



ORDINANCE NO. 101

THE MUNICIPAL ZONING ORDINANCE

FOR

WHITE BLUFF, TENNESSEE

WHITE BLUFF MUNICIPAL PLANNING COMMISSION

ADOPTED: June 5, 1990

LAST AMENDED: May 3, 2022

AMENDMENTS

<u>DATE</u>	<u>ORDINANCE NO.</u>	<u>AMENDMENTS</u>
November 3, 1992	131	Amended Article IX, Section 9.090, A, Fee, Amended by Deleting Fifty (50) Dollars and Replacing with Two Hundred Dollars (\$200.00).
May 5, 1998	173	Amended Article II, Section 2.020, Definitions, Added Mini-Storage Facilities.
May 5, 1998	173	Amended Article V, Subsection 5.063.1, I-1, Restrictive Industrial District, Subsection B, Uses Permitted, Added Mini-Storage Facilities.
May 5, 1998	174	Amended Article V, Subsection 5.061.1, E, 2, R-1, Minimum Yard Requirements, Front Setback, Changed Wording.
May 5, 1998	174	Amended Article V, Subsection 5.61.2 , E, 2, R-2, Minimum Yard Requirements, Front Setback, Changed Wording.
May 5, 1998	174	Amended Article V, Subsection 5.61.3 , E, 2, R-3, Minimum Yard Requirements, Front Setback, Changed Wording.
October 6, 1998	176	Article IV, Subsection 4.070, A, 1, Amended by Adding to the End of the Sentence: nor shall any snipe signs or signs attached to trees, utility poles, streetlights, or placed on any public property be allowed by this ordinance.
October 6, 1998	176	Article IV, Subsection 4.070, A, 13, by Adding: (h) and (i); Under B, Adding 6.
October 6, 1998	176	Article IV, Subsection 4.070, A, 5, After the First Sentence, Add, Where portable is to mean any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

<u>DATE</u>	<u>ORDINANCE NO.</u>	<u>AMENDMENTS</u>
October 6, 1998	176	Article IV, Subsection 4.070, Amended by Adding: E, <u>Violations--</u> Penalties.
October 6, 1998	176	Article IV, Subsection 4.070, A, 9, End of Sentence, Add: with the exception of political signs.
August 1, 2000	196	Article II, Section 2.020, Definitions, Added, Veterinary Clinic.
August 1, 2000	196	Article IV, Added, Section 4.090, Development Standards for Veterinary Clinics.
August 1, 2000	196	Article V, Subsection 5.062.1, C, Added, Number 15, Veterinary Clinics.
August 7, 2001	213	Article II, Section 2.020, Definitions, Added, Child Care; Deleted and Replaced, Day Care Center; Added, Drop in Center; Family Child Care Home; Deleted Family Day Care Home; Added Group Child Care Home.
August 7, 2001	213	Article V, Section 5.061.1, Subsection B, Added, 5, Family Child Care Home; Section 5.061.2, Subsection B, Added, 6, Family Child Care Home; Section 5.061.3, Subsection B, Added, 8, Family Child Care Home; Section 5.062.1, Subsection B, Added, 15, Drop in Center; 16, Group Child Care Home; 17, Day Care Center; Section 5.062.2, Subsection B, Added, 17, Drop in Center; 18, Group Child Care Home; 19, Day Care Center.
December 3, 2002	222	Article III, Section 3.110, Buffer Strips, Deleted and Replaced with New Section 3.110, Landscaping and Screening Requirements.

<u>DATE</u>	<u>ORDINANCE NO.</u>	<u>AMENDMENTS</u>
December 3, 2002	222	Article V, Zoning Districts, Deleted and Replaced in Its Entirety.
June 10, 2004	235	Article IV, Section 4.030, Amended by Adding Subpart F, Fireworks Sales.
December 6, 2005	248	Article II, Section 2.020, Definitions, Amended by Adding Temporary Building; Temporary Commercial Building and Temporary Storage Building.
December 6, 2005	248	Article IV, Section 4.030, Amended by Adding Subpart G, Temporary Commercial Buildings.
February 6, 2007	266	Article V, Section 5.062, Subpart B, Amended by Deleting Transport and Warehousing and Amending Article V, Section 5.070 by Adding Mini Storage Facilities under Transport and Warehousing.
January 8, 2008	283	Article V, Section 5.061.1, Amended Lot Width at Setback Line and Side Setbacks for Duplex Dwellings and Article V, Section 5.061.2 Amended Side Setbacks for Duplex Dwellings.
February 5, 2008	284	Article V, Amended to Add Group Child Care Homes as Special Exception in R-1 Low Density Residential, R-2 Medium Density Residential, and R-3 High Density Residential Districts.
July 7, 2009	296	Article VII, Provisions Governing Floodplain Districts, Deleted and Replaced in its entirety.
July 7, 2009	297	Article IV, Section 4.070, Subpart B-6 Deleted and Replaced.
August 7, 2012	352	Article II, Section 2.020, Definitions, Amended by the addition of definitions for Firearms Training Facility and Indoor Range.

August 7, 2012	352	Article IV, creation of a new Section 4.100 Development Standards for Indoor Shooting Ranges.
August 7, 2012	352	Article V, Section 5.062.2, addition of Indoor Ranges and Firearms Training Facilities as Special Exceptions, and Section 5.063.1, addition of Indoor Ranges and Firearms Training Facilities as Special Exceptions.
May 2, 2017	388	Article II, Section 2.020, Definitions, Amended in part by revising definitions for Single Detached Dwelling, Mobile Home Dwelling (single-wide and double-wide), and deleting Prefabricated Dwelling.
May 2, 2017	388	Article VII, Section 7.020, Amended in part by revising definition for Manufactured Home.
October 2, 2018	397	ART V, Section 5.061.2, Amended in part by revising Subsection A, Purpose and Intent of District, and F, Dimensional Requirements, #1 & #2.
August 4, 2020	408	ART II, Section 2.020, Amended in part by revising definitions for Single detached dwelling and Mobile home dwelling (single-wide or double-wide, manufactured home, or trailer).
December 1, 2020	412	ART II, Section 2.020, Amended in part by revising definitions for Townhouse and Condominium, and addition of Attached Dwelling.
		ART III, Section 3.090, Addition of subsection G, and 3.120, Amended in part by addition of new language.
		ART VI, Deleted in entirety and replaced with new ART VI.

May 4, 2021	419	ART III, Section 3.120, addition of new subpart D; ART IV, addition of new Section 4.110; ART V, Sections 5.062.1, 5.062.2, 5.062.3, and 5.070, addition of new language
June 1, 2021	424	ART III, Section 3.120, addition of new subpart E
May 3, 2022	440	ART II, Section 2.020, replacement of definition of Duplex Dwelling

ARTICLE I ENACTMENT

SECTION

1.010 Authority

1.020 Title

1.030 Enactment

1.040 Purpose

1.010 AUTHORITY. An ordinance, in pursuance of the authority granted by Sections 13-7-201 through 13-7-401, Tennessee Code Annotated, to provide for the establishment of districts within the corporate limits of the Town of White Bluff, Tennessee: to regulate within such districts the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes including areas subject to flooding; to provide methods of administration of this ordinance; and to prescribe penalties for the violation thereof.

1.020 TITLE. This ordinance shall be known as The Zoning Ordinance of White Bluff, Tennessee, dated, **June 5, 1990**. The zoning map shall be referred to as the Official Zoning Map, of White Bluff, Tennessee, and all explanatory matter thereon is hereby adopted and made a part of this ordinance.

1.030 ENACTMENT

WHEREAS, Section 13-7-201 through 13-7-401, of the Tennessee Code Annotated, empowers the Town to enact a zoning ordinance and to provide for its administration enforcement, and amendment, and

WHEREAS, The City Board deems it necessary, for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare of the Town to enact such an ordinance, and

WHEREAS, all the requirements of Section 13-7-201 through 13-7-401, of the Tennessee Code Annotated, with regard to the preparation of the zoning plan of the Planning Commission and subsequent action of the City Board have been met;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN THAT THE ZONING ORDINANCE OF WHITE BLUFF, TENNESSEE BE ENACTED INTO LAW.

1.040 PURPOSE. The purpose of this ordinance is to promote the public health, safety, morals, convenience, order, prosperity and general welfare by:

- A. Enhancing the character and stability of residential, business, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;
- B. Preventing the overcrowding of land;
- C. Conserving the value of land and buildings;
- D. Minimizing traffic hazards and congestion;
- E. Preventing undue concentration of population;
- F. Providing for adequate light, air, privacy, and sanitation;
- G. Reducing hazards from fire, flood, and other dangers;
- H. Assisting in the economic provision, utilization, and expansion of all services provided by the public, including but not limited to roads, water and sewer service, recreation, schools, and emergency services;
- I. Encouraging the most appropriate uses of land; and
- J. Enhancing the natural, man-made and historical amenities of White Bluff, Tennessee.

ARTICLE II DEFINITIONS

SECTION

2.010 Scope

2.020 Definitions

2.010 SCOPE. For the purpose of this ordinance and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as follows:

- A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word "shall" is mandatory.
- D. The word "may" is permissive.
- E. The words "used" or "occupied" includes the words "intended," "designed," or "arranged to be used" or "occupied".
- F. The word "lot" includes the words "plot" or "parcel".

2.020 DEFINITIONS. The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this ordinance. Terms not herein defined shall have their standard dictionary definitions or such as the context may imply.

ACCESS: The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

ACCESSORY BUILDING: A subordinate building, the use of which is incidental to that of a principal building and located on the same lot therewith.

ACCESSORY USE: A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

ADVERTISING: Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designs used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, milestones, signboards,

wallboard, roofboard, frames, supports, fences, or other man-made structure, and any such advertising is a structure within the meaning of the word "structure" as utilized in this ordinance.

ADVERTISING SIGN OR STRUCTURE: See Sign.

AGRICULTURAL USE: This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests, and woods, provided, however, all health codes of White Bluff, Tennessee are complied with. The feeding or disposal of community or collected garbage to animals shall not be deemed an agricultural use, nor shall commercial feed lots, the raising of fur-bearing animals, fish or minnow hatcheries, riding stables, livery or boarding stables or dog kennels be so considered.

AGRICULTURAL ACCESSORY USE: Those structures or equipment which are normally required in the operation of agricultural uses.

ALLEY: A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility and public service purposes.

ALTERATION: As applied to a building or structure, means a change or rearrangement in the structural parts, or an enlargement, whether by extending a side or by increasing its height or structural changes, other than repairs, that would affect safety. The term "alter" in its various modes and tenses and its practical forms, refers to the making of an alteration.

AREA, BUILDING: The total areas taken on a horizontal plane at the main grade level of the principal building and all necessary buildings exclusive of uncovered porches, terraces, and steps.

ATTACHED: Joined together by party wall(s).

AUTOMOBILE WRECKING: The dismantling, storage, sale or dumping of used motor vehicles, trailers, or parts thereof.

AUTOMOBILE WRECKING, JUNK, AND SALVAGE YARDS: Any lot or place which is exposed to weather and upon which more than two (2) motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative, are placed, located, or found.

AVERAGE GROUND ELEVATION: The elevation of the mean finished grade at the front of a structure.

BASEMENT: A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average ground elevations or when subdivided and used for commercial activities.

BOARD: The White Bluff, Tennessee Board of Zoning Appeals.

BUFFER STRIP: A greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than forty (40) feet apart and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet.

BUILDING: Any structure having a roof supported by columns or by walls, including tents, lunch wagons, dining cars, mobile homes, and similar structures whether stationary or movable.

BUILDING INSPECTOR/CODES ADMINISTRATOR: The building inspector/codes administrator for the Town of White Bluff, Tennessee.

BUILDING AREA OF A LOT: That portion of a lot bounded by the required rear yard, side yards, and the building setback line.

BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

BUILDING SETBACK LINE: A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

BUILDING SETBACK LINE, FRONT: A line delineating the minimum allowable distance between the edge of the street (ditch), or if an official future street right-of-way has been established, from that future street right-of-way line, and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to or concentric with the edge of the street (ditch) or future street right-of-way.

BUILDING SETBACK LINE, REAR: A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

BUILDING SETBACK LINE, SIDE: A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

BULK: Describes the size of buildings or other structures, and their relationships to each other and to open areas or lot lines.

BUSINESS AND COMMUNICATION SERVICES: The provision of clerical services, goods brokerage, communications of a minor processing nature, including multicopy and blueprinting services, custom printing, but excluding the printing of books, other than pamphlets and small reports.

CAMPING GROUND: A parcel of land used or intended to be used, let, or rented for occupancy by campers or for occupancy by camping trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

CHILD CARE: the provision of supervision and protection of the basic needs of at least five (5) children who are not related to the primary care givers for at least three (3) hours per day, but less than twenty-four (24) hours per day.

CLINIC: See Medical Facility.

CONDITIONAL USE: See SPECIAL EXCEPTION. Such uses may be permitted in a zoning district if they are specially provided for in this ordinance, Article VIII, Section 9.080.

CONVENIENCE SALES: The retail sale of small convenience items such as toiletries, tobacco, and magazines. The dispensing of petroleum products may be included as accessory to convenience food products retailing.

CONVENIENCE SERVICES: Services which are typically needed frequently or recurrently, such as barber and beauty care; and includes the operation of self-service laundromats but excludes other apparel cleaning and repair services.

COVERAGE: The lot area covered by all buildings located therein, including the area covered by all overhanging roofs.

COUNTRY CLUB: A chartered, nonprofit membership club, with facilities catering primarily to its membership and providing one or more of the following recreational or social amenities: golf, riding, club house, pool, dining facilities, lounge.

DAY CARE CENTER: A facility that provides child care for thirteen (13) or more children. Children thirteen (13) years or older who are related to the primary care giver are not included in the total provided that the facility is the occupied residence of the primary care giver.

DROP-IN CENTER: is a place or facility that provides casual care for children who are not regularly enrolled at the facility. Such facility shall be operated in connection with a business establishment, recreational facility, or similar activity where children are cared for during short periods of time not to exceed ten (10) hours per week and for no more than six (6) hours each day for any individual child, while the parents are engaged in short term activities such as shopping, recreation, but not including employment.

DEVELOPMENT: Any man-made change to improve or unimproved real estate, including but not limited to buildings, or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

DISTRICT: Any section or sections of the area lying within White Bluff, Tennessee, for which the regulations governing the use, density, bulk, height, and coverage of buildings and other structures are in force.

DWELLING: A building or part thereof used as a habitation under one of the following categories:

A. Single detached dwelling means a building and accessories thereto principally used, designed, or adapted for residential use by a single family and entirely separated from structures on adjacent lots. (Modular homes are included and each have a GREEN tag issued by the State of Tennessee Department of Commerce and Insurance. Modular homes are regulated according to standards set in the most current Building Code. Sections 13-24-101 and 68-126-202 of the Tennessee Code Annotated considers Modular homes as the same as single-detached dwellings.) Double-wide mobile homes/multi-sectioned manufactured homes are preempted by Section 68-126-412 of the Tennessee Code Annotated, 42 U.S.C. § 5401, and 24 C.F.R. §3282.11, and said multi-sectioned homes are permitted to be placed in any zoning district where single detached dwellings and modular homes are permitted (see also definition for Mobile Home Dwelling.)

- B. Duplex dwelling** means two (2) attached units on a single lot that share the floor of a unit with the ceiling of another unit or a common wall from grade to eave at the front facade which continues for eighty percent (80%) of the common side or twenty feet (20'), whichever is greater; or two (2) detached units on a single lot which are separated by at least six feet (6')
- C. Apartment dwellings** means a building and accessories thereto principally used, designed, or adapted for use as occupancy by three (3) or more families each of which has separate living quarters. This includes triplexes and quadruplexes.
- D. Townhouse** means a single-family dwelling unit, with a private entrance, which is part of a structure of three or more dwelling units that are attached horizontally in a linear arrangement and having a totally exposed front and rear wall to be used for access, light, and ventilation. Same as Attached Dwelling (see definition for 'Attached Dwelling.')
- E. Condominium** means a multi-family structure containing three or more dwelling units being under or intended for separate ownership for each family living accommodation.
- F. Mobile home dwelling (single-wide or double-wide), manufactured home, or trailer** means a vehicular portable structure designed and constructed in accordance with the requirements of American National Standards Institute Standard A119.1, built on a chassis and designed to be used with or without a permanent foundation as a place for human habitation when connected to the required utilities and:
1. is not designed and constructed in accordance with the applicable provisions of the adopted building code, housing code; and
 2. does not contain a plumbing system designed and installed to meet the applicable requirements of the adopted plumbing code; and
 3. is denoted by a RED tag issued by the Federal Department of Housing and Urban Development. This definition excludes Travel Trailers or Recreation Vehicles for use as permanent dwellings (see definitions for Travel Trailer in this chapter, and Recreational Vehicle in ART VII.)

For purposes of this definition, a **double-wide mobile home / multi-sectioned manufactured home** means the same as a single-wide mobile home except a multi-section dwelling with each section built on a chassis, designed to be joined into one integral unit with one title for the whole structure. For placement in any residential zoning district and compatibility with the character offered by a single detached dwelling as defined herein (see also definition of Single detached dwelling), the following is required of a double-wide mobile home / multi-sectioned manufactured home, as well as all other requirements under

Tenn. Code Ann. § 13-24-202, which requires multi-sectioned manufactured homes to have the same general appearance as required for site-built homes:

- An affidavit of affixation so that the manufactured home becomes part of the land
- Perimeter blocking of underside of structure with substantive material (metal siding or sheeting for blocking is not permitted)
- Removal of the trailer tongue
- Axles and wheels removed or otherwise skirted/blocked from view
- Secondary electric service meter and line from the primary line physically attached to the dwelling
- Dwelling must have three feet by three feet (3' by 3') landing outside the exit doors and steps to ground with hand rails and railing for safety
- All piers under the dwelling set on poured concrete pads two feet by two feet (2' by 2') and ten (10) inches deep
- Water line to the home must have a shut-off valve for easy accessibility
- Clean outs on sewer line
- Yard around the multi-sectioned home seeded and strawed

G. Multi-family means a building containing three (3) or more dwelling units. The term includes apartments, townhouses, and condominiums.

H. Zero lot line dwelling means a building or structure containing two units (duplex), each unit being located on its own zone lot in separate ownership.

I. Attached Dwelling means a single-family dwelling unit, with a private entrance, which is part of a structure of three or more dwelling units that are attached horizontally in a linear arrangement and having a totally exposed front and rear wall to be used for access, light, and ventilation. Same as Townhouse (see also definition for 'Townhouse.')

FAMILY: One or more persons related by blood, marriage, or adoption, or a group not all related by blood, marriage, or adoption, occupying the premises and living as a single non-profit housekeeping unit as distinguished from a group occupying a boarding or lodging house or similar dwelling for group use. A family shall not be deemed to include domestic servants employed by said family.

FAMILY CHILD CARE HOME: A facility that provides child care for less than eight (8) children. Children thirteen (13) years or older who are related to the primary care giver are not included. The place or facility must be in the occupied residence of the license applicant (primary care giver).

FINANCIAL, CONSULTING AND ADMINISTRATIVE: Includes the provisions of financial, insurance, real estate brokerage services, as well as the provision of advice, designs, information, or consultation of a professional nature. Also includes the executive, management, administrative, and desired activities of private, profit-oriented firms, other than public utility firms. These activities do not include the storage of goods and chattels for the purpose of sale unless otherwise permitted by other provisions of this regulation.

FIREARMS TRAINING FACILITY: An indoor facility that provides training course and issues certifications required for law enforcement personnel, State Department of Fish and Wildlife, or by nationally recognized programs that promote shooting matches, target shooting, and safety.

FLOOR AREA: The sum of the gross floor area for each of the several stories under roof, measured from the exterior limits of faces of a building or structure.

FRONTAGE: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

GASOLINE SERVICE STATION: Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil (but no butane or propane fuels), or automobile accessories, and incidental services including facilities for lubricating, hand car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

GRADE, FINISHED: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

GROUP CHILD CARE HOME: A facility that provides child care for at least eight (8) children but less than thirteen (13) children; provided, that up to three (3) additional school aged children may receive care before and after school, on school holidays, on school snow days, and during summer vacation. Children thirteen (13) years or older who are related to the primary care giver are not included in the total provided that the facility is the occupied residence of the primary care giver.

HEALTH DEPARTMENT: The Dickson County Health Department.

HEIGHT OF BUILDING OR STRUCTURES: The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building or structure.

HOME OCCUPATION: See Section 4.040.

HOSPITAL: See Medical Facilities.

INDOOR RANGE: An indoor practice range specifically designed for target practice.

JUNK YARD OR SALVAGE YARD: A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.

LANDSCAPING: The planting and maintenance of trees, shrubs, lawns, and other ground cover or materials, provided that terraces, fountains, retaining walls, street furniture, sculptures, or other art objects, and similar accessory features may be included as landscaping if integrally designed.

LIGHT INDUSTRY: Is defined, for the purpose of this ordinance, on the basis of performance in terms of absence of objectionable noise, smoke, odor, dust, dirt, noxious gases, glare and heat; and of the creation of industrial wastes, psychological effects and generation of motor vehicle traffic.

LOADING SPACE: An area fourteen (14) feet by fifty-five (55) feet with a fifteen (15) foot height clearance providing for the, standing, loading, or unloading of a truck or other vehicle.

LOT: A piece, plot, or parcel of land in one ownership, which may include one or more lots or record, occupied or to be occupied by one principal building and its accessory buildings, including the open spaces required under this ordinance.

LOT, AREA: The total surface land area included within lot lines.

LOT, CORNER: A lot of which at least two adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two such sides is less than one hundred thirty-five (135) degrees.

LOT, DEPTH: The average distance from the street line of the lot to its rear line, measured in the general direction of the sidelines of the lot.

LOT, FRONTAGE: That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT, LINES: The boundary dividing a given lot from the street, an alley, or adjacent lots.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the effective date of this zoning ordinance. Regarding noncomplying lots of record see Section 8.060.

LOT, WIDTH: The width of a lot at the building setback line measured at right angles to its depth.

MARINA: A facility for the docking and servicing of boats.

MEDICAL FACILITIES:

- A. Convalescent, Rest or Nursing Home:** A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.
- B. Dental Clinic or Medical Clinic:** A facility for the examination and treatment of ill and afflicted human out-patients, provided, however, that patients are not kept overnight except under emergency conditions.
- C. Hospital:** An institution providing health services primarily for human in-patient medical care for sick or injured and including related facilities such as laboratories, out-patient facilities, emergency medical services, and staff offices which are an integral part of the facility.
- D. Public Health Center:** A facility utilized by a health unit for the provision of public health services.

MINI-STORAGE FACILITIES: An enclosed storage facility of a commercial nature containing independent, fully enclosed, and secured bays which are leased to persons exclusively for dead storage of their household goods or personal property. Such a facility shall be lighted, buffered from residential abutting properties, fenced in, secured, and shall not be used for habitable space nor commercial activity, and shall be maintained and free from debris. There shall be no storage of flammable or other hazardous materials in such a facility.

