

## **SECTION 7. COMMERCIAL DISTRICTS**

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### **7.1 COMMERCIAL DISTRICTS PURPOSE**

#### **A. NC Neighborhood Commercial**

The NC Neighborhood Commercial District coincides with the “Suburban Center”, “Waterfront Living” and “Mixed-Use Neighborhood” character areas in Chapter 3 of the Hendersonville Land Use and Transportation Plan and is intended to accommodate the recurring household needs and personal service requirements of nearby residential areas. This includes convenience retail and service establishments. These districts would typically be located at major intersections and would be well screened from neighboring homes and would conform architecturally to those homes.

#### **B. O Office**

The O Office District coincides with portions of the “Employment Center” character area in Chapter 3 of the Hendersonville Land Use and Transportation Plan and is intended to accommodate low intensity uses that provide daytime jobs and employment including professional offices, general business services, office parks, hospital and medical clinics. Uses that support and serve these uses are also encouraged to locate in these districts.

#### **C. OTC Old Town Commercial**

The OTC Old Town Commercial District coincides with the “Old Town” character area in Chapter 3 of the Hendersonville Land Use and Transportation Plan and is intended to accommodate a wide variety of retail, service and office uses. The district also allows for residential uses to be incorporated into a development, so long as they are on the second (2<sup>nd</sup>) floor or above. Developments in this district should respect the existing development patterns of the Old Town, while encouraging infill of vacant parcels and redevelopment of under-developed parcels. This district is divided into the following sub-districts: Commercial/Main Street; Commercial/Transitional Residential; Commercial Core/Lakefront; and Commercial.

#### **D. MXC Mixed Commercial**

The MXC Mixed Commercial District coincides with the “Regional Activity Center” character area in Chapter 3 of the Hendersonville Land Use and Transportation Plan and is intended to accommodate a wide variety of uses including retail and office, as well as residential. This district is intended to accommodate large scale developments that are generally located near major transportation corridors and draw people from outside the city for shopping and employment. This district is

permitted only with a Planned Development overlay and Master Plan as per Section 8 (Planned Development Districts).

**E. GC General Commercial**

The GC General Commercial District coincides with the “Suburban Center” character area in Chapter 3 of the Hendersonville Land Use and Transportation Plan and is intended to accommodate professional office uses, retail uses, restaurants, hotels and other general commercial uses. Complimentary institutional uses are also allowed.

**F. HC Heavy Commercial**

The HC Heavy Commercial District coincides with the “Suburban Center” and portions of the “Employment Center” character area in Chapter 3 of the Hendersonville Land Use and Transportation Plan and is intended to provide appropriate locations for specialized general commercial uses, including contractor storage yards and a variety of business services, which are oriented toward supporting other retail goods and personal service establishments, and not necessarily focused upon the shopping public. Areas within this district should have direct access to major streets and be generally situated in locations removed or buffered from residential uses.

**G. I Industrial**

The I Industrial District coincides with portions of the “Employment Center” character area in Chapter 3 of the Hendersonville Land Use and Transportation Plan and is intended to accommodate light manufacturing, warehouse and distribution.

**7.2 PERMITTED AND CONDITIONAL USES**

Table 3: Commercial Districts: Permitted and Conditional Uses lists permitted and conditional uses for the commercial districts. A “P” indicates that a use is permitted within that district. A “C” indicates that a use is a conditional use in that district and must obtain conditional use approval as required in Section 4.5 (Conditional Use). No letter (i.e., a blank space), or the absence of the use from the table, indicates that use is not permitted within that district. For unlisted uses, see Section 7.3 (Interpretation of Unlisted Uses).

