

MUNICIPAL ZONING ORDINANCE

NEWBERN, TENNESSEE

Prepared for the
NEWBERN MUNICIPAL- REGIONAL PLANNING COMMISSION

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CHAPTER I

**MUNICIPAL ZONING ORDINANCE
OF THE TOWN OF
NEWBERN, TENNESSEE**

AUTHORITY, TITLE AND PURPOSE

11-101. AUTHORITY

An Ordinance, in pursuance of the authority granted by Section 13-7-201 through 13-7-211 of the Tennessee Code Annotated and for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare; to provide for the establishment of districts or zones within the Corporate Limits of Newbern, to regulate within such districts the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of population, the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes; to provide methods of administration of this Ordinance and to prescribe penalties for the violation thereof.

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF NEWBERN, AS FOLLOWS:

11-102. TITLE

This Ordinance shall be known and may be cited as the Municipal Zoning Ordinance of Newbern, and the map herein referred to which is identified by the title "Official Zoning Map," and all explanatory matters thereon are hereby adopted and made a part of this Ordinance.

11-103. PURPOSE

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the Town.

CHAPTER II

DEFINITIONS

11-201. DEFINITIONS AND RULES OF CONSTRUCTION OF LANGUAGE IN GENERAL

In the construction of the language of this Ordinance, the rules and definitions contained in this Chapter shall be observed and applied, except when the context clearly indicates otherwise;

1. The particular shall control the general;
2. The word "shall" is always mandatory and not discretionary.
3. The word "may" is permissive.
4. The word "lot" shall include the words "piece" or "parcel".
5. The word "building" or "structure" includes all other structures, or parts thereof, of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintain for", and "occupied for".
6. In the case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration or table, the text shall control.
7. The word "permitted" or words "permitted as of right", means permitted without meeting the requirements of a special exception pursuant to this Ordinance, and all other applicable provisions.
8. Words used in the present tense shall include the future, words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.
9. The categories established herein to define the permitted uses are derived from the Standard Land Use Coding Manual and adapted to the particular needs of the Town of Newbern. The Standard Land Use Coding Manual, provided as an supplement of this Ordinance is intended to serve as a guide in the determination of what uses are permitted in all districts.

11-202. DEFINITIONS

Accessory Building Or Use. A use customarily incidental and subordinate to the principal use of a building and located on the same lot with such principal use or building.

An accessory use includes, but is not limited to, the following:

- a. Off-street motor vehicle parking areas and loading and unloading facilities.
- b. A garage, shed, or building for domestic storage.
- c. A children's playhouse, garden house, or private greenhouse.
- d. Private swimming pools in residential districts.
- e. Fences

Adult Oriented Businesses: A commercial enterprise that exploits sex in one form or another comprising a large variety of sexually oriented businesses including movie theaters, bookstores, video rental outlets, escort agencies, massage parlors and topless/bottomless bars. Adult oriented business also refers to the materials or services that these businesses market including movies, videos, photographs, books, magazines, sexual devices, as well as nude or semi-nude dancing and massages.

Agriculture: See Code 81 of the Standard Land Use Coding Manual.

Agricultural Related Activities: See Code 82 of the Standard Land Use Coding Manual.

Alley: Any public or private way set aside for public travel, twenty (20) feet or less in width.

Amusement: An establishment which provides: arcade type entertainments including such items as pinball machines, video games and pool tables; miniature golf; or other amusements. (See Code 73 in the Standard Land Use Coding Manual)

Apartment. A room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a single-housekeeping unit, and which contains completed kitchen, bath, and toilet facilities, permanently installed.

Apartment House. A building arranged, intended, or designed to be occupied by two (2) or more families living independently of each other. (See also Multiple Family Dwelling)

Automobile Storage Yard (also Junk or Salvage Yard): Any land use for the parking and/or storage of one or more abandoned or impounded operable vehicles for which compensation is received.

Bed And Breakfast Establishment, referred to hereafter as the "establishment," means a private home, inn or other unique residential facility offering bed and breakfast accommodations and one (1) daily meal and having four (4) but not more than twelve (12) guest rooms furnished for pay, with guests staying not more than fourteen (14) days, and where the innkeeper resides on the premises or property or immediately adjacent to it. Guest rooms shall be established and maintained distinct and separate from the innkeeper's quarters;

Bed And Breakfast Homestay referred to hereafter as the "homestay," means a private home, inn or other unique residential facility offering bed and breakfast accommodations and one (1) daily meal and having less than four (4) guest rooms furnished for pay, with guests staying not more than fourteen (14) days, and where the innkeeper resides on the premises or property or immediately adjacent to it. Guest rooms shall be established and maintained distinct and separate from the innkeeper's quarters. These shall be considered transient lodging for the purposes of this Zoning Ordinance.