MOBILE HOME PARK: Any area, tract, site, or plot of land whereupon mobile homes as herein defined are placed, located, or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

NONCOMPLYING:

- A. Any lot of record which does not contain sufficient lot area to conform to the area requirements for the zoning district in which the lot is located.
- B. Any lawful building or other structure which does not comply with any one (1) or more of the applicable bulk regulations, or
- C. Any lawful use other than a nonconforming use, which does not comply with any part or any one (1) or more of the applicable regulations pertaining to location along district boundary; or 2) accessory off-street parking and loading, either on the effective date of this Ordinance or as a result of any subsequent amendment.

NONCONFORMING USE: A building, structure, or use of land existing at the time of enactment of this ordinance which does not conform to the regulations of the district in which it is located.

NOXIOUS MATTER: Material in gaseous, liquid, or solid form which is capable of causing injury to living organisms, chemical reactions, or detrimental effects upon the social, economic, or psychological well-being of individuals.

OPEN SPACE: An area on the same lot with a main building which is open, unoccupied, and unobstructed by structures from the ground to the sky except as otherwise provided in this ordinance.

OVERALL DENSITY: The residential density, stated in dwelling units per acre of any total lot, or development area.

OWNER: Includes the owner(s), his duly authorized agent or attorney, devisee, fiduciary, and a person having a vested or contingent interest in the property in question.

PARKING LOT: An off-street facility including parking spaces with adequate provisions for drives and aisles for maneuvering and obtaining access, and for entrance and exit.

PARKING SPACE: An off-street space available for parking one motor vehicle and having a minimum area of 10 x 20 feet in size, exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

PARTY WALL: A wall on an interior lot line, used or adopted for joint service between two (2) buildings; such walls shall extend from the foundation to the underside of the roof sheathing, without openings which would permit the spread of fire from one building to another, and shall fully comply with fire and all other provisions and standards established for such walls in the Standard Building Code.

PERSON: An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

PLANNED DEVELOPMENT: A single planned area of land which: (1) has both individual building site and common property such as a park; and (2) is designated and organized to be capable of satisfactory use and operation as a separate entity without necessarily having the participation of other building sites or other common property; the ownership of the common property may be either public or private. Planned developments consist of relatively large, interrelated developments located on a single tract of land. Cluster developments and mixed-use developments of all types are planned unit developments.

PLANNING COMMISSION: The White Bluff Municipal Planning Commission.

PLAT: A map, plan, or layout indicating the location and boundaries of individual properties.

PRINCIPAL USE: The specific primary purpose for which land or a building is used.

PRIVATE WASTEWATER TREATMENT: Individual subsurface sewage disposal systems (i.e., septic tanks), package treatment plants or individual aeration systems employed for the collection and treatment and/or disposal of wastewater, as approved by the appropriate county health office.

PROFESSIONAL OFFICE: The office of a physician, dentist, attorney, architect, engineer, accountant, or similar profession.

PUBLIC USES: Public parks, schools, and administrative, cultural, and services buildings, not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

PUBLIC WASTEWATER SYSTEM: A municipal, community, or utility district sewerage treatment and disposal system of a type approved by the State Department of Public Health and Environment, and the Public Service Commission.

PUBLIC WATER: A municipal, community or utility district water treatment and distribution system of a type approved by the State Department of Public Health and Environment and the Public Service Commission.

REQUIRED YARD: That portion of a zone lot that is require by the specific district regulation to be open from the ground to the sky, and which may contain only explicitly listed obstructions.

RIGHT-OF-WAY: The minimum right-of-way in all streets shall be fifty (50) feet, which measures twenty-five (25) feet from the street centerline. On each side of all collector streets the right-of-way shall be thirty (30) feet from the centerline. On arterial streets the right-of-way shall be forty (40) feet on each side of the street centerline. Collector and arterial streets are shown on the official Major Thoroughfare Plan of White Bluff, Tennessee.

ROADWAY: The actual road surface including necessary road shoulders and drainage facilities including ditches and curbs and gutters, which is used to transport motor vehicles.

SANITARY LANDFILL: An area or site utilized by a public or private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State Department of Public Health and Environment.

SHELTER, FALL-OUT: A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fall-out, air raids, storms, or other emergencies.

SHOPPING CENTER: A group of compatible commercial establishments planned, developed, and managed, as a unit, with an automobile storage area provided on the property; the center must also be related in location, size, and type of shop to its trade area.

SIGN, BILLBOARD, OR OTHER ADVERTISING DEVICE: Any structure or part thereof or device attached thereto, or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or any representation used as, or which is in the nature of, an announcement, direction, or advertisement. The word "sign" includes the word "billboard" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit.

A. Advertising Sign: A sign which directs attention to a business commodity, service or entertainment conducted, sold, or offered elsewhere than on the premises and only incidentally on the premises if at all.

- B. Billboard:** A type of advertising sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.
- C. Business Sign:** A sign which directs attention to the business or profession conducted on the premises.
- D. Flashing Sign:** Any illuminated sign, whether stationary, revolving, or rotating, which exhibits changing light or color effects, provided that revolving or rotating signs which exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed flashing signs only if they exhibit sudden or marked changes in such light or color effects.
- E. Ground Sign:** A sign supported by a pole, uprights, or braces on the ground.
- F. Illuminated Sign:** A sign designed to give forth any artificial light or reflect such light from an artificial source.
- G. Indirect Illumination Sign:** Any illuminated non-flashing signs whose illumination is derived entirely from an external artificial source and is so arranged that no direct rays of light are projected from such artificial source into residences or streets.
- H. Off-Premises Sign:** A sign relating to a product, service, or establishment that is not on the premises on which the sign is located.
- I. On-Premises Sign:** A sign relating to a product, service, or establishment that on the premises on which the sign is located.
- J. Pole Sign or Banjo Sign:** A type of ground sign at least ten (10) feet above the ground supported on a single post or pole most commonly associated with gasoline service stations.
- K. Roof Sign:** A projecting sign attached to or hung from a marquee and said marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, which such canopy or covered structure extends beyond the building, building line, property line.
- L. Temporary Sign:** Temporary signs shall include any sign, banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of

construction or purpose of sign is intended to be display for a short period of time only, e.g., a political sign.

M. Wall or Flat Sign: Any sign erected parallel to the face or on the outside wall of any building which projects out at any angle there from and projects more than twelve (12) inches beyond the face of such wall.

SPECIAL EXCEPTION: A use specifically permitted if the owner could demonstrate to the satisfaction of the Board of Zoning Appeals that it will meet certain standards, enumerated safeguards, or qualifying conditions set forth herein.

STORY: That portion of a building included between the upper surface of any flood and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy in which the floor area with eight (8) feet or more head clearance equals fifty (50) percent or ore of the floor area of the next story below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of the floor area of the story next below shall be a "half-story". A basement shall be considered as a story if more than half of its height is above the average ground level from which the "height of a building" is measured of if it is used for commercial purposes.

STREET: A public road, highway, or thoroughfare which constitutes, or is designed to constitute, the main access to more than one lot and which has been legally dedicated and accepted for public use.

STRUCTURE: Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground and including among other things, signs, billboards, and fences.

TEMPORARY BUILDING: A building that is, by design or otherwise, capable of being readily moved from one site to another, either as a unit or as components. Included in this term is any non-site-built building specifically including manufactured buildings of all types even when placed on a permanent foundation.

TEMPORARY COMMERCIAL BUILDING: A temporary building specifically designed so as to be used for office, retail, or service uses.

TEMPORARY STORAGE BUILDING: A temporary building the principal use of which is storage of goods or materials. Examples include (but not limited to) temporary commercial buildings used primarily for storage, tents, shipping containers, over the road trailers with axles

removed, buses with axles removed, mobile homes converted to storage units, etc. This term should not be confused with the term mini-storage facilities as defined in this ordinance.

TOXIC MATERIALS: Materials (gaseous, liquid, solid, particulate) which is capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.

TRAVEL TRAILER: A vehicular, portable structure designed as a temporary dwelling for travel, recreation, and vacation uses.

TRAVEL TRAILER PARK: A plat of land designed and equipped to accommodate travel trailers for short periods of time.

USE: The purpose for which land or a building or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.

VETERINARY CLINIC: An animal health care facility that treats animals weighing less than two hundred (200) pounds.

YARD: An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance, provided that accessory buildings may be located in a rear yard.

YARD, FRONT: The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the front lot line.

YARD, REAR: The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the front lot line.

YARD, SIDE: The required space unoccupied except as herein provided, measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard.

ZONE LOT: For purposes of this ordinance, a lot is a parcel of contiguous land which is or may be developed or utilized under one ownership as a unit site for a use or group of uses and which is of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street. For the purpose of this definition, the ownership of a zone lot shall be deemed to include a lease of not less than fifty (50) years duration.

ZONING MAP: A map, or series of maps and special overlays (the official copy being maintained by the Building Inspector/Codes Administrator) showing districts and special districts that are established under the provisions of, and are thereby, a part of this Ordinance.

ZONING PERMIT: A written permit issued by the Building Inspector/Codes Administrator, same being required before commencing any construction, reconstruction, alteration of any building or other structure or before establishing, extending, or changing any activity or use on any zone lot.

**ARTICLE III
GENERAL PROVISIONS**

SECTION

3.010 Scope

3.020 Only One (1) Principal Building on Any Lot

3.030 Lot Must Abut a Public Street

3.040 Rear Yard Abutting a Public Street

3.050 Corner Lots

3.060 Future Street Lines

3.070 Reduction in Lot Area Prohibited

3.080 Obstruction to Vision at Street Intersection Prohibited

3.090 Access Control

3.100 Accessory Use Regulations

3.110 Landscaping and Screening Requirements

3.120 Site Plan Requirements

3.010 SCOPE. For the purpose of the zoning ordinance, there shall be certain general provisions which shall apply, except as specifically noted, to the Town as a whole.

3.020 ONLY ONE (1) PRINCIPAL BUILDING ON ANY RESIDENTIAL LOT. Only one (1) principal building and its customary accessory buildings may hereafter be erected on any residential lot. This provision does not prohibit apartments or other similar complexes as permitted under Article V, Subsection 5.061.4, or Subsection 5.062.3.

3.030 LOT MUST ABUT A PUBLIC STREET. No building shall be erected on a lot which does not abut at least one (1) publicly approved and accepted street for a distance of at least fifty (50) feet, or at least thirty (30) feet on cul-de-sac courts, or unless it abuts for fifty (50) feet on a street shown on a final subdivision plat as approved by the White Bluff Planning Commission.

3.040 REAR YARD ABUTTING A PUBLIC STREET. When the rear yard of a lot abuts a public street, all structures built in the rear yard shall observe the same setback from the street right-of-way line, center line of the street, or property line, as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street.

- 3.050 CORNER LOTS.** The side yard setback requirements for corner lots shall be the same as the front setback requirements for the next adjacent lot fronting on the street that the side yard of the corner lot faces.
- 3.060 FUTURE STREET LINES.** For the purpose of providing adequate space for the future widening of streets, required setbacks, or front yards shall be determined by the right-of-way as shown in the most current official White Bluff, Tennessee Major Thoroughfare Plan.
- 3.070 REDUCTION IN LOT AREA PROHIBITED.** No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of the zoning ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.
- 3.080 OBSTRUCTION TO VISION AT STREET INTERSECTIONS AND RAILROAD INTERSECTIONS PROHIBITED.** On a corner lot in any district within the area formed by the center lines of the intersecting or intercepting streets and/or railroads and a line joining points on such center lines at a distance of seventy-five (75) feet from their intersection, there shall be no obstruction to vision between the height of three and one-half (3 1/2) feet and a height of ten (10) feet above the average grade of each street and/or railroad at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.
- 3.090 ACCESS CONTROL.** In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact the following regulations shall apply:
- A. A point of access for vehicles onto a street shall not exceed thirty (30) feet in width for all residential, retail, and commercial service land uses. All points of access shall be so constructed as to provide for proper drainage property and public street. A minimum of an eighteen (18) inch culvert shall be provided in the ditch line. For industrial land uses a point of access for vehicles onto a street shall not exceed forty-five (45) feet in width.
 - B. There shall be no more than two (2) points of access to any one public street for each four hundred (400) feet of lot frontage, or fraction thereof, provided, however, that lots less than one hundred (100) feet in width shall have no more than one point of access to any one public street.
 - C. No point of access shall be allowed within twenty-five (25) feet of the right-of-way line of any public intersection. On collectors or arterials this minimum shall be forty (40) feet.

- D. No curbs on city streets or right-of-way shall be cut or altered without written approval of the White Bluff Building Inspector/Codes Administrator, or if a state highway, a permit must also be obtained from the Tennessee Department of Transportation.
- E. Where two driveways are provided for one lot frontage, the clear distance between the driveways shall not be less than twenty-five (25) feet.
- F. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly onto a public street.
- G. Traffic Impact Study. A traffic impact study, prepared by a Registered Traffic Engineer, shall be submitted for review for all developments subject to a site plan review per Section 3.120 that exceed 50,000 square feet or more of floor space; for any major subdivision consisting of fifty (50) or more lots; or other development if determined by the Planning Commission or other consultant or local department of the Town as necessary. The purpose of a traffic impact study is to identify what improvements, if any, are needed to offset the additional traffic generated by a proposed level of development. The traffic impact study shall meet the following requirements:
 - a) The study area shall include and examine:
 - 1. All signalized intersections within one-half (1/2) mile of the site.
 - 2. All intersections with designated major streets within one-half mile of the site.
 - 3. Existing traffic and project generated traffic.
 - 4. Traffic forecasts for projects planned or under construction within one half (1/2) mile of the site; and
 - 5. Three (3) and five (5) year forecasts for existing and project generated traffic.
 - b) Existing traffic shall be based on actual counts made from 12:00 p. m. and 6:00 p. m. on Friday. These counts shall be assumed to represent design hour volumes. All planning and forecasting shall be done using design hour volumes.
 - c) Project generated traffic shall be determined using the data and methodology defined in the book, "TRIP GENERATION", 3rd Edition or subsequent editions.
 - d) Three (3) and five (5) year projections shall be based on straight-line projections of counts made by the Tennessee Department of Transportation for the five (5) counting periods prior to the study year. If such counts are not available, projections shall be based on special counts factored by an increase

of three and one half (3 ½) percent per year to reach the required projection year.

- e) The study shall include recommendations for actions necessary to minimize the impact of project generated traffic on the existing transportation system. These actions shall include, but not be limited to, construction of new lanes, addition of traffic signals, and the changing of phasing for existing traffic signals.
- f) The study shall also include recommendations for actions necessary to minimize traffic impacts in three (3) and five (5) years.

3.100 ACCESSORY USE REGULATIONS. The use of land, buildings, and other structures permitted in each of the districts established by this ordinance are designed by listing the principal uses. In addition to such principal uses, accessory uses which are customarily incidental to the permitted uses are also permitted in each district. Each accessory use shall:

- A. Be customarily incidental to the principal use established on the same lot.
- B. Be subordinate to and serve such principal use.
- C. Be subordinate in area, intent, and purpose to such principal use.
- D. Contribute to the comfort, convenience, or necessity of users of such principal use.
- E. No accessory building shall extend beyond the required front line of the principal building or beyond the required front, side, or rear yard of lot, and shall not exceed twenty (20) feet in height.

3.110 LANDSCAPING AND SCREENING REQUIREMENTS. Due to the nature of commercial and industrial uses and their potential for adverse impact to surrounding properties, all proposed developments shall be landscaped. Likewise, all developments other than one- and two-family dwellings shall be landscaped. The intent of these provisions is to be flexible and to allow site specific conditions such as those outlined below to determine the type, location, and extent of landscaping and screening.

3.110.1 Screening. Commercial and industrial uses shall normally be screened from adjoining agricultural and residential zones by either an evergreen screen, a decorative wall/fence with an evergreen screen, a berm with an evergreen screen or other suitable alternative as approved by the Planning Commission.

The typical evergreen screen shall consist of a row of evergreen trees no more than forty (40) feet apart and two (2) rows of shrubs or hedges spaced not more than five (5) feet apart and which grow to at least five (5) feet in height after one season and ten (10) feet in height when mature. The spacing and type of screen may be reduced when combined with either an earthen berm or a decorative fence.

This permanent screen may be located in any area so long as, in the opinion of the Planning Commission, the negative impact of the commercial building(s), storage, and parking area will be reduced so as to preserve the character of the adjacent residential or agricultural zone. Likewise, the minimum screening standards may be reduced by the Planning Commission based on the individual circumstances of the site as outlined below.

When a commercial/industrial development abuts a property zoned for agricultural or residential use and that property is used for agriculture or is otherwise not developed to the point of being fully utilized according to the standards of this ordinance, the Planning Commission may allow the commercial/industrial site to provide only half of the appropriate screening.

3.110.2 Landscaping. All sites other than one- and two-family dwellings shall be landscaped. Each site shall have a minimum landscaped area of ten (10) percent that shall consist of trees, shrubs, hedges, flowers, etc. This landscaped area may include grass, but only that area that will be under the canopy of the trees after five (5) years after planting shall apply towards this minimum area. Likewise, the area of mulch beds or similar may be applied towards the ten (10) percent minimum area provided that they are predominantly planted. (*i.e.*, If two (2) or three (3) small shrubs were placed in a large mulch bed the majority of the mulch bed would not be counted towards the ten (10) percent minimum.)

- The remainder of any required non-impervious area may be grass or other vegetation.
- Any required screening or landscaping that is required in parking areas may apply towards the minimum landscaped area.
- A twenty (20) foot strip shall be preserved along the roadway and may not be built upon or paved except at points that provide ingress/egress.
- All required screening and/or buffering vegetation, berms, etc., shall be permanently maintained.
- All required parking areas with ten (10) or more spaces shall be suitably improved so as to provide landscaping equal to or greater than seven and one-half (7 1/2) percent of their total area. Parking areas shall not have rows with more than (20) unbroken spaces.

3.110.3 Criteria. When making decisions regarding the landscaping or screening of a site, the following criteria shall be considered by the Planning Commission:

- A. The proximity of the proposed site to existing residential structures, proposed residential subdivisions, and non-commercial land uses.
- B. The topography of the area.
- C. The existing vegetation of the proposed site as well as the existing vegetation of nearby properties. Any exiting vegetation that is to be retained shall be so noted on the plan.
- D. The structure to be used for the proposed commercial site including size, bulk, setback, lot coverage ratio, building materials, proposed building setbacks, and other similar criteria.
- E. The location of accessory buildings, outdoor sales area, outdoor storage, and parking areas of the proposed site.

3.120 SITE PLAN REQUIREMENTS. The purpose of this provision is to prevent undesirable site development which would unduly create inadequate circulation and unnecessary congestion; to obtain maximum convenience, safety, economy, and identity in relation to adjacent sites; and to provide maximum flexibility for expansion, change in use, and adaptation to individual needs. Thus, applicants for building permits must submit scale drawings by a professional competent of such design, according to the particular types of development proposals, to the White Bluff Municipal Planning Commission in accordance with the following procedures:

- A. Proposals for the construction or location of one (1) or more principal structures on a lot (with the exception of single-family and two-family dwellings, where there is only one structure per lot) shall be submitted at a scale no smaller than 1" - 100', and must exhibit required automobile storage areas, loading and unloading spaces, maneuvering areas, openings for ingress and egress to public streets, landscape treatment, any required buffer strips, required building setbacks, topographic contour (not greater than five (5) foot intervals) drainage plans, floodable areas if applicable, location of existing and proposed utility lines, and location of all easements right-of-ways, in accordance with Article III, General Provisions, outlined in this ordinance.
- B. The above applications must be supported by any other information or data as might be deemed necessary by the White Bluff Municipal Planning Commission.
- C. Proposals for planned developments and mobile home parks shall follow separate provisions as set forth herein.

- D. The White Bluff Design Review Standards shall apply to any development subject to regular site plan review unless otherwise exempted from review as specified by the Manual.
- E. Exceptions. Exceptions to this site plan review process may be reviewed by Staff without referral to the Planning Commission provided that such proposal(s) would have minimal impact on the existing site, in the opinion of Staff. Conditions exempting an applicant from the site plan review process may consist of any of the following:
1. Any single-family or two-family dwelling proposals.
 2. Any minor addition(s) to a principal structure of no greater than twenty-five percent (25%) of the principal structure's size, up to a maximum of two thousand square feet (2,000 sq. ft.).
 3. Any accessory structure no larger than one thousand square feet (1,000 sq. ft.) or no greater than ten percent (10%) of the size of the principal structure up to a maximum of one thousand five hundred square feet (1,500 sq. ft.).
 4. The parking requirements of this ordinance are maintained and that there is no increase or decrease in the number of parking spaces by more than ten percent (10%), or unless a variance on parking is granted by the Board of Zoning Appeals.
 5. Any change of use to another use within the same land use category per Article V, Section 5.070 of this Ordinance; or
 6. Any special exception use specified by this Ordinance to have plans reviewed by the Board of Zoning Appeals.

**ARTICLE IV
SUPPLEMENTARY PROVISIONS
APPLYING TO SPECIFIC DISTRICTS**

SECTION

- 4.010 Off-Street Parking Requirements**
- 4.020 Off-Street Loading and Unloading Requirements**
- 4.030 Temporary Use Regulations**
- 4.040 Customary Incidental Home Occupations**
- 4.050 Fall-Out Shelter Restrictions**
- 4.060 Gasoline Service Station Restrictions**
- 4.070 Standards for Signs, Billboards, and Other Advertising Structures**
- 4.080 Development Standards for Automobile Wrecking, Junk and Salvage Yards**
- 4.090 Development Standards for Veterinary Clinics**
- 4.100 Development Standards for Indoor Shooting Ranges**
- 4.110 Development Standards for Mixed-Use Developments in C-1 and C-2**

4.010 OFF-STREET PARKING REQUIREMENTS. Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be two hundred (200) square feet in size (10 feet x 20 feet) and such space shall be provided with vehicular access to a street or alley. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

- A. Single Detached Dwelling and Duplex:** Not less than two (2) spaces for each dwelling unit.
- B. Apartment Dwelling:** Not less than two (2) spaces per dwelling unit.
- C. Boarding Houses and Rooming Houses:** Not less than one (1) space for each (1) room to be rented.
- D. Townhouse and Condominium:** Not less than two (2) spaces per dwelling unit.
- E. Other Dwelling Units:** Not less than two (2) spaces per dwelling unit.
- F. Hotels, Motels and Other Tourist Accommodations:** Not less than one (1) space for each room to be rented plus one (1) additional space for each employee.