**CITY OF HENDERSONVILLE, TN**  
**TABLE 3: COMMERCIAL DISTRICTS: PERMITTED AND CONDITIONAL USES**

P = Permitted Use C = Conditional Use

Use <sup>1</sup>	MXR <sup>2</sup>	NC	O	OTC	MXC <sup>2</sup>	GC	HC	-	Use Standards
<b>RESIDENTIAL USES</b>									
Assisted Living Facility	P	P	P	C	P	P			10.3.A
Dwelling, Single-Family	P			P <sup>3</sup>	P				
Dwelling, Townhouse	P			P <sup>3</sup>	P				10.3.E
Dwelling, Multi-Family	P			P <sup>3</sup>	P				10.3.E
Independent Living Facility	P	P	P	C	P	P			10.3.A
Nursing Home	P	P	P	C	P	P			10.3.A
<b>GOVERNMENT &amp; EDUCATIONAL USES</b>									
Educational Facility, Primary/Secondary	P		C	C	P	C			
Educational Facility, College/University			P	C	P	P			
Educational Facility, Vocational School			P	C	P	P	P	C	
Government Facility & Offices	P	P	P	P	P	P	P	P	
Public Safety Facility	P	P	P	P	P	P	P	P	
Public Works Facility & Utility	P	P	P	P	P	P	P	P	
<b>RELIGIOUS USES</b>									
Place of Worship	P	C	C	C	P	C	C	C	
<b>CULTURAL , RECREATION &amp; ENTERTAINMENT USES</b>									
Art Gallery	P	P		P	P	P			
Cultural Facility	P	P		P	P	P			
Firing Range, Indoor					C	P	P		
Health/Fitness Center	P	P	P	P	P	P			
Indoor Entertainment Facility	C	C		C	P	P			10.3.F
Indoor Recreation Facility	C	C		C	P	P			10.3.F
Live Entertainment				P	P	P			
Marina	C	C		C	C	C			
Outdoor Entertainment Facility				C	C	C			10.3.F
Outdoor Recreation Facility	C	C		C	C	P			
Race Tracks						C	C		
Recreational Training School	P	P	C	P	P	P	C	C	
Social Club or Lodge	C	C	C	P	P	P			10.3.N
<b>OFFICE USES</b>									
Call Center	P <sup>4</sup>	P <sup>4</sup>	P	P	P	P	P		
Office	P <sup>4</sup>	P <sup>4</sup>	P	P <sup>4</sup>	P	P			
<b>RETAIL USES</b>									
Brewery Tap room and Retail Sales <sup>15</sup>						P	P	P	
Motor Vehicle Dealership					P <sup>5</sup>	P <sup>6</sup>	P <sup>6</sup>		10.3.I
Retail Goods Establishment	P <sup>4</sup>	P <sup>4</sup>	P <sup>7</sup>	P <sup>4</sup>	P	P			

**CITY OF HENDERSONVILLE, TN**  
**TABLE 3: COMMERCIAL DISTRICTS: PERMITTED AND CONDITIONAL USES (CONT)**

P = Permitted Use C = Conditional Use

Use <sup>1</sup>	MXR <sup>2</sup>	NC	O	OTC	MXC <sup>2</sup>	GC	HC	–	Use Standards
<b>SERVICE USES</b>									
Animal Hospital	C	C		P	P	P	P		
Banquet Hall			P	P	P	P			
Car Wash		C			C	P	P		
Caterer	P	P		P	P	P	P		
Day Care Center, Adult or Child	P	P	P	P	P	P			10.3.C
Equipment Repair		C		C	C	P	P		
Financial Institution	P	P	P	P	P	P			
Funeral Home		C		P	P	P			
General Business Services	P <sup>4</sup>	P <sup>4</sup>	P	P	P	P	P		
Helistop			C	C	C	C	C	P	
Hospital			C	C	C	P	C		
Hotel/Motel			P	P	P	P			
Kennel				C		P	P		10.3.G
Medical Rehabilitation Facility, Residential	P	P	P	P	P	P			
Medical/Dental Clinic	P <sup>4</sup>	P <sup>4</sup>	P	P	P	P			
Medical/Dental Laboratory			C	P	P	P	P	P	
Meeting/Event Center	C		P	P	P	P			
Motor Vehicle Rental Establishment				P	C	P	P		
Motor Vehicle Service Station/Fuel Center	C	C			C	P	P		10.3.H
Motor Vehicle Service and Repair, Major						C	P		10.3.K
Motor Vehicle Service and Repair, Minor					C	P	P		10.3.K
Parking Lot (Principal Use)			P	P	P	P	P	P	
Parking Structure (Principal Use)			P	P	P	P	P	P	
Personal Services Establishment	P <sup>4</sup>	P <sup>4</sup>	P	P <sup>4</sup>	P	P			
Printing Shop			P <sup>7</sup>	P <sup>4</sup>		P <sup>8</sup>	P <sup>9</sup>	P	
Research and Development Facility			P	P	P	P	P	P	
Restaurant, Full Service and Carry Out	C	P <sup>13</sup>	P <sup>7,13</sup>	P	P	P			
Restaurant, Quick Service					C	P			
Taxidermy				P	P	P	P		
Utility, Private	P	P	P	P	P	P	P	P	
<b>HEAVY RETAIL &amp; SERVICE</b>									
Contractor Office and Storage Yard						P <sup>10</sup>	P		
Food Service Contractor						C <sup>4</sup>	P	P	
Heavy Retail, Rental and Service Establishment					C	P	P		
Machine Shop							P	P	
Motor Vehicle Operations Facility				C	C	P	P		10.3.J
Reupholstery/Custom Home Textiles				P <sup>4</sup>		P <sup>4</sup>	P		
Self-Service Storage Facility						C	P	P	
Welding Shop						C	P	P	

