raising

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

Dairies
Farms
Raising of Plants, Animals, and Fish
Truck Gardens

4. Mining, Drilling, and Quarrying

Includes operations and facilities either utilized by, or in support of the extraction of minerals, ores, petroleum, and natural gas or in the quarrying and collection of stone, gravel, sand, clay, and other nonmetallic minerals.

Chemical Fertilizer and Nonmetallic Mineral Mining
Clay, Ceramic, and Refractory Minerals
Coal Mining
Crude Petroleum and Natural Gas Production
Metal Ore and Mineral Mining
Sand and Gravel Quarrying
Stone Quarrying

5. Plant and Forest Nurseries

Include the cultivation for sale of horticultural specialties, such as flowers, and trees, intended for ornamental, or tree planting purposes.

Forest Nursery
Plant Nursery

H. Uses allowed as permitted and condition for the mixed use zoning districts.

Table 1 Mixed Uses Districts Permitted and Conditional Uses		
Use Types "P" = Permitted / "C" = Conditional	MXC	MXR
RESIDENTIAL USES		
Assisted Living Facility	P	P
Bed and Breakfast	P	C
Community Residence, Large (More than 8 persons)		
Community Residence, Small (8 or less persons)		C
Dwelling, Manufactured	P	P
Dwelling, Multi-Family	P	P
Dwelling, Single-Family	P	P
Dwelling, Townhome	P	P
Home for the Aged		
Independent Living Facility	P	P
Nursing Home	P	P
GOVERNMENT & EDUCATIONAL FACILITIES		
Educational Facility, Primary/Secondary	P	P
Educational Facility, College/University	P	C
Educational Facility, Vocational School	P	C
Government Facility & Offices	P	P
Public Safety Facility	P	P
Public Works Facility & Utility	P	P
RELIGIOUS USES		
Place of Worship	P	P
ENTERTAINMENT USES		
Art Gallery	P	P
Community Garden	P	P
Cultural Facility	P	P
Fire Range, Indoor	C	
Fire Range, Outdoor		
Golf Course		P
Health/Fitness Center	P	P
Indoor Entertainment Facility	P	C
Indoor Recreation Facility	P	C

Live Entertainment	P	
Outdoor Entertainment Facility	C	
Outdoor Recreation Facility	C	C
Race Tracks		
Recreational Training School	P	P
Social Club or Lodge	P	C
OFFICE USES		
Call Center	P	P
Office	P	P
RETAIL USES		
Brewery Tap Room and Retail Sales		
Motor Vehicle Dealership	P	
Retail Goods Establishment	P	P
SERVICE USES		
Animal Hospital	P	P
Banquet Hall	P	
Car Wash	C	
Caterer	P	P
Day Care Center, Adult or Child	P	P
Day Care Home, Adult or Child	C	C
Equipment Repair	C	
Financial Institution	P	P
Funeral Home	P	P
General Business Services	P	P
Helistop	C	
Hospital	C	
Hotel/Motel	P	
Kennel		
Medical/Dental Clinic	P	P
Medical/Dental Laboratory	P	
Medical Rehabilitation Facility, Residential	P	P
Meeting/Event Center	P	C
Motor Vehicle Rental Establishment	C	
Motor Vehicle Service Station/Fuel Center	C	C
Motor Vehicle Service & Repair, Major		
Motor Vehicle Service & Repair, Minor	C	
Parking Lot (Principal Use)	P	
Parking Structure (Principal Use)	P	
Payday/Title Loan Agency		
Personal Services Establishment	P	P
Printing Shop		
Research and Development Facility	P	
Restaurant, Full Service & Carry Out	P	C
Restaurant, Quick Service	C	
Taxidermy	P	

Utility, Private	P	P
HEAVY RETAIL & SERVICE USES		
Contractor Office & Storage Yard		
Food Service Contractor		
Heavy Retail, Rental & Service Establishment	C	
Machine Shop		
Motor Vehicle Operations Facility	C	
Reupholstery/Custom Home Textiles		
Self-Service Storage Facility		
Welding Shop		
INDUSTRIAL USES		
Concrete or Asphalt Plant		
Manufacturing, Heavy		
Manufacturing, Light		
Sign Manufacturing/Fabricating		
Trucking Company/Terminal		
Warehouse/Distribution		
OTHER USES		
Adult-Oriented Establishment		
Cemetery & Mausoleum		
Data Center		
Farm		
High Impact Facilities		
Media Production Facility, Major		
Mining & Quarrying		
Plant Nursery		
Radio & Television Towers & Transmission Facilities		
Recycling Drop-Off Center		
Riding Stable		
Solar Farm, Wind Turbine Farm, Simular		
Vacation Rental		
Wireless Telecommunications Tower		

Section 2. Title 14, Chapter 2, Article VIII of the Greenbrier Municipal Code of the Town of Greenbrier be established in its entirety with the following:

ARTICLE VIII | PLANNING DEVELOPMENT DISTRICTS

8.1 PURPOSE

8.2 GENERAL STANDARDS FOR PLANNED DEVELOPMENTS

8.3 EXCEPTIONS FROM DISTRICT STANDARDS
8.4 RESIDENTIAL PLANNED DEVELOPMENTS
8.5 COMMERCIAL PLANNED DEVELOPMENTS
8.6 PROCEDURE
8.7 CHANGES TO PLANNED DEVELOPMENTS
8.8 REVOACTION
8.9 CONDITIONS AND GUARANTEES
8.10 ISSUANCE OF PERMITS
8.11 ENFORCEMENT OF PLANNED DEVELOPMENTS
8.12 BOND

8.1 PURPOSE

The purpose of these planned development regulations is to:

1. Encourage flexibility in the development of land and in the design of structures.
2. Encourage planned diversification in the location of structures.
3. Encourage a creative approach to the use of land that results in better development and design than might otherwise be accomplished under the strict application of other Chapters in this Ordinance.
4. Provide for the efficient use of land to facilitate a more effective arrangement of land uses, buildings, circulation systems, and utilities.
5. Provide for more useable and suitably located open space and recreation areas than might not otherwise be provided under the application of other Chapters of this Ordinance.
6. Encourage the construction of appropriate aesthetic amenities which will enhance the character of the site.
7. Guarantee quality construction commensurate with other developments within the community, and compatible with the character of the surrounding area and adjoining properties.
8. Provide for the development of unique land areas and sites that would not be possible under the strict application of the other Chapters of this Ordinance.
9. Encourage quality construction and design through an efficient application procedure which is sensitive to the need for expeditious development review.

8.2 GENERAL STANDARDS FOR PLANNED DEVELOPMENTS

1. No application for a Planned Unit Development (PUD) District shall be considered unless a master plan meeting the requirements is submitted. Such application shall indicate that the services of one (1) or more design professionals were utilized in the preparation of the plan. In the review and approval of a master plan the Greenbrier planning and zoning; and the Design Review Committee is authorized to exercise architectural review of the buildings in order to assure quality of development, compatibility within the community and compatibility with the adjacent and neighborhood properties. Deviations from the approved master plan shall be considered to be violations of the zoning ordinance and shall be punishable as

provided by law. Final certificates of occupancy may be withheld pending correction of the violations.

2. The site of the planned development shall be under common ownership and or unified control. If there are two (2) or more owners, the application for the planned development shall be jointly filed by all such owners.
3. Planned developments shall be compatible with the purpose and intent of this Ordinance and the City's Land Use and Transportation Plan. A planned development shall not, in the opinion of the City, substantially diminish the market value of surrounding properties, and it shall cause no substantial impairment of the use of those properties.
4. Planned developments shall not adversely affect the natural environment of the community as a whole. Natural assets and features, such as existing trees and native vegetation, shall be protected and preserved to the greatest extent practical.
5. The site shall be accessible to public streets that are adequate to carry the traffic that will be generated by the proposed development. The applicant shall be responsible for the cost and installation of additional traffic controls and regulating devices that are required. A traffic study may be required.
6. All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic. Access points to public streets, and the location of private streets, alleys and driveways shall be subject to the approval of the Planning Commission.
7. The pedestrian circulation system and its related walkways shall be located to provide for separation of pedestrian and vehicular movement and for maximum pedestrian safety.
8. All planned developments shall provide for underground installation of utilities, including electricity, cable and telephone. Provisions shall be made for acceptable design and construction of storm sewer facilities and appropriate storm retention and detention devices which are similar to a grass lawn. The construction and maintenance of all utilities, roadways, parking facilities and other site improvements shall be in accordance with the requirements of this Ordinance and other regulations of the City.
9. Planned Developments shall provide a specific phasing plan for all amenities (for example when will a neighborhood pool or walking trail will be constructed).

8.3 EXCEPTIONS FROM DISTRICT STANDARDS

1. Within Planned Developments, the Planning Commission may recommend, and the Board of Mayor and Aldermen may grant, exceptions to the district lot and building bulk standards. Such exceptions from district regulations may be granted for planned developments if the Board of Mayor and Aldermen finds that allowing such exceptions:
 - a. Enhances the overall merit of the planned development.
 - b. Promotes the objectives of both the City and the development.
 - c. Enhances the quality of the design of the structures and the site.

- d. Enables the development to offer environmental and pedestrian amenities.
 - e. Will not cause such an adverse impact on neighboring properties so as to outweigh the benefits of the development.
 - f. Is compatible with the land use policies of the City's Land Use and Transportation Plan.
 - g. Provides a public benefit to the City, as described in Section 8.6.4.2B below.
2. Exceptions may be granted where it is determined that such modifications shall not negatively affect the value and enjoyment of surrounding property, the provision of municipal services, or the flow of traffic. To be granted such exceptions, the planned development applicant must demonstrate superior design and enhanced amenities. In no case, shall an exception to district regulations within a planned development be granted unless the applicant demonstrates a substantial benefit to the City. Design characteristics and amenities to be considered in this determination shall include, but are not limited to the following:
- a. Landscaping, buffering or screening within or around the perimeter of the planned development that is in addition to the minimum required by this Ordinance.
 - b. The provision of additional landscaping and screening of parking lots and structures in addition to the minimum required by this Ordinance.
 - c. Reduced use of impervious surface materials, including use of semi-pervious materials such as grass-crete.
 - d. Design characteristics including, but not limited to, mixed-use development, circulation systems that utilize alleys or traffic-calming techniques, and a pedestrian-oriented environment.
 - e. Use of sustainable design and green architecture such as: green roofs and other energy efficient design concepts; water conservation; environmental sensitivity; new building technologies; Leadership in Energy and Environmental Design (LEED) techniques; and xeriscaping (water conservation landscaping).
 - f. Community amenities including plazas, malls, formal gardens, places to congregate, outdoor seating, public art, and pedestrian and transit facilities.
 - g. Preservation of environmental features.
 - h. Preservation of historic features.
 - i. Recreational amenities such as:

- a. Swimming pools.
 - b. Outdoor rooms, arbors, gazebos, seating areas, and other hardscape.
 - c. Clubhouse with meeting and fitness facilities.
 - d. Jogging trails and fitness courses.
 - e. Playgrounds.
 - f. Lakes, natural water features, wetlands and conservation areas.
 - g. Retention ponds and detention areas which are accessible to occupants or the public via nature trails, boardwalks, and/or perimeter walkways, but only if they are designed as natural water features and are landscaped with native vegetation.
- j. Additional public infrastructure improvements in addition to the minimum required by this ordinance, such as ornamental street lights, street name signs, stop signs and mailboxes.
- k. Provision of sign standards which exceed the maximum required by this Ordinance.
- l. Provision of a Design Guide with design standards which exceed the minimum required by this Ordinance. For residential planned developments, the developer is encouraged to provide elevations of the homes which are to be built.
- m. Restrictive covenants which prohibit, limit or provide standards for utility buildings, fences and similar structures.
3. Common open space (pervious are) should be provided as follows for Planned Developments:

TABLE 2 PLANNED DEVELOPMENT COMMON OPEN SPACE	
ZONING DISTRICT	PERCENTAGE
Residential part of MXC-PD	20%
Residential part of MXC-PD	20%

The above amounts are expressed in terms of minimum percentage of the gross acreage of land within each development. The Planning Commission may agree to a lesser amount proportionate to lesser density and/or greater design characteristics and amenities as listed above.

Floodway, steep slopes (over 20%) easements for major utilities, detention/retention ponds, areas with outcropping of rock, and other similar unusable areas shall not count for more than twenty-five percent (25%) of the above amounts of open space. Only common open space that is readily accessible by all residents and users of the development should be counted toward the percentage requirement.

Open space is also beneficial to commercial planned developments. Such space could be passive or improved with amenities such as landscaping, sitting areas, fountains, walking paths, dog parks, plazas, and court yards.

4. For Single-Family, Townhome, and Multi-Family Dwelling the minimum restricted allowances for Planned Development:

- A. Single-Family, Townhome, and Multi-Family Dwellings may be approved to be located in Planned Developments. Of any proposed residential units, the unit shall be restricted based on the following percentages:

TABLE 3 PLANNED DEVELOPMENT DWELLING MAXIMUM RESTRICTED ALLOWANCES			
ZONE DISTRICT	SF¹	TH¹	MF¹
MXC	Note 2	Note 2	Note 2
MXR	100%	25%	25%

SF – Single Family, TH – Townhome, MF- Multi-Family

NOTES:

1. These restricted allowances are not guaranteed allotments of a specific dwelling type, but rather a guide to consider with a well-planned development application.
2. The mix of allowable percentage of dwelling units by type is dependent on overall quality of mixed development of commercial and/or office uses. It is expected that such a mixed-use development within OTC or MXC zones have an appropriate amount of commercial and/or office building square footage to be a valid high-quality mixed-use development.

- B. Any unused allowance for multi-family dwellings within a Planned Development may be utilized for townhomes within the same Planned Development.
- C. See Greenbrier Design Review Manual for design standards.
- D. Single-Family, Townhome, and Multi-Family developments shall comply with the applicable Lot and Building Bulk Standards Table (Table 3 or 4).

5. All storm water and retention areas shall be constructed and maintained in accordance with Section 14, Chapter 3 of the City of Greenbrier Municipal Code.
6. Common open space, as shown on the approved Planned Development Final Master Plan, shall be shown as common open space on all subdivision plats and site plans required by this ordinance and other laws and approved by the City.