Beverage Store. A business which is duly licensed for retail sales of either intoxicating liquors or alcoholic beverages having an alcohol content of not more than five (5%) percent by weight and which otherwise complies with local and state regulations.

Billboards: See Signs - Off-premises.

Boarding House. A building and accessories thereof principally used, designed or adapted to provide living accommodation for not more than six (6) occupants and having common cooking and dining facilities. For the purposes of this Ordinance, boarding houses shall be considered multiple family.

Buffer Strip: A strip of land, established to protect one type of land use from another with which it is incompatible, which is landscaped and kept in perpetual open space uses.

Building. A structure having a roof supported by columns or walls, for the shelter, support, enclosure, or protection of persons, animals, chattels, or property. When separated by party walls, each portion of such building should be considered a separate structure. A principal or main building is a building in which is conducted the principal use of the lot on which it is located.

Building Line. The line of that face of the building nearest the front, side or rear line of the lot. This face includes carports and porches, whether enclosed or open, but does not include steps.

Building Line, Established. That line parallel to and a specific setback distance from a front lot line, beyond which a building cannot be constructed within the required yard created.

Building Height. The vertical distance measured from the average elevation of the proposed or existing finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

Bulk. Describes the size of buildings or other structures and their relationship to each other and to open areas and lot lines, and therefore includes:

- (a) The size (including height and floor area) of buildings or other structures,
- (b) The area of the zone lot upon which a building is located, and the number of dwelling units within residential buildings in relation to the area of the lot,
- (c) The location of exterior walls of buildings or other structures in relation to lot lines, to other walls of the same building, to legally required windows, or to other structures, and
- (d) All open areas relating to buildings or other structures and their relationship thereto.

Building, Main or Principal: A building in which the primary use of the lot is conducted.

Building Inspector (Building Official): The person designated to enforce the provisions of the Newbern Zoning Ordinance and other applicable Town, state, or federal regulations relating thereto.

Business Service: An establishment which provides aid or merchandise to retail trade establishments including: advertising firms; consumer and mercantile credit reporting and collection firms; duplicating, mailing and stenographic services; dwelling and building cleaning services; photo finishing; and trading stamp service (see Code 63 in the Standard Land Use Coding Manual).

Canopy - An extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.

Church: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory building and uses, is maintained and controlled by a religious body organized to sustain public worship.

Clinic: Any establishment housing facilities for medical or dental diagnosis and treatment exclusive of major surgical procedures for patients who are not kept overnight on the premises (see codes 6511, 6512 and 6517 in the Standard Land Use Coding Manual).

Commercial: Activities related to the provision of products and services. See retail and wholesale trade; financial, business, personal and professional services.

Communication: See Code 47 in the Standard Land Use Coding Manual.

Condominium-Residential: A multiple family or townhouse development where the individual units are owned separately with common ownership of the land surrounding the development.

Cultural Activity: Any institution concerned with the appreciation of nature and the humanities such as but not limited to museums, art galleries, historic sites and aquariums (see Code 71 in the Standard Land Use Coding Manual).

Density: Number of units per acre allowed by this Zoning Ordinance.

Discontinuance. The termination or abandonment of the use or occupancy of a site, facility, building or structure of any legally established permitted use.

District. A section of the municipality for which uniform regulations governing the use, height, area, and intensity of use of buildings and land, and open spaces about buildings are herein established.

Driveway: A paved or graveled way, on private property, providing access from a public way, street or alley, to the main buildings, carport, garage, parking space or other portion of the premises.

Dwelling: A building or portion thereof which is designed for or used for human residential habitation. For the purpose of this Ordinance, the term "dwelling" shall not include boarding or rooming houses, motels, hotels, or other structures designed for transient residence.

Dwelling-Mobile Home: See Mobile Home

Dwelling. Multiple-Family. A building or portion thereof, designed for occupancy by two (2) or more families living independently of each other (in separate dwelling units). (Also see Apartment, Condominium, and Townhouse).

