

**ZONING
ORDINANCE**

BAXTER, TENNESSEE

PREPARED BY

THE BAXTER MUNICIPAL PLANNING COMMISSION

**Jeff Wilhite, Mayor
Harmon Garris
Ernest Burgess
Richard Waller
Cris Austin
Jeff Herald
Sue Neal**

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ORDINANCE NO. 95-7

**ZONING ORDINANCE
BAXTER, TENNESSEE**

**ARTICLE I
TITLE, PURPOSE, AND ENACTMENT**

SECTION 1

TITLE

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE TOWN OF BAXTER, TENNESSEE, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREFORE, IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 13-7-201 THROUGH 13-7-210, *TENNESSEE CODE ANNOTATED*, AND TO REPEAL AND SUPERSEDE ALL ORDINANCES IN CONFLICT HEREWITH.

SECTION 2

PURPOSE AND ENACTMENT

WHEREAS, Sections 13-7-201 through 13-7-210, *Tennessee Code Annotated*, empowers the Municipality to enact a zoning ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, the Board of Mayor and Aldermen deems it necessary for the purpose of promoting the health, safety, and general welfare of the Municipality to enact such an ordinance; and

WHEREAS, the Board of Mayor and Aldermen, pursuant to the provisions of Sections 13-7-201 through 13-7-210, *Tennessee Code Annotated*, has appointed the Baxter Municipal Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein; and

WHEREAS, the Baxter Planning Commission has made a preliminary report and held meetings thereon, and submitted its final report to the Board of Mayor and Aldermen; and

WHEREAS, the Board of Mayor and Aldermen has given due public notice of hearings related to zoning districts, regulations, and restrictions, and has held such public hearings; and

WHEREAS, all requirements of Sections 13-7-201 through 13-7-210, *Tennessee Code Annotated*, with regard to the preparation of the report of the Baxter Planning Commission and subsequent action of the Board of Mayor and Aldermen have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF BAXTER, TENNESSEE, THAT THE ZONING ORDINANCE AND MAP BE HEREBY ADOPTED.

ARTICLE II

DEFINITIONS

Unless otherwise stated, the following words shall, for the purpose of this ordinance, be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word "shall" is mandatory; the word "may" is permissive.

The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied".

The word "lot" includes the words "plot" or "parcel".

Adult Oriented Business Establishment. As defined by **Tennessee Code Section 7-51-1401.**

Alley. Any public or private way set aside for public travel less than twenty-two (22) feet in width which affords a secondary means of vehicular access to abutting property.

Automobile Storage or Parking Space. An area reserved and suitable for automobile storage, standing or parking space. Each parking or standing space shall be a minimum of two-hundred (200) square feet in area. Such area shall be provided with a safe vehicular access to a public street or alley.

Boarding or Rooming House. Any dwelling in which three (3) or more persons either individually or as families are housed for hire with or without meals.

Building. Any structure constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, including tents, lunch wagons, dining cars, trailers (manufactured), billboards, signs, and similar structures whether stationary or movable. **[Amended/added 2013]**

Principal Building. A building in which is conducted the principal use of the lot on which it is situated. In a residential district, any dwelling shall be deemed to be the principal building on the lot on which it is situated. Carports and garages if attached to the building are deemed part of the principal building.

Accessory Building. A subordinate building, the use of which is incidental to that of a principal building on the same lot.

Dwelling. A house, apartment building, manufactured home, or other building designed or used primarily for human habitation. The word "dwelling" shall not include boarding or rooming houses, hotels or other permanent structures designed for transient residence. **[Amended/added 2013]**

Single-Family. A detached residential dwelling unit other than a manufactured home designed for and occupied by one family only.

Multi-Family. A residential building designed for or occupied by two or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling Unit. A building or portion thereof providing complete housekeeping facilities for one family.

Family. One (1) or more persons occupying a premises and living as a single, nonprofit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity, rooming house, motel, or other structures designed for transient residence.

Height of Building. The vertical distance from the established average sidewalk grade, or street grade, or finished grade at the building line, whichever is the highest, to the highest point of the building, excluding spires, towers, domes not for human occupancy, flag poles, masts, or aerials.

Home Occupation. An occupation having traditional acceptance as being one customarily carried on in the home, provided that such occupation be incidental to the residential use to the extent that no more than 25 percent of the total useable area of the principal and accessory buildings is occupied by such occupation; no article or service be sold or offered for sale on the premises except that produced by such occupation; such occupation shall not require internal or external alteration or construction features, equipment or machinery not customary in residential areas. Should a question arise as to the degree of traditional custom, a decision by the Board of Zoning Appeals shall rule.

Landscape Treatment. The use of both natural and artificial materials to enhance the physical appearance of a site, to improve its environmental setting, or to screen all or part of one land use from another.

Loading Space, Off-Street. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lot. A piece, parcel or plot of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one principal building and its accessory buildings and including the open spaces required in this ordinance. All lots shall front on and have access to a street.

Lot Depth. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

Lot Frontage. The front of a lot shall be construed to be the portion nearest to the street.

Lot Line. The boundary dividing a given lot from a street, an alley, or adjacent lots.

Lot of Record. A lot which is part of a subdivision recorded in the office of the County Registrar, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Width. The distance between the side boundaries of the lot measured at the front building line.

Manufactured Home (as found in Tennessee Code Annotated Section 68-126-202). Means a structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure; except that "manufactured home" includes any structure that meets all the requirements of this subdivision (2), except the size

requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under this title. [Amended/added 2013]

Manufactured Home Park. A parcel of land designed for or which is intended to be used for the accommodation of two or more manufactured homes for dwelling purposes. [Amended/added 2013]

Manufactured Residential Dwelling(s). As defined/described in Tennessee Code Annotated Sections 13-24-201 and 13-24-202. [Amended/added 2013]

Meat Packaging/Butcher Shop. A retail store supplying meat and poultry products where meat processing is limited to making cuts of meat from pre-processed carcasses (excluding slaughterhouse). [Amended/added 2011]

Mobile Home (as found in Tennessee Code Annotated Section 68-126-202). Means a structure manufactured before June 15, 1976, that is not constructed in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, compiled in 42 U.S.C. § 5401 et seq. It is a structure that is transportable in one (1) or more sections that in the traveling mode is eight (8) body-feet or more in width and forty (40) body-feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet and that is built on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes any plumbing, heating, air conditioning and electrical systems contained in the structure. [Amended/added 2013]

Nonconforming Use. A building, structure, or use of land existing at the time of enactment of this ordinance, and which does not conform to the regulations of the zone in which it is located.

Sign. An attached or free-standing structure conveying some information, knowledge, or idea to the public.

Slaughterhouse. A building or structure where livestock is slaughtered. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals and may include packing, treating, storage, or sale of the product on the premises. [Amended/added 2011]

Special Exception (Use Permitted Upon Appeal). A special exception is a use that would not be appropriate generally or without restrictions in a particular zoning district but which, if controlled as to the number, area, location, or relation to the neighborhood would promote the public health, safety, welfare, order, comfort, convenience, appearance or prosperity. The location of such uses is subject to the approval of the Baxter Board of Zoning Appeals.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or any portion of a building used for human occupancy between the topmost floor and the roof. A basement not used for human occupancy shall not be counted as a story.

Street. A publicly maintained right-of-way, other than an alley, which affords a primary access to abutting property.

Centerline of Street. That line surveyed and monumented by the Town of Baxter as the centerline of the street, or if such centerline has not been surveyed, that line running midway between the outside curbs or ditches of such street.

Street Line. The property line which bounds the right-of-way set aside for use as a street. Where a sidewalk exists and locations of the property line is questioned, the side of the sidewalk farthest from the traveled street shall be considered the street line.

Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, walls, billboards, and poster panels. [Amended/added 2013]

Total Floor Area. The area of all floors of a building including finished attics, finished basements, and covered porches for purposes of habitation.

Variance. A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

Yard. A required open space unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided however that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Front Yard. The yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building, including covered porches.

Rear Yard. The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building, including carports and covered porches.

Side Yard. A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including carports and covered porches.

ARTICLE III

GENERAL PROVISIONS

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.

SECTION 1

ZONING EFFECTS EVERY BUILDING AND USE

No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except as hereafter provided.

SECTION 2

ZONING PERMIT REQUIRED

Prior to the construction of any structure, the location of a manufactured home or manufactured residential dwelling on any lot, or the moving of a structure or manufactured or manufactured residential dwelling to another location in the Town of Baxter, a Zoning Permit shall be obtained from the Zoning Compliance Officer. The permit shall be obtained prior to the grading or filling of the land or the demolition or moving of a structure to another location. Applications for the Zoning Permit are available at the Baxter Town Hall. [Amended/added 2013]

SECTION 3

NONCONFORMING LOTS AND NONCONFORMING USES OF LAND

Any nonconforming use which existed lawfully at the time of enactment of this ordinance and which remains nonconforming and any use which shall become nonconforming upon enactment of this ordinance or any subsequent amendments thereto may be continued subject to the following provisions.

A. NONCONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for the area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width, and yard requirements shall be obtained only through action of the Board of Zoning Appeals.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance,

the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

B. CHANGE OF NONCONFORMING USE

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.

2. Change to a Conforming 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.

Whenever a nonconforming use is changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

3. Change to Another Nonconforming Use

An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same classification; provided, however, that establishment of another nonconforming use of the same classification shall be subject to the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect the area.

C. EXPANSION OF NONCONFORMING USES

Nonconforming industrial, commercial or business uses may construct additional facilities that would allow the operations of the establishments to be expanded provided that there is enough space to meet the area requirements of the district. The property on which the expansion will take place must be owned by such industry or business situated within the area which is affected by the change in zoning.

Acquisition of additional land for the purpose of expanding the existing industry or business shall not be permitted.

D. DESTRUCTION AND RESTORATION OF NONCONFORMING USES

1. Nonconforming industrial, commercial, or other business establishments shall be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business in accordance with the regulations specified in *Tennessee Code Annotated*, Section 13-7-208.

2. Any nonconforming industrial, commercial, or business use that is destroyed by fire or other natural disaster may be reconstructed provided that all provisions of Section 13-7-208, *Tennessee Code Annotated*, are followed.

E. DISCONTINUANCE

When a nonconforming use is discontinued for a period of six (6) months, then the land or building or other structure shall thereafter be used only for a conforming use. Intent to resume active operations shall not affect the foregoing provision. The replacement of non-conforming manufactured homes shall meet the requirements of Article VI, Section 3. [Amended/added 2013]

SECTION 4

NUMBER OF PRINCIPAL STRUCTURES ON A LOT, FRONTAGE AND EASEMENTS

- A. In a residential district only one (1) principal building and its customary accessory buildings shall be erected on any lot.

This provision does not apply to group housing developments, provided they adhere to separate provisions subsequently outlined in this ordinance.

- B. No building shall be erected on a lot which does not abut at least one (1) public street, unless an easement at least fifty (50) feet in width to a street is provided. Such building shall conform to the lot and yard requirements of the district in which it is located.

SECTION 5

REAR YARD ABUTS A PUBLIC STREET

When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line, centerline of the street or property line as required for adjacent properties which front on that street.

