

ARTICLE 4.00
LEGAL STATUS AND PROVISIONS

04.01 Interpretation

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

04.02 Relationship to Other Laws and Private Restrictions

04.02.01 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.

04.02.02 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.

04.03 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.

04.04 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.

04.05 Severability

It is hereby declared to be the intention of the Mayor and Aldermen of the City of Gallatin, Tennessee, that the several provisions of this Ordinance are separable in accordance with the following:

04.05.010 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.

04.05.020 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.

04.06 Application of Regulations

No structure shall be constructed, erected, placed or maintained and no land use commenced or continued within the city or in the city's planning region 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.

04.07 Scope of Regulations

04.07.010 New Uses, Lots, Buildings or Other Structures

Upon the effective date of this Ordinance any new building or other structure or any tract of land shall be used, constructed, or developed only in accordance with the use, bulk and all other applicable provisions of this Ordinance.

04.07.020 Existing Uses, Lots, Buildings, or Other Structures

- A. Any existing use legally established prior to the effective date of this Ordinance which does not comply with its provisions shall be subject to the non-conforming use provisions in Article 14.00 of this Ordinance.
- B. Any existing lot, parcel, building, or other structure legally established prior to the effective date of this Ordinance which does not comply with its provisions, other than use provisions, shall be subject to the non-complying regulations in Article 14.00 of this Ordinance.

04.07.030 Alteration of Existing Buildings and Other Structures

All structural alteration or relocation 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.

04.08 Exceptions, Variances and Conditional Uses

Whenever the Zoning Ordinance in effect at the time of adoption of this Ordinance has authorized any use which is not permitted as of right by issuing a variance, exception, or permit to locate in a district, such authorization may be continued, changed, extended, enlarged, or structurally altered only as set forth in Section 15.06.

04.09 Renewals of Conditional Use Permits

Where no limitation of a 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 which originally authorized such use may terminate or modify with appropriate conditions and safeguards, the use to minimize adverse effects of such use on the character of the neighborhood.

04.10 Change of Use

In no event shall a conditional use permit be changed, and no agency shall be empowered to permit such use to be changed, except to a conforming use or to another approved conditional use permit as provided for in Section 15.06. 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.

(Ordinance O1702-14, 3-21-17)

04.11 Effective Date

This Ordinance shall be in force and effect from and after its passage and adoption, the public welfare requiring it.

Approved and Certified by Planning Commission

Rosemary D. Bales
Secretary of Planning Commission
7-13-98

[Signature]
Chairman
7-13-98

ATTEST:

[Signature]

7/13/98
Date

Approved on Final Reading

[Signature]
City Recorder

[Signature]
Mayor
7-14-98
Date

(Section 04.11 represents the effective date of the initial Ordinance No. O9806-035, Adopted July 7, 1998)