

ARTICLE I
GENERAL PROVISIONS

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1-101 TITLE AND PURPOSE

1-101.1 Long Title

An ordinance, in pursuance of the authority granted by Section 13-7-201 through 13-7-210, Tennessee Code, to provide for the establishment of districts within the City of Fairview, Tennessee: to regulate within such districts the location, height, bulk, number of stories and size of buildings and other structures, the percentage of lot occupancy, the size of open spaces, the density of population, and the uses of land, buildings, and other structures for trade, industry, residence, recreation, public activities and similar purposes to include special districts for areas subject to flooding and areas developed as a planned unit; to provide regulations governing nonconforming uses and structures; to provide for a board of appeals and for its powers and duties; to provide for permits; to establish and provide for the collection of fees; to provide for the administration of this ordinance and for the official whose duty it shall be to enforce the provisions thereof; to provide penalties for the violation of this ordinance; and to provide for conflicts with other ordinances or regulations.

1-101.2 Short Title

This ordinance may be cited as the Zoning Ordinance of the City of Fairview, Tennessee.

1-102 LEGISLATIVE ENACTMENT

AN ORDINANCE TO REPEAL ORDINANCE NO. 134, AND ALL AMENDMENTS THERETO, AND TO ADOPT THIS ORDINANCE NO. 444, AS THE ZONING ORDINANCE OF THE CITY OF FAIRVIEW, TENNESSEE, ALONG WITH A NEW OFFICIAL ZONING MAP

WHEREAS, Sections 13-7-201 through 13-7-210, of the Tennessee Code, empower the City to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

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

WHEREAS, the Board of Commissioners, pursuant to the provisions of Section 13-7-202, of the Tennessee Code, has appointed a Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and

WHEREAS, the Planning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, and

WHEREAS, the Planning Commission has given reasonable consideration among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate uses for the land throughout the City, and

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

WHEREAS, the Board of Commissioners has given due public notice of hearings related to zoning districts, regulations, and restrictions, and has held public hearings, and

WHEREAS, all the requirements of Sections 13-7-202 through 13-7-210, of the Tennessee Code, with regard to the preparation of the report of the Planning Commission and subsequent action of the Board of Commissioners have been met;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF FAIRVIEW, TENNESSEE:

1-103 REPEAL

The existing zoning regulations of the City of Fairview (**Ordinance No. 134**, as amended) are hereby repealed. The adoption of this ordinance, however, shall not affect nor prevent any pending or future prosecution of an action to abate any existing violation of said existing regulations, as amended, if the violation is also a violation of this ordinance.

1-104 INTENT AND PURPOSE

This ordinance is enacted pursuant to Title 13, of the Tennessee Code, for the following purposes:

- A. To promote and protect the public health, safety, morals, comfort, convenience, and general welfare of the people;
- B. To divide the City into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, business, commercial, manufacturing, and other specified uses;
- C. To protect the character and maintain the stability of residential, business, commercial, and manufacturing areas within the City, and to promote the orderly and beneficial development of such areas;
- D. To provide adequate light, air, privacy, and convenience of access to property;
- E. To regulate the intensity of open spaces surrounding buildings that are necessary to provide adequate light and air and protect the public health.
- F. To establish building lines and the location of buildings designated for residential, business, commercial, manufacturing, or other uses within such lines;
- G. To fix reasonable standards to which buildings or structures shall conform;
- H. To prohibit uses, buildings, or structures which are incompatible with the character of development or the permitted uses within specified zoning districts;
- I. To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder;
- J. To limit congestion in the public streets and so protect the public health, safety, convenience, and general welfare by providing for the off-street parking of motor vehicles and for the loading and unloading of commercial vehicles;
- K. To provide protection against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety; comfort, and general welfare;

- L. To prevent overcrowding of land and undue concentration of structures so far as is possible and appropriate in each district by regulating the use and the bulk of buildings in relation to the land surrounding them;
- M. To conserve the taxable value of land and buildings throughout the City;
- N. To provide for the gradual elimination of those uses of land, buildings and structures which do not conform to the standards of the districts in which they are respectively located and which are adversely affecting the development and taxable value of property in each district;
- O. To define and limit the powers and duties of the administrative officers and bodies as provided herein;
- P. To protect and in general allow for the beneficial uses of property in a like manner to that which was permitted under previous zoning ordinances.
- Q. These general purposes include the specific purposes stated in the various articles throughout this ordinance.

