ARTICLE 14.00

PROVISIONS GOVERNING NON-CONFORMING USES AND NON-COMPLYING BUILDINGS OR OTHER STRUCTURES

14.01 Statement of Purpose

The districts established in this Ordinance (as set forth in district regulations in Articles 4.00 through 10.00) are designed to guide the future use of land within the corporate limits and planning region of the City of Gallatin, Tennessee, by encouraging the development of desirable residential, commercial, and industrial areas with appropriate groupings of compatible and related uses, thereby promoting and protecting the public health, safety, and general welfare of the community.

In order to protect the health, safety and general welfare of the community, land uses or structures which existed legally upon the commencement of the land use or the construction of the structure, but no longer conform to all the applicable provisions of this Ordinance, shall be restricted by the provisions of this Article to the fullest extent permitted by Tennessee law, including but not limited to the provisions of T.C.A. § 13-7-208, as amended.

Non-conforming uses and structures shall be subject to the following limitations and controls in order to protect and preserve the full use and enjoyment of nearby properties. While legally non-conforming uses are generally permitted to continue by this Article, further investment in such uses may be limited so as to encourage a relocation of the use to an appropriately zoned area.

The following provisions apply to legally non-conforming uses of land, non-conforming improvements to the land, pre-existing lots or parcels of substandard size, and non-conforming signs. These provisions shall be applied in a manner consistent with Tennessee Code Annotated § 13-7-208, as amended.

14.01.010 Conflicts with State or Federal Law

The provisions and requirements of this Article shall be interpreted as necessary by the Zoning Administrator to maintain consistency with applicable State or Federal law.

14.02 Non-Conforming Commercial, Industrial and Business Establishments/Uses

14.02.010 Applicability

For any manner of non-conformity, whether by (1) use, (2) structure, or (3) combination of non-conforming use and non-conforming structure, the following provisions shall apply:
General Provisions

A. Continuation of Non-Conforming Uses

Any non-conforming use which existed lawfully at the time of enactment of this Ordinance and which remains non-conforming under the provisions contained herein or any use which shall become non-conforming upon enactment of this Ordinance, or any subsequent amendments thereto, may be continued subject to the provisions of this Article.

B. Change of Non-Conforming Uses

For the purpose of this Section, a change in use is a change to another use either under the same activity type or any other activity type or major class of activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change of use.

A non-conforming use may be changed to any conforming use, and the applicable bulk regulations and accessory off-street parking requirements shall apply to such change of use or to alterations made in order to accommodate such conforming use.

Whenever an owner changes or permits a change from a non-conforming use to a conforming use, such use cannot thereafter be changed back to a non-conforming use.

C. Discontinuance of Non-Conforming Industrial, Commercial or Business Establishment Uses

When a non-conforming industrial, commercial or business use of land or a non-conforming use of part or all of a structure is discontinued or abandoned for a period of thirty (30) months, as specified by Tennessee Code Annotated § 13-7-208, as amended, such use shall not thereafter be re-established or resumed. Any subsequent use or occupancy of such land or structure shall comply with the regulations of the zoning district in which such land or structure is located.

D. Repair and Maintenance of Non-Conforming Uses and Structures

Nothing in this Section shall prevent the routine maintenance, strengthening or restoring to a safe condition of any part of any non-conforming building or structure declared unsafe by proper authority.

E. Expansion of Non-Conforming Uses and Structures

Subject to the provisions of Tennessee Code Annotated § 13-7-208, as amended, non-conforming industrial, commercial, or business establishment uses may be expanded and additional facilities may be constructed which involve an actual continuation and expansion of the non-conforming use, provided there is a reasonable amount of space on the property so as to avoid nuisances to adjacent landowners.
F. Destroy Present Facilities and Reconstruct New Facilities

Subject to the provisions of Tennessee Code Annotated § 13-7-208, as amended, non-conforming industrial, commercial, or business establishments uses may destroy present facilities and reconstruct new facilities necessary to the conduct of the business, provided there is a reasonable amount of space on the property so as to avoid nuisances to adjacent landowners. Any structure rebuilt on the site must conform to the provisions of the existing zoning regulations as to setbacks, height, bulk, or requirements as to the physical location of a structure upon the site.