- G. Any Auditorium, Church, Stadium, or Other Place of Public Assembly:** Not less than one (1) space for each four (4) seats provided in such places of assembly. For places of public assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc., at least one (1) space for each two-hundred (200) square feet of floor space devoted to that particular use shall be provided.
- H. Manufacturing, Industrial or Wholesaling Use:** Not less than one (1) space for each two (2) employees anticipated during maximum production, with a minimum of five (5) spaces provided for any establishment. For establishments maintaining space for the sale of products at retail, there shall be provided one (1) parking space for each five hundred (500) square feet of floor area devoted to retail sales.
- I. Office and Professional Buildings:** Not less than one (1) parking space for each three hundred (300) square feet of office space located on the first floor plus one parking space for each five hundred (500) square feet of floor space (or fraction thereof) above or below the first or main floor; provided that office space constructed or arranged on the floors above or below the first floors of retail or other business establishments and not used in connection therewith, shall fall within the meaning of this subsection, plus one (1) parking space per each employee.
- J. Retail Sales and Service Establishments:** Not less than one (1) parking space for each two hundred and fifty (250) square feet, or fraction thereof, of floor space.
- K. Medical or Dental Clinic:** Not less than four (4) spaces per doctor, plus one (1) additional space for each employee.
- L. Service Stations:** Not less than five (5) spaces for grease rack or service bay, or one (1) space for each 1,400 square feet of lot area or fraction thereof, whichever is greater.
- M. Restaurants:** Not less than one (1) space per one hundred fifty (150) square feet of gross floor area, plus one (1) space for each two employees. For drive-in restaurants, one (1) space per one hundred (100) square feet of gross floor area, plus one (1) space for each employee.
- N. Shopping Centers:** Five and one-half (5 1/2) parking spaces per each one thousand (1,000) square feet of gross floor area.
- O. Other:** For buildings and uses not listed, the off-street parking requirements shall be determined by the Board of Zoning Appeals.

- 4.011 Certification of Minimum Parking Requirements.** Each application for a building permit shall include information as to the location and dimensions of off-street parking spaces and the means of ingress and egress to such spaces. This information shall be in sufficient detail to enable the Building Inspector/Codes Administrator to determine whether or not the requirements of this section are met.
- 4.012 Combination of Required Parking Spaces.** The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.
- 4.013 Remote Parking Spaces.** If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the main entrance to such principal use, provided such land is in the same ownership or lease as the principal use. Such land shall be used for no other purpose so long as no other adequate provision of parking space, meeting the requirements of this ordinance, has been made for the principal use.
- 4.014 Extension of Parking Area into a Residential District.** Required parking space may be extended one hundred (100) feet into a residential district, provided that:
- A. The parking area adjoins a commercial or industrial district.
 - B. The parking space in this area have their only access to or front upon the same street as the property in the commercial or industrial districts for which it provides the required parking spaces.
 - C. The parking area is separated from abutting properties in the residential districts by a buffer strip.
- 4.015 Requirements for Design of Parking Lots**
- A. Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
 - B. Parking space shall be no less than two hundred (200) square feet in area.
 - C. Entrances and exits for all off-street parking shall comply with the requirements of Section 3.090, of this ordinance.
 - D. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.

- E. There shall be a parking aisle at least twenty-two (22) feet wide serving all ninety (90) degree and sixty (60) degree angled parking spaces. For all thirty (30) and forty-five (45) degree angled parking spaces there shall be a minimum parking aisle of sixteen (16) feet in width.

4.020 OFF-STREET LOADING AND UNLOADING REQUIREMENTS. Every building or structure hereafter constructed and used for business or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public street. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

<u>Total Usable Floor Area for Principal Building</u>	<u>Spaces Required (See Article II, for Definition)</u>
0 to 4,999 sq. ft.	One (1) space
5,000 to 20,000 sq. ft.	Two (2) spaces
Over 20,000 sq. ft.	One (1) space for each additional 20,000 sq. ft.

The Board of Zoning Appeals may reduce or increase this requirement in the interest of safety where unusual or special conditions are due consideration.

4.030 TEMPORARY USE REGULATIONS. The following regulations are necessary to govern the operation of certain necessary or seasonal uses non-permanent in nature. Application for a Temporary Use Permit shall be made to the Building Inspector/Codes Administrator. Said application shall contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following use are deemed to be temporary uses and shall be subject to the specific regulations of any district in which such use is located:

- A. Carnival, Circus, Flea Markets, Outdoor Concerts, Car Shows, etc:** May obtain a Temporary Use Permit in the C-2, M-1, M-2, or M-3 Districts; however, such permit shall be issued for a period of not longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided.
- B. Christmas Tree Sale:** May obtain a thirty (30) day Temporary Use Permit for the display and sale of Christmas trees on open lots in any district.

- C. Temporary Buildings:** Use Permit may be issued for contractor's temporary office and equipment sheds incidental to construction project. Such permit shall not be valid for more than one (1) year, but may be renewed for six (6) month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs sooner.
- D. Religious Tent Meetings:** In any district a Temporary Use Permit may be issued for a tent or other temporary structure to house a religious meeting. Such permit shall be issued for not more than a thirty (30) day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.
- E. Temporary Dwelling Unit in Cases of Special Hardship:** In any residential district, a Temporary Use Permit may be issued to place a mobile home (double-wide excluded) temporarily on a lot in which the principal structure was destroyed by fire, explosion or natural phenomena. The purpose of such placement temporarily shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent an exceptional hardship on the same. Placement of such temporary structure must not represent a hazard to the safety, health, or welfare of the community. An applicant for a temporary Use Permit as provided under this subsection must produce a written statement from the White Bluff Utilities System and the Dickson County Health Department when applicable, approving the water supply and sewerage disposal systems of the temporary structure. Such a permit may be initially issued for nine (9) months. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of eighteen (18) months.
- F. Fireworks Sales:** A Temporary Use Permit for the sale of fireworks may be issued in a C-1 District provided the following conditions are met:
1. That the site be located no more than one (1) mile from a municipal fire station as measured by the roadway.
 2. That the site has a minimum of ten (10) dust free parking spaces with a paved entrance. The dust free surface shall be "shot and chip," asphalt, concrete, or other similar materials.
 3. That such use is conducted at least two hundred (200) feet from gasoline or motor fuel pumps and at least one hundred (100) feet from any structure.
 4. An applicant for such Temporary Use Permit as provided in this section shall produce a written permit from the Town of White Bluff allowing the sale of fireworks as well as any required State permits for such use. Firework sales shall be limited to the duration specified by the permit granted by the Town of White Bluff, but in no case shall exceed thirty (30) days.

G. Temporary Commercial Buildings: In Commercial and Industrial Districts, a Temporary Use Permit may be issued to allow a Temporary Commercial Building (as defined by this ordinance) to be used for office, retail, or service uses provided such use is permitted in the district in which it is located. Any such temporary building shall be the only primary structure located on the lot and shall be the principal use of the lot on which it is placed unless it is located on the same lot as a structure being constructed or renovated. The Temporary Use Permit shall be issued for a period of no more than eighteen (18) months. However, the permit may be extended for six (6) months if actual construction has occurred for a permanent building that will be occupied by the business using the temporary commercial building.

4.040 CUSTOMARY INCIDENTAL HOME OCCUPATIONS. A customary incidental home occupation is a gainful occupation or profession (including the professional office of an architect, artist, dentist, engineer, lawyer, physician and the like, barber, beauty and tailor shops), conducted by members of a family residing on the premises or only one person in addition to those persons residing therein and conducted entirely within the principal dwelling unit. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings. An announcement sign of not more than four (4) square feet in area is permitted.

When questions arise regarding the legality of specific home occupations, the Board of Zoning Appeals shall determine whether said home occupation is in compliance with the district in which said home occupation is located. However, activities such as dancing instruction, tea rooms, tourist homes, real estate offices, convalescent homes, mortuaries, animal clinics, retail sales business, or any other activity deemed by the Board to be incompatible with the district or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation.

4.050 FALL-OUT SHELTER RESTRICTIONS. Fall-out shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Areas of underground fall-out shelters extending not more than thirty (30) inches above the general ground level of the graded lot shall not be included in computations of lot coverage by all buildings. The Board of Zoning Appeals may waive side and rear yard setback requirements to permit construction of joint shelters by two or more property owners, provided, however, that side and rear yard setback requirements shall be met where property involved in the joint proposal abuts or adjoins property not included in the proposal.

4.060 GASOLINE SERVICE STATION RESTRICTIONS. The following regulations shall apply to all gasoline service stations:

- A. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands.
- B. Gasoline pumps shall not be located closer than twenty-five (25) feet to any street right-of-way line.
- C. Sign requirements as established in ARTICLE IV, Section 4.070, shall be met.

4.070 STANDARDS FOR SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES. These conditions are established as a reasonable and impartial method of regulations advertising structures in order to insure light, air, and open space, to reduce hazards at intersections, and to protect property values of the entire community. The regulations for signs, billboards, and other advertising structures are enumerated below:

A. In any zoning district, the following general regulations shall apply as well as the regulations in Chapter 23, "Sign and Outdoor Displays," of the Standard Building Code:

- 1. No sign shall be erected or maintained where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal, device or, emergency vehicle; nor shall any snipe signs or signs attached to trees, utility poles, streetlights, or placed on any public property be allowed by this ordinance.
- 2. No illuminated sign shall be permitted within one hundred (100) feet of property in any residential district unless the illumination of such sign is so designed that it does not shine or reflect light onto such property.
- 3. No billboard or ground sign shall be erected to exceed the maximum height limitation for the district in which it is located. No billboard shall exceed one hundred (100) feet in length, and no double stacking of any billboard or posterboard is allowed.
- 4. Billboards 10' x 40' and posterboards 12' x 24' shall be erected or placed in conformity with the side, front, and rear yard requirements of the district in which located. However, no billboard or posterboard shall be erected or placed closer than one hundred (100) feet of any residential district.
- 5. No portable signs shall be permitted. Where portable is to mean any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.
- 6. Signs erected and overhanging any sidewalk must be placed at least nine (9) feet above the sidewalk and may extend over the sidewalk a distance equal to two-thirds (2/3) the width of the sidewalk, but in no case exceeding ten (10) feet.

7. Professional signs and signs for home occupations shall not exceed four (4) square feet in area in the residential districts.
8. Signs are not kept in good repair in the opinion of the building inspector/codes administrator, the sign permit may be revoked and such signs removed by the town.
9. No sign or billboard shall be located closer than fifteen (15) feet of the right-of-way, and no lower than eight (8) feet to the ground that exceeds sixteen (16) square feet, with the exception of political signs.
10. On the premises outdoor advertising signs, including flashing or intermittent illumination shall not intrude upon the public right-of-way.

B. Temporary signs and posters are subject to the following regulations:

1. Each sign shall not exceed five (5) square feet in area, excluding banners.
2. The signs shall not be located closer together than five hundred (500) feet.
3. Such signs shall not be nailed to trees, fence posts or public utility poles and shall not be located in the public right-of-way, excluding banners.
4. All such signs advertising events shall be removed within ten (10) days after the event date.
5. All such signs shall be valid for thirty (30) days only, after which time they shall be removed.
6. A permit must be obtained from the building inspector/codes administrator before any permanent or temporary signs or banners, billboards or posterboards are erected.
7. In any district, the following signs shall be permitted:
 - a. For parking areas, entrance and exit signs not exceeding four (4) square feet in area and not more than one (1) sign not more than sixteen (16) square feet in area identifying or designating the conditions of the use of such parking area.
 - b. Nonilluminated "For Sale" or "For Rent" signs not exceeding four (4) square feet in area.
 - c. One (1) sign not more than twelve (12) square feet in area giving the names of the contractors, engineers, or architects, during construction of a building.
 - d. Signs established by, or by order of, any governmental agency.
 - e. For special events of public interest, one (1) sign not over thirty-two (32) square feet in area.
 - f. Flags or emblems of political, civic, philanthropic, educational or religious organizations.
 - g. Small nonilluminated signs, not exceeding one and one-half (1 1/2) square feet in area, displayed strictly for the direction, safety, and convenience of the public including signs which identify rest rooms, freight entrances and the like.

- h. One (1) nonilluminated real estate sign(s) per street frontage, not to exceed thirty-two (32) square feet in sign area. Such signs must be removed fourteen (14) days following sale, rental, or lease.
- i. Temporary political sign(s) shall not exceed thirty-two (32) square feet in sign area excluding billboards. Such signs shall not be erected more than thirty (30) days prior to the election or referendum concerned and shall be removed seven (7) days following such election or referendum. Political signs may be placed only on private property and only with the permission of the property owner.

C. In the Residential Districts, the following regulations shall apply:

- 1. Nameplates indicating name, address, house number, announcement of boarders or roomers, or customary home occupations are permitted.
- 2. For multi-family dwellings and mobile home parks, identification signs not exceeding sixteen (16) square feet in area are permitted.
- 3. Church, school, or public building bulletin boards or identification signs, not exceeding twenty (20) square feet in area are permitted.
- 4. Flashing or intermittent illumination is prohibited.
- 5. Billboard and other advertising structures are prohibited.
- 6. On premise yard sale signs, not exceeding nine (9) square feet in area are permitted. In addition, not more than two (2) signs may be placed off site not exceeding six (6) square feet in area. Yard sale signs may stay in place no longer than a total of seven (7) days and shall be removed within two (2) days of the end of the yard sale. Yard sale signs are considered to be a temporary sign.

D. In the Commercial Districts, the following regulations shall apply:

- 1. Bulletin boards or identification signs, not exceeding sixty (60) square feet in area, shall be permitted for public recreation use, community facilities, hospitals, and clinics.
- 2. Business signs shall be permitted subject only to the restrictions in Section 4.070, A, of this ordinance. All ground signs shall be located within the property line, and fifteen (15) feet from the right-of-way.
- 3. For all permitted uses, one business sign not exceeding one (1) square foot of surface for each two (2) lineal feet of lot fronting on a public street, will be permitted. Such sign shall be directly related to the activity conducted on said premises.
- 4. Billboards and other outdoor advertising structures are permitted, subject to the general restrictions set forth in Section 4.070, A.
- 5. In no event may any sign be placed on right-of-way. Where no curb and/or sidewalks exist, signs shall be placed at least fifteen (15) feet from the apparent

right-of-way. Determination of the right-of-way location shall be at the discretion of the building inspector/codes administrator.

E. In the Industrial Districts, the following regulations shall apply:

1. Business signs shall be permitted which relate to the business on the premises. Such signs shall be located not closer than one-half (1/2) the required building setback from all property lines.
2. Flashing or intermittent illumination is prohibited.
3. Billboards 10' x 40' and posterboards 12' x 24' and other outdoor advertising structures no larger in size are permitted fifteen (15) feet from the right-of-way.

F. Violations—Penalties. Violation of any of the provisions of this ordinance or failure to comply with any of its requirements is hereby deemed and declared a violation of this section of this ordinance and subject to the penalties hereinafter provided and each day that such violation continues, shall constitute a separate and additional violation for each such day. Any person who violates this section of this ordinance or fails to comply with any of its requirements, shall upon conviction thereof, be fined in a sum not to exceed fifty dollars (\$50.00) for each violation. The owner, tenant and/or occupant of any building, structure, premises or a part thereof, and any architect, builder, contractor, agent or other person, who commits, participates in, aids or maintains such violation, may be found guilty of a separate offense and suffer the penalties as herein provided.

4.080 DEVELOPMENT STANDARDS FOR AUTOMOBILE WRECKING, JUNK AND SALVAGE YARDS.

Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property value by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses, such as those outlines above, will have properly minimized their objectionable characteristics:

- A. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
- B. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than three hundred (300) feet from any established residential zone.
- C. All outdoor storage of salvage and wrecking operations shall be conducted entirely within and enclosed opaque fence, screen, or wall, excepting driveway areas, from

eight (8) to twelve (12) feet in height. Storage between the road or street and such fence, screen or wall is expressly prohibited. Any fence, screen, or wall for concealment shall be maintained in good condition.

- D. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.
- E. Off-Road Parking: As regulated in Article IV, Section 4.010.
- F. Ingress and Egress: The number of vehicular access driveways permitted on any single street frontage shall be limited to:
 - 1. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.
 - 2. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width maximum, exclusive of curb returns.
 - 3. Other applicable requirements of Section 3.090, shall be met.

- G. **Application for Automobile Wrecking Junk or Salvage Yard Permit:** No person shall own or maintain an automobile wrecking, junk, or salvage yard within White Bluff until he has secured a permit from the White Bluff Building Inspector/Codes Administrator. An application for said permit shall be filed in accordance with Article IX, Section 9.030, of this ordinance and shall be accompanied by a detailed site plan, a schedule for construction, and any other information herein required. Said application shall be submitted along with any plans and schedules.

4.90 DEVELOPMENT STANDARDS FOR VETERINARY CLINICS. The following standards shall be imposed upon the development and construction of veterinary clinics in White Bluff.

- 1. All animal care uses shall occur in completely walled and roofed structures, except that completely fenced exercise yards may be provided as specified in Subpart 2, below.
- 2. Exercise yards shall be completely fenced and screened from all abutting streets and lots. Exercise yards shall not be used for overnight boarding of animals.

4.100 DEVELOPMENTS STANDARDS FOR INDOOR SHOOTING RANGES. The following standards shall be imposed upon the development and construction of indoor gun ranges in White Bluff.

- 1. Indoor ranges must be housed in a building furnished with electricity and built of impenetrable walls, floors, and ceilings.
- 2. Where any building, excluding parking lots, abuts a residential zoning district, there shall be a minimum setback of two hundred (200) feet from all common property lines.

3. All Federal, state, or local statutes, ordinances, and/or regulations must be complied with. The owner of the facility shall provide on-premises documentation that these regulations have been met.
4. All indoor ranges must provide details to meet Occupational Safety and Health Administration (OSHA) and EPA standards. Building plans that specify building materials and meet applicable building codes must be submitted.
5. The shooting of firearms shall be conducted within a completely enclosed building.

4.110 DEVELOPMENTS STANDARDS FOR MIXED-USE DEVELOPMENTS IN C-1 AND C-2.

Mixed-Use Developments involve a building containing a permitted commercial use and accommodating a residential unit(s) in another portion of the building. Mixed-use buildings are a common feature of traditional town centers, or in areas envisioned for pedestrian-oriented development, where shop owners live above or behind ground-floor businesses, and are sometimes referred to as “live-work units.”

For developments in the C-1, Central Business District, and the C-2, Highway Commercial District:

1. A site plan, designed in accordance with ART III, Section 3.120 of this Ordinance is required. The reviewing body is the White Bluff Planning Commission.
2. Additionally, mixed-use developments are subject to a separate design review. The exterior appearance of any structure or activity in the C-1 and C-2 zoning districts shall be subject to the Design Review Manual White Bluff, Tennessee and approved as a separate action from site plan review.
3. Entrances to residential portions should be designed so that access is exclusive from the commercial entranceways, and separated from pedestrian flow on the sidewalk if one exists or is proposed. Porches, stoops, balconies, overhangs and other devices that communicate home identity is encouraged.
4. Patios and other such features for the residential unit should be restricted to the upper story or behind the commercial street frontage. Outdoor dining areas and plazas pertinent to the commercial use are permitted provided they do not interfere with pedestrian access of the sidewalk.
5. Mixed-Use Developments with upper story residential units over the lower story commercial uses are encouraged. However, if lower story is preferred, then the residential units should be positioned behind the storefront space/commercial street frontage.
6. Mixed-Use Developments shall maintain at least 60% of the total square footage for the commercial use, with the remainder for residential use. Conversion of the building to an all-commercial use is permitted. *(If lower story residential units are*

allowed to occupy storefront space): Privacy and safety are concerns with residential units that meet the sidewalk. These challenges can be avoided by elevating the first floor so that pedestrians cannot look directly into the residence from the sidewalk level.

7. Off-street parking is preferred, with residential parking designated for either an alley or a garage entrance behind the building. On-street parking for commercial use is restricted to customer and small-delivery vehicles.
8. Garbage and refuse containment areas for both the residential and commercial units should be prohibited from location in the front of the building. Efforts should be made to place these areas either in the side or rear of the buildings.

ARTICLE V ZONING DISTRICTS

SECTION

- 5.010 Classification of Districts**
- 5.020 Reserved**
- 5.030 Zoning Map**
- 5.040 Zoning District Boundaries**
- 5.050 Zoning of Annexed Territory**
- 5.060 Specific District Regulations**
- 5.070 Use Classification System**

5.010 CLASSIFICATION OF DISTRICTS

For the purpose of this ordinance, the following zoning districts are hereby established in the Town of White Bluff, Tennessee.

Zoning District	District Abbreviation
Residential Districts	
Low-Density Residential	R-1
Medium- Density Residential	R-2
High-Density Residential	R-3
Mobile Home Park	R-4
Business Districts	
Central Business District	C-1
Highway Commercial District	C-2
Office-Professional District	C-3
Industrial Districts	
Restrictive Industrial District	I-1
General Industrial District	I-2
Special Industrial District	I-3

5.020 RESERVED

5.030 ZONING MAP. The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map, entitled, Zoning Map of White Bluff, Tennessee. The zoning map and any amendment thereto shall be dated with the effective date of the ordinance that adopts same. Certified prints of the adopted map and zoning map amendments shall be maintained in the office of the Mayor and Zoning Administrator and shall be available for inspection by the public at all reasonable times, as long as this ordinance remains in effect.

5.040 ZONING DISTRICT BOUNDARIES. Unless, otherwise, indicated on the zoning map amendment, the district boundaries are lot lines, center lines of streets or alleys, as they exist at the time of the enactment of the zoning. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.

5.050 ZONING OF ANNEXED TERRITORY. All territory which may hereafter be annexed to the Town of White Bluff shall be zoned at the time of annexation, and the zoning designation shall be made as a separate ordinance.

5.060 SPECIFIC DISTRICT REGULATIONS

5.061 R-1, Low-Density Residential District

a) **District Description:** This district is designed to provide suitable areas for low-density residential development characterized by an open appearance. Most generally this district will consist of single-family detached dwellings except when otherwise permitted as a planned development and such other structures as are accessory thereto. This district also includes community facilities, public utilities, and open uses which serve specifically the residents of the district, or which are benefited by and compatible with a residential environment. Further it is the intent of this ordinance that this district be located so that the provision of appropriate urban services and facilities will be physically and economically facilitated. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they, otherwise, conform to the provisions of this ordinance.

b) **Uses Permitted:** In the R-1, Low-Density Residential District, the following uses are permitted.

Residential Activities: Single Detached Dwelling

Personal and Group Care Facilities: Family Child Care Home

c) Accessory Uses and Structures

1. Private garages and sheds.
2. Outdoor recreational facilities exclusively for the use of the residents.
3. Signs as regulated in Article IV, Section 4.070.
4. Agricultural uses.
5. Home occupations as defined by and subject to the provisions of Article IV, Section 4.040.
6. Other accessory structures and uses customarily incidental to the permitted uses.

d) Uses Permitted as Special Exceptions: In the R-1, Low-Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article IX, Section 9.080.

Community Facility Activities: Essential Services, Religious Facilities,
Administrative Services- Fire Departments

e) Uses Prohibited: In the R-1, Low-Density Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

f) Dimensional Requirements: All uses permitted in the R-1, Low-Density Residential District, shall comply with the following requirements.

1. Minimum Lot Size	With Public Sewer	Without Public Sewer
Single Family Dwelling	22,000 sq. ft.	1 acre
All Public Uses	20,000 sq ft	1 acre
Agricultural	3 acres	3 acres

2. Lot Width at Building Setback

Single Family Uses	100 ft.
All other uses	200 ft.

3. Minimum Yard Requirements (*or as may be determined by appropriate agencies)

Front Yard Setback

Minor Streets	30 ft.
Collector Streets	40 ft.
Arterial Streets	50 ft.

Side Yard Setback

Single Family	15 ft.
All Other Uses	30 ft.