1-105 EXCEPTIONS

1-105.1 Previously Issued Permits

Building permits, certificates of occupancy, certifications of zoning compliance, use and occupancy permits, or zoning permits lawfully issued before the effective date of this zoning ordinance or subsequent amendment shall remain in effect provided that such activity or building or other structure for which such certificate or permit was issued is substantially established or constructed within six (6) months from the date of issuance of such certificate or permit. In the event that the activity or construction of such building or other structure is not substantially underway and being diligently pursued within the six (6) month period following the issuance of a certificate or permit, then such certificate or permit shall automatically lapse and the provisions of this zoning ordinance shall apply.

1-105.2 Previously Approved Exceptions

Whenever the zoning ordinance in effect at the time of adoption of this zoning ordinance has authorized any use that is not permitted as of right by issuing a variance, exception, or permit to locate in a district, such authorization may be continued, extended, enlarged, or structurally altered only as provided herein.

1. Renewals

Where no limitation as to duration of the use was imposed at the time of authorization, such use may be continued. Where such use was authorized subject to a term of years, such use may be continued until the expiration of the term, and thereafter, the agency or similar constituted agency that originally authorized such use may, in appropriate cases,

extend the period of continuance for one or more terms of not more than five (5) years each. The agency may prescribe appropriate conditions and safeguards to minimize adverse effects of such use on the character of the neighborhood.

2. Change of Use

In no event shall such use be changed, and no agency shall be empowered to permit such use to change, except to a conforming use or a nonconforming use as provided for in Article XIII, Section 13-102.6 (Change of Nonconforming Use). For the purposes of this section, a change of use is a change to another use either under the same activity type or any other activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change in use.

1-105.3 Alteration of Existing Buildings and Other Structures

All structural alterations or relocations of existing buildings or structures occurring after the effective date of this ordinance and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this ordinance which are applicable to the zoning districts in which such buildings, uses, or land shall be located.

1-106 INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.

1-107 RELATIONSHIP TO OTHER LAWS AND PRIVATE RESTRICTIONS

- A. Where the conditions imposed by any provisions of this ordinance upon the use of land or buildings or upon the height or bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance or any other law, or ordinance, of any kind, the provisions which are more restrictive shall apply.
- B. This ordinance is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of this ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this ordinance to the extent that they are more restrictive shall govern.

1-108 ORDINANCE PROVISIONS DO NOT CONSTITUTE PERMIT

Nothing contained in this ordinance shall be deemed to be a consent, license, or permit to use any property or locate, construct, or maintain any building, structure, or facility or to carry on any trade, industry, occupation, or activity.

1-109 PROVISIONS ARE CUMULATIVE

The provisions of this ordinance are cumulative with any additional limitations imposed by all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter appearing in this ordinance.

1-110 SEPARABILITY

It is, hereby, declared to be the intention of the Board of Commissioners of the City of Fairview, Tennessee, that the several provisions of this ordinance are separable in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provision of this ordinance invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provisions to any other property, building, or structure not specifically included in said judgment.

1-111 APPLICATION OF REGULATIONS

No structure shall be constructed, erected, placed or maintained and no land use commenced or continued within the City, except as specifically or by necessary implication, authorized by this ordinance. Conditional uses are allowed only on permit granted by the Board of Zoning Appeals upon finding that the specified conditions exist. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication,