

CHAPTER 153: ZONING CODE

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(d) Educational institutions, special schools, vocational schools and music and art studios;

(e) General business office uses, including medical and dental clinics, provided that no retail activity is carried on with the general public and no stock of goods is maintained for sale;

(f) Public and semi-public uses, including but not limited to museums, libraries, parks, churches, community centers, exhibition and halls, convention centers, galleries and facilities for the production of live theater;

(g) Accessory uses which are incidental to, maintained on the same lot and commonly associated with the operation of a permitted use;

(h) Home occupations, as defined in this chapter; and

(i) Beauty and barber shops that have no more than 2 barbers, stylists, beauticians or other operators.
(Ord. 2000-6, passed 11-16-2000)

(2) *Uses permitted by special exception.*
The following special uses shall be permitted by special exception in the RB district upon approval of the Board of Zoning Appeals;

(a) All the uses provided in § 153.035, in a structure not residential in character;

(b) Mortuaries and funeral parlors;

(c) Hospitals and sanitariums, provided the uses not be primarily for mental, drug or liquor patients;

(d) Institutional uses, including philanthropic and charitable uses, offstreet parking reservoir facilities and similar institutional uses;

(e) Buildings in excess of 30 feet in height, provided that additional front, side and rear setback distances shall be provided to the minimum extent of 2 feet for each 5 feet in height over the 30 feet; provided further, the building height shall not exceed 50 feet;
(Ord. 1980-2, passed 1-7-1980; Am. Ord. 1980-6, passed 3-3-1980)

(f) Beauty and barber shops that have more than 2 barbers, stylists, beauticians or other operators; and

(g) Tourist Homes Source Town Ordinance 97-5 which amended the restricted buffer area to permit tourist homes as a special exception use in the RB district.
(Ord. 2000-6, passed 11-16-2000) Penalty, see § 153.999

VILLAGE DISTRICT

§ 153.040 ESTABLISHING THE VILLAGE DISTRICT.

(A) The Village District has been traditionally characterized by tourist-oriented gift shops and food service accommodations, the prosperity of which is linked directly to the prosperity of the town. It is therefore hereby ordained that the following areas be established as the Village District:

(1) Starting at the intersection of Mound Street and Bittersweet Lane, proceed southward on Bittersweet Lane to the intersection of Bittersweet Lane and Washington Street.

(2) Then proceed eastward on Washington Street to the intersection of Washington Street and School House Lane.

(3) Then proceed northward on School House Lane to the intersection of School House Lane and Main Street.

(4) Then proceed westward on Main Street to the southwestern-most corner of Lot Number Four (4) of the "one hundred commercial" plat, then proceed northward to the northern-most west corner of Lot Number Five (5) of the "one hundred commercial" plat (commonly known as the Lincoln Bank Property).

(5) Then proceed northward to the east end of Gould Street. Then proceed westward on Gould Street to the intersection of Gould Street and Locust Lane.

(6) Then proceed northward on Locust Lane to the intersection of Locust Lane and Mound Street.

(7) Then proceed westward on Mound Street to the intersection of Mound Street and Bittersweet Lane.

(8) Excluding the area described in exhibit A (Bus Lot Description, Job #4235) attached to Ordinance 2006-05, passed 9-21-06.

(B) The Village District shall not be a separate "zone" but shall be treated as an "overlay" for the purpose of guidance to builders, land owners, developers, and businesses located therein and for guidance to the Development Review Commission (DRC) for the fair administration of its guidelines and standards. Businesses within the Village District shall be exempted from the parking requirements of Figure 3, Parking Spaces Required for Uses, of Appendix A, Land Uses and Requirements, of the Nashville Zoning Code.

(C) Pursuant to Ordinance 2010-09, the following area shall be included in the Village District: the area on the east side of Van Buren Street, bordered on the north by Washington Street, and on the south and east by School Way Drive. Businesses within this enlarged district shall be exempted from the parking requirements of Figure 3 of Appendix A referenced above in division (B). (Ord. 2006-05, passed 9-21-2006; Am. Ord. 2010-09, passed 12-16-2010)

BUSINESS DISTRICTS

§ 153.050 BUSINESS USES.

(A) The business uses defined below are permitted in the districts indicated in Figure 2 of Appendix A, when complying with the requirements specified in Figures 2, 3 and 4 of Appendix A, subject to the provisions of § 153.052 and § 153.111.

(B) A local business use is one which is primarily of a retail or service nature and is classified in the following categories:

(1) Food service:

- (a) Restaurant; or
- (b) Delicatessen.

(2) Personal service:

- (a) Photographic studio;
- (b) Artist studio; or
- (c) Beauty and barber shops that have no more than 2 barbers, stylists, beauticians or other operators.
(Ord. 2000-6, passed 11-16-2000)

(3) Retail service, retail stores generally. Including but not limited to the following:

- (a) Drug store;
- (b) Stationer;
- (c) Newsdealer;
- (d) Show room, for articles to be sold at retail;
- (e) Nursery or garden plant sales shop;
- (f) Apparel shop;

- (g) Flower shop;
- (h) Sales of gifts, crafts, paintings and antiques; or
- (i) Sale of food or drinks.
- (4) Business recreational uses: Indoor theater;
- (5) Private club or lodge;
- (6) Office building;
- (7) Art gallery;
- (8) Sign;
- (9) Accessory building or use customarily incidental to the above uses:

(a) Any building used primarily for accessory purposes may not have more than 40% of its total floor area devoted to storage purposes incidental to the primary use, and provided that no more than 5 persons are employed at 1 time or on any 1 shift in connection with the incidental use.

(b) Local business uses shall be conducted within buildings so constructed that no noise of any kind produced therein shall be audible beyond the confines of the building.

(Ord. passed 7-26-1960; Am. Ord. 6679, passed 9-5-1978; Am. Ord. 1980-3, passed 1-7-1980; Am. Ord. 1986-1, passed 1-6-1986)

- (10) Tourist home.
(Am. Ord. 1997-5, passed 11-20-1997) Penalty, see § 153.999

- (A) Local business uses;
- (B) Bank;
- (C) Office building;
- (D) Postal station;
- (E) Telegraph office;
- (F) Utility company business office;
- (G) Hotel or motel;
- (H) Newspaper publishing;
- (I) Motor bus or railroad passenger station;
- (J) Radio and television studios;
- (K) Bowling alley;
- (L) Billiard room;
- (M) Dancing academy;
- (N) Department store;
- (O) Commercial parking lot;

§ 153.051 GENERAL BUSINESS USE.

A general business use is one which includes retail and service uses, and accessory buildings and uses, specifically stated or implied, as follows:

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(P) Laundry agency;

(Q) Self-service laundry;

(R) Dry cleaning establishment;

(S) Dressmaking;

(T) Millinery;

(U) Tailor and pressing shop;

(V) Shoe repair shop;

(W) Radio or television shop;

(X) Electric appliance shop;

(Y) Record shop;

(Z) Grocery;

(AA) Meat market;

(BB) Supermarket;

(CC) Cold storage lockers, for individual use;

(DD) Bakery;

(EE) Barber shop;

(FF) Reducing salon;

(GG) Hardware store; or
(Ord. passed 7-26-1960)

(HH) Tourist home.
(Am. Ord. 1997-5, passed 11-20-1997)
Penalty, see § 153.999

§ 153.052 SERVICE AND WAREHOUSE BUSINESS USE.

A service and warehouse business use is one which permits retail uses and includes all service uses

and storage uses within the confines of the buildings, and accessory buildings and uses, specifically stated or implied, as follows:

(A) General business uses;

(B) Commercial parking structure;

(C) Automobile or mobile sales room or lot;

(D) Drive-in restaurants;

(E) Automobile or truck repair;

(F) Wholesale establishment;

(G) Storage warehouse;

(H) Kennel or veterinary hospital for small animals;

(I) Filling station;

(J) Any business use, not specifically stated or implied, elsewhere in this chapter; or
(Ord. passed 7-26-1960)

(K) Tourist home.
(Am. Ord. 1997-5, passed 11-20-1997)
Penalty, see § 153.999

§ 153.053 ADDITIONAL REQUIREMENTS.