For example, if the Master Plan for a residential development includes open space with a gazebo in phase 3, said open space and gazebo shall be shown on the phase 3 plat. Adequate surety shall be provided prior to recording the phase 3 plat to cover the cost of the gazebo.

Adequate provision shall be made for the establishment of an association such as a homeowner’s association, property owners association, business owners association, community association or other legal entity with direct responsibility to, and control by, the property owners involved to provide for the ownership, operation and maintenance of all common open space and amenities, including any private streets and sidewalks. The

applicant shall submit a legal instrument, such as a declaration of covenants and restrictions, establishing provisions for the use and permanent maintenance of the common areas and amenities and demonstrating that the association is self-perpetuating and adequately funded to accomplish its purposes. The provisions of this instrument shall include, but not be limited to, the following:

1. The association must be established and operational before any property is sold
2. Membership must be mandatory for each property owner and must run with the land so that any successive purchaser will automatically become a member.
3. The restrictions covering the use, etc. of the common areas must be permanent, not just for a period of years.
4. The association must be responsible for liability insurance, taxes and the maintenance of the common areas and amenities.
5. Property owners must pay their pro rata share of the cost assessed by the association and said assessment can become a lien on the property for failure to pay.
6. The association must be able to adjust the assessment of fees to meet changing needs.

In the event that the association, or any successor, shall at any time fail to maintain the common areas and amenities in reasonable order and condition in accordance with the Development Plan, the Planning Department may serve written notice upon such association and/or the owners and hold a public hearing. After thirty (30) days when deficiencies or maintenance are not corrected, the Planning Department shall call upon any public or private agency to maintain the common areas and amenities for a period of one year. When the Planning Department determines that the association is not prepared to maintain the common areas and amenities, such agency shall continue maintenance for yearly periods. The cost of such maintenance shall be assessed proportionately against the properties within the development. Said cost shall become a lien on said properties.

8.4 RESIDENTIAL PLANNED DEVELOPMENTS

8.4.1 Minimum Size

The minimum size of a mixed use planned unit development shall be three (3) acres. However, the Planning Commission may review a smaller acreage property based on location and property specifications.

8.4.2 Permitted Uses

Permitted Uses shall adhere to the applicable zoning of the planned development as listed in Table 1 (Commercial/Industrial Districts: Permitted and Conditional Uses) located in Chapter 2 of the Zoning Ordinance. Uses which are listed as Conditional Uses in Table 1 may, at the discretion of the City, be allowed as Permitted Uses. No use shall be allowed unless allowed as a Permitted or Conditional Use in the zoning of the Planned Development as listed in Table 1. Uses listed in Table 1 which are not compatible with

the proposed Planned Development should not be allowed. Accessory and Temporary Uses shall be allowed under the same terms and conditions of the base district unless specifically stated to the contrary on the Development Plan.

8.4.3 Lot and Building Bulk Standards

Table 4 (Residential Planned Developments Lot and Building Bulk Standards) establishes minimum lot area, width, and yards and maximum lot coverage, density and building height for residential planned developments.

Maximum density, as shown on Table 4, shall not be exceeded under any terms even if lots must be larger than the minimum allowed by Table 4. Likewise, lots shall not be smaller than specified by Table 4 even if the maximum density as specified in Table 4 may not be achieved. Horizontal Property Regimes (HPR) shall also comply with all of these standards. Each HPR dwelling unit with such Regime shall be provided with sufficient open space around each unit to provide the area, width, lot coverage, and yard specified in Table 4.

Greater standards than specified in Table 4 may be imposed and specified on the Development Plan.

Front loaded garages will not be allowed within a mixed-use development. Lots which are a corner lot may have a garage entry coming from the side road. Only if the planning commission sees it appropriate with the overall design and location within development.

8.4.4 Building Design Standards

See Greenbrier Design Review Manual.

Table 4 Residential Planned Developments Lot and Building Bulk Standards		
Bulk Regulations	MXC¹	MXR
Maximum Density (Units/ac ²)	15	15
Minimum Lot Area ³ (sq. ft.)	SF: 4,000 TH, MF: 2,400	SF: 4,000 TH, MF: 2,400
Minimum Lot Width ³ (ft)	SF: 40 TH, MF: 20	SF: 40 TH, MF: 20
Maximum Lot Coverage	SF: 50% TH: 75% MF: 40%	SF: 50% TH: 75% MF: 40%
Maximum Building Height (ft)	35	35
Minimum Front Yard ^{3,4} (ft)	SF: 20 TH: 20 ⁵ MF: 20 ⁵	SF: 20 TH: 20 ⁵ MF: 20 ⁵
Minimum Side Street ³ (ft)	SF: 12 TH: 10 MF: 10	SF: 20 TH: 10 MF: 10
Minimum Side Yard ³ (ft)	SF: 6 TH: 6 ⁶ MF: 8 ⁶	SF: 6 TH: 6 ⁶ MF: 8 ⁶

Minimum Rear Yard ³ (ft)	20 ⁷	20 ⁷
Minimum Common Open Space ⁸	20%	35%

SF – Single Family, TH – Townhome, MF- Multi-Family

Notes:

1. This table does not apply to commercial and other non-residential uses which are allowed within this mixed residential/commercial zone.
2. Total acreage within the subdivision or development, including right-of-way, common open space, etc., divided by the Maximum Density shown on this line yields the number of dwelling units allowed.
3. The bulk regulations shown on this line apply to residential dwellings. The bulk regulations for all other permitted and conditional uses, i.e., church, school, etc., are twice the amount specified on this line for SF.
4. Garages shall be at least twenty (20) feet from the sidewalk. If no sidewalk, then garages must be at least twenty-three (23) feet from edge of street.
5. Ten (10) feet with rear alleys and no driveways in the front.
6. A side yard of at least the dimension given in this Table is required on each end of a group of attached townhomes and multi-family dwellings. Zero (0) feet is required on the interior sides of each townhome and multi-family dwelling (shared wall).
7. Homes with alley-loaded garages (attached or detached): the garage shall be a minimum of five (5) feet from the alley. If it is more than five (5) feet from the alley and opens directly to the alley (as opposed to side-loaded), it shall be at least twenty (20) feet so that a car does not overhang into the alley and has adequate turning radius.
8. Expressed in terms of minimum percentage of the gross acreage of land within each development.

8.5 COMMERCIAL PLANNED DEVELOPMENT

8.5.1 Minimum Size

The minimum size of a commercial planned development is two (2) acres.

8.5.2 Permitted Uses

Permitted Uses shall adhere to the applicable zoning of the planned development as listed in Table 1 (Commercial Districts: Permitted and Conditional Uses). Uses which are listed as Conditional Uses in Table 1 may, at the discretion of the City, be allowed as Permitted Uses. No use shall be allowed unless allowed as a Permitted or Conditional Use in the zoning of the Planned Development as listed in Table 1 unless approved as part of the master plan. Uses listed in Table 1 which are not compatible with the proposed Planned Development should not be allowed. Accessory and Temporary Uses shall be allowed under the same terms and conditions of the zoning district unless specifically stated to the contrary on the Development Plan.

8.5.3 Lot and Building Bulk Standards

Table 5 (Commercial Planned Developments: Lot and Building Bulk Standards) establishes minimum lot pervious and yard areas, maximum building height, and floor-area ratio for commercial and industrial planned developments. Greater standards may be imposed and specified on the Development Plan in order to conform to the Land Use Plan and other similar plans and to be consistent with the neighborhood. Horizontal Property Regime (HPR) shall also comply with all of these standards. Each HPR unit with such Regime shall be provided with sufficient open space around each unit to provide the area, width, lot coverage, and yard specified in Table 5.