SECTION 6

REDUCTIONS 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.

SECTION 7

OBSTRUCTION TO VISION AT STREET INTERSECTION PROHIBITED

On corner lots, not in the central business district, there shall be no obstruction to vision between a height of three and one-half (3-1/2) feet and a height of ten (10) feet above the average grade of each street within the lot corner nearest the intersection. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

SECTION 8

OFF-STREET AUTOMOBILE STORAGE (PARKING)

- A. In all districts, except the C-1 Central Commercial District, there shall be provided, at such time any building or structure is erected or enlarged or increased in capacity, off-street parking spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below. For uses not specifically mentioned herein, off-street parking requirements shall be determined by the planning commission.
1. Single- and two-family dwellings. Not less than two (2) spaces for each dwelling unit.
 2. Multiple-family dwellings. Not less than two (2) spaces per dwelling unit.
 3. Boarding houses and rooming houses. Not less than one (1) space for each one room occupied by boarders or roomers.
 4. Tourist accommodations. Not less than one (1) space for each room offered for tourist accommodation.
 5. Churches. One (1) space per five (5) seats; or one (1) space per forty (40) square feet of auditorium floor space, whichever is greater.
 6. Hotels and Motels. Not less than one (1) space for each guest room plus employee and restaurant parking.
 7. Manufacturing or other industrial use. Not less than one (1) space for each two (2) persons employed or intended to be employed on a single shift, with a minimum of five (5) spaces provided for any establishment, and in addition one visitor parking space for every twenty (20) employees.
 8. Commercial building or use. One (1) space for each one-hundred (100) square feet of floor space in general business districts, plus one (1) space for each employee.
 9. Shopping centers. Two (2) spaces for each one-hundred (100) square feet of floor space, plus one (1) space for each employee.
 10. Medical or dental clinics. Four (4) spaces per doctor or one (1) space for each hundred (100) square feet of usable floor space, whichever is greater, plus one (1) additional space for each employee.
 11. Filling stations. Five (5) spaces for each grease rack or similar facility, plus one (1) space for each employee.
 12. Theaters, auditoriums, stadiums, or other uses designed to draw an assembly of persons. Not less than one and one-half (1-1/2) spaces for each five (5) seats provided in such place of assembly. For places of public assembly where seating is not a measure of capacity such as clubhouses, funeral homes, etc., at least one (1) space for each one-hundred (100) square feet of floor space devoted to the particular use shall be provided.
 13. Offices. One (1) space for each one-hundred (100) square feet of office space.
 14. Restaurants. One (1) space per one-hundred and fifty (150) square feet of floor area, or one (1) space for each two patrons seating, whichever is greater, plus one (1) space for each two employees. (For drive-in restaurants, one (1) space per fifty (50) square feet of floor area).
 15. Retail, General: One (1) space per 200 square feet. [Amended 7/2/09]
- B. Certification of minimum parking requirements. Each application for a building permit shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Zoning Compliance Officer to determine whether or not the requirements of this section are met.

- C. Combination of required parking space. 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.
- D. Remote parking space. If the off-street parking space required by the zoning 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 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 the zoning code, has been made for the principal use.
- E. Requirements for design of parking lots.
 - 1. 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.
 - 2. Each parking space shall be no less than two-hundred (200) square feet in area.
 - 3. Entrances and exits for all off-street parking lots shall comply with the requirements of Article 3 Section 8 of this ordinance.
 - 4. The parking lot shall be drained to eliminate surface water.

SECTION 9

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 twenty-four (24) feet in width, except in commercial and industrial zones when a left turn lane is provided. In that case, thirty-six (36) feet is allowed. A point of access of fifty (50) feet in width in a commercial or industrial district may be permitted by the Board of Zoning Appeals in cases where a high volume of tractor trailer traffic is anticipated (**Amended April 2013**).
- B. There shall be no more than two (2) points of access to any one public street for each two-hundred (200) 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. Where two driveways are provided for one lot frontage, the clear distance between driveways shall not be less than fifty (50) feet.
- D. No point of access shall be allowed within thirty (30) feet of the right-of-way line of any public intersection.
- E. No curbs on city streets or rights-of-way shall be cut or altered without written approval of the street department, or if a state highway, a permit must be obtained from the Tennessee Department of Highways.

- F. Cases requiring variances relative to the above provisions 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 into a public street.

SECTION 10

OFF-STREET LOADING AND UNLOADING SPACE REQUIRED

Every building or structure hereafter constructed and used for industry, business, or trade involving the receipt 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 or private alley or if there is no alley, 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 IN SQUARE FEET FOR EACH PRINCIPAL BUILDING</u>	<u>SPACES REQUIRED</u>
0 to 5,000 sq. ft.	One (1) space
5,000 to 10,000 sq. ft.	Two (2) spaces
10,000 to 15,000 sq. ft.	Three (3) spaces
15,000 to 20,000 sq. ft.	Four (4) spaces
Over 20,000 sq. ft.	Four (4) spaces plus one (1) space for each additional 20,000 sq. ft.

SECTION 11

MAXIMUM BUILDING HEIGHT

- A. For all structures the maximum building height shall be thirty-five (35) feet or three (3) stories.
- B. These provisions do not apply to spires, towers, domes not for human occupancy, flag poles, masts, silos or chimneys.

ARTICLE IV

ZONING DISTRICTS AND MAP

SECTION 1

ESTABLISHMENT OF DISTRICTS

For the purpose of this ordinance, the Town of Baxter is hereby divided into zoning districts as follows:

- R-1 Low Density Residential District
- R-M Residential Medium Density District
- R-2 High Density Residential District
- CBD, Central Business District
- C-1 Central Commercial District
- C-2 General Commercial District
- I-1 Light Industrial District

SECTION 2

PROVISION FOR OFFICIAL ZONING MAP

- A. The boundaries of the above zoning districts are hereby established as shown on the map entitled, "Official Zoning Map of Baxter, Tennessee," dated August 10, 1995 which is a part of the zoning ordinance and which is on file in the office of the Baxter City Clerk.
- B. If, in accordance with the provisions of this ordinance and Sections 13-7-201 through 13-7-210, *Tennessee Code Annotated*, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be made on the official zoning map promptly after the amendment has been approved by the Board of Mayor and Aldermen, together with an entry on the official zoning map. The amending ordinance shall provide that such changes or amendments shall not become effective until after such change and entry has been made on said map.
- C. No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under Article VIII, Section 7 of this ordinance.
- D. Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the office of the city clerk shall be the final authority as to the current zoning status of land and water areas, building, and other structures in the town.

SECTION 3

REPLACEMENT OF OFFICIAL ZONING MAP

In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Mayor and Aldermen may by ordinance adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions on the prior official zoning map, but

no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof.

Unless the prior official zoning map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

SECTION 4

RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

- A. District boundaries, unless otherwise indicated on the official zoning map, shall be platted lot lines, the center line of streets or alleys, the center lines of streams, rivers or other bodies of water, or the corporate limit lines as they exist at the time of the enactment of the zoning ordinance.
- B. Where a district boundary divides a lot existing at the time the zoning ordinance takes effect and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portion of said lot as is not more than twenty feet within the more restricted district.
- C. Any questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.

SECTION 5

ANNEXATION OF TERRITORY

- A. All territory which may hereafter be annexed to the Town of Baxter shall be considered by the planning commission and assigned an appropriate classification based on the existing land use, the long-range plans of the community, and the land use of the contiguous property inside the previous city limits.
- B. All territory hereafter annexed into the Town of Baxter shall automatically be zoned R-1 upon the effective date of annexation until proper study and action can be taken by the city to rezone to another appropriate use.

ARTICLE V

SPECIFIC DISTRICT REGULATIONS

SECTION 1

R-1, LOW DENSITY RESIDENTIAL DISTRICT

A. GENERAL DESCRIPTION

The purpose of the R-1 District is to provide a low density residential environment having good access to schools, public water and sewer, and other community services, but well separated from other incompatible uses and activities.

Within the R-1 Low Density Residential District, as shown on the Official Baxter Zoning Map, the following regulations shall apply:

B. PERMITTED USES

1. Single and two-family detached dwellings; excluding manufactured homes and mobile homes. [Amended/added 2013]
2. Accessory buildings or uses customarily incidental to aforementioned permitted uses. Such uses may include noncommercial gardens and greenhouses, tool sheds, private garages, swimming pools and the like.
3. Real estate signs advertising the sale, rental, or lease of only the premises on which they are maintained, and not to exceed eight (8) square feet in area.

C. USES PERMITTED ON APPEAL (SPECIAL EXCEPTIONS)

After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit as special exceptions:

1. Bed and breakfast establishments and the taking of boarders or the leasing of rooms by the family residing on the premises (See Article VI, Section 8); provided that not over twenty-five (25) percent of the total floor area of the dwelling is so used. For purposes of advertising such use, one sign not over two (2) square feet in area, may be used.
2. Following the submittal of a site plan, for the purposes of determining the impact on the surrounding residential uses-including provision of parking, possible traffic or other safety hazards, and nuisances, the Board of Zoning Appeals may also permit as special exceptions:

Churches and other places of worship; parish houses; public libraries; schools offering general education courses; public parks and public recreational facilities; municipal, county, state or federal uses, except general office buildings; public utilities, except storage and warehouse areas; cemeteries; and philanthropic institutions and clubs, except a club, the chief activity of which is customarily carried out as a business.

Residential Care Homes for the Aged of eight (8) or less beds, provided the provisions of Article VI, Section 9 are complied with.

Home Occupations

Professional offices, except medical or dental clinics. Also allowed are day care centers (Article VI, Section 10); studios or other customary incidental home occupations conducted within the principal structure, but only by a person resident of the premise; provided, that not more than one person, not a resident of the premise, is employed, and subject to the regulations set forth in Article VI. Uses generating excessive traffic volumes or causing on-street parking problems are prohibited.

D. USES PROHIBITED

1. Multi-family, commercial, retail, wholesale and industrial uses are prohibited.
2. The overnight parking of any vehicle in excess of 1 1/2 tons is prohibited.
3. The storage of inoperable or unlicensed motor vehicles outside of an enclosed garage or building is prohibited.
4. Any use not specifically permitted or permissible on appeal is also prohibited.

E. MINIMUM LOT AREA, WIDTH, AND YARD REQUIREMENTS

The principal building shall be located so as to comply with the following requirements:

1. Minimum lot area 10,000 sq. ft. or as determined by the Tennessee Department of Environment and Conservation. [Amended 2014]
2. Minimum lot area for two-family dwelling 20,000 sq. ft.
3. Minimum lot width at building line 80 ft. [Amended 2008]
4. Minimum depth of front yard:
 - a. Minor street 30 ft.
 - b. Secondary thoroughfare 40 ft.
 - c. Primary street 50 ft.
5. Minimum depth of rear yard 30 ft.
6. Minimum width of side yard on each side:
 - a. One or two story building 15 ft.
 - b. Three story building 20 ft.
7. Minimum width of side yards on corner lots shall be fifty (50) percent greater than the minimum side yard requirement.