(A) Parking spaces shall be provided on the lot, as indicated in Figure 3 of Appendix A, or within 300 feet thereof on a site approved by the Board.

(B) Loading and unloading berths shall be provided on the lot as indicated in Figure 4 of Appendix A.

(C) Groups of uses requiring parking spaces may join in establishing group parking areas with capacity aggregating that required for each participating use.

(D) Public parking area and loading and unloading berths shall be paved with a dustproof or hard surface.

(E) One-half of an alley abutting the rear of a lot may be included in the rear yard, but the alley shall not be included for loading and unloading berths.

(F) Where 25% or more of the lots in a block are occupied by buildings, the setback of the buildings shall determine the dimension of the front yard in the block.

(G) Loading and unloading berths shall not be required for business uses which demonstrably do not receive or transmit goods or wares in quantity by truck delivery.

(H) Parking and accessory uses are permitted in the required front yard in the B2 and B3 districts.

(I) Buildings remodeled or constructed within the B1 district must present substantially their original appearance or conform generally to the appearance of neighboring buildings with the intent of preserving the rustic county appearance. Authority to determine the appropriate design within this district is vested in the Board.

(J) The maximum building height requirement in Figure 2 of Appendix A may be increased if buildings are set back, from front and rear property lines, 1 foot for each 2 feet of additional height above the maximum building height requirement.

(K) Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers or essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.

(L) (1) No business operation or activity shall discharge or cause to be discharged liquid or solid wastes into public waters unless in conformance with the provisions of the Stream Pollution Control Law of the state (Chapter 214, Acts of 1943, as amended) and the regulations promulgated thereunder.

(2) Plans and specifications for proposed sewage and other waste treatment and disposal facilities shall be submitted to an approval obtained from the Stream Pollution Control Board of the state.

(M) In all business districts, it is permissible to erect more than 1 principal building on a lot.

(N) In a floodway fringe or floodplain district, the following requirements shall be met in addition to other provisions of this chapter:

(1) Commercial buildings or additions to existing buildings shall have flood protection grades at least 2 feet above the regulatory flood profile, or they may be floodproofed to an elevation of 2 feet above the regulatory flood if the plans and specifications are properly certified by a registered professional engineer or architect and conform to the definition of floodproofed as set forth in this chapter;

(2) (a) All mobile homes must have pads (either concrete or stands of compacted fill) at or above the elevation of the regulatory flood;

(b) Further, all mobile homes shall be provided with ground anchors meeting Mobile Home Tie Downs, Schedule A;

(3) On-site waste disposal systems must be located so as to avoid impairment of them or contamination from them during the occurrence of the regulatory flood; and

(4) All structures shall be built so as to minimize obstructions to the flow of floodwater. (Ord. passed 7-26-1960; Am. Ord. 6679, passed 9-5-1978; Am. Ord. 2000-3, passed 4-27-2000) Penalty, see § 153.999

INDUSTRIAL DISTRICTS**§ 153.060 INDUSTRIAL USES AND REQUIREMENTS.**

The industrial uses defined below, including accessory buildings and uses, are permitted in the district indicated in Figure 5 of Appendix A in accordance with the requirements of this section and § 153.111.

INDUSTRIAL USE. One which requires both buildings and open area for manufacturing, fabricating, processing, extraction, heavy repairing, dismantling, storage or disposal of equipment, raw materials or manufactured products or wastes; which is not injurious to health or safety of humans or animals, or injurious to vegetation; and which has not been declared a nuisance by any Court of Record.