Rear Yard Setback

Single Family Dwelling	30 ft.
Other Uses	30 ft. *

4. **Maximum Lot Coverage:** On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty-five (35) percent of the total area.
5. **Height Requirements:** No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Article VIII, Section 8.050.
6. **Parking Space Requirements:** As regulated in Article IV, Section 4.010
7. **(Reserved)**
8. **Accessory Structures:** With the exception of signs and fences, accessory structures shall not be erected in any required front yard. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

5.061.1 R-2, MEDIUM-DENSITY RESIDENTIAL DISTRICT

a) **Purpose and Intent of District:** This class of district is designed to provide suitable areas for medium density residential development where sufficient urban services and facilities are provided or where the extension of such services can be physically and economically facilitated prior to development. All types of residential activities are permitted. It is the intent of this district to not restrict in number the dwelling units contained in a building provided there is sufficient area of zone lot and open space on such lot relative to the number of dwelling units thereon. This class of district is intended also to permit community facility and public utility installations which are necessary to serve and do serve specifically the residents of these districts, or which installations are benefited by and compatible with a residential environment. It is the express purpose of this ordinance to exclude from this class district all buildings and other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that conditional uses and home occupations specifically provided for in these regulations for this class of district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

b) **Uses Permitted:** In the R-2, Medium-Density Residential District, the following uses are permitted.

Residential Activities: Single Detached Dwelling; Duplex Dwelling; Agricultural Uses
Personal and Group Care Facilities: Family Child Care Home

c) **Accessory Uses and Structures**

1. Private garages and sheds.
2. Outdoor recreational facilities exclusively for the use for the use of the residents.
3. Signs, as permitted in Article IV, Section 4.070.
4. Home occupations as defined by and subject to the provisions of Article IV, Section 4.040.
5. Other accessory structures and uses customarily incidental to the permitted uses.

d) **Uses Permitted as Special Exceptions:** In the R-2, Medium-Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article IX, Section 9.080.

Community Facility Activities

Administrative Services-Fire Departments
Community Education
Cultural and Recreational Services

Essential Services
Intermediate Impact Facilities
Religious Facilities

- e) **Uses Prohibited.** In the R-2, Medium-Density Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

1. **Dimensional Requirements.** All uses permitted in the R-2, Medium-Density Residential District, shall comply with the following requirements

Minimum Lot Size:

Area	With Public Sewer	Without Public Sewer
Single Family Dwelling	17,000 sq. ft.	1 acre
Duplex Dwelling	17,000 sq. ft.	1 acre
All Public Uses	20,000 sq. ft.	1 acre
Agricultural	3 acres	3 acres

Lot Width at Building Setback

Single Family Uses	85 ft.
All Other Uses	85 ft.

Minimum Yard Requirements:

Front Setback

Minor Streets	30 ft.
Collector Streets	40 ft.
Arterial Streets	50 ft.*

Side

Single Family Dwelling	15 ft.
Duplex Dwelling (Attached)	20 ft.
Duplex Dwelling (Detached)	15 ft.
Other Uses	30 ft.*

Rear

Single Family Dwelling	20 ft.
Other Uses	20 ft*

****Or as may be determined by appropriate agencies.***

*****Provided there is at least 120' between duplex units on one lot; 20' otherwise.***

- 2. Maximum Lot Coverage.** On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty-five (35) percent of the total area.
- 3. Height Requirements.** No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Article VIII, Section 8.050.
- 4. Parking Space Requirements.** As regulated in Article IV, Section 4.010
- 5. (Reserved)**
- 6. Accessory Structures**
 - a. With the exception of signs and fences, accessory structures shall not be erected in any required front yard.
 - b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

5.061.2 R-3, High-Density Residential District

a) **Purpose and Intent of District.** This district is designed to provide more flexibility in development design and to insure a minimum standard of site development for activities located near the Hwy 70 and Hwy 47 intersection and within proximity to the historic downtown area of White Bluff. This area of town is more conducive to areas for high-density residential development due to less topographically challenged areas, pedestrian accessibility to local places of interests, such as public water and sewer facilities are available or where such facilities will be made available prior to development. All types of residential activities are permitted whether conventional development or in a planned unit development. It is the intent of this district to not restrict in number the dwelling units contained in a building provided there is sufficient area of zone lot and open space on such lot relative to the number of dwelling units thereon. This class of district is intended also to permit community facility and personal and group care facilities which are necessary to serve and do serve specifically the residents of these districts, or which installations are benefited by and compatible with a residential environment. Commercial activities may be permitted where included as a part of a planned development (refer to ART VI of this Ordinance for provisions governing planned unit developments.)

b) **Uses Permitted.** In the R-3, High-Density Residential District, the following uses are permitted.

Residential Activities: Dwelling, Single Detached; Dwelling, Duplex; Dwelling, Multi-Family (Apartment, Townhouse)

Community Facility Activities: Essential Services

Personal and Group Care Facilities: Family Child Care Home

c) **Accessory Uses and Structures**

1. Private garages and sheds.
2. Outdoor recreational facilities exclusively for the use of the residents.
3. Signs as regulated in Article IV, Section 4.070
4. Home occupations as defined by and subject to the provisions of Article IV, Section 4.040.
5. Other accessory structures and uses customarily incidental to the permitted uses.

d) **Uses Permitted as Special Exceptions.** In the R-3, High-Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article IX, Section 9.080.

Community Facility Activities

Administrative Services-Fire Departments

Community Education

Cultural and Recreational Services

Essential Services

Intermediate Impact Facilities

Religious Facilities

- e) **Uses Prohibited.** In the R-3, High-Density Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

f) **Dimensional Requirements:**

1. Minimum Lot Size

<u>Area</u>	<u>With Public Sewer</u>	<u>Without Public Sewer</u>
Single Family Dwellings	8,000 sq. ft.	
Duplex Dwellings and Multi-Family	8,000 sq. ft. for the first unit, plus 5,000 sq. ft., for each additional unit.	
All Public Uses	15,000 sq. ft.	

Lot Width at Building Setback

Single Family Uses	50 ft.
Duplex Dwellings	65 ft.
Multi-Family Dwellings	80 ft.
Other Uses	100 ft.

2. Minimum Yard Requirements **Or as may be determined by appropriate agencies*

Front Setback:

Minor Streets	30 ft.
Collector Streets	40 ft.
Arterial Streets	50 ft.

Side

Single Family Dwellings,	
Duplex Dwellings and Multi-Family Dwellings	5 ft.
All Other Uses	15 ft.*

Rear

Single Family Dwellings, Duplex Dwellings, and	
Multi-Family Dwellings	15 ft.
Other Uses	20 ft *

- 3. Maximum Lot Coverage.** On any lot, the area occupied by all structures, including accessory structures, shall not exceed fifty (50) percent of the total area. The Impervious Area shall not exceed seventy (70) percent of the total area of the lot.
- 4. Height Requirements.** No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Article VIII, Section 8.050.
- 5. Parking Space Requirements.** As regulated in Article IV, Section 4.010.
- 6. (Reserved)**
- 7. Accessory Structures**
 - a. With the exception of signs and fences, accessory structures shall not be erected in any required front yard.
 - b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

5.061.3 R-4, Mobile Home Park Districts

- a) **District Description.** To provide maximum flexibility in design and to ensure a minimum standard of site development for mobile home parks where complete urban facilities, specifically public sewer, are available or where such facilities will be available prior to development. This district will be characterized by mobile home parks containing both single-wide units and double-wide units. This district will also include community facilities and public utility installations which will serve the residents of the district. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development.
- b) **Dimensional Requirements for Parks.**
1. The minimum front setback shall be fifty (50) feet.
 2. The minimum side and rear setbacks shall be thirty (30) feet.
 3. The site shall abut a public street.
 4. There shall be screening along the side and rear site lines. The screening shall either be a five (5) foot wide greenstrip with evergreen plants at least five (5) feet tall or a fence of a minimum height of six (6) feet. The fence shall be designed to totally block visibility of the development even when the viewer is moving.
 5. Signs as regulated in Article IV, Section 4.070.
 6. No mobile home park shall be permitted unless such park is served by a public water supply and sewer system. Water lines shall be a minimum six (6) inch water main looped for adequate water pressure for fire protection with fire hydrants every one thousand (1,000) feet with every mobile home within five hundred feet of an hydrant shall be approved by the water and sewer department. Sewer lines shall be a minimum eight (8) inch sewer pipe, with four (4) inch forces main where applicable, designed according to the standards required in the subdivision regulations and shall be approved by the water and sewer department.
 7. The internal street system within the mobile home park shall consist of paved streets with a paved surface a minimum of twenty-two (22) feet wide measured from the edge of the paved surface to the edge of the paved surface. The sub-base shall consist of six (6) inches of crush run, per the subdivision regulation standards, covered by two (2) inches of asphalt.
 8. Three (3) foot wide concrete sidewalks shall be provided from mobile home spaces to the mobile home park office. The sidewalks shall be three inches thick to prevent cracking.
 9. No parcel of land containing less than three (3) acres and less than five (5) mobile home spaces, available at the time of first occupancy, shall be utilized for a mobile home park.

10. Recreational vehicles are allowed only as temporary uses for a period not to exceed thirty (30) days.
11. A mobile home park office is allowed.
12. Ten (10) percent of the mobile home park site shall be set aside for recreation and open space requirements.

c) Dimensional Requirements for Mobile Home Space.

1. The minimum size for a single-wide mobile home space shall be thirty-six hundred (3,600) square feet. The minimum size for a double-wide mobile home space shall be six thousand (6,000) square feet.
2. The minimum width for a single-wide mobile home space shall be thirty-six (36) feet. The minimum width for a double-wide mobile home space shall be sixty (60) feet.
3. The minimum length shall be ninety (90) feet.
4. The minimum front yard setback shall be twenty-five (25) feet.
5. The minimum side yard setback shall be ten (10) feet. If the parking area for the unit is in the side yard, the thirty (30) feet additional setback shall be required.
6. The minimum rear yard setback shall be fifteen (15) feet.
7. All mobile homes permitted under this section shall be set upon concrete pads and elevated on blocks or steel piers which are constructed upon a concrete footing, and each mobile home shall be anchored with approved anchors as required by Tennessee Code, Section 68-45-103. Each concrete pad shall be a minimum of ten (10) feet wide.
8. All mobile homes moved into any mobile home park, existing or new, after the effective date of this ordinance shall be underskirted to prevent the accumulation of refuse and rodents. Underskirting shall consist of new material subject to the approval of the building inspector/codes administrator of White Bluff.
9. There shall be a minimum area of four hundred (400) square feet for paved parking per mobile home space.
10. With respect to mobile homes parked end-to-end, the end-to-end clearance shall not be less than fifteen (15) feet. No mobile home shall be located closer than twenty (20) feet from any building within the mobile home park.

d) Procedure for Approval

1. A permit for a mobile home park shall be issued by the building inspector/codes administrator only as authorized by the White Bluff Planning Commission. A written application, plans and schedules shall be submitted to the planning commission for review. Once the commission determines that the proposed location meets the intent of this ordinance and that the indicated development standards will be followed, a permit shall be issued by the building inspector/codes administrator.

2. Plans and Schedules Required. The following information shall be shown on the required site plan:
- a. The location and legal description of the proposed mobile home park.
 - b. The location and size of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.
 - c. The proposed use of buildings shown on the site plan.
 - d. The location and size of all mobile home spaces.
 - e. The location of all points of entry and exit for motor vehicles and the internal circulation pattern.
 - f. The location of all off-street parking facilities.
 - g. The location of park and recreation areas.
 - h. The name and address of the applicant.
 - i. A comprehensive drainage plan.
 - j. All perimeter Landscaping (screening).
 - k. Such other architectural, engineering, and topographic data as may be required to permit the local health department, the White Bluff Building Inspector/Codes Administrator, Staff Planner, and the Board of Zoning Appeals to determine if the provisions of these regulations are being complied with shall be submitted with the site plan.
 - l. A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide to proposed services. Said time shall be for a period of not more than one (1) year.
 - m. All mobile home parks which do not conform to the provisions of the zoning ordinance shall be governed in accordance with the provisions of Section 8.020, of this ordinance.

5.062 Commercial Districts. The Commercial Districts established by this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity and other aspects of the general welfare. These goals include, among others, the following:

1. To provide sufficient space, in appropriate locations in proximity to established residential areas, for local retail and service trades catering specifically to the recurring shopping needs of the occupants of nearby residences.
2. To protect both retail and service developments and nearby residences against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences.
3. To protect both retail and service developments and nearby residences against congestion, by regulating the intensity of retail and service developments consistent with their marketing functions, by restricting those types of establishments which generate heavy traffic, and by providing for off-street parking and loading facilities.
4. To provide sufficient space in appropriate locations for commercial districts to satisfy function needs of White Bluff, and in particular the need for medical services, and the needs of the general public travel along major highways.
5. To provide sufficient space in appropriate locations for the mixture of compatible high-density residential and restricted commercial developments where standards for development will provide protection for the environmental essentials of either.
6. To provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities.
7. To enhance the central business district and to promote and protect its service attributes, to lessen congestion in the district, to provide for high intensity of land use consistent with land valuation, and to protect its intended functional aspects against encroachment by detrimental influences.
8. To promote the most desirable use of land and direction of building development in accord with a well considered plan, to promote stability of commercial development, to strengthen the economic base of White Bluff, to protect the character of the districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the city's tax revenues.

5.062.1 C-1, Central Business District

- a. District Description.** This district is designed to provide for a wide range of commercial uses concerned with retail trade and consumer-oriented services; amusement and entertainment establishments; automotive and vehicular service establishments; transient sleeping accommodations; drive-in stores; eating and drinking places, financial institutions; and offices. The uses in this district service a wide market area and, therefore, ease of automotive access is a requirement. However, it is not intended that this district permit uses which generate large volumes of truck traffic. Appropriate open space between commercial and residential areas is required. Mixed Use buildings, which primarily are used commercially but include residential habitation above or behind commercial activities, are acceptable developments that are encouraged with the goal of adding vitality to the central business district atmosphere.
- b. Uses Permitted.** In the C-1, Central Business District, the following uses and their accessory uses are permitted.

Community Facility Activities

Administrative Services
Community Assembly
Community Education
Cultural and Recreational Services
Essential Services
Health Care Facilities
Intermediate Impact Facilities
Personal and Group Care Facilities
Religious Facilities

Commercial Activities

Animal Care and Vet Services
Automotive Service and Repair
Consumer Repair Services
Convenience Commercial
Entertainment and Amusement Serv.
Financial, Consulting, and Administrative
Food and Beverage Service
Food Service - Drive-In
General Business and Communication Services
General Personal Service
General Retail Trade

Medical and Professional Service
Transient Habitation
Undertaking Services
Vehicular, Craft and Related Equipment

Residential Activities: Upper Story and Lower Story Residential Dwellings (as part of mixed-use developments only) per the requirements in ART IV, Section 4.110

- c. Accessory Uses and Structures.** The following accessory uses are permitted in the C-1, Central Business District.
1. Signs in compliance with the regulations set forth in Article IV, Section 4.070.
 2. Accessory off-street parking and loading facilities as required in Article IV.
 3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.
- d. Uses Permitted as Special Exceptions.** In the C-1, Central Business District, the following uses and their accessory uses may be permitted as special exceptions, after review and approval in accordance with Article, Section 9.080.

Manufacturing Activities- Limited Manufacturing Activities

- e. Uses Prohibited.** Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-1, Central Business District.
- f. Dimensional Regulations.** All uses permitted in the C-1, Central Business District, shall comply with the following requirements:
1. **Minimum Lot Size**
Minimum Lot Area None
 2. **Minimum Yard Requirements**
Front Yard Setback None
Rear Yard Setback None
Side Yard Setback None, *except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.*
 3. **Maximum Lot Coverage.** The Impervious Area shall not exceed ninety (90) percent of the total area of the lot.

4. **Height Requirements.** No building shall exceed thirty-five (35) feet in height, except as provided in Article VIII, Section 8.050.
 5. **Parking Space Requirement.** As regulated in Article IV, Section 4.010. Parking requirements for mixed-use developments provided in Article IV, Section 4.110.
 6. **Accessory Structures.** Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.
- g. Landscaping Provisions.** The property shall be landscaped as per Article III, Section 3.110.
- h. Sidewalks.** Where existing sidewalks are provided, or where envisioned by the Town's long-range plan to be provided, sidewalks shall be installed for all new developments, and include exclusive walkway connections and entries for upper and lower story residential dwellings in mixed-use developments.

5.062.2 C-2, Highway Commercial District

- a) **District Description.** This district is designed to provide adequate space in appropriate locations for uses which serve the needs of the motoring public. Automobile and other vehicular service establishments, transient sleeping accommodations, and eating and drinking establishments primarily characterize this district. In addition, commercial trade and service uses are permitted if necessary to serve the recurring needs of persons frequenting these districts. Community facilities and utilities necessary to serve these districts, or necessary for the general community welfare are also permitted. Bulk limitations required of uses in these districts, in part, are designed to maximize compatibility with lesser intense use of land or building in proximate residential districts. Such districts should be situated in clustered development patterns, and not patterns of stripped commercial development. Mixed Use buildings, which primarily are used commercially but include residential habitation above or behind commercial activities, are acceptable developments.
- b) **Uses Permitted.** In the C-2, Highway Commercial District, the following uses and their accessory uses are permitted.

Community Facility Activities

Administrative Services	Health Care Facilities
Community Assembly	Intermediate Impact Facilities
Community Education	Personal and Group Care Facilities
Cultural and Recreational Services	Religious Facilities
Essential Services	

Commercial Activities

Animal Care and Veterinarian Services	Food Service - Drive-In
Automotive Parking	General Business and Communication Services
Automotive Service and Repair	General Personal Service
Building Materials and Farm	General Retail Trade
Equipment	Medical and Professional Services
Consumer Repair Services	Transient Habitation
Convenience Commercial	Transport and Warehousing
Entertainment and Amusement Services	Undertaking Services
Financial, Consulting and	Vehicular, Craft and Related Equipment
Administrative	Wholesale Sales
Food and Beverage Service	

Residential Activities. Upper Story and Lower Story Residential Dwellings (as part of mixed-use developments only) per the requirements in Article IV, Section 4.110

- c) **Accessory Uses and Structures.** The following accessories are permitted in the C-2, Highway Commercial District.
1. Signs in compliance with the regulations set forth in Article IV, Section 4.070.
 2. Accessory off-street parking and loading facilities as required in Article IV.
 3. Accessory structures and uses, provided that such accessory structures and uses are carried out on the same lot and are not, otherwise, prohibited.
- d) **Uses Permitted as Special Exceptions.** In the C-2, Highway Commercial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article IX, Section 9.080.

Manufacturing Activities- Limited Manufacturing Activities

Agricultural, Resources Production and Extractive Activities - Plant and Forest Nurseries

Commercial Activities- Construction Sales and Services, Group Assembly, Indoor Ranges and Firearms Training Facilities

- e) **Uses Prohibited.** Any use or structure not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-2, Highway Commercial District.
- f) **Dimensional Regulations.** All uses permitted in the C-2, Highway Commercial District, shall comply with the following requirements, except as provided in Article VI.

1. **Minimum Lot Size**

Minimum Lot Area None

2. **Minimum Yard Requirements**

Front Yard Setback 50 ft.

Side Yard Setback None, *except that if a structure does not abut the side lot line, it must be located ten (10) feet, from the side lot line. When adjacent to a residential district the side yard setback shall be that of the residential district.*

Rear Yard Setback 20 ft., *except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be fifty (50) feet.*

3. **Maximum Lot Coverage.** On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed forty-five (45) percent of the total area of such lot or parcel. The Impervious Area shall not exceed eighty (80) percent of the total area of the lot.
 4. **Height Requirements.** No building shall exceed thirty-five (35) feet in height, except as provided in Article VIII, Section 8.050.
 5. **Parking Space Requirement.** As regulated in Article IV, Section 4.010. Parking requirements for mixed-use developments provided in ART IV, Section 4.110.
 6. **Accessory Structures.** Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.
- g) **Landscaping Provisions.** The property shall be landscaped as per Article III, Section 3.110.
- h) **Sidewalks.** Where existing sidewalks are provided, or where envisioned by the Town's long-range plan to be provided, sidewalks shall be installed for all new developments, and include exclusive walkway connections and entries for upper and lower story residential dwellings in mixed-use developments.

5.062.3 C-3, Office/Professional Service District

- a) This district is designed to provide for the provision of professional office services, medical and personal services, as well as financial, insurance, real estate and consulting services. In addition to the office activities, limited commercial trade and certain community facilities are permitted to serve to the needs of persons frequenting this district.
- b) **Uses Permitted.** In the C-3, Office/Professional Service District, the following uses and their accessory uses are permitted.

Residential Activities- Dwelling, Single Family

Community Facility Activities - Administrative Services, Essential Services, Religious Facilities

Commercial Activities - Automotive Parking, Financial, Consulting, and Administrative Services, Medical and Professional Services

- c) **Accessory Uses and Structures.** The following accessories are permitted in the C-3, Office/Professional Service District.
 - 1. Signs in compliance with the regulations set forth in Article IV, Section 4.070.
 - 2. Accessory off-street parking and loading facilities as required in Article IV.
 - 3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.
- d) **Uses Permitted as Special Exceptions.** In the C-3, Office/Professional Service District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article IX, Section 9.080.

Community Facility Activities- Community Education, Cultural and Recreational Services, Health Care Facilities, Centers for Observation or Rehabilitation. Convalescent Homes, Personal and Group Care Facilities

Commercial Activities –

General Personal Service: Catering Services, Photographic Studios

General Business and Communication Services:

Advertising Agencies and Services

Credit Reporting, Adjustment, and Collection Agencies

Drafting Services

Employment, Personnel, and Temporary Help Services
Interior Decorator and Consulting Services Mailing, Reproduction, and Commercial
Art Services
Management, Consulting, and Public Relations Services
Travel Agencies

e) **Uses Prohibited.** Any use or structure not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-3, Office/Professional Service District.

f) **Dimensional Regulations.** All uses permitted in the C-3, Office/Professional Service District, shall comply with the following requirements, except as provided in Article IV.

1. Minimum Lot Size

Minimum Lot Area 10,000 sq. ft.

2. Minimum Yard Requirements

Front Yard Setback 40 ft.

Side Yard Setback 15 ft., *except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be twenty-five (25) feet.*

Rear Yard Setback 20 ft., *except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be fifty (50) feet.*

3. **Maximum Lot Coverage.** On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed sixty (60) percent of the total area of such lot or parcel. The Impervious Area shall not exceed eighty (80) percent of the total area of the lot.

4. **Height Requirements.** No building shall exceed forty (40) feet in height, except as provided in Article VIII, Section 8.050.

5. **Parking Space Requirement.** As regulated in Article IV, Section 4.010.

6. **Accessory Structures.** Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

- g) **Landscaping Provisions.** The property shall be landscaped as per Article III, Section 3.110.
- h) **Sidewalks.** Where existing sidewalks are provided, or where envisioned by the Town's long-range plan to be provided, sidewalks shall be installed for all new developments.