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

Dwelling, Townhouse: An attached residential dwelling unit for occupancy by one (1) family constructed in a row with each unit occupying at least (2) stories. Each dwelling unit is separated from the adjoining unit in each story by an adjoining fire resistant wall which has no openings in it and extends from the lowest floor through the roof with each dwelling unit having independent access to the exterior in the ground floor, (also see Condominium, Residential).

Dwelling Unit: One or more rooms designed as a unit for occupancy by one (1) family for cooking, living, and sleeping purposes, which is part of multiple family structures.

Education Services: Established schools including primary, secondary, universities, colleges, junior colleges and various private facilities such as correspondence schools and art, dance and music schools (see Code 68 in the Standard Land Use Coding Manual).

Elderly Assisted Care (see also Nursing Home) A facility or development providing elderly care and housing, containing single rooms or other dwelling units which may consist of bedrooms, dinettes, and bathroom facilities, commonly containing group dining halls, recreational areas, and other communal areas provided that 24-hour medical care, medical staffing, and other services are required or provided. For the purposes of this Ordinance, these types of facilities shall be classified as multiple family complexes and apartments.

Elderly Congregate Living(see also Nursing Home) A facility or development providing elderly congregate group housing, containing individual dwelling units which may consist of one or more bedrooms, dining area, bathing and cooking facilities, or a combination thereof, provided that 24-hour medical care and medical staffing is not required or provided. For the purposes of this Ordinance, these types of facilities shall be classified as multiple family complexes and apartments.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, in connection therewith, but not including buildings or substations reasonably necessary for the furnishing of adequate services by such public utilities or municipal departments or commissions, or for the public health or safety or general welfare.

Exterior Boundary: See Exterior Yard.

Exterior Yard: A yard adjacent to the side or exterior boundaries of a mobile home park, a multiple family development or planned commercial development which is clear of any structures.

Factory Built Housing - A factory built structure designed for long term residential use. For the purposes of these regulations, factory built housing consist of three (3) types: modular homes, mobile homes and manufactured homes.

Family. One (1) or more persons occupying a premises and living as a single non-profit housekeeping unit.

Finance, Insurance and Real Estate Services: Those establishments which provide banking or bank related functions and insurance and real estate brokers. (See Code 61 in the Standard Land Use Coding Manual).

Garage, Private: A building or portion thereof for the storage of motor vehicles owned or used by the residents.

Governmental Agency: An agency of the Federal, State, or the Local Government or any combination thereof.

Governmental Services: See Code 67 of the Standard Land Use Coding Manual.

Grade: The ground elevation used for the purpose of regulating the height of buildings. The ground elevation used for this purpose shall be the average of the finished ground elevations at the front line of the building.

Group Home. As defined by Tennessee Code Annotated 13-24-101 through 13-24-104, a single-family residence in which eight (8) or fewer unrelated mentally retarded, mentally handicapped or physically handicapped persons reside, and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally retarded, mentally handicapped or physically handicapped persons residing in the home. This does not apply to such family residences wherein handicapped persons reside when such residences are operated on a commercial basis.

Any group home other than the above shall be considered multiple family.

Habitable Space: Areas within the building designed and/or used as living quarters for human beings.

Hazardous Substance: Any compound or use that can pose a substantial present or potential hazard to health or the environment when improperly treated, handled, stored, transported, disposed of or otherwise managed as defined by Section 68-121-102 of the

Tennessee Code Annotated, or listed as hazardous or toxic by the Tennessee Department of Public Health or the U.S. Environmental Protection Agency.

Height: See Building, height of.

Home Occupation. An accessory use of a service character customarily conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use.

Industry: See Manufacturing

Institution: A building occupied or operated by a non-profit society, corporation, individual foundation or governmental agency for the purpose of providing charitable, social, educational or similar services of a charitable character to the public.

Junk or Salvage Yard (see also Automobile Storage Yard): Any land or building used for the abandonment, storage, keeping, collecting or bailing of paper, rags, scrap metals or other scrap or discarded materials. Any land or building used for the storage, demolition, dismantling or salvaging of inoperable vehicles, machinery or parts thereof.

Landscaping: A planted and maintained area of trees, shrubs, lawns, and other ground cover or materials designated to present an aesthetic buffer between properties and adjoining uses or street areas.