LIGHT INDUSTRIAL USE. One which creates a minimum amount of nuisance outside the plant; is conducted entirely within enclosed buildings, does not use the open area around the buildings for storage of raw material or manufactured products or for any other industrial purpose other than transporting goods between buildings; provides for enclosed loading and unloading berths; and which is not noxious or offensive, by reason of the emission of smoke, dust, gas, fumes, odors, noise or vibrations beyond the confines of the buildings.

(Ord. passed 7-26-1960; Am. Ord. 6679, passed 9-5-1978) Penalty, see § 153.999

§ 153.061 ADDITIONAL REQUIREMENTS.

(A) Each use shall provide parking space for each 3 employees thereof located on the same lot as the use, or within 300 feet on a site approved by the Board.

(B) Each industrial use shall provide loading and unloading berths located on the same lot as the use, as specified in Figure 6 of Appendix A.

(C) Groups of uses requiring parking space may join in establishing group public or employee parking areas with capacity aggregating that required for each participating use.

(D) One-half of an alley abutting the rear of a lot may be included in the rear yard, but the alley space shall not be included for loading and unloading berths.

(E) The building height requirement in Figure 5 of Appendix A may be increased if the buildings are set back, from front and rear property lines, 1 foot for each 2 feet of additional height above the maximum building height requirements.

(F) Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, tanks, water towers, transmission towers or essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.

(G) In the industrial district, it is permissible to erect more than 1 principal building on a lot.

(H) In a flood district, the following requirements shall be met in addition to other provisions of this chapter:

(1) No residential buildings shall be permitted;

(2) Floodproofing of nonresidential structures is permitted but must conform to the definition of a floodproofed building as set forth in this chapter and must be certified by a professional engineer or registered architect licensed to practice in the state; and

(3) Any structure permitted in a floodway shall be constructed on the site so as to minimize obstruction to the flow of floodwater.

(Ord. passed 7-26-1960; Am. Ord. 6679, passed 9-5-1978; Am. Ord. 2000-3, passed 4-27-2000) Penalty, see § 153.999

FIGURE 3: PARKING SPACES REQUIRED FOR USES

<i>Type of Use</i>	<i>No. of Parking Spaces Required</i>
Local Business Uses: B1	
Uses listed in § 153.050	1 for each 125 sq. ft. of floor area
Indoor theater	1 for each 6 seats
Private club or lodge	Space to accommodate 50% of the active membership at 1 space/each 3 members
General Business Uses: B2	
Bank	1 for each 500 sq. ft. of floor area
Office building	1 for each 200 sq. ft. of floor area
Postal station	1 for each 500 sq. ft. of floor area
Telegraph office	1 for each 500 sq. ft. of floor area
Utility company business office	1 for each 500 sq. ft. of floor area
Hotel	1 for each 3 employees, plus 1 for each sleeping room
Motor bus or railroad passenger station	1 for each 3 employees, plus 1 for each 10 seats in waiting room. Other retail uses in connection therewith shall provide 1 space for each 2 employees
Bowling alley	3 for each lane, plus 1 for each 6 spectator seats
Dancing academy or billiard room	1 for each 200 sq. ft. of floor area
Department store	1 for each 200 sq. ft. of floor area
Outdoor business	*1 for each table or salesperson, whichever is greater
Uses listed in § 153.051	1 for each 125 sq. ft. of floor area
Service and Warehouse Business Uses: B3	
Storage warehouse and wholesale establishment	1 for each 3 employees or occupants. The maximum no. of employees or occupants to be used in determining spaces
Automobile and truck repair	1 for each 200 sq. ft. of floor area

<i>Type of Use</i>	<i>No. of Parking Spaces Required</i>
Veterinary hospital for small animals or kennel	1 space for each 3 animals to be confined in temporary or permanent pens or cages
Category 9 under Paragraph C, § 15 ____-12	As determined by the Board
NOTE: *This provision shall not be waived under the terms of Section ____ subparagraph (D)(3)	

(Am. Ord. 1997-9, passed 12-18-1997)