Commercial Standards

Table 5 Commercial Planned Developments Lot and Building Standards		
Bulk Regulations	MXC^{1,2}	MXR^{1,2}
Minimum Lot Area (sq. ft.)	3,500	3,000
Maximum Floor to Area Ratio	1.00	0.50
Maximum Building Height (ft)	35	35
Minimum Pervious Area	25%	30%
Minimum Front Yard (ft)	20	20
Minimum Side Street (ft)	20	20
Minimum Side Yard (ft)	10 ^{3,4}	10 ^{3,4}
Minimum Rear Yard (ft)	20 ⁴	20 ⁴

Notes:

1. This table does not apply to residential uses which are allowed in this mixed commercial/residential zone.
2. Planned Development Plan required.
3. Zero with party wall conforming to the City’s Building Code.
4. Where non-residential is bordering a residential zone or area, provide buffer/screen as specified by

8.5.4 MARKET ANALYSIS

The Planning Commission or Board of Mayor and Aldermen may require a market analysis for any proposed commercial planned development. The analysis will be utilized, among other things, to determine the impact of the proposed development on the long-term development of commercial land use in the Hendersonville area, to determine the timing of any proposed development, to ascertain the effects of a proposed development upon lands used or zoned for commercial purposes, to form a basis for evaluating the estimate effects on traffic, and other purposes which assist in an understanding of the public interest pertinent in the evaluation of a proposed development. The market analysis, if required, shall be provided by the developer and the developer shall provide any other economic data or analysis as may be reasonably requested by the Planning Commission or Board of Mayor and Aldermen.

8.5.5 Site Development Standards

See Greenbrier Design Review Manual.

8.5.6 Building Design Standards

See Greenbrier Design Review Manual.

8.5.7 Sign Standards

See section 4.080 for signs.

8.6 PLANNED DEVELOPMENT APPROVAL PROCEDURE

Approval of a planned development may be a four-step process: (1) pre-application consultation; (2) concept plan and rezoning request; (3) approval of a Preliminary Development Plan and Rezoning Request; and (4) approval of a Final Development Plan. No plats shall be recorded and no building permit shall be issued until a Final Development Plan has been approved. The minimum process is items 1, 3, and 4 from above.

8.6.1 Pre-Application Consultation

Prior to the filing of an application for a planned development, the applicant shall consult with the City staff regarding the proposed development. At the pre-application meeting the applicant shall provide information regarding the location of the proposed planned development, the proposed uses, proposed public and private improvements, a list of any known exceptions to this Ordinance or other regulations of the City, and any other information necessary to clearly explain the planned development. The purpose of such pre-application presentation and conference is to assist the applicant in determining:

1. Whether the proposed planned development appears to be in general compliance with the provisions of this Ordinance and other regulations.
2. Whether any proposed zoning exceptions are within the limits authorized by Chapter 8.3 (Exceptions from Districts Standards).
3. Whether the proposed planned development will be in conformity with the Land Use and Transportation Plan, and the goals and policies of the City for development. The pre-application conference does not require formal application, fee, or filing of a planned development.

8.6.2 Planned Development Concept Plan

1. Before submitting a formal application for a planned development, the applicant may present a concept plan to the Planning Commission. The purpose of this submission is to obtain information and guidance prior to entering into binding commitments or incurring substantial expense. There shall be no formal vote on this concept plan. At minimum, such a concept presentation shall consist of the following:
 - A. A conceptual site plan containing the proposed land uses, the natural features of the development site, the character and approximate location of all roadways and access drives proposed within the planned development, the location of all adjacent public streets, thoroughfares and public utilities, and schematic drawings or photographs showing the size, character, and location of buildings on the site.
 - B. A written statement containing a general explanation of the planned development, including a statement of the present ownership of all the land within the development and the expected schedule of construction.
2. Planning staff and other relevant City staff shall review the concept plan and may provide such information and guidance as it deems appropriate. Any opinions or advice provided shall in no way be binding with respect to any official action the

City may take on the subsequent formal application. This does not require and application form or fee.

8.6.3 APPLICATION FOR A PRELIMINARY DEVELOPMENT PLAN

Applications for planned developments shall be filed with the Planning Department, in accordance with the City of Greenbriers master plan application and shall contain a Preliminary Development Plan. Upon receiving a complete application, the Planning Department shall forward the application and Preliminary Development Plan to the Planning Commission. The Preliminary Development Plan shall not deviate any more than 25percent from the concept plan.

8.6.3.1 Minimum Substantive Requirements for Preliminary Development Plan

Every application for a planned development and review of the Preliminary Development Plan shall contain the following:

1. A plat of the survey of the parcel or parcels of land comprising the zoning lot. The plat shall be drawn to scale showing the actual dimensions of the zoning lot, including all parcels or lots within the zoning lot. The plat shall be drawn in accordance with the recorded plat of such land, if such exists.
2. Proof of ownership.
3. A site location map drawn to an appropriate scale showing the streets and all property uses located within three hundred (300) feet in all directions of the development site. The map shall indicate the location, height or number of stories and use of all existing buildings and structures on properties immediately adjacent to the development site and within three hundred (300) feet.
4. A preliminary plan stamped by a design professional and drawn to an appropriate scale showing:
 - A. The location, ground area, height, and bulk of all existing and proposed buildings and structures within the planned development.
 - B. The use or uses to be made of such existing and proposed buildings and structures.
 - C. Minimum building setback/yard requirements.
 - D. The location and dimensions of all pedestrian walkways, driveways, streets, parking and loading facilities, including the number of parking spaces serving each building or land use type and all parking related screening and landscaping.
 - E. The location and dimensions of any areas proposed to be conveyed, dedicated or reserved for parks, parkways, playgrounds, places of worship, school sites, public buildings or for any other public use.
5. Typical building elevations and schematic design presentations indicating the general architectural character of all proposed buildings and structures. The drawings need not be the result of final architectural decisions and need not be in detail.
6. A traffic circulation plan indicating the proposed movement of vehicles, goods and pedestrians within the planned development and to and from adjacent streets. The plan shall address the impact of the proposed planned development upon existing traffic patterns. Such plan shall also include an examination of the adequacy of onsite parking facilities, vehicular circulation patterns and pedestrian access and safety. A traffic study may also be required by

- the City Engineer or the Planning Commission for developments which generate more than five hundred (500) trips per day.
7. A drainage plan indicating the manner in which surface drainage will be controlled and managed.
 8. A utilities study prepared by a qualified professional indicating the adequacy of the utility systems serving the proposed planned development, including water distribution lines, sanitary sewers, storm water drainage facilities and electricity.
 9. A preliminary landscape plan prepared by a qualified professional indicating the general character of all proposed landscaping, screening and fencing, including all open space areas around buildings and structures. The landscape plan need not be the result of final decisions and need not be in detail.
 10. A separate schedule setting forth any proposed exceptions to any City regulations. The schedule shall include, but not necessarily be limited to, the regulations governing density, area, bulk, and off-street parking and loading as they apply to the zoning district or districts within which the planned development is to be located. This schedule shall cite by Section number each and every regulation from which an exception is sought.
 11. A rough draft of covenants and restrictions outlining minimum house size, building materials, restrictions on fencing, accessory buildings and the like.
 12. Such other documentation as the Planning Commission may, by general rule, require.