5.063 Industrial Districts. The industrial districts established by this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. These goals include, among others, the following specific purposes:

1. To provide sufficient space, in appropriate locations, to meet the needs of the area of White Bluff's expected economic expansion for all types of distributive, industrial and related activities, with due allowance for the need for choice of suitable sites.
2. To protect distributive, industrial and related activities, as well as residential and related activities by providing for the separation of these uses, and, as far as possible, provide that appropriate space needs for distributive and industrial activities are available by prohibiting the use of such space for residential purposes.
3. To encourage industrial development which is free from danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust or other particulate matter, and other hazards, and from offensive noise, vibration, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products and processes involved.
4. To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of industrial and related activities, by restricting those industrial activities which involve danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust, or other particulate matter, and other hazards, or create offensive noise, vibration, heat, humidity, glare, and other objectionable influences, by permitting such development in areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products or processes involved.
5. To protect industrial activities and related developments against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another, and by requiring space off public ways for parking and loading facilities associated with such activities.
6. To promote the most desirable use of land and direction of building development, to promote stability of industrial and related development, to strengthen the economic base of the White Bluff area, to protect the character of these districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect White Bluff's tax revenues.

5.063.1 I-1, Light Industrial District

- a) **District Description.** These districts are intended to provide space for a wide range of industrial and related uses which conform to a relatively low level of objectionable influences. It is required that all operations of industrial establishments be carried on within completely enclosed buildings thus providing a standard of development which removes most adverse characteristics that affect neighboring properties. These districts may provide a buffer between other districts and other industrial activities which have more objectionable influences. New residential activities are excluded, but community facilities and commercial establishments which provide needed services for industry and are complementary thereto are permitted.
- b) **Uses Permitted.** In the I-1, Light Industrial District, the following uses and accessory uses are permitted.

Community Facility Activities: Essential Services

Commercial Activities:

Animal Care and Veterinarian Services	Transport and Warehousing Wholesale Sales
Automotive Services and Repair	Indoor Ranges and Firearms Training Facilities
Building Materials and Farm Equip.	(Added by Ordinance No. 352, August 7, 2012)
Construction Sales and Services	

Manufacturing Activities: Limited Manufacturing, Intermediate Manufacturing

Agricultural, Resources Production, and Extraction Activities: Commercial Feed Lots and Stockyards, Crop and Animal Raising, Plant and Forest Nurseries

- c) **Accessory Uses and Structures.** The following accessory uses are permitted in the I-1, Light Industrial District.
1. Signs in compliance with the regulations set forth in Article IV, Section 4.070.
 2. Accessory off-street parking and loading facilities as required in Article IV.
 3. Accessory Structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.
 4. Day care centers are allowed as an accessory use to any Industrial Activity provided that such a use is carried out on the same premises. Such day care centers shall meet all State of Tennessee licensing requirements.

- d) **Uses Permitted as Special Exceptions.** In the I-1, Light Industrial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article IX, Section 9.080.

Adult Oriented Business

Community Facility Activities: Administrative Services

Intermediate Impact Facilities

Commercial Activities: Consumer Repair Services

- e) **Uses Prohibited.** Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the I-1, Light Industrial District.

- f) **Dimensional Regulations.** All uses permitted in the I-1, Light Industrial District shall comply with the following requirements, except as provided in Article VI.

1. **Minimum Lot Size:**

Minimum Lot Area 20,000 sq. ft.

2. **Minimum Yard Requirements:**

Front Yard Setback 50 ft.

Side Yard Setback 20 ft., *except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.*

Rear Yard Setback 25 ft.; *except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be fifty (50) feet.*

3. **Maximum Lot Coverage.** On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed fifty (50) percent of the total area of such lot or parcel. The Impervious Area shall not exceed eighty (80) percent of the total area of the lot.

4. **Height Requirements.** No building shall exceed forty-five (45) feet in height, except as provided in Article VIII, Section 8.050.

5. **Parking Space Requirement.** As regulated in Article IV, Section 4.010.

6. **Accessory Structures.** Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

- g) Landscaping Provisions.** The property shall be landscaped as per ARTICLE III, Section 3.110.

5.063.2 I-2, GENERAL INDUSTRIAL DISTRICT

a) **District Description.** These districts are intended to provide space for the types of industrial activities which by reason of volume of raw materials or freight, scale of operation, type of structures required, or other similar characteristics, require location relatively well segregated from non-industrial uses. New residential activities are excluded, but community facilities and commercial establishments which provide needed services for industry and are complementary thereto are permitted.

b) **Uses Permitted.** In the I-2, General Industrial District, the following uses and accessory uses are permitted.

Community Facility Activities: Essential Services

Commercial Activities:

Animal Care and Vet Services

Building Materials and Farm Equip.

Construction Sales and Services

Transport and Warehousing

Wholesale Sales

Manufacturing Activities: Limited Manufacturing, Intermediate Manufacturing

c) **Accessory Uses and Structures.** The following accessory uses are permitted in the I-2, General Industrial District.

1. Signs in compliance with the regulations set forth in Article IV, Section 4.070.
2. Accessory off-street parking and loading facilities as required in Article IV.
3. Accessory Structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.
4. Day care centers are allowed as an accessory use to any Industrial Activity provided that such a use is carried out on the same premises. Such day care centers shall meet all State of Tennessee licensing requirements.

d) **Uses Permitted as Special Exceptions.** In the I-2, General Industrial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article IX, Section 9.080.

Manufacturing Activities: Extensive Manufacturing Activities

Agricultural, Resources Production, and Extractive Activities: Mining, Drilling and Quarrying

e) **Uses Prohibited.** Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the I-2, General Industrial District.

f) **Dimensional Regulations.** All uses permitted in the I-2, General Industrial District shall comply with the following requirements, except as provided in Article VI.

1. **Minimum Lot Size**

Minimum Lot Area 40,000 sq. ft.

2. **Minimum Yard Requirements**

Front Yard Setback 100 ft.

Side Yard Setback 40 ft., *except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be eighty (80) feet.*

3. **Rear Yard Setback** - 50 ft., *except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be one hundred (100) feet.*

4. **Maximum Lot Coverage.** On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed fifty (50) percent of the total area of such lot or parcel. The Impervious Area shall not exceed eighty (80) percent of the total area of the lot.

5. **Height Requirements.** No building shall exceed forty-five (45) feet in height, except as provided in Article VIII, Section 8.050.

6. **Parking Space Requirement.** As regulated in Article IV, Section 4.010.

7. **Accessory Structures.** Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

g) **Landscaping provisions.** The property shall be landscaped as per Article III, Section 3.110.

5.063.3 I-3, SPECIAL IMPACT DISTRICT

- a) **District Description and Purpose.** This district is designed to provide suitable areas for those uses which have some special impact or uniqueness such that their effect on the surrounding area and environment cannot be determined in advance of the use being proposed for a particular location. At the time the application is filed, a review of the location, design configuration and its impact will be conducted by comparing the proposed use, the preliminary development plan, the operational data, and the environmental assessments to the site location criteria. This review will evaluate whether the proposed use should be permitted through a rezoning to the I-3, Special Impact Industrial District, by weighing public need for and benefit to be derived from against the local impacts which it may cause. The review considers the proposal in terms of existing zoning and land use in the vicinity of the site, planned and proposed public and private developments which may be adversely affected by the proposed use, whether the proposed location is the most desirable site for this type of use, and to what extent the public health, safety, and general welfare of the citizens of White Bluff will be affected.
- b) **Site Location Criteria**
1. The proposed site will be located in areas apart from concentrations of residential developments and community facilities where concentrations of people will be present.
 2. The proposed use will not pollute or deteriorate air quality, surface or subterranean water, or any other natural features.
 3. The proposed site will not be located in an area that could contaminate the source of an existing public water supply.
 4. The proposed site will be free of sinkholes, caves, caverns, or other karst features that would present significant potential for surface collapse or significant degradation to local ground water resources.
 5. The proposed site will be adequately served by public utilities and services to ensure a safe operation.
 6. The proposed use will not result in the transportation of dangerous products or wastes through areas of population concentrations which would endanger community safety.
 7. Access to the site will be from a road classified as an arterial or collector on the Major Road Plan for White Bluff.
 8. The proposed lot size is sufficient so that no danger occurs to the adjoining uses.
 9. The proposed site will not be located within a one hundred (100) year floodplain or wetland.
- c) **Administrative Procedure.** The provisions of this section shall govern all applications for rezoning to the I-3, Special Impact Industrial District.

1. **Preliminary Review.** All applications for rezoning to the I-C, Special Impact Industrial District, shall be made by the landowner or his/her authorized agent to the Zoning Administrator in accordance with the provisions of this section. All applications for rezonings shall be accompanied by:

- a. **Preliminary Development Plan to Include the Following Information:**

1. Letter from the owner detailing the proposed zoning change.
 2. Location map of the proposed site, including size of the property.
 3. Site plan and topographic map prepared by a Tennessee licensed engineer at a scale of one inch equals two hundred feet (1" = 200').
 4. Land use evaluation, including all building locations and historical sites within a one (1) mile radius of the proposed site, including property owners.
 5. Highway assessment indicating all roads with access to the property, showing the existing width, condition, type of surface, weight loads and existing traffic data, and classification of all access roads according to the Major Road Plan.
 6. Location and approximate dimensions of all structures, including appropriate height and bulk and the utilization of all structures and land areas within the site.
 7. A tabulation of the land areas to be devoted to all uses and activities.
 8. Ability of the site to be able to meet the Site Location Criteria in Subsection B, above, along with the General Requirements, in Subsection H, and the Requirements for Specific Uses, in Subsection I, below, for the proposed use of the property.

- b. **Operational Data to Include the Following Information:**

1. Type of operation and detailed description of the operation.
 2. Average number of vehicles entering and leaving site on a daily basis and the routes taken.
 3. Types of Federal and State permits required for operation of the proposed facility.
 4. Safety measures to be used on site as well as the system for dealing with complaints.
 5. Ultimate use and ownership of the site after completion of operation. (LANDfills only.)

- c. **Environmental Assessments to Include the Following Information**

1. Geological data on the site as prepared by a Tennessee licensed geologist.
 2. Effects of the proposed use on ground water quality in the area.
 3. Effects of the proposed use on air quality in the area.
 4. Potential danger to any surface water or water supply.

2. **Zoning Amendment.** After review of the preliminary development plan, operational data, and environmental assessments, the planning commission shall recommend to the City Council whether the proposed use should be rezoned to the I-3, Special Impact Industrial District. If the City Council approves the zoning amendment, the landowner may proceed with his development by submitting a final development plan to the planning commission for their approval.

3. **Final Development Plan Review.** After approval of the rezoning by the City Council, the landowner may make application to the planning commission, for approval of the final development plan, provided that the plan is in compliance with the preliminary development plan. All final development plans shall include the following information:

a. Final Development Plan shall Include the Following:

1. Final site plan prepared by a Tennessee licensed engineer for the development to include, location of all buildings, interior roads and parking areas, detailed Landscaping plan of the buffer zone prepared by a landscape architect, location and type of all fences, utilities, and all other features and facilities to be installed or used in connection with the proposed operation.
2. Site plan to be at a scale of one inch equals two hundred feet (1" = 200').
3. Contours at vertical intervals of not more than two (2) feet where the proposed development has an average slope of five (5) percent or less, or at vertical intervals of not more than five (5) feet where the average slope exceeds five (5) percent (contours to be field surveyed or taken from aerial photographs acceptable to the planning commission).
4. Stages of development of the site and the expected time of completion.
5. Copies of all required Federal and State permits the applicant has obtained.
6. Final site plan shall be in compliance with Subsection H, I, and J, below, for the proposed use of the property.

b. Site and Geological Data

1. Soil and geology, with soil borings to a point of refusal, with a minimum of two (2) borings per acre.
2. Final grading and drainage plan for the entire site, including surface drainage patterns, and all areas for surface water detention or retention.
3. Ground water movements and aquifer information.
4. Existing vegetation cover on the site.
5. Annual climate of the area, including annual precipitation and wind direction

d. **Uses Permitted.** In the I-3, Special Impact Industrial District, the following uses are permitted:

Community Facility Activities: Extensive Impact Facilities

Special Impact Facilities:

Airports, Air Cargo Terminals,
Heliports, or Other Aeronautical
Devices

Arsenals

Atomic Reactors

Biosolids – Handling or Distribution

Correction and Detention Institutions

Electricity Generating Facilities and
Transmission Lines

Explosives Manufacturing and Storage

Fireworks Manufacturing

Garbage Incineration Plants, *Including
Cogeneration Facilities;*

Sanitary Landfills

Hazardous Wastes

Radioactive Wastes

Solid Waste Landfills

Solid Waste Processing and Recycling

Waste Incinerators, *Including Hospital and
Medical Waste*

e. Accessory Uses and Structures

1. Signs in compliance with the regulations set forth in Article IV, Section 4.070.
2. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory uses are carried out on the same lot and are not otherwise prohibited.
3. Accessory off-street parking and loading facilities as required in Article IV.

f. Uses Permitted as Special Exceptions. There are no uses permitted as special exceptions in the I-3, Special Impact Industrial District.

g. Uses Prohibited. In the I-3, Special Impact Industrial District, any use not permitted by right or by accessory use as defined above is strictly prohibited.

h. General Requirements Applicable to All Uses

1. No excavation or filling shall be made within one hundred (100) feet of any boundary of the site.
2. Side slopes of excavation and fills in earth, sand or gravel shall not exceed one (1) foot vertical to three (3) feet horizontal and shall be blended into undisturbed existing surfaces.
3. A chain link wire fence six (6) feet high and three (3) strands of barbed wire over the top shall be installed along the boundaries of the area developed or the area of active operation and provided with gates of the same construction as the fence. The gates shall remain locked at all times when active operations are not taking place. All fences and gates shall be properly maintained until all operations are completed.
4. Provisions shall be made for the disposal of surface water falling on or crossing the site at all times, during and after completion of the operations. The operations shall not obstruct the normal flow of any public drain, or abrogate the riparian rights of any other party to a stream or drain.

5. The depth of excavation and the materials to be used for fill shall not have any adverse effect on the supply, quality or purity of ground water or wells.
6. A layer of clean earth at least two (2) feet thick shall be deposited and thoroughly compacted over all fill to bring the surface to the finished surface grade as shown on the topographic plan filed with the application.
7. The finished surface of the site shall bear the proper relationship to that of adjoining properties.
8. The installation of roads, parking areas, buildings, structures and operational facilities and equipment shall be located on the site so that adjoining properties will not be adversely affected.
9. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or candescence to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by the use of calcium chloride or some other approved method.
10. The proposed site must have a public supply of water available, capable of providing the required fire flow to a fire hydrant on site.
11. Sanitary toilet facilities shall be provided on-site in accordance with the requirements of the Department of Environment and Conservation.

i. Requirements for Specific Uses

1. Requirements for Incinerators and Atomic Reactors

- A. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than two hundred (200) feet from any site boundary line.
- B. All organic or combustible materials delivered to the site shall be burned in the incinerator.
- C. All residue resulting from the operations of the facility shall be disposed of in compliance with all state and federal regulations.
- D. All materials which are to be burned shall be placed on or in a concrete slab or hopper enclosed by a building, masonry walls or chain link type fencing at least six (6) feet high provided with doors or gates which shall be securely locked when the incinerator is not in operation. The materials shall be transferred from the slab or hopper or hopper into the incinerator as soon as they are received, but in any case all combustible materials shall be burned during the same day that they were delivered. The slab or hopper shall be kept clear of all materials when not in active use.

- E. All separation or picking of waste materials shall be conducted in an enclosed building only.
 - F. A watchman shall be stationed at the site at all times for whom a suitable shelter shall be provided.
- 2. Requirements for the Manufacture or Storage of Explosives, Munitions or Fireworks
 - A. Any such facility shall not be located on a site having an area of less than fifty (50) acres.
 - B. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than two hundred (200) feet from any site boundary line.
 - C. A security guard shall be stationed at the site at all times for whom a suitable shelter shall be provided.
- 3. Requirements for Solid Waste Landfills
 - A. All areas used for filling operations shall maintain the minimum setback as required by this section.
 - B. No fires shall be permitted. Any smoldering flame or spontaneous combustion in the fill shall be immediately extinguished.
 - C. All separation or picking of waste materials shall be conducted in enclosed building only.
 - D. The premises shall be kept neat and clean at all times, no loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by use of calcium chloride or some other approved method.
 - E. Entrance to the site shall be controlled at all times to prevent improper dumping on the site.
- 4. Requirements for Hazardous and Radioactive Wastes
 - A. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than two hundred (200) feet from any site boundary line.
 - B. All residue resulting from the operations of the facility shall be disposed of in compliance with all State and Federal regulations.
 - C. All areas used for filling operations shall maintain the minimum setback as required by this section.
 - D. A security guard shall be stationed at the site at all times for whom a suitable shelter shall be provided.

j. Dimensional Requirements. All uses permitted in the I-3, Special Impact Industrial District, shall comply with the following requirements:

1. Minimum Lot Size

Minimum Lot Area	10 acres
Lot Width at Building Setback	500 ft.

2. Minimum Yard Requirements

Front Yard Setback 150 ft.

Side Yard Setback 100 ft. *except where the side yard abuts or is adjacent to a residential zoned property, in which case the minimum setback for that side yard shall be one hundred-fifty (150) feet.*

Rear Yard Setback, 100 ft. *except where the side yard abuts or is adjacent to a residential zoned property, in which case the minimum setback for that side yard shall be one hundred-fifty (150) feet.*

3. Maximum Lot Coverage. On any lot or tract containing one or more structures, the area occupied by all structures, including accessory structures shall not exceed forty (40) percent of the total area.

4. Height Requirements. No principal structure shall exceed forty (40) feet in height except as provided in Article VIII, Section 8.050.

5. Parking Space Requirements. As regulated in Article IV, Section 4.010.

6. Accessory Structures

- A. With the exception of signs, fences, and security buildings, no accessory structures shall be erected in a required front yard.
- B. Accessory structures shall be located at least one hundred (100) feet from any side or rear lot line, twenty-five (25) feet from any building on the same lot.

7. Peripheral Buffer Zone Requirements. A peripheral buffer zone of one hundred (100) feet shall be established and maintained throughout the life of the facility along all property boundaries. This buffer will consist of three (3) rows of trees and shrubs spaced no more than twenty (20) feet apart, staggered with each row being twenty (20) feet apart. A minimum of sixty (60) percent of all trees and shrubs placed in the buffer shall be evergreens or conifers. All trees planted on the site shall be a minimum of ten (10) feet in height that will mature at a height of at least forty (40) feet. In addition to the rows of trees, a row of shrubs in front of the trees is required along road frontage.

In addition to the required plantings, it is recommended that man-made and natural berms be used to further the effectiveness of the natural planted buffer. The peripheral buffer should only be broken by driveways and walkways that provide access to the site. Any required fencing shall not be located within the buffer zone or between the buffer zone and the property boundaries.

- k. **Performance Bond Required.** Any application for final site plan approval shall be accompanied by a performance bond in the amount of the estimated cost of site improvements including, but not limited to water and sewer installation, parking lot and driveway paving, construction of fencing, screening, and Landscaping. Such bond may be in form of cash, certified check, irrevocable letter of credit, or surety bond. In the event that the applicant fails to comply with the approved site plan, the Zoning Administrator shall cause the bond to be forfeited and have the necessary improvements constructed or completed. The time for completion may be extended with the permission of the Planning Commission, upon the owner-builder furnishing a bond or letter of credit for any approved extended period. Posting of the required performance bond by the developer shall constitute prior permission for the proper designated parties to enter upon said property to complete these improvements.

5.070 USE CLASSIFICATION SYSTEM. The provisions of this section shall be known as the use classifications. The purpose of these provisions is to classify land uses into a number of specifically defined types on the basis of common functional characteristics and similar compatibility with other uses, thereby, with criteria which are directly relevant to the public interest. These provisions shall apply throughout the zoning regulations. Where there is a question concerning the appropriate activity classification for any use not listed herein, the Board of Zoning Appeals shall make the determination based upon the characteristics of the unlisted use.

- A. Listing of Activity Classifications.** All activities are hereby classified into the following activity types:

1. RESIDENTIAL ACTIVITIES

Permanent

Upper-Story and Lower-Story Dwelling Units (*if part of a mixed-use development*)

Dwelling, Single Detached

Dwelling, Duplex

Dwelling, Mobile Home

Dwelling, Multi-Family

Mobile Home Park

Semi-Permanent:

Boarding House

Rooming House

2. COMMUNITY FACILITY ACTIVITIES

Administrative

Community Assembly

Community Education

Cultural and Recreation Serv.

Essential Service

Extensive Impact

Health Care

Intermediate Impact

Personal and Group Care Facilities

Religious Facilities

3. COMMERCIAL ACTIVITIES

Animal Care and

Veterinarian Services

Automotive Parking

Automotive Service and
Repair

Building Materials and

Farm Equipment

Consumer Repair Serv.

Construction Sales and
Serv.

Convenience Commercial

Entertainment and

Amusement Services

Financial, Consulting, and Administrative

Food and Beverage Service

Food Service - Drive-In

General Business and Communication Serv.

General Personal Serv.

General Retail Trade

Group Assembly

Medical and Professional Serv.

Transient Habitation

Transport and Warehousing

Undertaking Services

Vehicular, Craft, and Related Equipment Sales, Retail
and Delivery

Wholesale Sales

4. MANUFACTURING ACTIVITIES: Limited, Intermediate, Extensive

5. AGRICULTURAL, RESOURCES PRODUCTION, AND EXTRACTIVE ACTIVITIES

Agricultural Services

Crop, Animal and Poultry Raising

Mining and Quarrying

Plant and Forest Nurseries

Commercial Feed Lots and Stockyards

B. Accessory Uses. In addition to the principal activities expressed above, each activity type shall be deemed to include activities customarily associated with, and appropriate, incidental, and subordinate to the principal activity. The accessory uses permitted are presented with the regulation section of each district as set forth in this zoning ordinance.