F. LOCATION OF ACCESSORY BUILDINGS

Accessory buildings shall meet the following provisions:

1. No accessory building shall be erected in any required front or side yard. Accessory buildings and detached garages shall not cover more than thirty percent (30%) of the required rear yard and shall be at least five (5) feet from all lot lines and fifteen (15) feet from any other building on the same lot.
2. A carport or garage, if attached to the principal dwelling, is considered a part of the principal structure.
3. On any corner lot, adjoining in the rear, another lot which is in a residential district, no part of any accessory structure within twenty-five (25) feet of the common lot line shall

be nearer the side street line than the depth of any required front yard or a dwelling along such side street.

4. No accessory building shall exceed one (1) story in height or sixteen (16) feet total (peak of roof to ground).

G. BUILDING AREA

On any lot the area occupied by all buildings, including accessory buildings, shall not exceed twenty-five percent (25%) of the total area of such lot.

H. MAXIMUM BUILDING HEIGHT

No structure should exceed three (3) stories or thirty-five (35) feet in height.

I. PARKING REQUIREMENTS

Uses in the R-1 District shall conform with the provisions of Article III, Section 8 of this ordinance.

J. ACCESS REQUIREMENTS

Uses in the R-1 District shall conform with the provisions of Article III, Section 9 of this ordinance.

SECTION 2

R-M RESIDENTIAL MEDIUM DENSITY DISTRICT [Amended/Updated 2013]

A. GENERAL DESCRIPTION

This residential district is intended to promote and encourage the establishment and maintenance of a suitable environment for urban residence in areas which by location and character are appropriate for occupancy by two-family dwellings where public wastewater services are available. One of the important purposes of this district is to create adequate standards of residential development in order to prevent overcrowded and unhealthy conditions. The intensity of land use should not be so great as to cause congestion of buildings or traffic or overload existing sanitary facilities. Densities should be limited to provide adequate light, air and usable open space for occupants and adequate space for all related facilities.

Within the (R-M) Residential Medium Density District, as shown on the Official Baxter Zoning Map, the following regulations shall apply:

B. PERMITTED USES

1. Any use permitted in the R-1, Low Density Residential District.
2. Duplexes and triplexes.
3. Funeral parlors provided that:
 - a. There is a planted evergreen buffer strip at least ten (10) feet wide along the property lines, except the lines bordering on streets, and

b. The buildings are located not less than thirty five (35) feet from any property line.

4. Public Utilities and Facilities necessary for the provision of public services.

C. USES PERMITTED UPON APPEAL (SPECIAL EXCEPTIONS)

After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit as special exceptions:

1. Bed and breakfast establishments and the taking of boarders or the leasing of rooms by the family residing on the premises (See Article VI, Section 8); provided that not over twenty-five (25) percent of the total floor area of the dwelling is so used. For purposes of advertising such use, one sign not over two (2) square feet in area, may be used.

2. Apartments and multi-family as long as they front a state highway with available public sewer and water.

3. Following the submittal of a site plan, for the purposes of determining the impact on the surrounding residential uses-including provision of parking, possible traffic or other safety hazards, and nuisances, the Board of Zoning Appeals may also permit as special exceptions:

Churches and other places of worship; parish houses; public libraries; schools offering general education courses; public parks and public recreational facilities; municipal, county, state or federal uses, except general office buildings; public utilities, except storage and warehouse areas; and cemeteries.

Residential Care Homes for the Aged of eight (8) or less beds, provided the provisions of Article VI, Section 9 are complied with.

4. Home Occupations

Professional offices, except medical or dental clinics. Also allowed are day care centers (See Article VI, Section 10); studios or customary incidental home occupations conducted within the principal structure, but only by a person resident of the premise; provided, that not more than one person, not a resident of the premise, is employed, and subject to the regulations set forth in Article VI. Uses generating excessive traffic volumes or causing on-street parking problems are prohibited.

D. USES PROHIBITED

1. Commercial, retail, wholesale and industrial uses are prohibited.

2. The parking of any vehicle in excess of 1 1/2 tons is prohibited.

3. The storage of inoperable or unlicensed motor vehicles outside of an enclosed garage or other building is prohibited.

4. Any use not specifically permitted or permissible on appeal is prohibited.

E. MINIMUM LOT AREA, WIDTH, AND YARD REQUIREMENTS

The principal building or buildings shall be located so as to comply with the following requirements:

1. Minimum lot area for single unit9,500 sq. ft.

2. Minimum for each additional unit over one3,000 sq. ft.

3. Minimum lot width at building line
 - a. Single Family Homes75 ft.
 - b. Duplex and Funeral Homes100 ft.
4. Minimum depth of front yard:
 - a. Minor street..... 25 ft.
 - b. Secondary thoroughfare..... 35 ft.
 - c. Primary street..... 40 ft.
 - d. Minimum depth of rear yard..... 20 ft.
 - e. Minimum side yard on each side:
 - (a) One or two story building 10 ft.
 - (b) Three story building..... 20 ft.
 - (c) Minimum width of side yards on corner lots shall be fifty (50) percent greater than the minimum side yard requirements.

F. LOCATION OF ACCESSORY BUILDINGS

Accessory buildings shall meet the following provisions:

1. No accessory building shall be erected in any required front or side yard. Accessory buildings and detached garages shall not cover more than thirty percent (30%) of the required rear yard and shall be at least five (5) feet from all lot lines and fifteen (15) feet from any other building on the same lot.
2. A carport or garage, if attached to the principal dwelling, is considered a part of the principal structure.
3. On any corner lot, adjoining in the rear, another lot which is in a residential district, no part of any accessory structure within twenty-five (25) feet of the common lot line shall be nearer the side street line than the depth of any required front yard or a dwelling along such side street.
4. No accessory building shall exceed one (1) story in height or sixteen (16) feet total (peak of roof to ground).

G. BUILDING AREA

On any lot the area occupied by all buildings, including accessory buildings, shall not exceed forty percent (40%) of the total area of such lot.

H. MAXIMUM BUILDING HEIGHT

No structure shall exceed three (3) stories.

I. PARKING REQUIREMENTS

Uses in the R-2 District shall conform to the provisions of Article III, Section 8 of this ordinance.

J. ACCESS REQUIREMENTS

Uses in the R-2 District shall conform to the provisions of Article III, Section 9 of this ordinance.

SECTION 3

R-2 HIGH DENSITY RESIDENTIAL DISTRICT

A. GENERAL DESCRIPTION

The purpose of the R-2 District is to provide a high density residential environment having good access to schools, public water and sewer, and other community services, but well separated from other incompatible uses and activities.

Within the R-2 High Density Residential District, as shown on the Official Baxter Zoning Map, the following regulations shall apply:

B. PERMITTED USES

1. Any use permitted in the R-1, Low Density Residential District.
2. Apartments and multi-family residential uses, provided that for more than two units a site plan is submitted to the Planning Commission and approved.
3. Manufactured homes on individual lots provided the provisions set forth in Article VI, Section 3 are complied with. [Amended/added 2013]
4. Manufactured home parks provided the provisions set forth in Article VI, Section 3 are complied with, including the submittal of a site plan. [Amended/added 2013]

C. USES PERMITTED UPON APPEAL (SPECIAL EXCEPTIONS)

After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit as special exceptions:

1. Bed and breakfast establishments and the taking of boarders or the leasing of rooms by the family residing on the premises (See Article VI, Section 8); provided that not over twenty-five (25) percent of the total floor area of the dwelling is so used. For purposes of advertising such use, one sign not over two (2) square feet in area, may be used.
5. Following the submittal of a site plan, for the purposes of determining the impact on the surrounding residential uses-including provision of parking, possible traffic or other safety hazards, and nuisances, the Board of Zoning Appeals may also permit as special exceptions:

Churches and other places of worship; parish houses; public libraries; schools offering general education courses; public parks and public recreational facilities; municipal, county, state or federal uses, except general office buildings; public utilities, except storage and warehouse areas; and cemeteries.

Residential Care Homes for the Aged of eight (8) or less beds, provided the provisions of Article VI, Section 9 are complied with.

Home Occupations

Professional offices, except medical or dental clinics. Also allowed are day care centers (See Article VI, Section 10); studios or customary incidental home occupations conducted within the principal structure, but only by a person resident of the premise; provided, that not more than one person, not a resident of the premise, is employed, and subject to the regulations set forth in Article VI. Uses generating excessive traffic volumes or causing on-street parking problems are prohibited.

D. USES PROHIBITED

1. Commercial, retail, wholesale and industrial uses are prohibited.

2. The parking of any vehicle in excess of 1 1/2 tons is prohibited.
3. The storage of inoperable or unlicensed motor vehicles outside of an enclosed garage or other building is prohibited.
4. Any use not specifically permitted or permissible on appeal is prohibited.

E. MINIMUM LOT AREA, WIDTH, AND YARD REQUIREMENTS

The principal building or buildings shall be located so as to comply with the following requirements:

1. Minimum lot area for single unit8,500 sq. ft.
2. Minimum for each additional unit over one3,000 sq. ft.
3. Minimum lot width at building line60 ft.
4. Minimum depth of front yard:
 - a. Minor street..... 30 ft.
 - b. Secondary thoroughfare..... 40 ft.
 - c. Primary street..... 50 ft.
 - d. Minimum depth of rear yard..... 20 ft.
 - e. Minimum side yard on each side:
 - (a) One or two story building 10 ft.
 - (b) Three story building..... 20 ft.
 - (c) Minimum width of side yards on corner lots shall be fifty (50) percent greater than the minimum side yard requirements.

F. LOCATION OF ACCESSORY BUILDINGS

Accessory buildings shall meet the following provisions:

1. No accessory building shall be erected in any required front or side yard. Accessory buildings and detached garages shall not cover more than thirty percent (30%) of the required rear yard and shall be at least five (5) feet from all lot lines and fifteen (15) feet from any other building on the same lot.
2. A carport or garage, if attached to the principal dwelling, is considered a part of the principal structure.
3. On any corner lot, adjoining in the rear, another lot which is in a residential district, no part of any accessory structure within twenty-five (25) feet of the common lot line shall be nearer the side street line than the depth of any required front yard or a dwelling along such side street.
4. No accessory building shall exceed one (1) story in height or sixteen (16) feet total (peak of roof to ground).

G. BUILDING AREA

On any lot the area occupied by all buildings, including accessory buildings, shall not exceed thirty-five percent (35%) of the total area of such lot.

H. MAXIMUM BUILDING HEIGHT

No structure shall exceed three (3) stories or thirty-five (35) feet in height.

I. PARKING REQUIREMENTS

Uses in the R-2 District shall conform with the provisions of Article III, Section 8 of this ordinance.

J. ACCESS REQUIREMENTS

Uses in the R-2 District shall conform with the provisions of Article III, Section 9 of this ordinance.

SECTION 4

CBD, CENTRAL BUSINESS DISTRICT [Amended 2003]

A. GENERAL DESCRIPTION

The purpose of the CBD District is to provide an area for the conduct of community and regional retail and service business especially for those sales and service uses which require a central location, which generate substantial pedestrian traffic, and which are mutually benefited by close proximity to other uses of similar nature and requirement.

It is further intended to exclude those commercial and industrial activities which are characterized by trucking other than stocking and delivery of retail goods, which cater to automobiles; which interfere with pedestrians or pedestrian circulation, or which create hazards, noise, vibration, smoke, dust, odors, glare, heat or other objectionable influences or nuisances.