8.6.3.2 Procedural Requirements for Preliminary Development Plan

1. The Planning Commission shall recommend to the board of mayor and alderman for the approval of the planned development and for review of the Preliminary Development Plan, no more than sixty (60) days after receipt of a complete application. If, in the Planning Commission's judgment, the application does not contain sufficient information to enable the Commission to properly discharge its responsibilities, the Commission may request additional information from the applicant. In that event, the sixty (60) day period shall be suspended pending receipt of all requested information. No planned development may be approved unless the Preliminary Development Plan is also approved.
2. The Planning Commission shall determine if the planned development is or is not in the public interest based on the following:
 - A. Is the site or zoning lot upon which the planned development is to be located adaptable to the unified development proposed?
 - B. Will the proposed planned development be detrimental to or endanger the public health, safety, comfort or general welfare of any portion of the community?
 - C. Will the proposed planned development be injurious to the use and enjoyment of other property in the vicinity for the purposes already permitted?
 - D. Will the proposed planned development diminish or impair property values within the neighborhood?
 - E. Will the proposed planned development impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district?

- F. Is there provision for adequate utilities, drainage, off street parking and loading, pedestrian access and all other necessary facilities?
 - G. Is there provision for adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets?
 - H. Are the location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities, compatible with the surrounding neighborhood and adjacent land uses?
 - I. Is there suitable landscaping for the portions of the proposed planned development which are not to be used for structures, parking and loading areas or access ways?
 - J. Is the planned development, in the specific location proposed consistent with the spirit and intent of this Ordinance and the Land Use and Transportation Plan?
3. Following the planning and zoning meeting or within forty-five (45) days of the close of the planning and zoning meeting, the Planning Commission shall take one (1) of the following actions:
- A. Advise the applicant in writing of any recommended changes, additions or corrections to the Preliminary Development Plan. If such advice is given, the applicant may, within thirty (30) days, submit a revised Preliminary Development Plan for Planning Commission consideration at a new planning and zoning meeting. The applicant may do so without paying an additional filing fee. The Planning Commission shall then recommend approval or denial of the Planned Development and submit its written recommendation to the Board of Mayor and Aldermen; or
 - B. Recommend denial of the application for the planned development. The Commission shall set forth, in writing, the reasons for its decision; or
 - C. Recommend approval of the planned development (including the Preliminary Development Plan) and submit its written recommendation to the Board of Mayor and Aldermen.
 - D. After approval of the preliminary plan and amendment of the zoning map, preparation of the final master plan may begin.
 - E. Within one (1) year after approval of the preliminary master plan, the applicant shall submit a final master plan to the Planning Director for Greenbrier Municipal/Regional Planning Commission for consideration. If any part of the PUD is to be subdivided, a preliminary subdivision plat shall also be submitted. Both documents may be considered simultaneously. Approval of the final master plan shall form the basis for all permits, variances, and standards for the PUD. After approval of the final master plan, the applicant shall have recorded an official copy of said plan.
 - F. Prior to the sale or transfer of any property, the applicant shall submit and have approved and recorded a final subdivision plat.
 - G. Both the preliminary and final master plans shall be prepared and stamped by registrants of the State of Tennessee who are licensed to practice the particular discipline being prepared (e.g., site layout and drainage by civil engineers, boundary surveys by surveyors, landscape plans by landscape architects).

- H. If the application is incomplete, the planning director shall hold in abeyance the formal review by the Greenbrier Planning and Zoning Commission until such time as complete information is submitted.

8.6.3.3 Board of Mayor and Aldermen Action

The Board of Mayor and Aldermen, after receipt of the recommendations from the Planning Commission, shall approve, modify or deny the Preliminary Planned Development and rezoning request within sixty (60) days following the receipt of the written recommendations of the Planning Commission. However, the Board of Mayor and Aldermen may, by motion, extend the sixty (60) day period. The Board of Mayor and Aldermen action shall be according to the procedure for a zoning map amendment (rezoning), which may include a recommendation from the General Committee, a public hearing advertised in accordance with state law and passage of an ordinance on two (2) readings at two (2) separate board meetings.

8.6.3.4 Limitations on Denials

If an application for a planned development has been denied, by either the Board of Mayor and Aldermen or Planning Commission, no application for substantially the same planned development may be filed for a period of one (1) year from that date of denial. Whether the application is for “substantially the same planned development” shall be within the discretion of the Planning Director.

8.6.3.5 Submittal of New Plan

Should ownership of an approved Preliminary Development Plan change or market conditions or other conditions change, the owner may submit a new Preliminary Development Plan for review and approval. All procedures must be repeated. Should the City deny the new Plan, the previously approved Plan shall remain in effect. This process applies to Preliminary Development Plans which have not yet received Final Development Plan approval. The process for amending an existing Final Development Plan is contained in Chapter 8.7 (Changes to Planned Developments). The Preliminary Development Plan will have vested rights per (TCA 13-4-310.)

8.6.4 APPLICATION FOR FINAL DEVELOPMENT PLAN

Applications for a Final Development Plan shall be filed with the Planning Department, in accordance with the requirements of the City of Greenbriers master plan application shall contain an approved Preliminary Development Plan and a proposed Final Development Plan. Upon receiving a complete application, the Planning Department shall forward the Final Development Plan to the Planning Commission.

8.6.4.1 Minimum Substantive Requirements for Final Development Plan

Every Final Development Plan shall contain the following information and documentation:

1. In final form, all of the information required for the Preliminary Development Plan.
2. A final plan stamped by a design professional and drawn to an appropriate scale which includes the following information:
 - A. Final designation of the location, ground area, height and bulk of all existing and proposed buildings and structures within the planned development.
 - B. A detailed tabulation of each separate land use area, including land and building areas, and where applicable, the total number of residential dwelling units and the residential density.
 - C. The use or uses to be made of existing and proposed buildings or structures.
 - D. The minimum building setbacks/yard requirements.
 - E. The location and dimensions of all pedestrian walkways, driveways, streets, parking and loading facilities, including the number of parking spaces serving each building or land use type and all parking related screening and landscaping.
 - F. The location, dimensions and details of any areas to be conveyed, dedicated or reserved for parks, parkways, playgrounds, amenities, places of worship, school sites, public buildings or for any other public or quasi-public use.
3. Adequate provision shall be made for the establishment of an association such as a homeowner's association, property owners association, business owners association, community association or other legal entity with direct responsibility to, and control by, the property owners involved to provide for the ownership, operation and maintenance of all common open space and amenities, including any private streets and sidewalks. The applicant shall submit a legal instrument, such as a declaration of covenants and restrictions, establishing provisions for the use and permanent maintenance of the common areas and amenities and demonstrating that the association is self-perpetuating and adequately funded to accomplish its purposes. The provisions of this instrument shall include, but not be limited to, the following:
 - A. The association must be established and operational before any property is sold
 - B. Membership must be mandatory for each property owner and must run with the land so that any successive purchaser will automatically become a member.
 - C. The restrictions covering the use, etc. of the common areas must be permanent, not just for a period of years.
 - D. The association must be responsible for liability insurance, taxes and the maintenance of the common areas and amenities.
 - E. Property owners must pay their pro rata share of the cost assessed by the association and said assessment can become a lien on the property for failure to pay.
 - F. The association must be able to adjust the assessment of fees to meet changing needs.