C. Residential Activities

1. **Permanent Residential:** The occupancy of living accommodations on a monthly or longer basis with none of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis. This shall not include institutional living arrangements involving the provision of any kind of special care or forced residence such as nursing homes, orphanages, asylums, half-way houses or prisons, except as provided by general law of the state. The following dwelling types as defined by this ordinance are permanent residential activities; however, only those dwelling types as indicated by individual district regulations may be permitted therein. *Examples:*

Dwelling, Single Detached

Mobile Home Park

Dwelling, Duplex

Upper-Story and Lower-Story Dwelling Units

Dwelling, Mobile Home

(if part of a mixed-use development)

Dwelling, Multi-Family (apartment, townhouse)

2. **Semi-Permanent Residential:** The occupancy of living accommodations partly on a monthly or longer basis and partly for a shorter time period, but with less than thirty (30) percent of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis. This shall not include institutional living arrangements involving the provision of a special kind of care or forced residence, such as nursing homes, orphanages, asylums, half-way houses, and prisons, except as provided by general law of the state. The following dwelling or rooming unit types as defined by this ordinance are considered as semi-permanent residential activities; however, only those dwelling or rooming unit types as indicated by individual district regulations may be permitted therein. *Examples: Boarding House; Rooming House*

D. Community Facility Activities

1. **Administrative Services:** The activities typically performed by public, utility, and nonprofit private administrative offices. These activities would include:

City, County, State, and Federal Offices

Fire Department Facilities

Civil Defense Facilities

Police Department Facilities

Court Buildings

Post Office

2. **Community Assembly:** The activities typically performed by or at institutions and installations for various social, athletic, and recreational purposes. These activities do not include facilities primarily utilized for profit. They would include:

Civic, Social, Fraternal, and Philanthropic Associations

Private (nonprofit) Clubs, Lodges, Meeting Halls, and Recreation Centers
Temporary Nonprofit Festivals

- 3. Community Education:** The activities typically performed by the following institutions:

Public and Private Nursery Schools; Kindergarten, Primary and Secondary Schools

- 4. Cultural and Recreational Services:** The activities of a cultural or recreational nature which are either owned by, or operated for the use and enjoyment of, the general public. This does not embrace such facilities which are privately owned and operated for profit. These activities would include:

<i>Art Galleries</i>	<i>Planetariums and Aquariums</i>
<i>Libraries</i>	<i>Recreational Centers and Gymnasiums</i>
<i>Museums</i>	<i>Swimming Pools and Beaches</i>
<i>Parks, Playgrounds, and Playfields</i>	<i>Zoological and Botanical Gardens</i>

- 5. Essential Services:** Includes the maintenance and operations of the following installations:

<i>Electrical and Gas Substations</i>	<i>Pumping Facilities for Water and Sewer Systems</i>
<i>Electrical, Gas, Water, and Sewer</i>	<i>Rights-of-Way for Transportation Modes</i>
<i>Distribution and Collection Lines</i>	<i>Telephone Switching Facilities</i>
<i>Public Transport, Utility and</i>	
<i>Communication Towers</i>	

- 6. Extensive Impact Facilities:** The activities that have a high degree of impact upon surrounding land uses due to their hazards or nuisance characteristics, as well as traffic generation, parking, and land requirements and typically performed by, or the maintenance and operation of, the following institutions and installations:

Major Fuel Transmission Lines and Facilities
Major Mail Processing Centers
Military Installations
Public and Private Utility Corporations and Truck Yards, Including Storage Yards
Railroad Yards and Other Transportation
Equipment Marshalling and Storage Yards

- 7. Health Care Facilities:** Includes the activities typically performed by the following institutions but not including the offices, clinics, etc., of private physicians or other health care professionals:

*Centers for Observation or
Rehabilitation
Convalescent Homes*

*Hospitals
Medical Clinics*

- 8. Intermediate Impact Facilities:** The activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances and typically performed by, or the maintenance and operation of the following institutions or installations.

Cemeteries, Columbariums, and Mausoleums

Colleges, Junior Colleges, and Universities, but Excluding Profit-Making Business Schools

Commercial Boat Docks, Marinas, and Yacht Clubs

Golf Courses

Water Storage Facilities, Water and Sewage Treatment Plants

Radio and TV Transmission Facilities

Country Clubs

- 9. Personal and Group Care Facilities:** The activities and facilities to provide for the care of children, disabled and handicapped persons needing special care or supervision, care for the elderly and other individuals requiring supervised care, but excluding facilities for delinquent, criminally dangerous, or psychotic people. These activities would include:

Associations for Physically or Mentally Handicapped Persons *Group Homes for Physically or Mentally Handicapped Persons*

Day Care Centers

Nursing Homes

Drop in Center

Orphanages

Family Child Care Home

Retirement or Rest Homes

Group Child Care Home

- 10. Religious Facilities:** The activities or facilities utilized by various religious organizations for worship or community service functions but excluding any facility the primary functions of which is to produce products or printed matter for sale or general distribution. *The activities include: Chapels, Churches, Convents or Monasteries, Parsonage, Sanctuaries, Synagogues, Temples*

E. COMMERCIAL ACTIVITIES

- 1. Animal Care and Veterinarian Services:** Includes the provision of animal care, treatment, and boarding services. *Examples: Veterinarian Clinics and Kennels*
- 2. Automotive Parking:** Includes the parking and/or storage of motor vehicles but excluding junk or scrap vehicles. *Examples: Auto Parking Lots; Parking Garages*

- 3. Automotive Services and Repair:** Includes the sale, from the premises, of good and the provision of services which are generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs, as well as clean-up, painting and repair of automotive vehicles, including body work and installation of accessories.

Auto Cleaning and Repair Services
Auto Glass Repair and Replacement Shops
Auto Inspection and Diagnostic Services
Auto Paint Shops
Auto Towing Services

Car Washes
Gasoline, Fuel, and Oil Sales and Service
Radiator and Muffler Shops
Tire Retreading and Repair Shops
Wheel Alignment and Transmission Repair Shops

- 2. Building Materials and Farm Equipment:** Includes the retail and wholesale sales and storage of materials used in the construction of buildings and other structures as well as the retail and wholesale sale and storage of implements, equipment, feed and seed used in agricultural pursuits.

Farm Equipment and Supplies
Feed Milling and Sales
Heating, Plumbing, and Electrical Supplies

Lumber and other Building Material Dealers
Retail Nurseries, Lawn and Garden Supply Stores
Seed Storage and Sales

- 3. Consumer Repair Services:** Include the servicing and repair of appliance, furniture, and equipment generally used or owned by individuals, not including the repair of any type of automobile.

Blacksmith Shops
Electrical Repair Shops
Gunsmith Shops
Instrument Repair Shops
Lawn Mower Repair Shop

Locksmith Shops
Office Equipment Cleaning and Repair
Reupholstery and Furniture Repair
Saddlery Repair Shops
Watch, Clock, and Jewelry Repair

- 4. Construction Sales and Services:** Includes the offices, buildings, and shops of various types of contractors as well as incidental on-site construction and storage.

Builder's Supply and Hardware
Carpenter Contractors
Concrete Contractors
Excavation Contractors
General Building Contractors
Glazing Contractors
Highway and Street Construction Contractors

Masonry, Stonework, Tile Setting, and Plastering Contractors
Painting, Paper Hanging, and Decorating Serv.
Plumbing, Heating, and Electrical Contractors
Roofing and Sheet Metal Contractors

- 5. Convenience Commercial:** Includes the retail sale, from the premises, of groceries, drugs, and other frequently needed personal convenience items, as well as the provision of personal convenience services which are typically needed frequently or recurrently, provided that no establishment shall exceed five thousand (5,000) square feet of gross floor area.

Barber Shops

Beauty Shops

Drug Stores

Fruit and Vegetable Markets

Grocery Stores

Hardware Store (no outside storage)

Laundry and Dry Cleaning Pick-Up Stations

Liquor Stores

News Stands

Self-Service Gasoline Pumps

Tobacco Shops

- 6. Entertainment and Amusement Services:** Include the provisions of cultural, entertainment, educational, and athletic services, other than those classified as Community Facility Activities, to assembled groups of spectators or participants.

Includes: Theatrical Producers, Bands, Orchestras, and Entertainers;

Art Galleries (Commercial)

Batting and Golf Driving Ranges

Bowling Alleys and Billiard Parlors

Coin Operated Amusement Arcades

Dance Halls and Studios

Exhibition Halls and Auditoriums

Indoor Shooting Ranges

Recording and TV Production Services

Skating Rinks

Theaters

- 7. Financial, Consulting, and Administrative Services:** Include the provision of financial, insurance, and real estate brokerage services, as well as advice, designs, information, or consultations of a professional nature (other than those classified as Community Facility Activities, Medical and Professional Service, or Business and Communication Services). These also include the executive, management, or administrative activities of private, profit oriented firms, but exclude the sale and/or storage of goods or chattel unless otherwise permitted by this ordinance.

Agricultural Credit Institution

Banking and Bank-Related Functions

Credit Unions

Holding and Investment Organizations

*Insurance Carriers, Agents, Brokers,
and Service*

*Money Management and Investment
Offices*

*Real Estate Brokers, Managers and
Appraisers*

*Rediscount and Financing Institutions
for Credit Agencies Other Than Banks*

Savings and Loan Associations

*Securities Commodities, Brokers,
Dealers, and Exchanges*

Title Offices

- 8. Food and Beverage Service:** Includes the retail sale of prepared food or beverages for primarily on-premises consumption within the principal structure on the zone lot. *Example: Restaurants; Taverns*
- 9. Food Service Drive-In:** Includes the retail sale of prepared food or beverages for either home or on premises consumption either within the principal structure or within a parked car on the same zone lot. *Examples: Drive-In Restaurants; Fast Food Restaurants with Drive-Thru Service*
- 10. General Business and Communication Services:** Include the provision of service of a clerical, goods brokerage, and communications of a minor processing nature, copying and blueprinting services, custom printing (except books) but include the sale and/or storage of goods and chattel unless otherwise permitted by this ordinance.

Advertising Agencies and Serv.

Commercial Cleaning Serv.

Commercial Testing Laboratories

Communications Services:

Radio and Television Broadcasting Studios

Telegraph Offices and Message Centers Telephone Exchanges and Relay Towers

Television and Recording Production Studios

Computer and Data Processing Serv.

Credit Reporting, Adjustment, and Collection Agencies

Detective Agencies and Protective Serv.

Drafting Serv.

Employment, Personnel, and Temporary Help Serv.

Exterminating Services

Interior Decorator and Consulting Services

Mailing, Reproduction, and Commercial Art Serv.

Management, Consulting, and Public Relations Services

News Syndicates

Photofinishing Services

Research and Development Laboratories

Trading Stamp Services

Travel Agencies

Vehicular and Equipment Rental and Leasing Service

Membership Organizations: Automobile Clubs; Better Business Bureaus; Chamber of Commerce; Labor Unions; Political Organizations; Professional Associations

11. General Personal Service: Includes the provision to individuals of informational and instructional services as well as the provision of care and maintenance for personal items. These activities do not include the storage or sale of goods or chattel unless otherwise permitted herein.

Catering Services

Clothing Rental Agencies

Health Spas

Laundry, Cleaning, and Garment Serv.

Miscellaneous Personal Services

Photographic Studios

Shoe Repair and Hat Cleaning Shops

Special Training and Schooling Services: Art and Music Schools; Barber and Beauty Schools; Business Schools; Dancing Schools/Exercise Studios; Driving Schools

12. General Retail Trade: Includes the retail sales or rental from the premises, primarily for personal or household use, of goods and/or services but excluding goods and services listed in the other classifications herein.

Antique and Second Hand Merchandise Stores

Automotive Parts (no exterior storage)

Book and Stationery Stores

Camera Stores

Candy, nut and Confectionery Stores

Children's and Infant's Stores

Dairy Products Stores

Department Stores

*Drapery, Curtain, and Upholstery
Stores*

Drug Stores and Proprietary Stores

Family Clothing Stores

Floor Covering Stores

Florists

Fruit Stores and Vegetable Markets

Furniture Stores

Furriers and Fur shops

Gift Shops

Grocery Stores

Hardware Stores

Hobby, Toy, and Game Stores

Household Appliance Stores

Jewelry Stores

Liquor Stores

Luggage Shops

Meat and Seafood Markets

*Men's and Boy's Clothing and
Furnishing Stores*

Music Stores

News Stands

Radio and Television Stores

Retail Bakeries

Sewing and Piece Goods Stores

Shoe Stores

Sporting Goods Stores

Tobacco Shops

Variety Stores

*Women's Accessory and Specialty
Stores*

Women's Ready-to-Wear Store

Miscellaneous Apparel and Accessory Stores: Bathing Suit Stores, Custom Tailors, Sports Apparel Stores, Uniform Stores

Miscellaneous General Merchandise Stores: Direct Selling Organizations, Mail Order Houses

Miscellaneous Home Furnishings Stores: Bedding and Linen Stores, Cookware Stores, Cutlery Stores, Glassware and China Shop, Lamp and Shade Shop, Paint and Wallpaper Stores

- 13. Group Assembly:** Includes the provision of cultural, entertainment, educational, and athletic services, other than those classified as Community Facilities, to large groups of assembled spectators and/or participants (five hundred (500) or more) or that have a substantial potential impact upon adjoining property.

Amusement Parks

Commercial Camp Grounds

Commercial Resorts

Commercial Sports Arenas and Playing Fields

- 14. Medical and Professional Services:** Includes the provision of therapeutic, preventive, or corrective personal treatment services by physicians, dentists, and other practitioners, as well as testing and analysis and the offices of various other professionals, the service of which is provided in an office environment.

Accounting, Auditing, and Bookkeeping Services

Artist Studios (Excluding Commercial Artists)

Attorneys and Law Offices

Chiropractor Offices

Consulting Scientists

Dental Offices and Laboratories

Educational and Scientific Research Services

Engineering and Architectural Services
Optometrists

Physicians' Offices and Clinics (Out Patient Services)

Physiologists and Psychotherapists

Songwriters and Music Arrangers

Urban Planning Services

Writers and Lecturers

- 15. Transient Habitation:** Includes the provision of lodging services to transient guests, having at least seventy (70) percent of its accommodation available on a less-than-weekly basis, other than those classified as residential activities.

Hotels, Motels, Tourist Courts

- 16. Transport and Warehousing:** Includes the provision of warehousing, storage, freight handling, shipping, and trucking services.

Bus and Truck Maintenance and Repair

Food Lockers

General Warehousing

Household Goods Storage

Packing and Creating Services

Railroad, Bus and Transient Terminals

Refrigerated Warehousing

Truck Terminals Freight Handling Services

- 17. Undertaking Services:** Include the provision of undertaking and funeral services involving the care and preparation of the human deceased prior to burial.

Funeral and Crematory Services

- 18. Vehicular, Craft, and Related Equipment:** Includes the retail or wholesale sale or rental from the premises of vehicular and related equipment with incidental maintenance.

Boat and Motor Dealers

Mobile Home Dealers

Motor Vehicle Dealers

Motorcycle Dealers

Recreational Vehicle and Utility Trailer Dealers

- 19. Wholesale Sales:** Includes the storage and sale from the premises of goods to other firms for resale, as well as the storage of goods and their transfer to retail outlets; but exclude sale or storage of motor vehicles, except for parts and accessories. These would include such uses as:

Apparel, Piece Goods, and Notions

Beer, Wine and Distilled Alcoholic

Beverages

Chemicals and Allied Products

Drugs, Drug Proprietaries, and

Sundries

Electrical Goods and Appliances

Farm Products Raw Materials

Farm Supplies

Furniture and Home Furnishings

Groceries and Related Products

*Hardware, Plumbing, and Heating Equipment
and Supplies*

Lumber and Other Construction Materials

Machinery, Equipment, and Supplies
Metals and Minerals
Motor Vehicles and Automotive Parts
and Supplies
Paper and Paper Products

Petroleum and Petroleum Products
Sporting, Recreational, Photographic, and
Hobby Goods
Tobacco and Tobacco Products
Toys and Supplies

F. **MANUFACTURING ACTIVITIES.** Manufacturing activities include the on-site production of goods by methods other than agricultural or extractive in nature.

1. Limited Manufacturing Activities. Include the following operations:

- a. The manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of the following products:

Apparel and Accessories
Art Objects
Bakery Goods
Beverages
Dairy Products

Instruments for Scientific, Medical, Dental,
Engineering, and Other Professional Purposes
Optical Instruments and Lens
Printed Matter
Signs

- b. Activities and operations which include the following:

Book Binding
Data Processing Service
Photocopying
Photoengraving
Precision Machining of Dies, Jigs, and
Fixtures

Printing
Publishing
Record Pressing
Upholstering
Welding

2. Intermediate Manufacturing Activities. Includes the following:

- a. The manufacture, compounding, processing, assembling, packaging, treatment or fabrication of products, except for the following: *Cotton Seed Oil; Explosives; Fireworks; Organic Fertilizers*
- b. Other activities and operations, except for the following:

Abrasive, Asbestos, and Nonmetallic Mineral Processing
Arsenals
Asphaltic Cement Plants
Atomic Reactors

Automobile Wrecking Yards, Scrap and Waste Materials
Cement and/or Concrete Plants
Chemical Manufacturing in Excess of One (1) Ton per Day
Cotton Ginning
Fat Rendering
Foundries
Grain Milling
Junk Yards
Offal Processing
Ore Reduction
Paper Mills
Petroleum Refining
Pulp Manufacturing
Rolling and Finishing of Ferrous Materials
Slaughtering of Animals
Smelting and Refining of Metals and Alloys
Solid Waste Landfills (generated on site only)
Steel Works (other than those listed)
Tanning

- 3. Extensive Manufacturing Activities.** Includes all intermediate manufacturing activities (described above) and the exceptions listed above, except as follows:

<i>Arsenals</i>	<i>Radioactive Waste Handling</i>
<i>Atomic Reactors</i>	<i>Solid Waste Landfills</i>
<i>Biosolids - Handling and Distribution</i>	<i>Solid Waste Processing and Recycling</i>
<i>Explosives Manufacturing and Storage</i>	<i>Waste Incinerators, Including Hospital and</i>
<i>Fireworks Manufacturing</i>	<i>Medical Waste</i>
<i>Hazardous Wastes Storage and/or</i>	
<i>Transfer</i>	

The above exceptions are Special Impact Facilities and are permitted only as such in the appropriated district.

G. Agricultural, Resources Production, and Extractive Activities

- 1. Agricultural Services.** Include various activities designed to provide needed services for agricultural uses and are appropriately located in close proximity thereto.

Crop Drying, Storage, and Processing

Crop Planting, Cultivating, and Protection Services
Horticultural Services
Livery Stables
Riding Stables
Soil Preparation Services

2. **Commercial Feed Lots and Stockyards:** Include facilities and operations involved in the storage and feeding (other than pasture grazing) of animals for resale or slaughter.
3. **Crop and Animal Raising:** Includes the raising of tree, vine, field, forage, and other plant crops intended to provide food or fiber, as well as keeping, grazing, or feeding animals for animal products, animal increase, or value increase, but specifically excluding commercial feed lots and facilities for the processing, packaging, or treatment of agricultural products.

Dairies
Farms

Raising of Plants, Animals, and Fish
Truck Gardens

4. **Plant and Forest Nurseries:** Includes the cultivation for sale of horticultural specialties, such as flowers, shrubs, and trees, intended for ornamental, Landscaping, or tree planting purposes. *Forest Nursery; Plant Nursery*

H. SPECIAL IMPACT FACILITIES

Airports, Air Cargo Terminals, Heliports, or Other Aeronautical Devices
Arsenals
Atomic Reactors
Biosolids - Handling and Distribution
Correction and Detention Institutions
Electricity Generating Facilities and Transmission Lines
Explosives Manufacturing and Storage
Fireworks Manufacturing
Garbage Incineration Plants, Including Cogeneration Facilities;
Sanitary Landfills
Hazardous Wastes Storage and/or Transfer
Radioactive Waste Handling
Solid Waste Landfills
Solid Waste Processing and Recycling
Waste Incinerators, Including Hospital and
Medical Waste

ARTICLE VI

PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENT DISTRICTS

SECTION

6.010 Purpose of Planned Unit Development Districts

6.020 General Provisions

6.030 Administrative Procedure

6.040 Classifications of Planned Unit Developments

6.010 Purpose of Planned Unit Development Districts: These regulations are designed to promote flexibility in design and permit planned diversification in the location of structures; to promote efficient use of land that will facilitate a more economic arrangement of buildings; circulation systems, land use, and utilities; to preserve as much as possible existing landscape features and utilize them in a harmonious fashion; to encourage the total planning of tracts of land; and to provide a mechanism for the ownership of land, utilities, streets, and facilities in common as well as the maintenance and disposition thereof. Note that these zoning districts are free-standing and have their own densities and setback requirements; these PUD requirements are not an overlay zoning district.

6.020 General Provisions

1. Master Plan Required. No application for a Planned Unit Development (PUD) District shall be considered unless a master plan meeting the requirements outlined in this section is submitted therewith. Such application shall indicate that the services of one (1) or more design professionals were utilized in the preparation of the plan.
2. Ownership and Division of Land. No tract of land may be considered for or approved as a planned unit development unless such tract is under single ownership. The holder(s) of a written option to purchase, any governmental agency, or a redeveloper under contract shall be considered landowners for purposes of this section. Unless otherwise provided as a condition of approval of a PUD, the landowner of an adopted PUD may divide and transfer parts of such development. The transferee shall complete each such unit and use and maintain it in strict conformance with the adopted final master plan. Prior to the transfer of any section, a subdivision plat shall be filed with the Planning Commission.

3. Relationship to Subdivision Regulations. The uniqueness of each proposal for a planned unit development may require that specifications for the width and surfacing of streets, public ways, public utility rights-of-ways, curbs, and other standards may be subject to modification from the specifications established in the White Bluff Subdivision Regulations adopted by the Planning Commission. Modifications may be incorporated only with the approval of the Planning Commission as a part of its review of the master plan for a PUD and granted as a variance in the preliminary approval of the subdivision, which must be concurrent with the final approval, by the Planning Commission of the master plan. The foregoing notwithstanding, all PUDs shall be accompanied with adequate sureties for all proposed infrastructure and be subject to the time requirements to complete said infrastructure, as required by the White Bluff Subdivision Regulations.
4. Combination of Separate Types of Planned Unit Developments. The Planning Commission and the Town Council may consider separate types of Planned Unit Developments, such as residential and commercial within a consolidated Master Plan as a single administrative procedure provided that the total tract is in single ownership by a landowner and the land area is sufficient to comply with the separate type requirements combined.
5. Development Period, Staging Schedule. The expeditious construction of any PUD shall be undertaken to assist in the assurance of the full completion of the development in accordance with the approved master plan. Within two (2) years after the date of approval, actual construction shall have commenced in such development. In the event that construction has not been started, the Planning Commission shall conduct a hearing on the project and review the feasibility of the PUD and may act to cancel or extend approval of the master plan depending upon the circumstances of each case. In the event of cancelation, the vesting laws of the State of Tennessee applicable to the PUD shall remain unaffected. The Planning Commission may permit the development to be constructed in stages so that completion is achieved in a logical manner. Each stage shall be planned and related to existing surroundings and available facilities and services, so that failure to proceed to the subsequent stages will not have an adverse impact on the planned unit development or its surroundings, at any stage of the development.
6. Common Open Space and Facilities. Any common space or public or private facilities shall be subject to the following provisions:
 1. The location, shape, site, and character of the common open space shall be reviewed in detail, and it must be used for amenity or recreational purposes. The

uses authorized for the common open space must be appropriate to the scale and character of the planned development considering its size, density, expected population, topography, and the number and type of dwellings or structures to be provided.