14.03 Non-Conforming Residential Uses

14.03.010 Applicability

For any manner of non-conformity, whether by (1) use, (2) structure, or (3) combination of non-conforming use and non-conforming structure, the following provisions shall apply:

14.03.020 General Provisions

A. Continuation of Non-Conforming Uses

Any non-conforming residential use which existed lawfully at the time of enactment of this Ordinance and which remains non-conforming under the provisions contained herein or any use which shall become non-conforming upon enactment of this Ordinance, or any subsequent amendments thereto, may be continued subject to the provisions of this Article.

B. Change of Non-Conforming Uses

For the purpose of this Section, a change in use is a change to another use either under the same activity type or any other activity type or major class of activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change of use.

Unless otherwise provided for in this Article, a non-conforming residential use may be changed to any conforming use, and the applicable bulk regulations shall apply to such change of use or to alterations made in order to accommodate such conforming use.

Whenever an owner changes or permits a change from a non-conforming residential use to a conforming use, such use cannot thereafter be changed back to a non-conforming use.

C. Discontinuance of Residential Use

Any non-conforming residential use legally established upon the enactment of this Ordinance, or any subsequent amendments thereto, may be continued unless they are discontinued for a period of one (1) year.
D. Repair and Maintenance of Non-conforming Residential Uses and Structures

Nothing in this Section shall prevent the routine maintenance, strengthening or restoring to a safe condition of any part of any non-conforming residential building or structure declared unsafe by proper authority.

E. Expansion of Non-Conforming Residential Structures

Unless otherwise provided for in this Article, a non-conforming residential building or structure may be altered, expanded or converted to another permitted use, provided that the alteration, expansion or conversion does not create an increase in the degree of non-conformity.

14.03.030 Non-Conforming Residential Uses and Buildings in Commercial Zone Districts

A. Continuation Permitted

Any non-conforming residential use legally established on or before July 8, 1998 that is located in any commercial zone district may be continued unless it is discontinued for a period of one (1) year. Such use may be expanded and its buildings structurally altered or replaced provided that the expansion, alteration or replacement complies with the yard requirements of the residential zone district which most closely matches the lot size containing the non-conforming use as determined by the Zoning Administrator and all applicable development standards in this Ordinance.

B. Change in Residential Use

Changes of use from a non-conforming Single-wide Mobile Home residential use to a non-conforming One-Family Detached Dwelling residential use may be made provided that the change of use complies with the yard requirements of the residential zone district which most closely matches the lot size containing the non-conforming use as determined by the Zoning Administrator and all applicable development standards in this Ordinance.

14.04 Non-Conforming Multifamily Residential Establishments

Non-conforming multifamily residential establishments shall be allowed to reconstruct new facilities necessary to the conduct of such multifamily residential establishment in the event of damage, whether partial or complete, by involuntary fire or wind damage or other natural disaster in accordance with the provisions of Tennessee Code Annotated § 13-7-208, as amended.
14.05 Non-Conforming On-Premises Signs

14.05.010 Applicability

The following provisions shall apply to legally permitted on-premises signs that were in compliance with all applicable regulations in effect at the time of installation, but were made non-conforming by the adoption of this Ordinance, or subsequent amendments hereto. For the purpose of this Article, a non-conforming on-premises sign or sign structure means any existing permanent on-premises sign or sign structure which does not conform to the provisions of this Ordinance, but was lawfully erected under the sign regulations in effect at the time it was erected. For the purposes of regulating non-conforming signs, the definitions contained in Section 13.07 shall apply.

14.05.020 General Provisions

The utilization of a non-conforming on-premises sign or sign structure may continue subject to the conditions and requirements noted below. When the use of a property changes (including but not limited to the redevelopment of the site or a change in the use of the business(es)), the signs on that property must be brought into compliance with the provisions of this Ordinance.

With the exception of minor repairs and maintenance, which shall include and not be limited to printing, painting, re-facing or refinishing the surface of the existing sign face or sign structure so as to maintain the appearance, no substantial improvements to a non-conforming sign or sign structure shall be allowed. Any structural or other substantial improvement to a non-conforming sign shall be deemed an abandonment of the non-conforming status and shall result in the reclassification of such sign as an illegal sign.

14.06 Non-Conforming Billboards

Non-conforming Billboards may be continued and permitted to expand in accordance with the provisions of Tennessee Code Annotated § 13-7-208, as amended.

14.07 Non-Conforming Uses, Buildings or Structures Located In Special Flood Hazard Areas

The provisions of Article 10.00 shall apply to the continuation, expansion or reconstruction of any non-conforming uses, buildings or structures located within a special flood hazard area.
**ARTICLE 14.00 AMENDMENTS**

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