**CITY OF HENDERSONVILLE, TN**  
**TABLE 3: COMMERCIAL DISTRICTS: PERMITTED AND CONDITIONAL USES (CONT)**

P = Permitted Use C = Conditional Use

Use <sup>1</sup>	MXR <sup>2</sup>	NC	O	OTC	MXC <sup>2</sup>	GC	HC	-	Use Standards
<b>INDUSTRIAL</b>									
Manufacturing, Heavy								C	
Manufacturing, Light						C <sup>4</sup>	P <sup>8</sup>	P	
Concrete or Asphalt Plant							C	C	
Sign Manufacturing/Fabricating						P	P	P	
Trucking Company/Terminal						C <sup>11</sup>	P	P	
Warehouse/Distribution						C <sup>8</sup>	P <sup>9,12</sup>	P <sup>12</sup>	
<b>OTHER</b>									
High Impact Facilities						C	C	C	
Radio & Television Towers & Transmission Facilities						C	C	P	10.3 M
Recycling Drop-Off Center						C	P	P	10.3 P
Sexually Oriented Business							C		10.3.L
Solar Farm, Wind Turbine Farm Similar <sup>14</sup>							C	C	
Vacation Rental - Added by Ord. 2016-16				P		P			
Wireless Telecommunications Tower						C	C	P	10.3.O

Notes:

1. The terms in this column ("Use") are defined in Section 15 (Definitions).
2. Rezoning to this district requires a planned development overlay and master plan as per Section 8.
3. Dwellings are only permitted above commercial and other permitted non-residential uses.
4. The gross building area used for this use may not exceed 5,000 square feet.
5. New car dealerships only (with accessory used car sales and service).
6. Used car lots must be at least 1,000 feet away from all other used car lots, as measured along the street(s).
7. Retail, Printing and Restaurant (except drive-through) uses are permitted within the O District within office buildings and in separate buildings within office parks provided the total area of such uses does not exceed 15% of the total constructed and occupied area within the office building or park.
8. The gross building area used for this use may not exceed 10,000 square feet, except that the Board of Zoning Appeals may grant a conditional use permit to allow up to 25,000 sq. ft.
9. The gross building area used for this use may not exceed 20,000 square feet.
10. Outside material storage shall be in accordance with Section 10.4N. Heavy equipment such as back hoes, bulldozers, dump trucks, trailers, graders, scrapers and the like shall be screened from view from
11. Not exceeding 1 acre
12. The storage and warehousing of chemicals, petroleum products, explosives and other hazardous materials in quantities such that Hendersonville's building code classifies said storage and warehousing as "hazardous" shall only be allowed with the approval of a Conditional Use Permit.
13. No beer or alcohol sales or consumption. Closed between 9 pm and 6 am.
14. See also Section 10.4V (Solar Panels) for solar panels allowed as an accessory use.
15. See Ordinance 2014-20 for restrictions

## **7.3 INTERPRETATION OF UNLISTED USES**

### **A. Procedure for Approving Unlisted Uses**

Where a particular use is not specifically listed in a Use Table, the Planning Department may permit the use upon a finding that the standards of Section 7.3B (Standards for Approving Unlisted Uses) are met. The Planning Department shall give due consideration to the purpose and intent statements in this Ordinance concerning the base zoning district involved, the character of the uses specifically identified, and the character of the use in question.

### **B. Standards for Approving Unlisted Uses**

The Planning Department is authorized to declare an unlisted use as a permitted or conditional use if the Planning Department determines that the unlisted use has an impact that is similar in nature, function, and duration to the other uses allowed in a specific zoning district. To make this determination, the Planning Department shall assess all relevant characteristics of the proposed use, including but not limited to the following:

1. The volume and type of sales, retail, wholesale, etc.;
2. The size and type of items sold and nature of inventory on the premises;
3. Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution;
4. Any dangerous, hazardous, toxic, or explosive materials used in the processing;
5. The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building; predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders);
6. The type, size, and nature of buildings and structures;
7. The number and density of employees and customers per unit area of site in relation to business hours and employment shifts;
8. Transportation requirements, including the modal split for people and freight, by volume type and characteristic of traffic generation to and from the site;
9. Trip purposes and whether trip purposes can be shared by other uses on the site;
10. Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other uses;
11. The amount and nature of any nuisances generated on the premises, including but

not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;

12. Any special public utility requirements for serving the proposed use, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
13. The impact on adjacent lands created by the proposed uses, which should not be greater than that of other uses in the zoning district.