2. Common open space must be suitable for its intended uses but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements, which are permitted in the common open space, must be appropriate to the uses, which are authorized for the common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.
3. The Planning Commission shall require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space and facilities and such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to an appropriate public agency and said dedication be approved by the Planning Commission. However, the conditions of any transfer shall conform to the adopted final master plan.
4. In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of the planned unit development fail to maintain the common open space in reasonable order and condition in accordance with the adopted master plan, the codes director may serve written notice upon such organization and/or the owners or residents of the planned unit development and hold a public hearing. After thirty (30) days when deficiencies of maintenance are not corrected, the codes director shall call upon any public or private agency to maintain the common open space for a period of one (1) year. When the codes director determines that the organization is not prepared for the maintenance for the common open space such agency shall continue maintenance for yearly periods.
5. The cost of such maintenance by such agency shall be assessed proportionally against the properties within the planned unit development that have a right of enjoyment of the common open space and shall become a lien on said properties.
6. When the common open space is deeded to a Homeowners' Association, the developer shall file a declaration of covenants and restrictions that will govern the

association, to be submitted with the application for preliminary approval. The provisions shall include, but not be limited to the following:

- a. The Homeowners' Association must be set up prior to no more than fifty-one (51) percent of the lots and/or homes being sold.
 - b. Membership must be mandatory for each homebuyer and any successive buyer.
 - c. The open space restrictions must be permanent, not just for a period of years.
 - d. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational, open space and other facilities.
 - e. Homeowners must pay their pro rata share of the cost, and the assessment levied by the association can become a lien on the property.
 - f. The association must be able to adjust the assessment to meet changing needs.
7. A recreation plan shall be developed and presented with the Preliminary Master Development Plan for any proposed residential planned unit development. This plan shall indicate the general demographic characteristics of the anticipated market being targeted by the proposed development. The plan shall indicate the recreation facilities proposed and the age groups these facilities are designed to serve, as well as provide the number and detailed specifications of each type of recreational equipment and facility proposed. The size of each type of recreational facility, or type of recreational equipment shall be directly related to the age and number of the anticipated user population. These facilities may be devoted to either:
 - a. Shared limited use facilities designed so as to assure privacy and control of access by and for the exclusive use of a specific residential clientele within the development or
 - b. Shared general use recreation facilities which are available to all residents of the proposed development. All recreational equipment provided should be durable commercial grade equipment.

A minimum of five (5) percent of the gross area of every residential PUD shall be devoted to improved and developed recreational open space and may count towards the minimum percentage of common open space prescribed in each PUD class.

8. Dedication of Public Facilities. For any PUD, the Planning Commission and Town Council may require that suitable areas for streets, utilities, public rights-of-way, schools, parks, and public areas be set aside and/or dedicated to the Town of White Bluff. Streets, whether public or privately maintained, shall be designed, and constructed to street standards provided in the White Bluff Subdivision Regulations.

6.030 Administrative Procedure. The provisions of this section govern the procedure for review and approval for all planned unit developments as provided herein. Any landowner or developer, as defined, may apply for a PUD Zoning in any area subject to these provisions, and the Town Council may, within its legislative power, impose PUD Zoning upon any land area, and after such action, the landowner shall follow the remaining procedures before any zoning permits can be issued and the land developed.

1. Steps of Approval Process

- a. The applicant may request a pre-application conference with planning staff to evaluate the proposal and to determine and clarify any issues that may arise.
- b. The applicant shall submit a preliminary master plan and rezoning request to the Planning Commission for their consideration along with the required fees.
- c. The Planning Commission may recommend approval or disapproval of a developer's request. If approved, the Planning Commission shall recommend the necessary PUD zoning to the Town Council.
- d. After approval of the preliminary master plan and amendment of the zoning map, preparation of the final master plan may begin.
- e. The applicant shall submit a final master plan to the Planning Commission for their consideration. If any part of the PUD is to be subdivided, a preliminary subdivision plat shall also be submitted. Both documents may be considered simultaneously. Approval of the final master plan shall form the basis for all permits, variances, and standards for the PUD.
- f. Prior to the sale or transfer of any property, the applicant shall submit and have approved a final subdivision plat.

2. Application for Approval of the Preliminary Master Plan and Zoning Request.

Application for approval of the preliminary master plan shall be made by the landowner of the affected property or his authorized agent, to the Planning Commission in accordance with such written general rules regarding general procedure, form of application, and required information as the Planning Commission may determine, provided they are not inconsistent herewith. The application for preliminary approval shall consist of the following:

- a. The preliminary master plan for the proposed planned unit development shall be a general concept plan, drawn to scale by a professional competent of such design, which may include such items as the Planning Commission by general rule may require, but is not limited to the following items:
 1. The location and size of the area involved.
 2. Transportation routes including streets, driveways, sidewalks, and pedestrian ways, and off-street parking and loading areas.
 3. Location and approximate dimensions of structures including approximate height and bulk, and the utilization of structures including activities and the number of living units.
 4. Estimated population and density and extent of activities to be allocated to parts of the project.
 5. Any proposed reservations for public uses including schools, parks and other open spaces.
 6. Availability commitments from the appropriate water and sewer provider.
 7. Major landscaping features, including topography.
 8. The general means of the disposition of sanitary wastes and storm water, and
 9. North arrow, graphic scale, and location map showing relationship to existing street system and adjoining properties.
 10. Specify the various uses of structures within the PUD, for example the percentage of structures that are residential and the percentage of structures that are non-residential.
 11. Elevations as necessary.
 12. Details and locations of signs.
 13. The general layout of proposed streets and the location of parking lot improvements.
 14. Location and use of all common open space area.
 15. Additional information as determined by the Planning Commission to indicate fully the ultimate operation and appearance of the PUD.
- b. A tabulation of the land area to be devoted to various uses and activities and overall densities.
- c. The nature of the landowner's interest in the land proposed to be developed and a written statement or concurrence from all parties having a beneficial interest in the affected property.
- d. The substance of covenants, grants of easements, deed restrictions, or other restrictions to be imposed upon the use of the land, buildings, and structures to include total square footage, building materials, architectural drawings, and proposed easements for public utilities.

- e. A development schedule, setting forth when the landowner intends to commence construction and an estimated completion period.
 - f. When it is proposed that the final master development plan will be submitted in stages, a schedule of submission thereof is necessary.
3. Application for Approval of the Final Master Plan: The action of the Town Council on the zoning request and the preliminary master plan shall authorize and form the basis for the Planning Commission approval of a final master plan.
 4. Application for Final Approval: After zoning a Planned Unit Development District, the landowner may make application to the Planning Commission for approval of a final master development plan, provided that the proposed master development plan and other elements associated with the planned unit development are in substantial compliance with the substance of the preliminary approval of the Town Council. The application shall include all aspects of the preliminary application, the proposed final master development plan, other required drawings, specifications, covenants, easements, and conditions and forms of bonds as were set forth by the Planning Commission's preliminary approval. Copies of all legal documents required for dedication or reservation of group or common open space and/or for the creation of a non-profit association shall also be submitted. When appropriate, this application shall contain the stage development schedule.
 5. Final Approval of Stages: The application for final approval and the final approval by the Planning Commission may be limited to each stage as appropriate in a large, planned unit development.
 6. Final Master Development Plan: The final master plan of a planned unit development, or as submitted in stages if authorized, shall be substantially consistent with the approved preliminary master plan.
 7. Amendments to the PUD: The terms, conditions, and the final master plan of a PUD may be changed from time to time by official action of the Planning Commission. Any such amendments must remain in compliance with the appropriate zoning regulations and comply with the following.

The landowner, the residents and/or owners of or in the PUD may apply to the Planning Commission for an amendment to the master plan. The Planning Commission may approve such amendment so long as the original intent is not abrogated, and the change does not in any way damage any part of the PUD or any adjoining properties. Minor changes in the location, sitting, and height of buildings

may be authorized by the Planning Commission if required by engineering or other circumstances of the location not foreseen at the time of final approval. Major changes including an increase in the number of dwelling units, changes in the type of structures (such as single family to multi-family) major rearrangement of lots, blocks, or building tracts, or a reduction in the amount of open space must be submitted to both the Planning Commission and Town Council.

8. Cancellation of an Adopted Planned Unit Development. In the event that actual construction has not begun within two (2) years from and after the date of the ordinance adopting or amending a plan unit development the Planning Commission may, after an official meeting with notice to the landowner, act to cancel the approved master plan or at any time upon the petition of the landowner.
9. Building Permits. A building permit shall be issued for structures, buildings, activities, or uses as a part of a finally adopted planned unit development only in strict compliance with the master development plan of the particular planned unit development including the conditions of approval and only after the administrative procedure outlined in this section has been strictly adhered to. No building permit shall be issued for the area included in a preliminary planned unit development until a final master development plan has been approved.

6.040 Classifications of Planned Unit Developments

1. Development Types. There are hereby created three (3) types of residential PUDs as follows:

Low Density Residential PUD	R-1 PUD
Medium Density Residential PUD	R-2 PUD
High Density Residential PUD	R-3 PUD

2. Purpose

The purpose of a Low-Density Residential PUD (R-1 PUD) is to permit development of land, which by reason of topography or floodable land contains some areas unsuitable for development, and to permit the cluster of lots in order to leave the unsuitable land as permanent open space. The R-1 PUD is aimed at single-family detached dwelling developments.

The purpose of a Medium-Density Residential PUD (R-2 PUD) is to permit development of land, which has reasonable topography and is suitable for development. The R-2 PUD

permits a variety of housing types but is aimed at single-family detached and duplex dwelling developments.

The purpose of a High-Density Residential PUD (R-3 PUD) is to permit a variety of housing types within a totally planned environment.

Additionally, each PUD class permits certain non-residential use types for mixed-use developments, provided the majority of the PUD development is residential. Refer to Table 1 of this article for the list of permitted uses.

3. Minimum Size: The minimum number of acres required for each PUD type is as follows:

R-1 PUD	5 acres
R-2 PUD	4 acres
R-3 PUD	2 acres
4. Permitted Activities in a Residential PUD. The following activities listed in Table I, may be permitted in a PUD only when deemed appropriate by the Planning Commission and the Town Council has approved with the preliminary master plan. Other activities not listed are prohibited.
5. Limitation on Commercial Activities. The commercial activities permitted in Table I, shall be limited to no more than five (5) percent of the total floor area within such development and provided further that the maximum floor area for any single establishment shall be five thousand (5,000) square feet. Such commercial activities shall be designed to serve primarily the residents within the PUD and shall not be constructed until at least one-half (1/2) of the residential units are complete. These provisions may be altered provided they are submitted and approved by the Town Council as part of the preliminary master plan.
6. Maximum Height Allowance for Permitted Uses. No principal building shall exceed three (3) stories or thirty-five (35) feet in height, whichever is greater, and no accessory structure shall exceed twenty (20) feet in height, except as provided in ART VIII, Section 8.050. Or, upon Planning Commission and Town Council approval during the Master Plan Approval step. Local building codes and local fire protective measures are encouraged for incorporation into each review. Any structure reserved for centralized or public parking may exceed height restrictions but are limited to the eave of lining principal buildings.
7. Density Bonus. Density increases over and above the permitted maximum density for each PUD class may be granted by the planning commission and shall be governed by the precepts listed below, each of which is to be treated as additive and not compound, unless

otherwise granted by the planning commission to fulfill or implement a vision for the character area:

- a. For mixed residential types, a maximum increase of ten (10) percent.
- b. For mixed commercial and residential types, a maximum increase of fifteen (15) percent.
- c. For underground utilities, a maximum increase of ten (10) percent.
- d. For improved common open space implemented as part of a long-range vision for the area, a maximum increase of ten (10) percent.
- e. For preservation of natural, historic, or archaeological features, a maximum of ten (10) percent.

6.041 R-1, Low Density Residential Planned Unit Development

1. Density, Bulk and Open Space Requirements

Minimum Lot Size	None
Maximum Density	3 dwelling units per acre

A minimum of ten (10) percent of the gross area of the development shall be dedicated as common open space.

Yards

Minimum Front Yard	25 ft.
Minimum Side Yard	None
Minimum Rear Yard	None

6.042 R-2, Medium Density Residential Planned Unit Development

1. Density, Bulk and Open Space Regulations for Single-Family Detached Dwellings

Density and Open Space Requirements

Minimum Lot Size	None
Maximum Density	6 dwelling units per acre

Yards: None

2. Density, Bulk and Open Space Regulations for Duplex Dwellings

Density and Open Space Requirements

Minimum Lot Size	None
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Maximum Density 8 dwelling units per acre

Yards: None

A minimum of fifteen (15) percent of the gross area of the development shall be dedicated as common open space for both dwelling types above.

6.043 R-3, High Density Residential Planned Unit Development

1. Density, Bulk and Open Space Regulations for Single-Family Detached and Duplex Dwellings

Density and Open Space Requirements

Minimum Lot Size None

Maximum Density 10 dwelling units per acre

Yards: None

2. Density, Bulk and Open Space Regulations for Duplex Dwellings

Density and Open Space Requirements

Minimum Lot Size None

Maximum Density 10 dwelling units per acre

Yards: None

3. Density, Bulk and Open Space Regulations for Multi-Family Dwellings

Density, Bulk and Open Space Regulations. The following requirements shall apply to multi-family dwellings within a R-3 PUD:

1. The maximum density shall be 10 dwelling units per acre.
2. The maximum floor area shall be in terms of a ratio of total floor area per total area within said development, as provided herein.
3. Yard requirements are waived, and the above minimum controls shall be applied.
4. The minimum total outdoor area (including all uncovered outdoor areas, such as streets, parking, lawn, landscaped areas, patios, recreation, as well as usable roofs and uncovered balconies) shall be provided at no less than a minimum ratio of outdoor area per total floor area, as provided herein.

5. The minimum total living space (that part of the total outdoor area which includes lawn, landscaping, and recreation areas and excluding streets and parking) shall be provided at no less than a minimum ratio of living space area per total floor area, as provided herein.
6. A minimum of twenty (20) percent of the gross area of the development shall be dedicated as common open space for all dwelling types mentioned above.

4. Development Standards

- a. Perimeter Requirements. Along the perimeter of the Planned Unit Development, buildings shall be designed to harmonize in scale, setbacks, and mass with existing adjacent areas. A minimum setback of twenty-five (25) feet shall be required around the perimeter of all residential planned unit developments. Perimeter landscaping shall also be required.
- b. Landscaping Requirements. Every PUD development shall be attractively landscaped with a focus on location, size, and preferred species of all plantings to be provided or preservation of existing tree species. For PUD developments subject to Design Review, the landscaping provisions contained in the White Bluff Design Review Manual shall apply. For PUD developments containing single-family and duplex dwellings and townhouses, the landscaping provisions may be recommended at the planning commission's discretion.
- c. Parking and Storage. On-street parking shall be prohibited in all planned unit developments. All parking and storage areas shall be enclosed or concealed by berms and/or buffers. Refer to Article IV, Section 4.010 and 4.020 of the Zoning Ordinance for off-street parking requirements.
- d. Signs. The location and design of all signs shall be shown as a separate element of the preliminary master plan. Refer to ART IV, Section 4.070 of the Zoning Ordinance for sign standards.
- e. Street Improvements. Within any residential PUD, streets may be public or private, provided that streets in a R-1 PUD should preferably be public. Privately constructed streets shall be built according to the same standards as public streets as per the requirements of the White Bluff Subdivision Regulations. Likewise, private streets shall be inspected by the Town during all phases of construction as per the Subdivision Regulations. Provisions for the permanent maintenance of private streets shall be provided by the developer through the use of a homeowner's association or other approved methods.

- f. Utilities. The development shall be serviced with public sanitary sewerage systems. The water systems shall be capable of providing needed fire flows for the development as well as domestic water supply. Fire hydrants shall be located within two hundred-fifty (250) feet of each dwelling unit, except single-family and duplex dwelling developments which may be located within five hundred (500) feet of each dwelling.
- g. Waste Disposal. If any central waste disposal containers are provided, they shall be completely enclosed and screened from view.

5. Development Standards for Multi-Family Projects

- a. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise.
- b. Street sidewalks and on-site walks may be provided for convenient and safe access to all living units from streets, driveways, parking courts or garages and for convenient circulation and access to all facilities.
- c. The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and the screen out objectionable features. The planting plan shall be submitted with the preliminary master plan.
- d. Existing trees, shrubs, evergreens, and ground cover shall generally be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.
- e. Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units.
- f. Attractive outdoor sitting areas may be provided, appropriate in size, type and number to the needs of the residents.
- g. Access and circulation shall adequately provide for fire-fighting equipment, service deliveries, and furniture moving vans and refuse collection.
- h. Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least one (1) parking space per dwelling unit shall be located so as to provide a maximum walking distance of two hundred (200) feet from the nearest entrance of the dwelling unit the space is to serve.

- i. Walks and steps shall be provided, maintained and lighted for night use.

6. Development Standards for Attached Dwellings

- a. The minimum lot required for any individual attached dwelling should be as required to meet other provisions of these regulations. Individual attached dwellings may exceed the maximum lot coverage provisions established for the area in which such site is located.
- b. However, in no instance shall the aggregate site coverage of all dwellings, attached or otherwise, exceed the coverage provisions established for the PUD District in which such site is located.
- c. Minimum width for the portion of the lot on which the town house is to be constructed shall be twenty-two (22) feet.
- d. Not more than seven (7) contiguous town houses shall be built in a row with the same or approximately the same front line, and not more than twelve (12) townhouses shall be contiguous.
- e. Parking for attached dwellings may be constructed with two (2) off-street parking space required and the other required space constructed in bays either adjacent to the streets or in the interior of blocks. Such spaces shall be located within two hundred (200) feet of each unit to be served. Where appropriate, common driveways, parking areas, walks and steps shall be provided, maintained and lighted for night use. Screening of parking and service areas shall be encouraged through ample use of trees, shrubs, hedges, and screening walls.
- f. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise.
- g. Street sidewalks and on-site walks may be provided for convenient and safe access to all living units from streets, driveways, parking courts or garages and for convenient circulation and access to all facilities.

7. Quality and Improvement of Common Open Space. No open area may be accepted as common open space under the provisions of this section unless the location, shape, size and character of the common open space is appropriate to the scale and character of the development considering its size, density, expected population, topography, and the number and type of dwellings to be provided. Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation, steep slopes, or floodplains may be left unimproved. Any buildings, structures, and improvements, which are permitted in the common open space, must be appropriate to the uses, which are authorized for the common open space having regard to its topography and unimproved condition.

If the master plan provides for buildings, structures, and improvements, in the common open space then the developer shall provide a surety bond of equal value in order to ensure that the buildings, structures, and improvements will be completed. The Planning Commission shall release the bond or other assurance when the buildings, structures, or improvements have been completed according to the development plan.

8. Development Standards for PUD's with non-Residential Uses. In addition to the development standards provided in Part (3) above, any PUD development with a mixture of non-residential uses shall provide vehicular access locations so that vehicles ingressing or egressing a use shall do so only at select locations designed and located so as to minimize conflict points for vehicular turning movements and traffic congestion. The planning commission may require a traffic impact study be prepared to determine what improvements, if any, are needed to address the additional traffic generated by development or any concerns it may have with design.
9. Design Review Standards. Unless a single-family, two-family, or townhouse development, all final PUD master plans shall be subject to a separate Design Review step. Refer to the White Bluff Design Review Manual.

TABLE I
PERMITTED USES AND STRUCTURES
RESIDENTIAL PLANNED UNIT DEVELOPMENT

<u>Residential Activities</u>	<u>Districts</u>		
	<u>R-1 PUD</u>	<u>R-2 PUD</u>	<u>R-3 PUD</u>
<u>Permanent Residential</u>			
Dwelling Single-Family Detached	P	P	P
Dwelling Duplex	N	P	P
Dwelling Multi-Family	N	N	P
Dwelling Attached	N	N	P
Dwelling Mobile Home	N	N	N
Mobile Home Park	N	N	N
Semi-Permanent Residential	N	N	N
<u>Community Facilities Activities</u>			
Administrative Services	N	N	N
Community Assembly	P	P	P
Community Education	P	P	P
Cultural & Recreation Services	P	P	P
Essential Services	P	P	P
Extensive Impact Facilities	N	N	N
Health Care Facilities	N	N	P
Institutional Care Facilities	N	N	N
Intermediate Impact Facilities	N	N	N
Personal & Group Care Facilities	N	P	P
Religious Facilities	P	P	P
<u>Commercial Activities</u>			
Convenience Commercial	P	P	P
Entertainment and Amusement Services	P	P	P
Financial, Consulting, and Administrative Services	P	P	P
Food and Beverage Service without Drive-In	P	P	P
General Personal Service	P	P	P
General Retail Trade	P	P	P
Group Assembly	P	P	P
Medical & Professional Service	P	P	P

Accessory Uses

Structures and uses customarily incidental to the permitted uses are permitted by right:

- Private garages and sheds, subject to ART III, Section 3.100
- Outdoor recreational facilities exclusively for the use of the private residence
- Home Occupations, as defined by and subject to ART IV, Section 4.040
- Signs, subject to ART IV, Section 4.070

Key to Interpreting Uses: P - May be considered as a permitted use. N - Not permitted in the district.

ARTICLE VII
PROVISIONS GOVERNING FLOODPLAIN DISTRICTS

SECTION

- 7.010 Statutory Authorization, Findings of Fact, Purpose, and Objectives**
- 7.020 Definitions**
- 7.030 General Provisions**
- 7.040 Administration**
- 7.050 Provisions for Flood Hazard Reduction**
- 7.060 Variance Procedures**
- 7.070 Legal Status Provisions**

7.10 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES

- A. Statutory Authorization.** The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of White Bluff, Tennessee, Mayor, and Town Council, do ordain as follows:
- B. Findings of Fact.**
 - 1. The Town of White Bluff, Tennessee, Mayor and its Legislative Body wishes to establish eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
 - 2. Areas of the Town of White Bluff, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
 - 3. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.
- C. Statement of Purpose.** It is the purpose of this Ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas. This Ordinance is designed to:

1. Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage or erosion;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

D. Objectives. The objectives of this Ordinance are:

1. To protect human life, health, safety and property;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood prone areas;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a flood prone area;
8. To establish eligibility for participation in the NFIP.

7.20 DEFINITIONS. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application given its stated purpose and objectives.

"Accessory Structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this Ordinance, shall conform to the following:

1. Accessory structures shall only be used for parking of vehicles and storage.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
5. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

"Addition (to an existing building)" means any walled and roofed expansion to the

perimeter or height of a building.

"Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this Ordinance or a request for a variance.

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Flood-Related Erosion Hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

"Area of Special Flood Hazard" see **"Special Flood Hazard Area"**.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1) percent annual chance flood.

"Basement" means any portion of a building having its floor subgrade (below ground level) on all sides.

"Building" see **"Structure"**.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

"Elevated Building" means a no basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

"Emergency Flood Insurance Program" or **"Emergency Program"** means the program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

"Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the Program.

"Exception" means a waiver from the provisions of this Ordinance which relieves the applicant from the requirements of a rule, regulation, order, or other determination made or issued pursuant to this Ordinance.

"Existing Construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

"Existing Structures" see **"Existing Construction"**.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Elevation Determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

"Floodplain" or "Flood Prone Area" means any land area susceptible to being inundated by water from any source (see definition of **"Flood" or "Flooding"**).

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

"Flood-Related Erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

"Flood-Related Erosion Area" or "Flood-Related Erosion Prone Area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high-water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

"Flood-Related Erosion Area Management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on the Town of White Bluff, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - (a) By the approved Tennessee program as determined by the Secretary of the Interior or
 - (b) Directly by the Secretary of the Interior.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee System" means a flood protection system which consists of a levee, or levees, and

associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest Floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle". (See also definition for **Mobile Home** in ART II of this Ordinance) **(amended by Ordinance No. 388, May 2, 2017)**

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

"Mean-Sea-Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

"National Geodetic Vertical Datum (NGVD)" means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

"New Construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management Ordinance and includes any subsequent improvements to such structure.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

"North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

"100-Year Flood" see **"Base Flood"**.