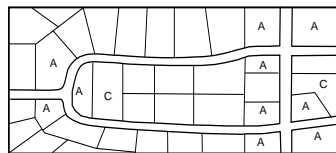
Loading Space: An off-street space on the same lot with a building or group of buildings for temporary parking of a vehicle while loading and unloading merchandise or materials.

Lot. A parcel of land occupied or unoccupied in one ownership, which may include one (1) or more lots or record. All lots shall front on and have access to a public street.

Lot, Corner: A lot abutting upon two (2) or more streets at their intersection. (See A in illustration 1)

Lot, Double Frontage: A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot. (See C in illustration 1)

ILLUSTRATION 1



Lot Area: The total horizontal area included within lot lines.

Lot Coverage: The lot area covered by all buildings located therein.

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

Lot of Record. A lot which is part of a subdivision recorded in the Office of the County Register, or lot or parcel described by metes and bounds, the description of which has been so recorded prior to the adoption of the Newbern Zoning Ordinance, any subsequent Zoning Ordinance, or an amendment of the Newbern Zoning Ordinance which applies to the lot in question.

Lot Width: The horizontal measurement at the building line.

Manufacturing: The production of a product at a fixed site (see Code 21 through 39 in the Standard Land Use Coding Manual).

Medical Services: Those establishments which provide aid or merchandise relating to or concerned with the practice of medicine. (See Code 651 in the Standard Land Use Coding Manual)

Mixed Use Occupancy The presence of residential and nonresidential uses within the same complex or same building.

Mobile Homes: A factory-assembled, movable dwelling unit designed and constructed to be towed on its own permanent chassis, comprised of frame and wheels, to be used with or without a permanent foundation for permanent occupancy, but with the necessary service connections for required utilities, and distinguishable from other types of permanent dwellings in that the standards to which it is built include provisions for its mobility on that chassis as a vehicle.

The character of a mobile home as a non-permanent dwelling shall not be changed in the view of this Ordinance by removal of the wheels and/or carriage or placement on a permanent foundation. A travel trailer is not to be considered as a mobile home.

Mobile Home Park. Any plot of ground upon which three (3) or more mobile homes, occupied for dwelling or sleeping purpose, are located, regardless of whether or not a charge is made for such accommodations.

Mobile Home Space. The term mobile home space shall mean a plot of ground within a mobile home park designated for the accommodation of one (1) mobile home.

Modular Home: A residential dwelling which is a structural unit or pre-assembled component unit including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building and not designed for ready removal to another site.

Motor Vehicle Transportation: Transportation services including bus, taxi and motor freight transportation. (See Code 42 of the Standard Land Use Coding Manual)

Non-Conforming Structure: A structure which was lawfully constructed prior to enactment or amendment to this Ordinance or any preceding Zoning Ordinance that does not conform with the provisions of this Ordinance for the district in which it is located.

Non-conforming Sign: A sign which lawfully existed prior to the adoption of the Newbern Zoning Ordinance, any preceding Zoning Ordinance, and subsequent amendments but which no longer conforms to the regulations.

Non-conforming Use: Any use of building or premises which lawfully existed prior to the adoption of, or amendment of this Ordinance, any preceding Zoning Ordinance but which no longer complies with the use regulations of the district in which it is located.

Noxious Matter: Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the social, economic, or psychological well-being of individuals (also see toxic materials).

Nursery: Refers to the various arrangements made by parents for the care outside their home of children under seventeen (17) years of age, for less than 24-hour periods as provided in Tennessee Code Annotated, Section 71-3-501 through 71-3-533 as well as all pertinent rules, regulations, and standards of the Tennessee Department of Human Services. A building or structure used for the care of children as defined herein. Such a facility normally includes one of the following types.

- (1) **Family Day Care Home:** means the home operated by any person who receives therein a minimum of five (5) and a maximum of seven (7) children under seventeen (17) years of age who are not related to such person and whose parents and guardians are not residents in the same house, for less than 24 hours per day for care without transfer of custody. As used in this [definition,] “related” means the children, stepchildren, grandchildren, siblings, stepsiblings, nieces and nephews of the primary caregiver; (A license is generally not required for a house providing care for fewer than 5 children.)
- (2) **Group Day Care Home:** means any place operated by a person, social agency, corporation, institution, or other group which receives a minimum of eight (8) and a maximum of twelve (12) children and up to three (3) additional school age children who will only be present before and after school, on school holidays, on school snow days, and during summer vacation for less than 24 hours per day for care outside their own home without transfer of custody.
- (3) **Day Care Center:** means any place operated by a person, society, agency, corporation, institution or religious organization, or any other group wherein are received thirteen (13) or more children under seventeen (17) years of age for group care for less than twenty-four (24) hours per day, without transfer of custody.