### **C. Effects of Finding by Planning Department**

In making the determination described in Section 7.3A (Procedure for Approving Unlisted Uses), the Planning Department shall report the determination to the Planning Commission within sixty (60) days for ratification or rejection, and if it is determined the particular use is likely to be common or to recur frequently, or that omission of specific inclusion and reference in the Use Table is likely to lead to public uncertainty and confusion, the Planning Commission shall, within one (1) year, proceed to amend Table 1 and/or 3 accordingly. Until ratification or rejection by the Planning Commission, the interpretation of the Planning Department shall be binding, and permits may be issued, and shall remain valid even if the action by the Planning Department is reversed. Aggrieved parties may apply for a Zoning Amendment in accordance with Section 4.8 (Zoning Amendment).

## **7.4 LOT AND BUILDING BULK STANDARDS**

### **A. Lot and Building Bulk Standards**

Table 4 (Lot and Building Bulk Standards Commercial Districts) establishes minimum lot area, maximum building height, maximum lot coverage, minimum pervious areas, and minimum yards/building setback standards for the commercial and industrial districts. These standards apply to the base districts only. See Section 8, Table 6 for lot and building bulk standards in a commercial planned development overlay district. See Section 10.5 (Permitted Encroachments and Height Exceptions) for allowed yard encroachments and height exceptions.

Variances may be granted to the Lot and Building Standards specified by this section. See Section 4.4 (Variances) for procedures and criteria.

**CITY OF HENDERSONVILLE, TN**  
**TABLE 4: LOT AND BUILDING BULK STANDARDS**  
**COMMERCIAL DISTRICTS**

Bulk Regulations	NC	O	OTC <sup>2</sup>	GC	HC	I
Min. Lot Area (sq ft)	5,000	5,000	5,000	10,000	10,000	10,000
Max. Lot Coverage	30%	35%	35%	50%	50%	50%
Max. Building Height (ft)	25	45 <sup>3</sup>	Note <sup>4</sup>	45 <sup>3</sup>	45 <sup>3</sup>	45 <sup>3</sup>
Min. Pervious	30%	25%	20%	20%	15%	15%
Min. Front Yard (ft)	30	30	Note 4	30	30	30
Min. Side Street Yard (ft)	30	30	Note 4	30	30	30
Min. Side Yard (ft)	0 <sup>5,6</sup>	0 <sup>5,6</sup>	Note 4,6	0 <sup>5,6</sup>	0 <sup>5,6</sup>	0 <sup>5,6</sup>
Min. Rear Yard (ft)	20 <sup>6</sup>	20 <sup>6</sup>	Note 4,6	20 <sup>6</sup>	20 <sup>6</sup>	30 <sup>6</sup>

SF - Single-Family  
 TH - Townhome  
 MF - Multi-Family

Notes:

1. Master Plan required.
2. This table does not apply to residential uses allowed in this zone "above commercial uses". Refer to Section 6, Table 2.
3. Where bordering a Residential District, the restriction of the Residential District shall apply.
4. See Section 12.3G4 & Table 10 (Building Placement, Height and Massing)
5. Must conform to City's Building Code & Fire Code.
6. Where non-residential is bordering a residential zone or area, provide buffer/screen as specified by Section 11.4J (Buffer Yards).



**B. Special Height Standards**

Along any residential district boundary adjoining any commercial district which permits greater height, no building within the commercial district shall project through imaginary planes leaning inward from district boundaries at an angle representing an increase of one-half (1/2) foot in height for each foot of horizontal distance perpendicular to the boundary.

**7.5 GENERAL STANDARDS OF APPLICABILITY**

**A. Supplemental Standards**

See Section 10 (Supplemental Standards) for standards governing use of land and buildings; specific uses; accessory uses, buildings and structures; encroachments (setback and height); and temporary uses and structures.

**B. Site Development Standards**

See Section 11 (Site Development Standards) for standards governing off-street parking and loading; outdoor lighting; landscaping, screening and tree preservation; residential subdivision and multi-family development entry ways, walls and fencing; utility service; and street and other required improvements.

**C. Building Design Standards**

See Section 12 (Building Design Standards) for standards governing building design.

**D. Signs**

See Section 13 (Signs) for standards governing signs.