Within the CBD, Central Business District, as shown on the Official Baxter Zoning Map, the following regulations shall apply:

B. PERMITTED USES

1. Community-wide retail businesses, including the following types of establishments: grocery, general merchandise, apparel, furniture, antiques, household and hardware, electronics, pharmacies and sundries, florists, sporting goods and similar uses.
2. Community-wide retail services including the following types of establishments: barber shops, beauty shops, shoe repair, video rental, game rooms, billiard halls and other places of amusement, laundering and dry cleaning establishments, restaurants (excluding drive-ins), grills, pawn shops, clubs and lodges.
3. Professional offices for doctors, lawyers, dentists, architects, artists, engineers, realtors, employment agencies, insurance agencies, travel agencies and similar uses.
4. Printing and publishing establishments.
5. Financial institutions.
6. Public uses and structures.
7. Public utility structures.
8. Churches.
9. Theaters, indoor.
10. Real estate signs, provided the provisions of Article VI, Section 2 are adhered to.
11. Off-street parking lots and parking garages.
12. Accessory uses of structures customarily incidental to the above permitted uses.

C. USES PERMITTED UPON APPEAL (SPECIAL EXCEPTIONS)

After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit as special exceptions:

1. Single and two-family attached and detached dwellings, excluding manufactured homes and mobile homes. [Amended/added 2013]
2. Apartments and multi-family residential uses.

D. USES PROHIBITED

1. Industrial uses.
2. Warehousing and storage, except those uses within and incidental to a permitted business or service structure.
3. Manufactured homes and mobile homes for residential or commercial use and manufactured home parks. [Amended/added 2013]
4. Truck terminals, junkyards, bus stations, moving companies.
5. The sale or storage of gasoline or other explosives.
6. The overnight storage of merchandise or inventory out of doors is prohibited.
7. The use of manufactured homes or mobile homes, trucks or tractor trailers for office space, storage or advertising. [Amended/added 2013]
8. All other uses or structures not of a nature specifically permitted herein or permitted by implication. Also, any use dangerous or offensive because of odor, smoke, noise, glare, fumes, gas, fire or vibration, or hazardous because of danger of fire or explosion, even under proper safeguards.

E. MINIMUM LOT AREA, WIDTH, AND YARD REQUIREMENTS

1. Minimum Lot Requirements

- | | | |
|----|------------------------------|---|
| a. | All uses and structures..... | 1,500 sq. ft. minimum and meet other requirements herein. |
| b. | Churches..... | 30,000 sq. ft. plus the off-street parking area requirements. |

2. Minimum Yard Requirements

- a. On lots adjacent to residential districts, all buildings shall be located to conform to the side and rear yard requirements for the adjacent residential districts.
- b. Commercial buildings may be built next to a common lot line by common consent, provided the combined lot line walls have a four-hour fire resistance rating or as specified by the Standard Building and Fire Prevention Code.

3. Building Area

Not to exceed 90%.

4. Screening

Where a lot line is shared with an adjoining residential lot, the owner of the commercial lot shall plant and maintain adequate landscaping along the entire lot line in order to provide a pleasant screen between these two different but contiguous land uses.

F. MAXIMUM BUILDING HEIGHT

Structures in the CBD District shall not be higher than three (3) stories or thirty-five (35) feet.

G. PARKING REQUIREMENTS

Structures in the CBD District shall conform with the provisions of Article III, Section 8 of this zoning ordinance. Parking is not required for most uses in the CBD District.

H. ACCESS REQUIREMENTS

Uses in the CBD District shall conform with the provisions of Article III, Section 9 of this zoning ordinance.

I. OFF-STREET LOADING AND UNLOADING SPACE REQUIREMENTS

Uses in the CBD District shall conform with the provisions of Article III, Section 10 of this zoning ordinance.

SECTION 5

C-1, CENTRAL COMMERCIAL DISTRICT [Amended May, 2003]

A. GENERAL DESCRIPTION

The purpose of the C-1 District is to provide an area for the conduct of community and regional retail and service business especially for those sales and service uses which require a central location, which generate substantial pedestrian traffic, and which are mutually benefited by close proximity to other uses of similar nature and requirement and as a transition commercial district to the CBD District.

It is further intended to exclude those commercial and industrial activities which are characterized by trucking other than stocking and delivery of retail goods, which cater to automobiles; which interfere with pedestrians or pedestrian circulation, or which create hazards, noise, vibration, smoke, dust, odors, glare, heat or other objectionable influences or nuisances.

Within the C-1, Central Commercial District, as shown on the Official Baxter Zoning Map, the following regulations shall apply:

B. PERMITTED USES

1. Community-wide retail businesses, including the following types of establishments: grocery, general merchandise, apparel, furniture, antiques, household and hardware, electronics, pharmacies and sundries, florists, sporting goods and similar uses.
2. Community-wide retail services including the following types of establishments: barber shops; beauty shops; shoe repair; video rental; game rooms, billiard halls and other

places of amusement; laundering and dry cleaning establishments; restaurants (excluding drive-ins); grills; pawn shops; clubs and lodges.

3. Professional offices for doctors, lawyers, dentists, architects, artists, engineers, realtors, employment agencies, insurance agencies, travel agencies and similar uses.
4. Printing and publishing establishments.
5. Financial institutions.
6. Public uses and structures.
7. Public utility structures.
8. Churches.
9. Theaters, indoor.
10. Real estate signs, provided the provisions of Article VI, Section 2 are adhered to.
11. Off-street parking lots and parking garages.
12. Accessory uses of structures customarily incidental to the above permitted uses.

C. USES PERMITTED UPON APPEAL (SPECIAL EXCEPTIONS)

After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit as special exceptions:

1. Single and two-family attached and detached dwellings; excluding manufactured homes or mobile homes. [Amended/added 2013]
2. Apartments and multi-family residential uses.
3. Meat Packaging/Butcher Shop as defined in Article II and does not create obnoxious odor. [Amended/added 2011]

D. USES PROHIBITED

1. Industrial uses.
2. Warehousing and storage, except those uses within and incidental to a permitted business or service structure.
3. Manufactured homes or mobile homes for residential or commercial use and mobile home parks. [Amended/added 2013]
4. Truck terminals, junkyards, bus stations, moving companies.
5. The sale or storage of gasoline or other explosives.
6. The overnight storage of merchandise or inventory out of doors is prohibited.
7. The use of manufactured homes or mobile homes, trucks or tractor trailers for office space, storage or advertising. [Amended/added 2013]
8. All other uses or structures not of a nature specifically permitted herein or permitted by implication. Also, any use dangerous or offensive because of odor, smoke, noise, glare, fumes, gas, fire or vibration, or hazardous because of danger of fire or explosion, even under proper safeguards.
9. Slaughterhouses as defined in Article II. [Amended 2011]

E. MINIMUM LOT AREA, WIDTH, AND YARD REQUIREMENTS

1. Minimum Lot Requirements

- a. All uses and structures.....5,000 sq. ft. minimum and meet other requirements herein.

- b. Churches30,000 sq. ft. minimum plus the off-street parking area requirements.

2. Minimum Yard Requirements

- a. On lots adjacent to residential districts, all buildings shall be located to conform to the side and rear yard requirements for the adjacent residential districts.
- b. Commercial buildings may be built next to a common lot line by common consent, provided the combined lot line walls have a four-hour fire resistance rating or as specified by the Standard Building and Fire Prevention Codes.

3. Building Area
Not to exceed 80%

4. Screening

Where a lot line is shared with an adjoining residential lot the owner of the commercial lot shall plant and maintain adequate landscaping along the entire lot line in order to provide a pleasant screen between these two different but contiguous land uses.

F. MAXIMUM BUILDING HEIGHT

Structures in the C-1 District shall not be higher than three (3) stories or thirty-five (35) feet.

G. PARKING REQUIREMENTS

Structures in the C-1 District shall conform with the provisions of Article III, Section 8 of this zoning ordinance. Parking is not required for most uses in the C-1 District.

H. ACCESS REQUIREMENTS

Uses in the C-1 District shall conform with the provisions of Article III, Section 9 of this zoning ordinance.

I. OFF-STREET LOADING AND UNLOADING SPACE REQUIREMENTS

Uses in the C-1 District shall conform with the provisions of Article III, Section 10 of this zoning ordinance.

SECTION 6

C-2 GENERAL COMMERCIAL DISTRICT

A. GENERAL DESCRIPTION

The purpose of the C-2 General Commercial District is primarily to provide areas for the location of general commercial business and those enterprises which are oriented toward serving occupants of automobiles and trucks and/or their vehicles.

Within the C-2 General Commercial District as shown on the Official Baxter Zoning Map the following regulations shall apply:

B. PERMITTED USES

1. Single and two-family dwellings
2. Grocery, drug, florist, souvenir shops, commercial greenhouses, nurseries, and hardware stores; meat and fruit markets; restaurants, including sit-down and drive in.
3. Banks, offices, barber and beauty shops, shoe repair shops, video rental, public parking garages and lots.
4. Hospitals, clinics and funeral homes.
5. Hotels and motels.
6. Theaters and places of amusement.
7. Automobile service stations and convenience marts provided that inflammable liquids in excess of 500 gallons are not stored above ground, and provided that the provisions of Article VI, Section 4(A) are met.
8. Dry cleaning and laundering facilities (self-service and retail).
9. Mini-warehouses.
10. Automobile sales and service establishments.
11. Veterinary services for small animal care.
12. Accessory buildings or uses customarily incidental to aforementioned permitted uses.
13. Permanent outdoor advertising signs not over six (6) square feet in area, not to project beyond the property line, and limited to one sign per business.
14. Building supplies where new building materials are sold and inventory is kept under roof.

C. USES PERMITTED ON APPEAL (SPECIAL EXCEPTIONS)

After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit as special exceptions:

- Residential Homes for the Aged
- Uses permitted in the R-1, Residential District
- Meat Packaging/Butcher Shop as defined in Article II and does not create obnoxious odor. [Amended/added 2011]

D. USES PROHIBITED

1. Industrial uses not permitted on appeal.
2. Warehousing except mini-warehouses, except those within and incidental to a permitted business or service structure.
3. Storage of explosives.
4. Storage above ground consisting of inflammable liquids in excess of five-hundred (500) gallons.
5. Truck terminals, junkyards.
6. The overnight storage of inventory out of doors is prohibited except for operable motorized vehicles.
7. Storage of manufactured homes overnight is not allowed unless located on the premises of a licensed manufactured home sales lot. [Amended/added 2013]

8. All other uses not specifically permitted or implied in this district. Also, any use dangerous or offensive because of odor, smoke, noise, glare, fumes, gas, fire or vibration, or hazardous because of fire or explosion, even under proper safeguards.
9. Manufactured homes, mobile homes for residential or commercial uses and manufactured home or mobile home parks. [Amended/added 2013]
10. The use of manufactured homes, mobile homes, trucks, and tractor trailers for office space, storage or advertising. [Amended/added 2013]
11. Slaughterhouses as defined in Article II. [Amended/added 2011]

Any other use not specifically permitted or permitted upon appeal is prohibited.