4. In the event that the association, or any successor, shall at any time fail to maintain the common areas and amenities in reasonable order and condition in accordance with the master plan, the Planning Department may serve written notice upon such association and/or the owners and hold a public hearing. After thirty days when deficiencies or maintenance are not corrected, the Planning Department shall call upon any public or private agency to maintain the common areas and amenities for a period of one year. When the Planning Department determines that the association is not prepared to maintain the common areas and amenities, such agency shall continue maintenance for yearly periods. The cost of such maintenance shall be assessed proportionately against the properties within the development. Said cost shall become a lien on said properties.
5. A landscaping plan prepared by a qualified professional indicating the general character of all proposed landscaping, screening and fencing, including all open space areas around buildings and structures. Also, include the location, height, design and illumination characteristics of all external lighting fixtures within the development.
6. A final utilities and drainage plan indicating the size and location of all water distribution lines, sanitary sewers and storm drainage facilities required to serve the planned development and the manner in which surface drainage will be controlled and managed.
7. Typical building elevations and schematic design presentations indicating the architectural character of all proposed buildings and structures.
8. A development and construction schedule indicating the following:
 - A. The date when construction of the planned development will begin or, if developed in phases, the date when construction of the initial phase will begin.
 - B. If the planned development is to be developed in phases, a map indicating the phases in which the planned development will be built, the dates when the Final Development Plans for all but the initial phase will be filed, and the approximate dates when construction of each subsequent phase will begin.
 - C. The date when construction of the planned development will be completed, and the date when a specific use or uses will be established, or if developed in phases, the date when construction of each phase will be completed, and the date when a specific use or uses will be established for each phase.

8.6.4.2 Procedural Requirements for Final Development Plan

Within three (3) years following the approval of the planned development and Preliminary Development Plan, the applicant shall file with the Planning Department for review by the Planning Commission a Final Development Plan or the applicant may submit a letter to the Planning Department to be presented to the Planning Commission to request a one (1) year extension of the approval of the Preliminary Development Plan.

Such one (1) year extension request may be repeated for multiple years as long as the Planning Commission approves the request.

Failure to apply for an extension does not void the planned development. However, the Planning Commission may recommend to the Board of Mayor and Aldermen the revocation of the planned development and Board of Mayor and Aldermen may revoke.

If the planned development is to be developed in phases, the applicant need only file a Final Development Plan for the first phase of development, as indicated in the development and construction schedule prescribed below. The Final Development Plan for the remaining phases shall be filed in accordance with the development and construction schedule.

The owner may request revocation. Revocation, regardless of who initiates, shall be according to the process for a map amendment. The Board of Mayor and Aldermen may elect to revoke the master plan and leave the base zoning as is, or, if the original action to approve the master plan included rezoning, the Board of Mayor and Aldermen may elect to return the zoning to the original classification.

NOTE: A Preliminary Development Plan shall stay in effect on a property until it has been revoked as stated above. If the City takes action to revoke an approved Preliminary Development Plan, it will be revoked in its entirety and revert back to the appropriate straight zoning classification as stated above.

8.6.4.2A Review by the Planning Department

The Final Development Plan shall be in substantial compliance with the approved Preliminary Development Plan. Specifically:

1. The number of residences shall not increase by more than 5%.
2. The square feet of non-residential building area (all floors) shall not increase by more than 15%.
3. Other lot and building bulk standards shall not be made less restrictive.
4. Dwelling types, including the mix of dwelling types, shall be substantially the same.
5. Land uses (permitted uses) shall be substantially the same.
6. The street system shall be substantially the same.
7. Grading and infrastructure shall be substantially the same or better.
8. Open space, amenities and overall quality shall be substantially the same or better.

9. The phasing plan and schedule shall be substantially the same.
10. For Mixed use developments, the mix of commercial and residential shall be substantially the same.

8.6.4.2B Review Final Development Plan by the Planning Commission

The Planning Commission shall review the Final Development Plan within thirty (30) days of certification by the Planning Department that the application is complete and in substantial compliance with the approved Preliminary Development Plan. The review shall be for the purpose of determining whether the Final Development Plan is in conformity with Chapter 8 (Commercial Planned Developments) and the approved planned development. Although comments may be taken from those in attendance, at the discretion of the Planning Commission, such review shall not be a public hearing.

8.6.4.2C Final Development Plan Procedure After Planning Commission Review

1. If the Planning Commission finds that the Final Development Plan is in substantial compliance and conformity with the approved Preliminary Development Plan and all other City regulations, then the Planning Commission shall so report to the Board of Mayor and Aldermen. If the Final Development Plan is found not to be in conformity with the approved Preliminary Development Plan or other City regulations, the Planning Commission shall inform the applicant with regard to specific areas found not to be in compliance. The applicant may resubmit the Final Development Plan with changes to those areas found not to be in compliance.
2. Within thirty (30) days of receipt of the Planning Commission's report, the Board of Mayor and Aldermen shall review and act upon the Final Development Plan. The Board of Mayor and Aldermen may accept the report of the Planning Commission or may conduct its own review of the Final Development Plan. Approval or denial shall be in the form of a resolution.

8.6.4.2D After Final Development Plan Approval

1. Within two (2) years from the approval of the Final Development Plan, the owner/developer shall submit a subdivision application or Site Plan for at least a portion of the site, or, the applicant may submit a letter to the Planning Department to be presented to the Planning Commission to request a one (1) year extension of the approval for the Final Development Plan. Such one (1) year extension request may be repeated for multiple years as long as the Planning Commission approves the request. Failure to apply for an extension does not void the Planned Development, however, the Planning Commission may recommend to the Board of Mayor and Aldermen the revocation of the approved Final Development Plan and the Board of Mayor and Aldermen may revoke in conformance with State vesting laws.

2. After the approval of the Final Development Plan, the use of the 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 and all other City regulations. If there is a conflict between the Final Development Plan and other regulations, the Final Development Plan shall prevail.

8.7 CHANGES TO PLANNED DEVELOPMENTS

Changes to an approved Preliminary or Final Development Plan which exceed the changes listed in **Chapter 8.6.4.2A** shall require re-approval by the Planning Commission and the Board of Mayor and Aldermen as an amended plan following the same procedure as for an original Preliminary or Final Development Plan approval.

8.8 REVOCATION

If construction work on the proposed planned development has not begun within five (5) years from the date of the Board of Mayor and Aldermen's vote to approve the Final Development Plan, the approval of the planned development may be declared null and void and all rights shall lapse.

8.9 CONDITIONS AND GUARANTEES

Prior to granting approval of any planned development, the Planning Commission may recommend, and the Board of Mayor and Aldermen may stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the planned development as deemed necessary to guarantee performance of all conditions.

8.10 ISSUANCE OF BUILDING PERMIT

Building permits may only be issued if the construction work in question is in conformity with the approved Final Development Plan and with all other applicable ordinances and regulations.

