

**ARTICLE VI
EXCEPTIONS AND MODIFICATIONS**

SECTION

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

6.010. Scope. Article VI, of this resolution, is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided in Article III and Article IV.

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

- A. An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same or higher classification provided, however, that establishment of another nonconforming use of the same or higher classification shall be subject to the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect the area.
- B. A nonconforming use of land shall be restricted to the area occupied by such use as of the effective date of this resolution. A nonconforming use of a building or buildings shall not be enlarged to additional land after the effective date of this resolution.
- C. When a nonconforming use of any structure or land has been discontinued for a period of one (1) year, it shall not be reestablished or changed to any use not in conformity with the provision of this resolution.
- D. Any nonconforming building or nonconforming use which is damaged by fire, flood, wind, or other act of God, may be reconstructed and used as before, if it be done within one (1) year of such damage in which case any repair or reconstructions shall be in conformity with the provisions of this resolution.

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

F. When any industrial, commercial, or other business establishment ceases a nonconforming, grand-fathered use, there shall be thirty (30) months of retention of such nonconforming, grand-fathered use. After thirty (30) continual months of ceased operation, as tolled in Tennessee Code Annotated, Section 13-7-208 (g), the site must conform to this resolution and subsequent revisions. **(Added by Resolution 05-04-12, April 25, 2005)**

G. A legally existing single-wide mobile home may be replaced with another single-wide mobile home subject to the following conditions: a.) a maximum time of ninety (90) days is allowed from the time the existing single-wide mobile home is removed from the property and the replacement comes in. The old single-wide mobile home leaves the property forever. b.) The tongue of the replacement single-wide mobile home is removed. c.) Block, brick, or stone veneer shall be placed around the perimeter of the replacement single-wide mobile home. d.) The replacement single-wide mobile home shall be a model within five (5) years of the current date. **(Amended by Resolution 06-11-08, November 27, 2006).**

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

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

A. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this resolution does not own sufficient land to enable him to conform to the yard or other requirements of this resolution, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this resolution. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as in the opinion of the Board of Zoning Appeals as possible.

B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this resolution, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.

C. Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites

meeting the minimum requirements of the district in which they are located. All existing preliminary or final plats, with prior approval of the planning commission, shall be exempt from the requirements of Section 6.040, of this resolution.

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

6.060. Absolute minimum lot size. In no case shall the Building Inspector or the Board of Zoning Appeals permit a residence to be erected on a lot whose width at the building line is less than seventy-five (75) feet and/or whose total lot area is less than seven thousand-five hundred (7,500) square feet.