E. MINIMUM LOT AREA, WIDTH, AND YARD REQUIREMENTS

1. Minimum lot requirements for commercial uses..... 15,000 sq. ft.
Minimum lot requirements for permitted single family residential use 15,000 sq. ft.
Minimum lot requirements for permitted two family residential use..... 20,000 sq. ft.
2. Minimum lot width at building setback line..... 100 ft.
3. Minimum depth of front yard:
 - a. On a major thoroughfare.....50 ft. from R-O-W
 - b. On all other streets.....35 ft. from R-O-W
4. Minimum depth of rear yard:
 - a. Adjoining residential district 25 ft.
 - b. All other lots 15 ft.
5. Minimum width of side yard on each side:
 - a. One and two story buildings15 ft.
 - b. Three story building.....20 ft.
 - c. Adjacent to residential district.....25 ft.
 - d. On corner lot--shall be the minimum plus an additional fifty percent (50%)
6. Maximum building area.....40% of total area
7. Screening

Where a lot line is shared with an adjoining residential lot, the owner of the commercial lot shall plant and maintain adequate landscaping along the entire lot line in order to provide a pleasant screen between these two different but contiguous land uses.

F. MAXIMUM BUILDING HEIGHT

No structure in the C-2 District shall exceed three (3) stories or thirty-five (35) feet in height.

G. PARKING REQUIREMENTS

Uses in the C-2 District shall conform with the provisions of Article III, Section 8 of this zoning ordinance.

H. ACCESS REQUIREMENTS

Uses in the C-2 District shall conform with the provisions of Article III, Section 9 of this zoning ordinance.

I. OFF-STREET LOADING AND UNLOADING SPACE REQUIREMENTS

Uses in the C-2 District shall conform with the provisions of Article III, Section 10 of this zoning ordinance.

SECTION 7

I-1 LIGHT INDUSTRIAL DISTRICT

A. GENERAL DESCRIPTION

The intent of the I-1 District is to provide areas in which the principal use of land is for light manufacturing and assembly plants, processing, storage, warehousing, wholesaling and distribution. It is the intent that permitted uses are conducted so that noise, odor, dust and glare of each operation is minimal.

Within the I-1, Light Industrial District, as shown on the Official Baxter Zoning Map, the following regulations shall apply:

B. PERMITTED USES

1. Light manufacturing and assembly uses.
2. Agricultural equipment sales and repair, baking establishments, bottling and distribution plants, business and outdoor advertising signs, public utility structures, wholesale and storage business, heavy equipment sales and service, and any other uses which in the opinion of the Board of Zoning Appeals are similar in character to those enumerated in this section and will not be detrimental to this district.
3. Accessory uses or structures customarily incidental to the above permitted uses.
4. Slaughterhouse as defined in Article II and it cannot be within 1,000 feet of a residence or residential zoning district. [Amended 2011]

C. USES PERMITTED ON APPEAL (SPECIAL EXCEPTIONS)

After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit as special exceptions:

1. Public parks and public recreational facilities.
2. Gasoline, oil, or alcohol storage above the ground in excess of five-hundred (500) gallons provided State and Federal Fire Prevention Codes are complied with.
3. Federal, state and municipal uses.
4. Public utilities.
5. Truck terminals and transfer stations.
6. Building material storage yards for the storage of new materials where 75 percent or greater is stored under roof.
7. Adult Oriented Business Establishment (See Article VI, Supplementary Regulations)
8. Drug rehabilitation clinics, or correctional or holding facilities subject to the following conditions: [Amended 10/2/08]

- a. Shall not be located within 1000 feet of any residence.
 - b. Shall not have an adverse effect on any surrounding properties.
 - c. Shall meet minimum standards of all applicable federal, state and municipal regulations for a facility of this nature.
 - d. Shall not be located within 1500 feet of a church or school.
9. Meat Packaging/Butcher Shop as defined in Article II and does not create obnoxious odor. [Amended 2011]

D. PROHIBITED USES

- 1. Residential uses, including hotels and motels; educational facilities.
- 2. Industrial uses considered dangerous or unsafe.
- 3. Manufactured homes and mobile homes for residential or commercial use and manufactured home parks. [Amended/added 2013]
- 4. Uses considered by this Board of Zoning Appeals to be incompatible with neighboring or surrounding uses.
- 5. Any use which would cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odors, dust, or other objectionable conditions.

E. MINIMUM LOT AREA, WIDTH AND YARD REQUIREMENTS

- 1. Minimum Lot Requirements.....20,000 sq. ft.
- 2. Minimum lot width at building line125 ft.
- 3. Front Yard
 - a. On major thoroughfares..... 50 ft.
 - b. On all other streets..... 40 ft.
- 4. Rear Yard
 - a. Minimum requirements 30 ft.
 - b. Lots adjoining residential districts 50 ft.
- 5. Side Yard
 - a. Minimum requirements20 ft.
 - b. Lots adjoining non-industrial districts 30 ft.
 - c. Lots adjoining residential districts 50 ft.
 - d. Corner lots minimum requirement, plus an additional fifty percent (50%).
- 6. Maximum Lot Coverage
Main and accessory buildings and structures and off-street parking and loading facilities shall not cover more than eighty (80) percent of the lot area.
- 7. Landscape Treatment
On-site improvements shall be properly landscaped and buffered to prevent any noticeable noise, dust, or obnoxious odors which would injure or disturb adjoining properties.

The landscaping used shall not interfere with sight distances of motorists, nor obstruct needed views of buildings or their means of identification. All landscaping should be designed so as to require the minimum amount of maintenance.

F. MAXIMUM BUILDING HEIGHT

Structures in the I-1 District shall conform with the provisions of Article III, Section 10 of this zoning ordinance.

G. PARKING REQUIREMENTS

Uses in the I-1 District shall conform with the provisions of Article III, Section 7 of this zoning ordinance.

H. ACCESS REQUIREMENTS

Uses in the I-1 District shall conform with the provisions of Article III, Section 8 of this zoning ordinance.

I. OFF-STREET LOADING AND UNLOADING SPACE REQUIREMENTS

Uses in the I-1 District shall conform with the provisions of Article III, Section 9 of this zoning ordinance.

ARTICLE VI

SUPPLEMENTARY REGULATIONS

For the purpose of the zoning ordinance these supplementary regulations shall apply to specific, to several or to all districts. These regulations pertain to certain specific uses, authorize certain exemptions, or relate to unusual conditions.

SECTION 1

LAND SUBJECT TO FLOODING

A. DELINEATION OF LAND SUBJECT TO FLOODING

For the purpose of this ordinance, land subject to flooding shall be delineated as those areas within the Town of Baxter shown as Areas of Special Flood Hazard on the Putnam County Flood Hazard Boundary Map Number (470149-0003A) dated October 21, 1977, or any subsequent amendment or revision to said map.

For the purpose of general identification the Areas of Special Flood Hazard are shown as special overlay zones on the Official Baxter Zoning Map, however, for more exact location of the boundaries of these floodable areas the above mentioned Flood Insurance Rate Maps should be utilized.

B. REGULATIONS FOR DEVELOPMENT

Buildings constructed in identified flood hazard areas or adjacent to any stream shall be set back from the bank of the stream a distance equal to twice the width of the stream or 20 feet, whichever is greater.

Where flood elevation data is available from the Corps of Engineers or other source, the first floor of said building shall be elevated one foot above the base flood elevation. Where elevations are not available, the first floor shall be located 2 feet above the highest adjacent grade.

SECTION 2

SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES

These conditions are established as a reasonable and impartial method of regulating 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:

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, or device.
2. All signs must be constructed and displayed so as not to impair vision and create safety hazards at any street intersection.

3. Signs in business or industrial districts shall not exceed three-hundred (300) square feet in area and no more than two signs are allowed per business or industry.
4. Two or more signs exceeding fifty (50) square feet in area which are located on any given lot in a business or industrial district shall be no less than seventy-five (75) feet apart.
5. No sign shall be located on, or attached to, any public property or on public right-of-way except public signs authorized by the Town of Baxter, Putnam County, or the State of Tennessee.
6. Billboards and other similar outdoor advertising structures shall be erected or placed in conformity with the side, front, and rear yard requirements of the district in which located. However, no billboard shall be erected or placed closer than within one-hundred (100) feet of any residential district.

The minimum spacing of signs on the interstate system shall be one-thousand feet (1,000') where the same are not separated by buildings or other obstructions so that only one (1) sign is visible from the highway at any one (1) time. (TCA 54-21-116)

Billboards and other similar outdoor advertising structures shall conform with all applicable state regulations including those in the Tennessee Code Annotated.

Billboards and other similar outdoor advertising structures are subject to pay an annual permit renewal fee of one-hundred dollars (\$100.00) beginning January 1st after completion of the initial construction. For billboards currently completed and have renewal fees due during 2012, they will pay a prorated amount for the rest of 2012 and will begin paying the annual \$100 fee beginning January 1, 2013. **[Amended December 2011]**

Political signs will be allowed sixty (60) days prior to the date of election and must be removed within seven (7) days after election. No sign shall exceed six (6) square feet. Political signs of the same person shall be at least fifty (50) feet apart. Banner and flashing signs are prohibited. **[Amended Jan. 2009]**

No sign shall exceed six (6) square feet, other than business signs. **[Amended Jan. 2009]**

7. 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 the width of the sidewalk, but in no case exceeding ten (10) feet.
8. No portable, electrical signs are allowed in any zone in the Town of Baxter.
9. No truck or trailer shall be parked or utilized as a permanent sign.

B. In the **R-1, Low Density**, and **R-2, High Density Residential Districts**, the following regulations for signs and other advertising structures shall apply:

1. Nameplates indicating name, address, house number, announcement of boarders or roomers, are permitted.
2. For apartment buildings and manufactured home parks, identification signs not exceeding nine (9) square feet in area are permitted. **[Amended/added 2013]**
3. Signs announcing customary home occupations are permitted, but shall not exceed four (4) square feet in area.
4. Church, school, or public building bulletin boards or identification signs, not exceeding twenty (20) square feet in area are permitted.
5. Flashing or intermittent illumination is prohibited.

6. Billboards are prohibited in all residential districts.
- C. In the **C-1, Central Commercial**, and **C-2, General Commercial Districts** on and off-premise signs, subject to all other requirements of this section, are permitted.
- D. In the **I-1, Light Industrial District**, any sign meeting the requirements of this section and in addition pertaining to product manufactured on the premises or the firm occupying the premises is permitted. Concerning adult oriented business establishments, due to the sensitive nature of these businesses and because signs are visible to the general public, including children, the sign for such businesses shall not exceed two (2) square feet and must be designed so as not to include descriptive wording, artwork or photography connected to said business or depicting said business activity.
- E. In any district the following signs shall be permitted:
1. For parking areas, entrance and exit signs not exceeding two (2) square feet in area and not more than one (1) sign not more than nine (9) square feet in area identifying or designating the conditions of the use of such parking area.
 2. Non-illuminated "For Sale" or "For Rent" signs not exceeding four (4) square feet in area.
 3. 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.
 4. Signs established by, or by order of, any governmental agency.
 5. For special events of public interest, one (1) sign, not over twenty-four (24) square feet in area located upon the site of the event. Such signs shall be removed within 24 hours of the event.
- F. Definitions. For the purpose of the interpretation and application of this section, the following definitions shall apply: [Amended 2004]
- (a) Sign. Outdoor graphics conveying or intended to convey some information, knowledge or idea to the public. The word "sign" includes the word "billboard" or any other type of advertising device.
 - (b) Billboard sign. A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.
 - (c) Off-premise sign. A sign which advertises goods, services, facilities, events or attractions available at a location other than the premises where the sign is located.
 - (d) On-premise sign. A sign that advertises goods, services, facilities, events or attractions available on the premises where the sign is located.
 - (e) Premises. A lot of record as defined by the Baxter Municipal Code.