8.11 ENFORCEMENT OF PLANNED DEVELOPMENT

The Planning Department shall periodically review all permits issued for the planned development in conjunction with the construction that has taken place on the planned development site, and compare actual development with the approved development and construction schedule, and require any corrective action necessary to assure compliance with the approved Final Development Plan and this ordinance.

8.12 BOND

A bond or letter of credit will be required for all public and private by the city for the duration of the project. Once accepted by the Mayor and Alderman board there will be a one (1) year maintenance bond that will be required.

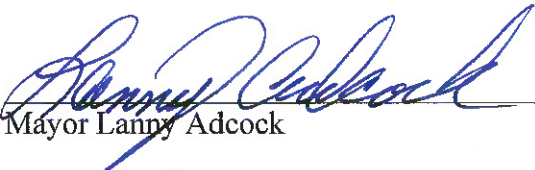
Section 2. Replace in its entirety the Zoning Ordinance Table of Contents to reflect updated changes as shown in Exhibit A.

Effective date. This ordinance shall become effective upon passage, the welfare of the city requiring it.

First Reading: March 1, 2021

Public Hearing: March 1, 2021

Second Reading: April 5, 2021

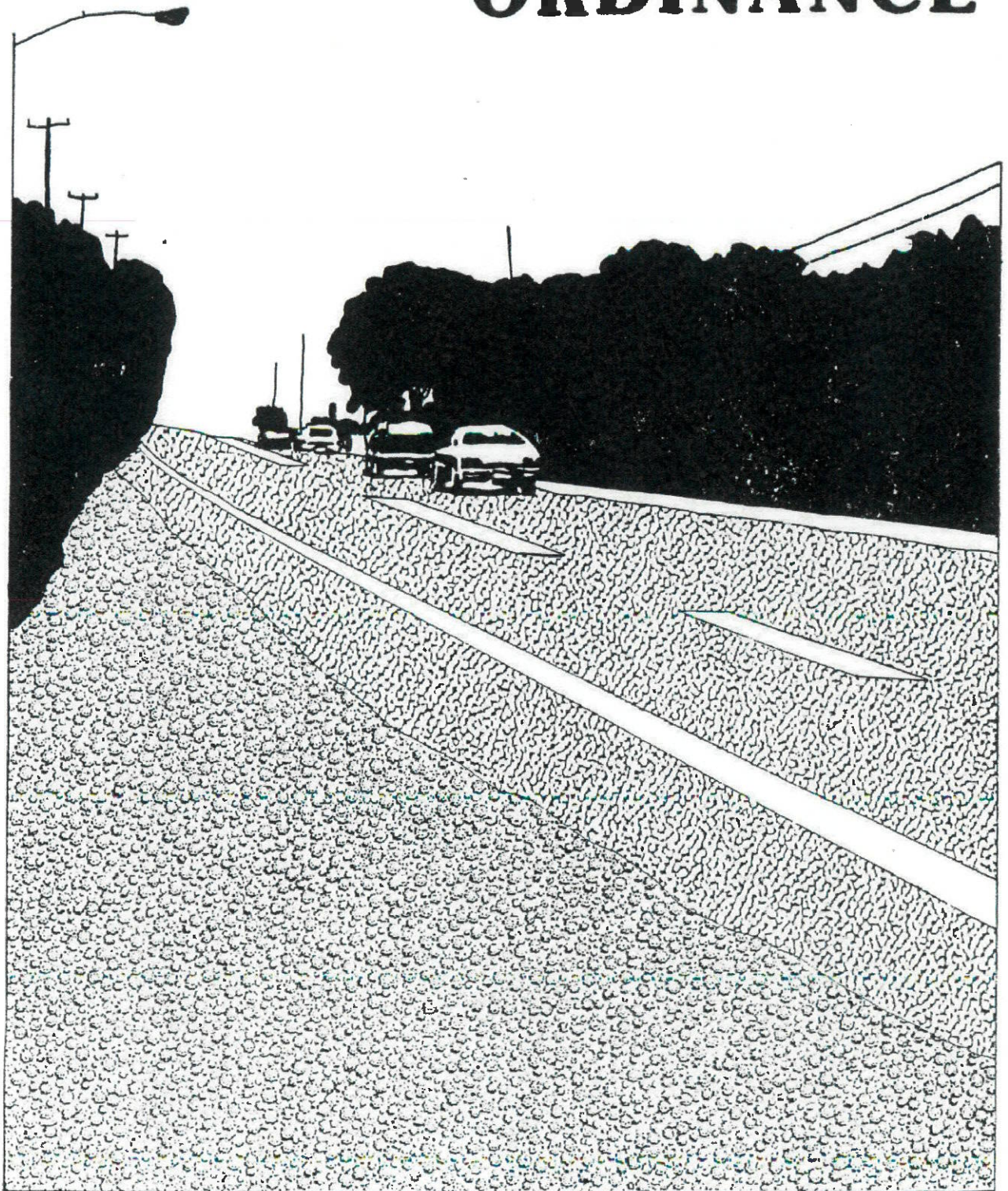


Mayor Lanny Adcock

Attest: Stephanie Island
City Recorder

EXHIBIT A.

ZONING ORDINANCE



GREENBRIER TENNESSEE

**ZONING ORDINANCE
GREENBRIER, TENNESSEE**

ADOPTED MAY 7, 1990

LAST AMENDED: June 7, 2010

PREPARED BY

**DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
LOCAL PLANNING ASSISTANCE OFFICE
SUITE 128, 446 METROPLEX DRIVE
NASHVILLE, TENNESSEE 37211-3139**

**TELEPHONE: (615) 741-1534
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AMENDMENTS

<u>DATE</u>	<u>ORDINANCE NO.</u>	<u>AMENDMENTS</u>
February 6, 1995	95-01	Amended by Adding to Article III, Section 3.120, <u>Site Plans, A., B., C., D., E., 1., 2., 3., 4.</u>
February 6, 1995	95-02	Amended by Changing the Following Sections of Article IV, Section 4.080, <u>Development Standards for Mobile Home Parks; Subsections A., 1, A., 2., l.; B., 1., a.</u>
February 6, 1995	95-02	Amended by Changing the Following Sections of Article V, Section 5.010, <u>Classification of Districts, Section 5.044, B., Residential Activities,</u> and Omit the Following Part of Section 5.044, C., <u>Residential Activities, Multi-family dwelling, Mobile home parks</u>
February 6, 1995	95-02	Amended by Adding the Following Section to Article V, Section 5.045, <u>RD, Mobile Home Park District</u>
June 5, 1995	95-04	Article II, Section 2.020, <u>Definitions, Added Bed and Breakfast Home Residence</u>
June 5, 1995	95-04	Article V, Section 5.042, <u>RA, Low Density Residential District, C., Uses Permitted as Special Exceptions, Added Bed and Breakfast Home Residences</u>
June 5, 1995	95-04	Article V, Section 5.043, <u>RB, Medium Density Residential District, C., Uses Permitted as Special Exceptions, Added Bed and Breakfast Home Residences</u>
June 5, 1995	95-04	Article V, Section 5.044, <u>RC, High Density Residential District, C., Uses Permitted as Special Exceptions, Added Bed and Breakfast Home Residences</u>
June 5, 1995	95-04	Article VII, Section 7.080, <u>Procedures for Authorizing</u>