Off-Street Loading and Unloading Space. An open hard surfaced area other than a street or a public way, the principal use of which is for standing, loading and unloading of vans, trucks, tractors, and trailers to avoid undue interference with the public use of streets and alleys.

Parks: An open area set aside for leisure activities which is not used for the operation of a profit making venture, such as but not limited to playgrounds, athletic or playfields and picnic areas.

Parking Lot. A parking lot shall mean any land used, provided or permitted to be used for the parking of automobiles.

Periphery Boundary: (See Exterior Yard)

Personal Services: Services which include laundry, beauty, funeral, and other services to individuals. (See Code 62 in the Standard Land Use Coding Manual).

Philanthropic Institution: An organization which distributes funds for humanitarian purposes or which is supported by public donations and which has as its principal activity the promotion of human welfare. This shall include, but not be limited to: civic clubs; organizations such as Lions, Moose, Elks, United Way, etc.

Principal Building: A building in which is conducted the primary use of the lot on which it is located.

Principal Use: The specific primary purpose for which land or a building is used.

Professional Services: Those services normally provided by the established professions such as, but not limited to, physician services, dental services, legal services, engineering services, architectural services and accounting services. (See Code 65 in the Standard Land Use Coding Manual).

Public Assembly Facility: Any of the following types of institutions or installations where community activities are typically performed such as: parochial and private clubs, lodges, meeting halls, recreation centers and areas; temporary festivals; theaters; public, parochial and private museums and art galleries; places of worship, including any structure or site such as a church, synagogue, chapel, sanctuary or cathedral, used for collective or individual involvement with a religious activity, such as rites, rituals, ceremonies, prayer and discussion; public community centers and recreational areas such as playgrounds, playfields and parks.

Public Uses: Facilities such as, but not limited to parks, schools, and offices owned and operated by governmental bodies.

Public Utility: Any plant or equipment for the conveyance of telephone messages or for the production, transmission, delivery of, or furnishing of heat, chilled air, chilled water, light, power or water, or sewage facilities, either directly or indirectly to or for the public (see Codes 47 and 48 except Code 4823 and 485).

Real Estate Sign: A sign indicating that a parcel is for sale or rent. This shall include sold signs and signs that indicate that a parcel or structure has been sold through words such as "future home of company b".

Recreational Activities: Sports activity, playground and athletic areas, swimming areas, marinas and other similar activities. (See Code 74 of the Standard Land Use Coding Manual).

Recreational Vehicle: A trailer towed behind a car or a self propelled vehicle intended for use as a temporary recreational dwelling.

Repair Services: Those establishments which fix, mend or overhaul merchandise for households or businesses (See Code 64 in the Standard Land Use Coding Manual).

Retail Trade: Those establishments engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. (See Code 52 through 59 in the Standard Land Use Coding Manual).

Schools, Parochial: An institution of learning owned and/or operated by a recognized church or religious institution.

Signs: Any device designed to inform, or attract the attention of persons which presents a name, symbol, logo or advertisement for services or products offered on or off-site as allowed under the regulations of this Ordinance. The term sign shall include the sign structure and all attachments, if attached to a structure, or ground mounted, shall include a base, poles, mounts or attachments from the ground level upward. For more specific definitions used in Section 11-906.

Site Plan: A plan delineating the overall scheme of the development of a tract including all items as specified in this Ordinance.

Special Exception. A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to the number, area, location, or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as special exceptions, if specific provision for such special exceptions is made in this Zoning Ordinance.

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.

"Half Story": A story under a slopping roof, the finished floor area which does not exceed one half the floor area of the floor immediately below it, or a basement used for a human occupancy, the floor area of the part of the basement thus used not to exceed fifty (50) percent of the floor area of the floor immediately above.

Street. A public or private way which affords the principal means of access to abutting properties. The word "street" shall include the words "road", "highway", and "thoroughfare".