Off-premise signs along TDOT Corridors

Billboards and similar off-premise signs are permitted only in the C-2 General Commercial District along Interstate 40 or State Highway 56 subject to the following regulations:

- (a) No billboard or similar off-premise sign shall exceed twelve-hundred (1200) square feet in area.

- (b) No billboard or similar off-premise sign shall exceed two-hundred (200) feet in height as measured from the uppermost portion of the display surface area to the finished grade at the base of the sign or curb level, whichever provides greater height.
- (c) Billboards and similar off-premise signs shall be erected or placed in conformity with the side, front, and rear yard requirements of the C-2 General Commercial District.
- (d) No billboard or similar off-premise sign shall be erected or placed closer than within one-thousand (1000) feet of any other billboard or similar off-premise sign.
- (e) All billboards and similar off-premise signs shall conform with all applicable state regulations including those in the **Tennessee Code Annotated** and those of the Tennessee Department of Transportation.

On-Premise Signs Along TDOT Corridors

Billboards and similar on-premise signs are permitted only in the C-2 General Commercial District along Interstate 40 or State Highway 56 subject to the following regulations:

- (a) No on-premise sign shall exceed twelve-hundred (1200) square feet in area.
- (b) No on-premise sign shall exceed two-hundred (200) feet in height as measured from the uppermost portion of the display surface area to the finished grade at the base of the sign or curb level, whichever provides greater height.
- (c) All on-premise signs shall be erected or placed in conformity with the side, front, and rear yard requirements of the C-2 General Commercial District.

SECTION 3

MANUFACTURED HOMES AND MANUFACTURED HOME PARKS

A. MANUFACTURED HOMES ON INDIVIDUAL LOTS [Amended/Updated 2013]

1. Any manufactured home brought into Baxter and set up on individual lot must be used as a residence (not an office or retail use) and must be not more than five (5) years old at time of initial setup. To prove the age of the unit, the owner must submit a copy of current title of unit and copy of bill of sale. [Amended/Updated 2014]
2. In the R-1 District, a manufactured homes can only be used as a replacement for existing manufactured home being removed from the lot. The replacement unit must be completely set up within six (6) months of removal of the original unit to meet the requirements of this section. The replacement unit must be new or up to 5 years old, be set up like a house with tongue cut off and have a perimeter foundation of masonry. It must also be anchored in accordance with regulations of State of Tennessee, must have permanent driveway with off-street parking for at least 2 cars, shall meet all zoning district regulations, and comply with applicable federal, state and local housing, building and construction codes.
3. In the R-2 District a manufactured home can be set up. The unit must be new or up to 5 years old, and be set up like a house with tongue cut off. No metal or galvanized skirting material can be used. At a minimum vinyl skirting material/underpinning of same color or compatible color as unit must be used, or as an option, a perimeter foundation of masonry may be installed. The unit must be anchored in accordance with regulations of State of Tennessee, must have permanent driveway with off-street parking for at least 2 cars, shall meet all zoning district regulations, and comply with applicable federal, state and local housing, building and construction codes.

4. In order to resemble a site-built conventional house, a manufactured residential dwelling unit in R-1 or R-2 must have a perimeter masonry foundation under the home, permanent driveway for at least 2 cars, permanent steps, wood or masonry deck or porch with permanent steps to each door, tongue(s) removed, meet all zoning district regulations, comply with applicable federal, state and local housing, building and construction codes, and be anchored in accordance with regulations of State of Tennessee. No vinyl, metal or galvanized skirting material can be used.

B. MANUFACTURED HOME PARKS

1. Application Required

An application for a manufactured home park shall be presented to the planning commission for review and approval prior to the issuance of a zoning permit for such use. The application shall consist of a map drawn to a scale no smaller than 1"=100' setting forth herein the geographical location, boundaries, driveways, drainage, buildings and sanitation facilities including the location of water and sewer lines and the number, location and size of all mobile home spaces and any other information as the planning commission may require.

2. Manufactured Home Park Standards

- a. No parcel of land containing less than three (3) acres shall be used for a manufactured home park.
- b. Each manufactured home park shall contain developed sites for a minimum of five (5) manufactured homes at the time of first occupancy.
- c. All manufactured home pads, manufactured homes, and other structures shall be located on the lot so as to comply with the front, rear, and side yard requirements of the district. A greenbelt planting strip composed of one (1) row of trees spaced not more than thirty (30) feet apart, or a row of shrubs, spaced not more than four (4) feet apart and which will eventually grow to a height of not less than six (6) feet, shall be located along all exterior lot lines of the park.
- d. Individual plot spaces for manufactured homes shall be clearly defined and manufactured home pads provided so that the center line of pads are located no closer than fifty (50) feet apart.
 - Minimum plot width shall be forty (40) feet.
 - Minimum plot depth shall be one-hundred ten (110) feet.
 - Each plot shall contain a minimum of two (2) parking spaces. Access to parking spaces shall be from internal drives only, and shall not access directly public streets surrounding the development.
 - Each manufactured home pad shall contain electrical, water, and wastewater connections for individual mobile home units.
- e. No manufactured home unit exceeding five years of age shall be shall be located in the manufactured home park upon initial set up or replacement.
- f. Access roads or driveways into manufactured home parks shall be a minimum of eighteen (18) feet in width and shall be of double bituminous or similar construction approved by the planning commission.

- g. Fire hydrant protection shall be provided so that no manufactured home is located farther than five-hundred (500) feet from a fire hydrant.
- h. Street lighting or other security lighting shall be provided within the manufactured home park.
- i. All manufactured home parks shall be connected to the public sewer system for the Town of Baxter.
- j. In order to save water, master water meters will not be allowed. Each manufactured home space shall be served by an individual water service line and meter.
- k. The anchoring and tie down requirements of the State of Tennessee shall be adhered to.
- l. Manufactured homes located in manufactured home parks shall be underpinned. Materials used for underpinning shall be block, stone, vinyl or metal suitable for external residential construction. Underpinning shall be painted to match the manufactured home exterior.

SECTION 4

SPECIAL STANDARDS FOR CERTAIN USES

To accomplish the purposes of the zoning ordinance, special consideration is hereby given to certain uses. These uses shall comply with the following requirements regardless of the zoning district in which they may be located.

A. AUTOMOBILE SERVICE STATIONS

The following regulations shall apply to all automobile service stations:

- 1. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet.
- 2. Gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line.
- 3. Sign requirements as established in this Article shall be met.
- 4. Tanks in excess of 500 gallons shall be underground and shall meet the installation requirements of the State of Tennessee Fire Marshall's Office.

B. CEMETERIES

The following regulations shall apply to all cemeteries:

- 1. The site proposed for a cemetery shall not interfere with the development of a system of streets and in addition shall have direct access to a thoroughfare.
- 2. Any new cemetery shall be located on a site containing not less than ten (10) acres.
- 3. All structures and facilities including but not limited to mausoleums, graves, burial lots, monuments, and maintenance buildings shall be set back at least thirty (30) feet from any property line or street right-of-way.
- 4. All required yards shall be landscaped and maintained.
- 5. Proposals for cemeteries shall be approved by the planning commission.

C. CUSTOMARY HOME OCCUPATION

A customary home occupation is a gainful occupation or profession conducted by members of a family residing on the premises and conducted entirely within the principal dwelling unit. For such uses the following regulations shall apply:

1. No stock in trade shall be displayed outside the dwelling and no alterations to any building shall indicate from the exterior that the building is being utilized for any purpose other than a residential unit, including permitted accessory buildings.
2. Only one (1) person, not a resident of the premises, shall be employed.
3. No more than 25 percent of the total floor area in any dwelling unit shall be devoted to such use.
4. Sign requirements as established in this Article shall be met.

D. SWIMMING POOLS

The following regulations shall apply to all private swimming pools:

1. No swimming pools or part thereof, including aprons, walks, and equipment rooms, shall protrude into any required front or side open space.
2. The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or from adjacent properties. Said fence or wall shall be not less than five (5) feet in height and maintained in good condition.

SECTION 5

GROUP HOUSING DEVELOPMENTS (Apartments)

A. APPLICATION AND SITE PLAN REQUIRED

To provide a maximum flexibility in design and to ensure a minimum standard of site development for group housing developments in excess of two residential structures on a single lot or tract of land, not subdivided an application shall be submitted to the planning commission consisting of a site plan drawn to a scale no smaller than 1" = 200' setting forth therein the geographical location, boundaries, surrounding development, drainage, buildings and structures, parking facilities, points of access to public streets, easements, sanitation facilities including the location and size of water and sewer lines, location of fire hydrants, and any other information as the planning commission may require.

B. REQUIRED DEVELOPMENT STANDARDS

1. Location
 - a. The site shall comprise a single lot or tract of land except where divided by public streets.
 - b. The site shall abut a public street.
2. Area Requirements--Must comply with the requirements of the district in which located.

3. Design

a. Internal Driveways

- (1) Driveways in the apartment complex shall be a minimum of 18 feet in width.
- (2) Two (2) paved parking spaces shall be provided for each dwelling unit.
- (3) Driveways shall be privately constructed and maintained.
- (4) The base of driveways shall consist of crushed stone or gravel, six (6) inches in depth, compacted.
- (5) The surface of streets shall consist of asphalt or better materials, two (2) inches in depth, compacted.
- (6) The minimum pavement width of driveways shall be eighteen (18) feet.
- (7) Closed ends of dead-end streets shall provide a vehicular turn-around at least eighty (80) feet in diameter.

b. Public Street Access

- (1) The minimum distance between access points along public street frontage, center line to center line, shall be two-hundred (200) feet.
- (2) The minimum distance between the center line of an access point and the nearest curb line or street line of a public street intersection shall be one-hundred (100) feet.

4. Utilities

The development shall be connected to the Baxter sanitary sewer system.

Six inch water lines and fire hydrants shall be provided so that each structure is located within 500 feet of a hydrant.

5. Storage of Waste

Any central refuse disposal area shall be maintained in such manner as to meet county health requirements, and shall be screened from view.

6. Service Building

Service buildings housing laundry, sanitation, or other facilities for use by occupants, when provided, shall be permanent structures of similar construction to other buildings in the development.

SECTION 6

PARKING AND STORAGE OF LARGE VEHICLES AND TRUCKS

In any residential or commercial district, no vehicle or trailer of any kind or type without current license shall be parked or stored on any lot other than in a completely enclosed building.

