

ORDINANCE 10-04

AN ORDINANCE AMENDING ARTICLES IV AND V OF THE ZONING ORDINANCE AS INDICATED BELOW, TO PERMIT COMMERCIAL ACCESSORY RESIDENTIAL UNIT SPECIAL EXCEPTIONS IN THE C-1, CENTRAL BUSINESS SERVICE DISTRICT BY REVIEW OF THE BOARD OF ZONING APPEALS.

WHEREAS, the Board of Mayor and Aldermen wishes to amend multiple sections of the Zoning Ordinance to permit commercial accessory residential units in the C-1, Central Business Service District. The ordinances amendments include defining the Commercial Accessory Residential Unit as a special exception to be reviewed by the Board of Zoning Appeals including review criteria to ensure the safety of the building occupants. The primary locations of the C-1, Central Business Service district are defined on the zoning map as the area on SR 76 and Hwy 31W adjacent to the C-6, Town Center Zoning District.

NOW THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen that Article IV, Supplementary Provisions Applying to Specific Districts is amended as indicated below:

Amendment #1

Article 4 Supplementary Provisions Applying to Specific Districts
Section: 4.200 Commercial Accessory Residential Unit:

4.200 Commercial Accessory Residential Unit:

The White House Municipal Board of Zoning of Appeals shall review requests for an accessory residential unit in a primary commercial building in the C-1, Central Business Commercial Zoning District. The Board of Zoning Appeals shall review the following items in addition to Special Exception Review Procedures:

1. No accessory or detached structures to be used for an accessory residence.
2. Separate means of egress required for residential unit.
3. Only one accessory residential unit is permitted within the primary commercial building.
4. Residential unit shall not be located within the same building in proximity to an objectionable use as determined by Board of Zoning Appeals. An objectionable use includes a uses that would result in a safety issue for residential or commercial use and lack of privacy for the residential use. Objectionable uses permitted within the C-1, Central Business District, includes but are not limited to, fuel station and vehicle repair service, warehouse, storage, and limited manufacturing use.
5. Applicant shall submit with the application to the Board of Zoning the square footage of total unit and rooms to determine maximum occupancy, fire separation required between uses, and plan for a separate exit for residential unit.
6. Basement residential units shall be prohibited unless applicant can provide floor design load and exit design plan.
7. Change of use of the commercial use shall require review and approval by the Board of Zoning Appeals to determine compliance with review criteria listed above.

Amendment #2

Article 5 Zoning Districts
Section: 5.053.1 C-1, Central Business Service District
Sub-Section C. Uses Permitted as Special Exceptions

C. Uses Permitted as Special Exceptions

In the C-1, Central Business Service District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VII, Section 7.060.

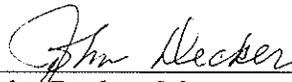
1. Automotive parking lot.
2. Warehousing and storage uses.
3. Day care centers.
4. Vehicular craft, and related equipment sales, rental and delivery.
5. Research services.
6. Retail business supply.
7. Twenty (24) Hour Medical/Veterinarian Clinic Accessory Residential Quarter meeting requirements of 4.160.
8. ***Commercial Accessory Residential Unit***

BE IT FURTHER ORDAINED that this amendment was approved by the Planning Commission at January 10, 2010 Meeting.

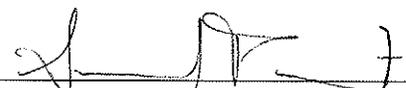
This ordinance shall become effective upon its final reading and adoption by the Board of Mayor and Aldermen, and publication, the public welfare requiring it.

First Reading: March 18, 2010 PASSED

Second Reading: April 15, 2010 PASSED



John Decker, Mayor



Amanda Priest, City Recorder