AMENDMENTS (Continued)
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<u>DATE</u>	<u>ORDINANCE NO.</u>	<u>AMENDMENTS</u>
December 2, 1996	96-14	<u>Special Exceptions, under Subsection G., Added Subsection 3., Special Conditions for Review Pertaining to Bed and Breakfast Home Residences</u>
April 7, 1997	97-09	(Amended Article III, by Deleting Section 3.120, <u>Site Plans</u> , in its entirety; Amended Article VII, Section 7.030, by Deleting All of Subsection B, and Replacing with New Subsection B, 1, 2, 3, 4, 5, a, and b, Text
April 7, 1997	97-09	Article IV, Added Section 4.120, <u>Minimum Design Standards for Transmission and Communication Towers and Stations</u>
April 7, 1997	97-15	Article V, Section 5.020, <u>Zoning Map</u> , Amended by Adding April 7, 1997
June 2, 1997	97-21	Article V, Section 5.043, <u>RB, Medium Density Residential District, B, Uses Permitted, Under Residential Activities</u> , Amended by Deleting Duplex dwelling
August 18, 1997	97-26	Article IV, 4.070, A, 7, Amended by Deleting in Its Entirety and Replaced with New Subpart 7
August 18, 1997	97-26	Article IV, 4.070, C, 3, Amended by Deleting in Its Entirety and Replaced with New Subpart 3
January 5, 1998	97-28	Article IV, 4.070, C, Amended by Adding Subpart 10, <u>Marquee Signs</u>
June 1, 1998	98-12	Article III, <u>General Provisions</u> , Is Deleted and Replaced with New Article III
August 10, 1998	98-05	Article V, Entire Section 5.040, <u>Agricultural and Residential</u>

AMENDMENTS (Continued)
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<u>DATE</u>	<u>ORDINANCE NO.</u>	<u>AMENDMENTS</u>
August 10, 1998	98-13	<u>District Regulations, Is Deleted and Replaced with New Section</u>
August 10, 1998	98-13	<u>Article IV, Entire Article IV, Supplementary Provisions Applying to Specific Districts, Is Deleted and Replaced with New Article IV</u>
May 3, 1999	98-18	<u>Article IV, Subsection 4.086, 1, Amended by Adding, and CC</u>
May 3, 1999	98-18	<u>Article V, Section 5.010, Classification of Districts, Amended Commercial Districts</u>
May 3, 1999	98-18	<u>Article V, Entire Section 5.050, Commercial District Regulations, Is Deleted and Replaced with New Section</u>
March 1, 1999	99-01	<u>Article II, Section 2.020, Definitions, by Adding New Definition, Adult Oriented Business; Section 2.030, E, Commercial Activities, Added New Number 22, Activity Type – Adult Entertainment Establishments; Article V, Section 5.062, C, Uses Permitted as Special Exceptions, Added New Commercial Activities, Adult Entertainment; Article VII, Section 7.080, I, Specific Standards for Commercial Activities, Added New Number 2, Special Conditions for Adult Entertainment Business</u>
March 1, 1999	99-03	<u>Article V, Subsection 5.041, F, Dimensional Requirements, 6, Accessory Uses, Deleted Old b, Replaced with New b; Subsection 5.042, F, Dimensional Requirements, 6, Accessory Uses, Deleted Old b, Replaced with New b; Subsection 5.043, F, Dimensional Requirements, 6, Accessory Uses, Deleted Old b,</u>

AMENDMENTS (Continued)
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<u>DATE</u>	<u>ORDINANCE NO.</u>	<u>AMENDMENTS</u>
		Replaced with New b; Subsection 5.044, F, <u>Dimensional Requirements</u> , 6, <u>Accessory Uses</u> , Deleted Old b, Replaced with New b;
April 3, 2000	00-01	Article IV, Added 4.140, <u>Tree Planting and Protection</u>
November 13, 2000	00-06	Article IV, Section 4.083, Subsection 2, a, by Deleted and Replaced with New Section
November 13, 2000	00-06	Article IV, Section 4.087 <u>Temporary Sign Provisions</u> , Deleted and Replaced with New Section
November 13, 2000	00-07	Article V, Section 5.044, F, by Adding New Subsection 7, <u>Landscaping</u>
November 13, 2000	00-07	Article V, Section 5.045, F, by Adding New Subsection 7, <u>Landscaping</u>
November 13, 2000	00-07	Article V, Section 5.051, F, by Adding New Subsection 7, <u>Landscaping</u>
November 13, 2000	00-07	Article V, Section 5.052, F, by Adding New Subsection 7, <u>Landscaping</u>
November 13, 2000	00-07	Article V, Section 5.053, F, by Adding New Subsection 7, <u>Landscaping</u>
November 13, 2000	00-08	Article IV, Section 4.015, <u>Requirements for Design of Parking Lots</u> , Subsection 6, Deleted and Replaced with New Section
November 1, 2004	04-04	Article V, Subsection 5.052, D,

AMENDMENTS (Continued)
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<u>DATE</u>	<u>ORDINANCE NO.</u>	<u>AMENDMENTS</u>
		Uses Permitted as Special Exceptions, is Amended by Adding Single Family Detached Dwellings.
		Article VII, Section 7.080, G, Specific Standards for Residential Activities, is Amended by Adding a New Number 4.
March 7, 2005	04-05	Article IV, Section 4.082, Supplementary Definitions, Amended by Adding New Definition (Electronic Message Signs).
June 6, 2005	05-05	Article IV Section 4.030, B, Limited Duration Goods and Seasonal Merchandise, be Amended by Adding 2 Sentences to End.
May 7, 2007	07-04	Article IV Section 4.086, Permitted Signs in Commercial and Industrial Districts 1, (c) & (d), Amended by Omitting Certain Language and Inserting New.
July 7, 2008	08-10	Article VI, 6.020, Nonconforming Uses, Amended by Deleting and Replacing Text in Subsection F, Discontinuance.
June 1, 2009	09-06	Article IV, 4.087, Temporary Sign Provisions, Add Subpart 4, Duration of Display, Installation Without Prior Approval.
October 5, 2009	09-12	Article V, Subsection 5.051, CA, Town Center Commercial District,

AMENDMENTS (Continued)
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<u>DATE</u>	<u>ORDINANCE NO.</u>	<u>AMENDMENTS</u>
		Subpart (B), Uses Permitted, Under Commercial Activities, Added, Auto Services and Repair; and Vehicular, Craft, and Related Equipment.
March 1, 2010	10-02	Article VI, Section 6.020, Subpart (D), Changes of Use, Amended First Paragraph.
June 7, 2010	10-06	Article V, Added Section 5.070, Flood District Regulations
2010	10-07	Article V. <u>Political Signs</u>
Sept 12, 2011	11-08	Article VI. Section 6.020 Article VI. Section 6.020 Part (D). <u>Change of Use</u> . Amend paragraphs 1-4.
March 6, 2017	17-05	Article III. Section 3.030. <u>Lot must abut a dedicated or public street.</u>
June 5, 2017	17-10	Article V. Section 5.041. Item (G) added to <u>Agricultural District Regulations</u>
July 10, 2017	17-11	Article V. Section 5.048. <u>REPUDH</u>
August 7, 2017	17-13	Article V. Sections 5.051, 5.052, 5.053. <u>Rear Setbacks</u>