In any residential district, no truck of a rated capacity 1 1/2 ton or greater nor any other truck painted with any sign nor any other vehicle or heavy equipment may be parked on any lot or in the public right-

of-way adjacent to any lot overnight nor stored or parked while loading or unloading for periods in excess of twenty-four (24) hours except in an enclosed building or otherwise screened from view.

SECTION 7

FENCES, WALLS, AND HEDGES

Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall cause any impairment to vision or create safety hazards at any street intersection.

SECTION 8

BED AND BREAKFAST ESTABLISHMENTS

Bread and breakfast establishments and the renting of rooms by the residents on premises, where allowed, provided the floor area used for said purpose may not exceed twenty-five (25) percent of total habitable floor area of the dwelling, and provided that the following additional conditions are complied with:

Two (2) off-street parking spaces shall be provided for the residence plus one (1) additional space for each room offered for rent. Required additional parking shall not be allowed in any front yard.

SECTION 9

RESIDENTIAL HOMES FOR THE AGED

Residential homes for the aged are allowed in the R-1, R-2 and C-2 Districts as special exceptions provided the following requirements are met:

1. Minimum site one (1) acre or more
2. Building minimum side and rear setbacks of 35 feet
3. Use of double-row landscape plantings or fencing along all property line. Opaque fencing may be required by BZA if necessary.
4. Off-street parking spaces = 1 space per bed, in order to provide sufficient parking for delivery vehicles, emergency vehicles, visitors, employees, etc.
5. Structure to meet Standard Building Code and Plumbing Code, and be hooked to city utilities.
6. Submit detailed site plan of property, showing parking, driveways, adjoining properties, distances to adjoining residences.
7. Licensed by State as Residential Care Home for Aged.

SECTION 10

DAY CARE CENTERS

Day care centers for the care of up to seven (7) children are allowed in the R-1 and R-2 Residential Districts as special exceptions subject to the following provisions:

1. The child day care use will be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.

2. Outdoor play space shall not be permitted within the front yard area and shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas or land unsuited for children's play space.
3. There shall be a fence with the minimum height of four (4) feet surrounding the play space.
4. Operator of a child day care home must be the owner and reside on subject property.
5. Child day care homes, nurseries or kindergartens shall be located within the main structure on the lot only and shall not utilize more than fifty (50) percent of the gross floor area of the main structure.
6. Special approval shall not be transferable to another owner.
7. Shall be licensed by the State of Tennessee.
8. Day care centers for more than seven (7) children shall be located only in commercial zones.

SECTION 11

ADULT ORIENTED BUSINESS ESTABLISHMENTS [Effective April, 2005]

Adult oriented business establishments may be permitted as a use upon appeal in the I-1 Light Industrial District, pending review and approval by the Board of Zoning Appeals, and under the following conditions:

Adult Oriented Business Establishments cannot be located within 500 ft. (property line to property line) of any of the following:

- School, educational or school related facility
- Church, religious, church-related or church operated facility
- Public or other recreational facility
- Hospital, nursing home, elderly care facility or residential care home for aged
- Licensed day care facility or day care drop off facility
- Boundary of a residential zone
- Another adult oriented business establishment

APPLICATION TO BOARD OF ZONING APPEALS

Submit a site plan depicting a proposed parking plan to be reviewed by the Board of Zoning Appeals and including all other requirements of Article VII, Section 3. Off-street parking shall be calculated at a rate of 1 parking space per employee, plus either 1 space per 50 square feet of floor space or 1 parking space per seat, whichever is greater. Site plan shows adjoining properties and all adjoining occupancies. A floor plan must also be submitted and approved by the building inspector indicating the maximum seating and depicting the location of all exit doors and restrooms. Maximum seating needed to compute parking. Annual inspections by police and/or building inspector that stated maximum seating is not being exceeded.

LOCATION RESTRICTIONS

Locations of adult oriented businesses must meet the following minimum requirements:

- A. At least 500 feet measured property line to property line from a library, school or educational or school-related facility, church or religious or church related or church operated facility, or a public park or other public recreational facility, a licensed child or adult day care facility or a day

- care drop off facility recognized by the State of Tennessee, or a hospital, nursing home, assisted living facility, residential care home for elderly; and
- B. At least 500 feet measured property line to property line from the boundary of any residential zone; and
 - C. At least 500 feet measured property line to property line from another adult oriented business establishment.

APPROVAL PROCESS

- A. A license fee of five hundred dollars (\$500) shall be paid in full to the town prior to an application being reviewed by the Board of Zoning Appeals. An annual renewal fee of five hundred dollars (\$500) shall also be required twelve (12) months following the initial establishment of such business and for the same period thereafter.
- B. Adult oriented businesses may be permitted in the I-1 Light Industrial District as a Special Exception (Conditional Use) following a site plan being submitted and approved by the Board of Zoning Appeals and including verification of location restrictions, with appropriate conditions and safeguards.
- C. Hours of operation shall be between 9:00 a.m. and 9:00 p.m. only.
- D. Sign Design. Due to the sensitive nature of these businesses and because signs are visible to the general public, including children, the sign for such businesses shall not exceed two (2) square feet and must be designed so as not to include descriptive wording, artwork or photography connected to said business or depicting said business activity.

ARTICLE VII

ADMINISTRATION AND ENFORCEMENT

SECTION 1

ZONING COMPLIANCE OFFICER

A. ADMINISTRATIVE AND ENFORCING OFFICER

The provisions of this ordinance shall be administered and enforced by a Zoning Compliance Officer appointed by the Mayor of Baxter and approved by the Baxter Board of Mayor and Aldermen.

The Zoning Compliance Officer shall administer and enforce this Ordinance and in addition he shall:

1. Issue all building permits and make and maintain records thereof;
2. Issue all certificates of occupancy and make and maintain records thereof;
3. Issue and renew, where applicable, all temporary use permits and make and maintain records thereof;
4. Maintain and keep current zoning maps, and records of amendments thereto;
5. Conduct inspections as prescribed by this Ordinance, and such other inspections as are necessary to ensure compliance with the various provisions of this Ordinance generally;
6. Receive, file, and forward to the planning commission all applications for conditional uses, and for amendments to this Ordinance;
7. Receive, file, and forward to the Board of Zoning Appeals all applications for variances or other matters, on which the Board is required to pass under the provisions of this Ordinance.

B. POWERS OF THE ZONING COMPLIANCE OFFICER

The Zoning Compliance Officer shall have the power to grant building permits and use and occupancy permits, and make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Compliance Officer to approve any plan or issue any permits as certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform to this Ordinance.

Under no circumstances is the Zoning Compliance Officer permitted to make changes in this Ordinance nor to vary its terms or provisions in carrying out his duties.

C. RIGHT OF ENTRY UPON LAND

The Zoning Compliance Officer or persons engaged by him to perform tests or other duties may enter upon any land within the jurisdiction of the city for the purpose of performing tests, making examinations, or surveys, and placing or removing public notices as may be required by this Ordinance.

SECTION 2

APPLICATION OF ZONING ORDINANCE

Except as otherwise provided, no structure or land shall after the effective date of the zoning ordinance be used and no structure or part thereof shall be erected, made addition to, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of the zoning ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, convenience, order, prosperity, and general welfare of the community. Where other ordinances or regulations impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory.

SECTION 3

ZONING PERMITS

A. ZONING PERMITS REQUIRED

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving of or addition to any structure, including accessory structures or to commence the filling of land until the Building/Zoning Compliance Officer has issued for such work a building/zoning permit containing a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of the zoning ordinance.

Application for a building/zoning permit shall be made in writing to the Building/Zoning Compliance Officer on forms provided for that purpose.

B. DEVELOPMENT PLAN REQUIRED

It shall be unlawful for the Building/Zoning Compliance Officer to approve the plans or issue a building/zoning permit for any excavation or construction until he has inspected such plans in detail and found them to be in conformity with the zoning ordinance.

The Building/Zoning Compliance Officer shall require that every application for a building permit for excavation, construction, moving, or addition, shall be accompanied by a plan or plat drawn to a scale and showing the following in sufficient detail to enable the Building/Zoning Compliance Officer to ascertain whether the proposed excavation, construction, moving or addition is in conformance with the zoning ordinance:

1. The actual shape, location, and dimensions of the lot to be built upon.
2. The shape, size, and location of all buildings or other structures to be erected, added to, or moved and of any buildings or other structures already on the lot.
3. The existing and intended use of all such buildings or other structures.
4. The location and design of off-street parking areas and off-street loading areas.
5. Any other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of the zoning ordinance are being observed.

If the proposed excavation, construction, moving or addition as set forth in the application is in conformity with the provisions of the zoning ordinance, the Zoning Compliance Officer shall issue a building permit for such excavation or construction.

If an application for a building permit is not approved, the Zoning Compliance Officer shall state in writing on the application the cause for such disapproval.

Issuance of a permit shall, in no case, be construed as waiving any provision of the zoning ordinance.

Building permits shall be void six (6) months from date of issue unless substantial progress on the project has been made by that time.

C. OCCUPANCY

No land or building or other structure or part thereof hereafter erected, moved, or added to in its use shall be used until the Zoning Compliance Officer has found such land, structure, or part thereof to be in conformity with the provisions of the zoning ordinance.

The zoning compliance officer shall have the responsibility of issuing a certificate of occupancy with a five (5) day waiting period. During this period, the zoning compliance officer shall notify members of the Board of Zoning Appeals of the requested occupancy. If there are no issues with the certificate, the Zoning Compliance Officer shall issue the certificate at the end of the five (5) day waiting period. [Amended April 2010]

SECTION 4

BOARD OF ZONING APPEALS: ESTABLISHMENT AND PROCEDURE

A. ESTABLISHMENT OF THE BOARD OF ZONING APPEALS

A Board of Zoning Appeals is hereby established in accordance with Sections 13-7-205 through 13-7-207 of the *Tennessee Code Annotated*.

As permitted by Section 13-7-205, *Tennessee Code Annotated*, the Baxter Municipal Planning Commission is hereby designated as the Baxter Board of Zoning Appeals.

B. CONFLICT OF INTEREST

Any member of the Board who shall have direct or an indirect interest in any property which is the subject matter of or affected by a decision of the Board shall be disqualified from participating in the discussion, decision, and proceedings of the Board in connection therewith. The burden for revealing any such conflict rests with individual members of the Board. Failure to reveal any such conflict shall constitute grounds for immediate removal from the Board for cause.

C. PROCEEDINGS OF THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed with official records of the Board.

D. HEARINGS AND APPEALS

An appeal to the Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by any decision of the Zoning Compliance Officer, based in whole or in part upon the provision of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof.

The Zoning Compliance Officer shall transmit to the Board all papers constituting the record upon which the appeal was taken. The Board shall fix a reasonable time for the hearing of the appeal, give due notice to the parties of interest, and decide the same within a reasonable time. Upon the hearing, any person, or party may appear in person, by agent, or by attorney. **The petitioner or the petitioner's authorized agent must be present in order for the matter to be heard.**

The Zoning Compliance Officer shall post a notice on property to be considered for rezoning, variance, or other action at least one week prior to the public hearing.