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

Street Center Lines: The center of the surface roadway or the surveyed center line of the street.

Structure. Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something not having a permanent location on the ground.

Temporary Structure: A moveable structure (anything constructed or erected) which either is not permanently attached to a permanent foundation, concrete slab or footing, or which is equipped with a permanent steel chassis.

"Total Floor Area": The area of all floors of a building including finished attics, finished basements, covered porches, and carports.

Townhouse. A townhouse dwelling is an attached single-family dwelling constructed in a row of three (3) to eight (8) single-family dwellings, each dwelling being separated from the adjoining dwellings in each story by a two (2) hour-rated masonry fire wall with no penetrations, such wall extended through the roof two feet and each dwelling having independent access to the exterior in the ground story.

Toxic Materials: Material (gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.

Transient Lodging: Temporary lodging as set forth in Code 15 of the Standard Land Use Coding Manual limited to hotels and motels.

Travel Trailer - A vehicular portable structure designed as a temporary dwelling for travel, recreational, and vacation uses, which:

- (1) is identified on the unit by the manufacturer as a travel trailer;
- (2) is not more than eight (8) feet in body width;
- (3) is of any weight provided its body length does not exceed 29 feet; or
- (4) is of any length provided its gross weight, factory equipped for the road, does not exceed 4,500 pounds.

Travel Trailer Park: Any plot of ground which two (2) or more travel trailers, occupied for temporary living purposes, are located, regardless of whether or not a charge is made for such accommodations.

Travel Trailer Space: The term travel trailer space shall mean a plot of ground within a travel trailer park designated for the accommodation of one (1) travel trailer.

Usable Floor Area: Measurement of usable floor area shall be the sum of gross horizontal areas of the several floors of the building, measured from the interior faces of

the exterior walls. Floor area which is used or intended to be used principally for the storage or processing of merchandise or for utilities shall be excluded from this computation.

Use: The special purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

Use and Occupancy Permit. A written permit issued by the Building Inspector required before occupying or commencing to use any building or other structure or any lot.

Utilities: Gas, water, electricity, sewer and telephone services provided by government agencies or private companies (See Code 48 in the Standard Land use Coding Manual).

Variance: A modification of the strict application of the area (lot, yard and open space) regulations and development standards of this Ordinance due to exceptionally irregular, narrow, shallow, or steep lots, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of reasonable use of the property.

The salient points of a variance are (1) undue hardship caused by exceptional physical irregularities of the property; and (2) unique circumstances due to the exceptional physical irregularities; and, (3) strict application of the area regulations and development standards which would deprive an owner of reasonable use of the property. A variance is not justified unless all three elements are present.

Veterinary Hospital or Clinic: Any establishment maintained and operated by a licensed veterinarian for the surgery, diagnosis and treatment of diseases or injuries of animals. Such an establishment may include accessory boarding facilities provided they are located within the building. (See Code 8221 and 8222 Standard Land Use Coding Manual).

Warehouse: A structure used exclusively for the storage of merchandise or commodities.

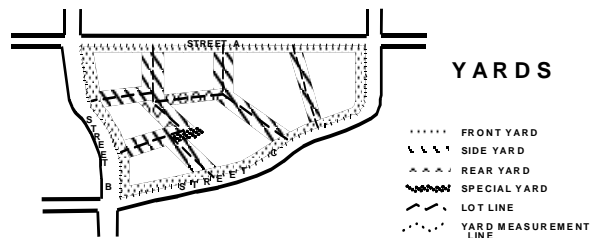
Wholesale Trade: Establishments or places of business primarily engaged in selling merchandise to retailer, to industrial, commercial, farm, or professional business users, or to other wholesalers, or acting as agents or brokers in buying merchandise for, or selling merchandise to such persons or companies. (See Code 51 in the Standard Land Use Coding Manual).

"Yards": Any open space on the same lot with a principal building open, unoccupied and unobstructed by building from the ground to the sky except as otherwise provided in

this Ordinance. The measure of a yard shall be the minimum horizontal distance between any part of the principal building and lot or street right-of-way lines.

- (1) **"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. On corner lots, the yards adjacent to both streets shall be front yards. (See Illustration 2)

ILLUSTRATION 2



- (2) **"Side Yard"**: The yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side building line. (See Illustration 2)
- (3) **"Rear Yard"**: A yard extending across the rear of a lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear building line. On all lots except corner lots, the rear yard shall be defined at the time the building permit is issued. (See Illustration 2)

Yard Sale (also Garage Sale): The temporary exhibition of goods on residential or church property for the purpose of selling or trading excluding one motor vehicle, one watercraft, one farm implement, or a combination of two of these exclusions.