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

"Reasonably Safe from Flooding" means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

"Recreational Vehicle" means a vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck;
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Special Flood Hazard Area" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

"Special Hazard Area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred-eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction

does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" the Tennessee Department of Economic and Community Development's, Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

"Structure" for purposes of this Ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, alteration, or other improvement of a structure in which the cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Substantially Improved Existing Manufactured Home Parks or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this Ordinance.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

7.30 GENERAL PROVISIONS

- A. Application. This Ordinance shall apply to all areas within the incorporated area of the Town of White Bluff, Tennessee.
- B. Basis for Establishing the Areas of Special Flood Hazard. The Areas of Special Flood Hazard identified on the Town of White Bluff, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) Number 47043CV000A and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47043C0190C, 47043C0260C, 47043C0280C and 47043C0300C, dated, September 25, 2009, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.
- C. Requirement for Development Permit. A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activities.
- D. Compliance. No land, structure or use shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.
- E. Abrogation and Greater Restrictions. This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.
- F. Interpretation. In the interpretation and application of this Ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body and (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.
- G. Warning and Disclaimer of Liability. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific

and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Town of White Bluff, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance, or any administrative decision lawfully made hereunder.

- H. Penalties for Violation. Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication, therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of White Bluff, Tennessee from taking such other lawful actions to prevent or remedy any violation.

7.40 ADMINISTRATION

- A. Designation of Ordinance Administrator. The Building Official is hereby appointed as the Administrator to implement the provisions of this Ordinance.
- B. Permit Procedures. Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:
1. Application Stage
 - a. Elevation in relation to mean-sea-level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
 - b. Elevation in relation to mean-sea-level to which any nonresidential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
 - c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed nonresidential floodproofed building

will meet the floodproofing criteria in Section 7.050, Subsections A and B.

- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage. Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean-sea-level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a nonresidential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same. Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a nonresidential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same. For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

- C. Duties and Responsibilities of the Administrator. Duties of the Administrator shall include, but not be limited to, the following:

1. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean-sea-level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Section 7.040, Subsection B.
7. Record the actual elevation, in relation to mean-sea-level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Section 7.040, Subsection B.
8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Section 7.040, Subsection B.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A, on the Town of White Bluff, Tennessee FIRM meet the requirements of this Ordinance.
11. Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

7.50 PROVISIONS FOR FLOOD HAZARD REDUCTION

- A. General Standards. In all areas of special flood hazard, the following provisions are required:
1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
 2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind

- forces.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
 5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
 8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
 9. Any alteration, repair, reconstruction, or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance.
 10. Any alteration, repair, reconstruction, or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced.
 11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
 12. All subdivision proposals and other proposed new development proposals shall meet the standards of Section 7.050, Subsection B;
 13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction.
 14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

B. Specific Standards. In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Section 7.050, Subsection A, are required:

1. Residential Structures. In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to

facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”.

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Section 7.020). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”.

2. Nonresidential Structures. In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or nonresidential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”.

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or nonresidential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Section 7.020). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”.

Nonresidential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Section 7.040, Subsection B.

3. Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space

and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.

- a. Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
- b. The bottom of all openings shall be no higher than one (1) foot above the finished grade;
- c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- d. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
- e. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Section 7.050, Subsection B.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 1. In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
 2. In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Section 7.020).
- c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Section 7.050, Subsections A and B.
- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- e. All recreational vehicles placed in an identified Special Flood Hazard Area must

either:

1. Be on the site for fewer than one hundred-eighty (180) consecutive days;
 2. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
 3. The recreational vehicle must meet all the requirements for new construction.
5. Standards for Subdivisions and Other Proposed New Development Proposals. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.
- a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
 - b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
 - c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
 - d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Section 7.050, Subsection E).

C. Standards for Special Flood Hazard Areas with Established Base Flood Elevations and with Floodways Designated

Located within the Special Flood Hazard Areas established in Section 7.030, Subsection B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris, or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements, or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or

new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the Town of White Bluff, Tennessee, and certification, thereof.

2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Section 7.050, Subsections A and B.

D. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the Special Flood Hazard Areas established in Section 7.030, Subsection B, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

1. No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Section 7.050, Subsections A and B.

E. Standards for Streams Without Established Base Flood Elevations and Floodways (A Zones)

Located within the Special Flood Hazard Areas established in Section 7.030, Subsection B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2, below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Section 7.050,

Subsections A and B.

2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
 3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Section 7.020). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Section 7.040, Subsection B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Section 7.050, Subsection B.
 4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty (20) feet, whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the Town of White Bluff, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
 5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Section 7.050, Subsections A and B. Within approximate A Zones, require that those subsections of Section 7.050, Subsection B, dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.
- F. Standards for Areas of Shallow Flooding (AO and AH Zones). Located within the Special Flood Hazard Areas established in Section 7.030, Subsection B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' – 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Section 7.050, Subsections A and B, apply:

1. All new construction and substantial improvements of residential and nonresidential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 7.050, Subsection B.
 2. All new construction and substantial improvements of nonresidential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Ordinance and shall provide such certification to the Administrator as set forth above and as required in accordance with Section 7.040, Subsection B.
 3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.
- G. Standards for Areas Protected by Flood Protection System (A-99 Zones). Located within the Areas of Special Flood Hazard established in Section 7.030, Subsection B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Sections 7.040 and 7.050, shall apply.
- H. Standards for Unmapped Streams. Located within the Town of White Bluff, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:
1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other

existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.

2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Sections 7.040 and 7.050.

7.60 VARIANCE PROCEDURES

a) Municipal Board of Zoning Appeals

1. Authority. The Town of White Bluff, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
2. Procedure. Meetings of the Municipal Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Municipal Board of Zoning Appeals shall be open to the public. The Municipal Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Municipal Board of Zoning Appeals shall be set by the Legislative Body.
3. Appeals: How Taken. An appeal to the Municipal Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Municipal Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of fifty (\$50) dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Municipal Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Municipal Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than thirty-five (35) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.
4. Powers. The Municipal Board of Zoning Appeals shall have the following powers:
 - a. Administrative Review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision,

determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Ordinance.

b. Variance Procedures. In the case of a request for a variance the following shall apply:

1. The Town of White Bluff, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
2. Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.
3. In passing upon such applications, the Municipal Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 - a) The danger that materials may be swept onto other property to the injury of others;
 - b) The danger to life and property due to flooding or erosion;
 - c) The susceptibility of the proposed facility and its contents to flood damage;
 - d) The importance of the services provided by the proposed facility to the community;
 - e) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
 - f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

4. Upon consideration of the factors listed above, and the purposes of

this Ordinance, the Municipal Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.

5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

b) Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Section 7.060, Subsection A.
2. Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

5. **LEGAL STATUS PROVISIONS**

- A. Conflict with Other Ordinances. In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of the Town of White Bluff, Tennessee, the most restrictive shall in all cases apply.
- B. Severability. If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance which is not of itself invalid or unconstitutional.
- C. Effective Date. This Ordinance shall become effective immediately after its passage, in accordance with the Charter of the Town of White Bluff, Tennessee, and the public welfare demanding it.

ARTICLE VIII EXCEPTIONS AND MODIFICATIONS

SECTION

- 8.010 Scope
- 8.020 Nonconforming Uses
- 8.030 Nonconforming Buildings in Floodplain Districts
- 8.040 Bulk and Lot Size Noncompliance
- 8.050 Exceptions to Height Limitations
- 8.060 Lots of Record
- 8.070 Exceptions to Front Setback Requirements
- 8.080 Absolute Minimum Lot Size
- 8.090 Zero Lot Line Duplex Requirements

8.010 **SCOPE.** Article VI, of this ordinance, is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided in Article IV and Article V.

8.020 **NONCONFORMING USES.** The districts established in this ordinance (as set forth in district regulations in Article V) are designed to guide the future use of land in White Bluff, Tennessee, by encouraging the development of desirable residential, commercial, and industrial areas with appropriate groupings of compatible, and related uses and thus promote and protect the public health, safety, and general welfare.

As a necessary corollary, in order to carry out such purposes, nonconforming uses which adversely affect the development of such areas must be subject to certain limitations. The provisions governing nonconforming uses set forth in this article are therefore established to contain the existing undesirable conditions resulting from such incompatible nonconforming uses, which are detrimental to the achievement of such purposes. While such uses are generally permitted to continue, this ordinance is designed to restrict any expansion of such uses beyond the site which the use occupied upon the effective date of this ordinance.

In the case of buildings or other structures not complying with the bulk regulations of this ordinance, the provisions governing noncomplying buildings or other structures set forth in this article are established in order to permit the continued use of such buildings or other structures, but to limit the creation of additional noncompliance or increase in the degree of noncompliance. These provisions are thus designed to preserve the character of the districts established in this ordinance in light of their suitability to particular uses, and thus to promote the public health, safety, and general

welfare.

8.021 Provisions Governing Nonconforming Uses

Applicability. The provisions of this article are applicable to all uses which are not permitted within the districts in which they are located. Additionally, buildings and other structures located within the floodplain are considered within the regulations of nonconforming uses.

8.022 Construction or Use Permit Approved Prior to Ordinance Adoption. Nothing contained herein shall require any change in the overall layout, plans, construction, site or designated use of any development, building, structure, or part thereof where official approvals and required building permits have been granted before the enactment of this ordinance, or any amendment thereto, the construction of which, conforming with such plans, shall have been started prior to the effective date of this ordinance and completion thereof carried on in a normal manner within the subsequent six (6) months period, and not discontinued until completion except for reasons beyond the builder's control. In the event that the activity or construction of such building or other structures is not substantially underway and being diligently pursued within the six (6) month period following the issuance of a building permit, then such permit shall automatically lapse, and the provisions of this ordinance shall apply.

8.023 Repairs and Alterations. Nothing in this article shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

8.024 Zone Lot Containing Nonconforming Use. A zone lot containing a nonconforming use shall not be reduced in area except to comply with Section 7.023.

8.025 Continuation of Nonconforming Use. Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be allowed to continue in operation and be permitted provided that no change in use (see Section 7.026) is undertaken.

8.026 Change of Nonconforming Use

8.026.1 **General Provisions.** For the purpose of this article, 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; however, a change in occupancy or ownership shall not, by itself, constitute a change of use. A nonconforming 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.

8.026.2 **Land with Incidental Improvements.** In all districts a nonconforming use of

land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall be changed only to a conforming use.

- 8.026.3 **Nonconforming to Conforming Use.** Whenever a nonconforming use is changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

8.027 Expansion of Nonconforming Uses

- 8.027.1 **General Provisions.** Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the nonconforming use provided that any such expansion shall not violate the provisions as set out below.
- 8.027.2 **Land With Incidental Improvements.** In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be allowed to expand through the addition of buildings or other structures.
- 8.027.3 **Adequate Space for Expansion.** No expansion of any nonconforming use shall infringe upon or increase the extent of any infringement existing at the time of adoption of this ordinance, upon any open space required by this ordinance.
- 8.027.4 **Expansion Limited.** Any expansion of a nonconforming use permitted under the provisions of this section shall take place only upon the zone lot(s) on which said use was operating at the time the use became nonconforming. Nothing within this provision shall be construed so as to operate to permit expansion of any nonconforming use through the acquisition and development of additional land.
- 8.027.5 **Expansion upon Land Subject to Flood.** No expansion of any nonconforming use shall violate the provisions of Section 7.030.

8.028 Damage or Destruction

- 8.028.1 **General Provisions.** Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be permitted to reconstruct damaged or destroyed facilities which involve any actual continuance of the nonconforming use provided that any such reconstruction shall not violate the provisions set out below.
- 8.028.2 **Change in Use Prohibited.** No reconstruction of damaged or destroyed

facilities may occur which shall act to change the nonconforming use (as regulated in Section 8.026, above) to other than a permitted use.

8.028.3 Land in Use Prohibited. In all districts, when a nonconforming building or other structure or improvements located on "land with incidental improvements" (as defined by this ordinance) is damaged or destroyed to the extent of twenty-five (25) percent or more of the assessed valuation of all buildings, and other structure or other improvements located thereon (as determined from the assessment rolls effective on the date of damage or destruction), such nonconforming use shall terminate and the tract of land shall therefore be used only for a conforming use.

8.028.4 Infringement upon Open Space Restricted. No reconstruction of damaged or destroyed facilities utilized by a nonconforming use shall increase the extent of any infringement upon any open space required by this ordinance.

8.028.5 Reconstruction of Flood Damaged Property. The provisions of Section 7.030 shall apply to the reconstruction of all buildings and structures associated with any nonconforming use located within floodplain districts.

8.029 Discontinuance. When a nonconforming use of land or the active operation of substantially all the nonconforming uses in any building or other structure or tract of land is discontinued for a period of one (1) year, then the land or building or other structure shall thereafter be used only for conforming use. Intent to resume active operations shall not affect the foregoing provision.

8.030 Special Provisions Governing Non-Conforming Buildings within Floodplain Districts

8.030.1 General Provisions. In all districts or portions thereof, which extend into the floodplain districts as established by Article VII, any building or other structure or use which is not permitted by the floodplain district provisions shall become nonconforming upon the effective date of this ordinance, or subsequent amendment as applicable.

8.030.2 Enlargement of Buildings Within the Floodplain. A building or other structure which is nonconforming by reason of location within the floodplain shall not be enlarged or expanded but may be altered, or repaired, as set forth in Section 7.020, or as may be expressly authorized by the Board of Zoning Appeals in order to incorporate floodproofing measures provided that such alteration will not increase the level of the 100-year flood or extend the normal life of such nonconforming building or structure.

8.030.3 Special Provisions Governing Reconstruction of Building or Structure Located Within the Floodplain District. Within the floodplain district any building or

structure in existence prior to the effective date of this ordinance that is hereafter destroyed or substantially damaged by any means may be reconstructed and used as before only if the following requirements are met.

- a. The reconstruction does not exceed the volume and external dimensions of the original structure or does not offer any greater obstruction to the flow of floodwaters than did not original structure.
- b. Nonresidential structures may be reconstructed only if the lowest flood (including basement) elevation is at least one (1) foot above the level of the 100-year flood or the structure is floodproofed (in accordance with the requirements of Subsection 4.054.8, to a height of at least one (1) foot above the level of the 100-year flood).
- c. Residential structures may be reconstructed only if the lowest flood (including basement) of the structure is elevated to a point at least one (1) foot above the level of the 100-year flood.
- d. That no reconstruction or alteration permitted hereinunder shall result in any increase in the level of the 100-year flood.

8.040 BULK AND LOT SIZE NONCOMPLIANCE

- 8.040.1 General Provisions. The provisions of this article shall control buildings and other structures which do not meet the bulk or any other provisions applicable in the districts in which they are located except those provisions which pertain to activity or use.
- 8.040.2 Continuation of Use. The use of a noncomplying building or other structure or parcel may be continued, except as otherwise provided by this article.
- 8.040.3 Repairs and Alterations. Repairs, incidental alterations, or structural alterations may be made in noncomplying buildings or other structures subject to the provisions of Subsection 8.040.4 through 8.040.6.
- 8.040.4 Enlargements or Conversion. A noncomplying building or other structure may be enlarged or converted, provided that no enlargement or conversion may be made which would either create a new noncompliance or increase the degree of noncompliance of a building or other structure or parcel of any portion thereof.
- 8.040.5 Buildings Noncomplying as to Lot Area. If a building does not comply with the applicable district regulations on lot area per dwelling unit (lot area being smaller than required for the number of dwelling units on such zone lot) such building may be converted (except when in the floodplain district), provided that the deficiency in the required lot area is not thereby increased (for example, a

noncomplying building on a lot of thirty-five hundred (3,500) square feet, which before conversion required a lot area of five thousand (5,000) square feet and was, therefore, deficient by fifteen hundred (1,500) square feet, can be converted into any combination of dwelling units allowed in the zoning district in question requiring a lot area of no more than five thousand (5,000) square feet).

8.040.6 Damage or Destruction of Noncomplying Uses. A noncomplying building which is damaged or destroyed may be reconstructed, provided that the reconstruction will not either create a new noncompliance or increase the degree of noncompliance of a building or structure or parcel or portion thereof.

8.050 EXCEPTIONS TO HEIGHT LIMITATIONS. The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, transmission towers, windmills, chimneys, smokestacks, conveyors, flag poles, radio towers, masts, and aerials.

8.060 LOTS OF RECORD. The following provisions shall apply to all existing lots of record:

- A. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as possible in the opinion of the Board of Zoning Appeals.
- B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this ordinance, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.
- C. Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

8.070 EXCEPTIONS TO SETBACK REQUIREMENTS. The front setback requirement of this ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the

front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line.

8.080 ABSOLUTE MINIMUM LOT SIZE. In no case shall the Building Inspector/Codes Administrator or the Board of Zoning Appeals permit any lot in a residential district to be used as building site which is less than six thousand (6,000) square feet in total area and thirty (30) feet in width at its narrowest point or has a front setback of less than fifteen (15) feet and a side setback of less than five (5) feet.

8.90 ZERO LOT LINE DUPLEX REQUIREMENTS. Zero lot line duplex dwellings shall be subject to the following requirements:

8.090.1 Density Requirements. The density of the development permitted shall be determined by the lot area required in an R-2 or R-3 District, for a duplex or two-family structure or building type.

8.090.2 Parcel (Fee-Simple Lot) RequirementsArea and Width Requirements. The Lot area and lot width of any parcel (fee-simple lot) may be variable provided that no parcel shall be created which contains less than one half (1/2) of the required lot area per structure of building type as stipulated in Subsection 8.090.1, above.

A. Coverage Requirements. On any individual parcel of land, the area occupied by all buildings or structures thereon including accessory structures if any, shall not exceed thirty (30) percent of said parcel. All accessory structures shall be governed by the provisions of Section 3.100 and Subsections 5.061.2, (B), (3) or 5.061.3, (B), (6), of the zoning ordinance.

B. Front, Rear, and Side Yard Requirements. The front and rear yard setback requirements shall be as specified in the R-2 and R-3 Zoning Districts, of the zoning ordinance. Where required, side yard setbacks per each building type shall also follow the R-2 and R-3 Zoning District Regulations. Such side yard setbacks are required at the end of each individual building or structure located within the development.

C. Height Requirements. All developments utilizing zero side yards shall contain no more than one (1) story. The height requirements in Subsections 5.061.2, (E), (4) or 5.061.3, (E), (4), shall be followed.

8.090.3 Other Development Requirements

1. The exterior material of zero lot line dwellings shall be of such type and quality that they do not create an adverse effect on adjacent dwellings.

2. The side yard setbacks may be zero on any parcel provided that the parcel(s) adjacent to that (those) side yard(s) is (are) held under the same ownership at the time of initial construction.
3. No zero-side yard shall be adjacent to any public or private right-of-way, nor shall it be adjacent to any parcel of land not being approved by the Board of Zoning Appeals for a zero-side yard development.
4. No portion of a dwelling or architectural features of a structure shall project over any property line.
5. Where the same interior property line(s) is (are) utilized for the zero-side yard construction of any dividing structure(s), such dividing structure(s) shall consist of double walls separated by a minimum air space of two (2) inches.
6. Where the same interior property line(s) is (are) utilized for the construction of any zero side yard structures, all the provisions of the Standard Building Code shall be met, and all such fire walls shall have a rating as required by the White Bluff Fire Department.
7. All residential structures must contain a fire wall between the various dwelling units, from the footing to the peak of the roof of not less than two (2) hours fire rating. The fire wall must be bisected by a line dividing each dwelling unit so that one-half (1/2) of the fire wall is on each parcel.

8.090.4 Parking and Access Requirements

1. There shall be two (2) parking spaces per individual parcel subdivided, and special attention shall be directed to providing the required spaces in a manner which will minimize points of access onto the public road serving the development.
2. Every dwelling unit shall be located on a parcel fronting or adjacent to a public street. All structures shall be so located on the various parcels so as to provide safe, convenient access for the provision of adequate fire protection to such parcels.

8.090.5 Utilities Requirements. All zero-side yard residential developments shall be served by public water and sanitary sewer services. Each parcel shall be served by separate utilities.

8.090.6 Location Requirements. In authorizing any development anticipated herein, as well as fully considering the criteria cited in Section 9.080, of the zoning ordinance, the Board of Zoning Appeals shall consider:

1. The nature, type, density, etc., of development adjoining and within the immediate vicinity of the proposed activity.
2. The location of the development with regard to major streets, and

especially in regard to White Bluff's Major Thoroughfare Plan.

3. The availability of all public utilities (specifically including public sewer).
4. The adequacy of fire protection facilities.
5. The adequacy of deed covenants designed to assure protection of potential purchasers, surrounding owners, and the community at large.

8.090.7 **Contents of Deed Covenants.** At the time of presentation of any final plat involving use of the procedure contained within this section, deed covenants shall also be prepared, presented, and recorded which at a minimum provide:

1. An agreement covering the status, including the ownership, maintenance, etc., of the common wall separating the units.
2. Adequate language to assure proper maintenance, etc., of any portion of the structure where maintenance must be shared (ex. common roof). If the correction of a maintenance problem incurred in the dwelling unit on one parcel necessitates construction work or access on the dwelling unit of the other parcel, either parcel owner shall have an easement on the property of the other for the purpose of this construction. Each party shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such owner to call for a larger contribution from the others under any rule or law requiring liability for negligent or willful acts or omissions.
3. Adequate language to assure that any property divided under this provision shall be continuously subject to the unified plan under which originally approved. Such language shall so specifically include clear and precise statements whereby the purchaser is informed that the property may not be used in any manner which would have the effect of negating the unified plan under which original approval was granted and language indicating that the purchaser of any such parcel understands that in no instance will any such parcel be viewed as a separate independent parcel for zoning purposes.
4. Adequate language covering any and all cross easements as are necessary to assure the proper maintenance of all utility services.
5. If a fire wall is destroyed or damaged by fire or other casualty, any owner may restore it and if the other owner thereafter makes use of the wall, they shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such owner to call for a larger contribution from the others under any rule or law requiring liability for negligent or willful acts or omissions. Either parcel owner shall have an easement on the property of the other for the purpose of reconstruction and protection of the remaining unity from the elements.

8.090.8 **Subdivision Regulations.** All the requirements of the White Bluff Subdivision

Regulations shall be met as well as the granting of a special exception by the Board of Zoning Appeals allowing said zero side yard developments, before the development may qualify as being legally approved. Preliminary subdivision plats shall designate no more than twenty (20) percent of their lots as zero lot line dwellings. Moreover, both preliminary and final subdivision plats shall designate specific lots as being "zero lot-line developments lots", and the planning commission shall approve these locations.

- 8.090.9 **Requirements for Review and Approval.** No development anticipated by the language contained herein shall be undertaken without an express grant of approval by the Board of Zoning Appeals acting under authority granted to the Board for the approval of special exceptions. Moreover, as stated above, the final subdivision plat of the project shall be submitted to and approved by the planning commission, as well as the required review of the entire project as a special exception by the Board of Zoning Appeals under Section 9.080, of the zoning ordinance.