E. LIABILITY OF MEMBERS OF THE BOARD OF ZONING APPEALS AND THE ZONING COMPLIANCE OFFICER

Any member of the Board of Zoning Appeals, the Zoning Compliance Officer, or other employee charged with the enforcement of this ordinance acting for the Town of Baxter in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability and shall be held harmless by the Town of Baxter of any damage that may accrue to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any Board member, the Zoning Compliance Officer, or employees charged with the enforcement of any provision of this ordinance shall be defended by legal representative furnished by the Town of Baxter until the final termination of such proceedings.

SECTION 5

BOARD OF ZONING APPEALS: POWERS AND DUTIES

A. ADMINISTRATIVE REVIEW

The Board of Zoning Appeals shall hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Zoning Compliance Officer or any other administrative official in carrying out or enforcing any provision of this ordinance, or in his interpretation of the zoning map.

B. SPECIAL EXCEPTIONS (USES PERMITTED UPON APPEAL)

The Board of Zoning Appeals may hear and decide only such special exceptions as it is specifically authorized to pass on by the terms of the "Uses Permitted on Appeals" Sections of this ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this ordinance; or to deny special exceptions when not in harmony with the purpose and intent of this ordinance.

1. Application Fee. An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended use of the site, the names of the property owners, existing land uses of all adjacent properties, any and other material pertinent to the request which the Board of Zoning Appeals may require.

A nonrefundable fee of fifty dollars (\$50.00) shall be paid to the Town of Baxter with each application for a request for a special exception from the Board of Zoning Appeals to defray costs of notices, the hearing, and any miscellaneous expenses.

2. General Provisions Governing Uses Permitted on Appeal.

Before any special exception shall be issued, the Board of Zoning Appeals shall certify compliance with the specific rules governing individual exceptions and that satisfactory provision and arrangement has been made concerning the following general requirements:

- a. It is so designed, located and proposed to be operated so that the public health, safety, and welfare will be protected;
- b. It will not adversely affect other property in the area in which it is located;
- c. It is within the provision of "Uses Permitted on Appeal" as set forth in this ordinance; and
- d. It conforms to all applicable provisions of this ordinance for the district in which it is to be located.

3. Validity of Plans. All approved plans, conditions, restrictions, and rules made a part of the approval of the Board of Zoning Appeals shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.
4. Time Limit. All applications reviewed by the Board of Zoning Appeals shall be decided within forty-five (45) days of the date of the application, and the applicant notified of either the approval or denial of the request.

C. VARIANCES

The Board of Zoning Appeals has the authority to hear and decide applications for variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. In exercising its powers, the Board of Zoning Appeals may, so long as such action is in conformity with the terms of this ordinance, reverse, affirm, or modify the order,

requirement, decision, or determination as set forth in the regulations of this ordinance, and to that end shall have the powers of the administrative official from whom the appeal is taken.

1. Application and Fee. An application shall be filed with the Board of Zoning Appeals for consideration. Said application shall show the location and intended variance of the site, the names of the property owners, existing land uses of all adjacent properties, and any other material pertinent to the request which the Board of Zoning Appeals may require.

A nonrefundable fee of fifty dollars (\$50.00) shall be paid to the Town of Baxter with each application for a request for a variance by the Board of Zoning Appeals to defray costs of notices, the hearing and any miscellaneous expenses.

2. Standards for Variances. In granting a variance the Board shall ascertain that the following criteria are met:
 - a. The particular physical surroundings, shape, or topographic conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out;
 - b. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;
 - c. The variance will not authorize in a zone district activities other than those permitted by this ordinance;
 - d. Financial returns only shall not be considered as a basis for granting a variance;
 - e. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance;
 - f. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;
 - g. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
 - h. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which property is located; and
 - i. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.
3. Non-Conformity Does Not Constitute Grounds for Granting a Variance. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
4. Prohibition of Use Variances. Under no circumstances shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.
5. Conditions and Restrictions by the Board. The Board may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in this ordinance to reduce or minimize the injurious effect to such

variation upon surrounding property and better carry out the general intent of this ordinance.

6. Time Limit. All applications reviewed by the Board of Zoning Appeals shall be decided within forty-five (45) days of the date of the application, and the applicant notified of either the approval or denial of the request.
7. Variance Appeals. Any person or agency aggrieved by a decision of the Board on a variance may appeal by certiorari to a court of competent jurisdiction. The judgement and findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this chapter shall be final and subject to review only for illegality or want of jurisdiction.

SECTION 6

AMENDMENTS TO ZONING ORDINANCE

A. PROCEDURE

The regulations, the number, or boundaries of districts established by the zoning ordinance may be amended, supplemented, changed, modified, or repealed by the Board of Mayor and Aldermen after holding a public hearing, 15 days notice of which has been given in the local newspaper; but in accordance with Section 13-7-204 of the *Tennessee Code Annotated*, no amendment shall become effective unless it is first submitted to and approved by the Baxter Municipal Planning Commission, or if disapproved, shall receive a majority vote of the entire Board of Mayor and Aldermen.

B. APPLICATION AND FEE

Any person desiring to bring a request for an amendment to the zoning ordinance shall first submit an application for such a request. Said application shall state the purpose of the amendment and any other information or material pertinent to the request which the Planning Commission or Board of Mayor and Aldermen may require.

A nonrefundable fee of fifty dollars (\$50.00) shall be paid to the Town of Baxter with each application requesting an amendment to the zoning ordinance to defray costs of notices, public hearings, and any miscellaneous expenses.

SECTION 7

PENALTIES

Any person violating any provisions of this zoning ordinance shall be guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

SECTION 8

REMEDIES

In case any building or other structure is erected, constructed, added to, moved or converted, or any building, structure, or land is used in violation of the zoning ordinance, the Zoning Compliance Officer or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or appropriate action or proceeding to prevent such unlawful erection, construction, addition,

conversion, moving, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure or land.

SECTION 9

VALIDITY

Should any section, clause, or provision of this zoning ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, this judgement shall not affect the validity of the zoning ordinance as a whole or any other part other than the part judged invalid.

SECTION 10

EFFECTIVE DATE

This ordinance shall take effect from and after its final passage, the public welfare requiring it.

CERTIFIED TO THE TOWN OF BAXTER BOARD OF MAYOR AND ALDERMEN:

Chairman, Baxter Planning Commission

June 14, 1995
Date

Secretary, Baxter Planning Commission

Publication of Notice:

June 23, 1995
Date

Public Hearing Held:

July 10, 1995
Date

Passed First Reading:

July 10, 1995
Date

Passed Second Reading:

July 13, 1995
Date

Passed Third Reading:

August 10, 1995
Date

**ADOPTED BY THE TOWN OF BAXTER
BOARD OF MAYOR AND ALDERMEN:**

Mayor of Baxter

August 15, 1995
Date

ATTEST: _____
Baxter City Recorder

August 15, 1995
Date

Publication of Caption and Summary:

August 14, 1995
Date

Effective Date:

August 14, 1995

APPENDIX A
MUNICIPAL FLOODPLAIN ZONING ORDINANCE

MUNICIPAL FLOODPLAIN ZONING ORDINANCE

AN ORDINANCE ADOPTED FOR THE PURPOSE OF AMENDING THE CITY OF BAXTER, TENNESSEE MUNICIPAL ZONING ORDINANCE REGULATING DEVELOPMENT WITHIN THE CORPORATE LIMITS OF BAXTER, TENNESSEE, TO MINIMIZE DANGER TO LIFE AND PROPERTY DUE TO FLOODING, AND TO ESTABLISH ELIGIBILITY FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM.

ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Section 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 **City of Baxter**, Tennessee, Mayor and Board of Alderman, do ordain as follows:

Section B. Findings of Fact

1. The City of Baxter, 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 City of Baxter, 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.

Section 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.

Section 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 floodprone areas;
6. To help establish a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a floodprone area;
8. To establish eligibility for participation in the NFIP.

ARTICLE II. 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 non-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 "Floodprone Area" means any land area susceptible to being inundated by water from any source (see definition of "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 established 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 City of Baxter, 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".

"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. 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 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 percent (50%) 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 percent (50%) 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 percent (50%) 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.

ARTICLE III. GENERAL PROVISIONS

Section A. Application

This Ordinance shall apply to all areas within the incorporated area of the City of Baxter, Tennessee.

Section B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the City of Baxter, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Number(s) 47141C0095D and 47141C0125D, dated May 16, 2007, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

Section C. Requirement for Development Permit

A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activities.

Section 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.

Section 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.

Section 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.

Section 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 City of Baxter, 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.

Section 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 City of Baxter, Tennessee from taking such other lawful actions to prevent or remedy any violation.

ARTICLE IV. ADMINISTRATION

Section A. Designation of Ordinance Administrator

The Zoning Compliance Officer is hereby appointed as the Administrator to implement the provisions of this Ordinance.

Section 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 non-residential 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 non-residential floodproofed building will meet the floodproofing criteria in Article V, Sections 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 non-residential 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 non-residential 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.

Section 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 established.
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 Article IV, Section 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 Article IV, Section 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 Article IV, Section 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 City of Baxter, Tennessee FIRM meet the requirements of this Ordinance.
11. Establish 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 established in a separate file or marked for expedited retrieval within combined files.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section 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 Article V, Section 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.

Section B. Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Article V, Section 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 Article II). 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. Non-Residential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) 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 non-residential 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 Article II). 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"

Non-Residential 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 Article IV, Section 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.

- a. 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.
 - 1) 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;
 - 2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;
 - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
- c. 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 Article V, Section 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 Article II).
- c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Article V, Sections 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 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 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Article V, Section E).

Section 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 Article III, Section 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 City of Baxter, Tennessee and certification, thereof.
- 2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B.

Section 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 Article III, Section 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 Article V, Sections A and B.

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

Located within the Special Flood Hazard Areas established in Article III, Section 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 Article V, Sections A and B.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 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 Article II). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Article IV, Section B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Article V, Section 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 feet (20), 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 City of Baxter, 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 Article V, Sections A and B. Within approximate A Zones, require that those subsections of Article V Section B dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are established and manufactured homes provisions are complied with as required.

Section F. Standards For Areas of Shallow Flooding (AO and AH Zones)

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet 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 Article V, Sections A and B, apply:

1. All new construction and substantial improvements of residential and non-residential 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 Article V, Section B.
2. All new construction and substantial improvements of non-residential 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 Article IV, Section B.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

Section G. Standards For Areas Protected by Flood Protection System (A-99 Zones)

Located within the Areas of Special Flood Hazard established in Article III, Section 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 Article IV and Article V shall apply.

Section H. Standards for Unmapped Streams

Located within the City of Baxter, 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 Articles IV and V.

ARTICLE VI. VARIANCE PROCEDURES

Section A. Municipal Board of Zoning Appeals

1. Authority

The City of Baxter, 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 \$50.00 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 (45) 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 City of Baxter, 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.

Section 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 Article VI, Section 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 establish the records of all appeal actions and report any variances to FEMA upon request.

ARTICLE VII. LEGAL STATUS PROVISIONS

Section 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 City of Baxter, Tennessee, the most restrictive shall in all cases apply.

Section 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.

Section C. Effective Date

This Ordinance shall become effective immediately after its passage, in accordance with the Charter of the City of Baxter, Tennessee, and the public welfare demanding it.