Zoning Districts: Any section of the Town for which the zoning regulations, governing the use of buildings and premises, the height of buildings, the size of the yards and the intensity of use are uniform.

CHAPTER III

ESTABLISHMENT OF DISTRICTS

11-301. CLASSIFICATION OF DISTRICTS - For the purpose of this Ordinance, Newbern, Tennessee, is hereby divided into thirteen (13) districts, designated as follows:

- R-1 Low Density Single Family Residential
- R-2 Medium Density Single Family Residential
- R-3 High Density Single Family Residential
- R-4 Medium Density Residential
- R-5 High Density Residential
- R-6 Low Density Mixed Structure Residential
- B-1 General Business
- B-2 Central Business
- R-O Residential-Office
- C-M Commercial-Industrial
- I-1 Light Industrial
- I-2 Heavy Industrial
- F-H Flood Hazard

11-302. BOUNDARIES OF DISTRICTS AND RULES FOR THE INTERPRETATION OF THESE DISTRICT BOUNDARIES

- A. The boundaries of districts in Section 11-301 of this Chapter are hereby established as shown on the Official Zoning Map entitled "Official Zoning Map of Newbern, Tennessee", which is a part of this Ordinance and which is on file in the City Hall. Boundaries indicated as flood hazard areas are approximations for administrative purposes. For more definitive boundaries, refer to appropriate Federal Insurance Rate Map as named in Chapter VIII.
- B. The Official Zoning Map shall be identified by the signature of the Mayor attested by the Recorder.
- C. If, in accordance with the provisions of this Ordinance and Tennessee Code Annotated, Sections 13-7-203 and 13-7-204 changes of amendments are made in district boundaries or other matter portrayed on the Official Zoning Map.
- D. 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 Town Board may adopt a new Official Zoning Map which shall supercede the prior Official Zoning Map. The Official Zoning Map may correct drafting or other

errors or omissions in the prior Official Zoning Ordinance or any subsequent amendment thereof.

- E. Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets or alleys, railroad rights-of-way, or the corporate limit lines as they existed at the time of the enactment of this Ordinance. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.
- F. Where the district boundaries are not otherwise shown, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.
- G. In any unsubdivided property, the district boundary lines on the Zoning Map accompanying and made a part of this Ordinance shall be determined by use of the scale appearing on the map.

CHAPTER IV
PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

11-401. R-1 (LOW DENSITY SINGLE FAMILY RESIDENTIAL) DISTRICTS The purpose of the low density district is to maintain the character of areas that currently exist or are suitable for the development of customary detached single family homes and accessory structures. These provisions have been devised to encourage adequate open space promoting emergency access as well as aesthetic quality while protecting these neighborhoods from unnecessary traffic congestion associated with greater population densities and more intense activities.

Within the R-1 (Low Density Single Family Residential) Districts, as shown on the Zoning Map of Newbern, Tennessee, the following regulations shall apply:

A. Uses Permitted.

1. Single-family dwellings except mobile homes on individual lots;
2. Accessory uses and buildings customarily incidental to any aforementioned permitted uses;
3. Name Plate and Real Estate Signs in accordance with Chapter IX, 11-906 of this Ordinance;
4. Utility wires and mains, Street and Railroad Rights-of-way;
5. Agricultural crops and gardening;

B. Special Exceptions

1. Churches and other Places of Worship
2. Schools
3. Libraries
4. Parks, Golf Courses, Tennis Courts, Playgrounds, Gymnasiums, and Recreation Centers
5. Public Utility facilities
6. Cemeteries
 - a. As a condition of approval of the aforementioned Special Exceptions, site plans shall be approved by the Board of Zoning Appeals in accordance with Chapter IX, Section 11-908 of this Ordinance. The Board of Zoning Appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall

include: the power to require greater setbacks and yard spaces than required by other provisions of this Ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. This power shall not include the power to specify or alter the architectural style of proposed buildings, the power to specify building materials or colors, or other similar powers.

7. Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without 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 preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:
 - a. the proposed use shall be located and conducted in the principal building only;
 - b. the principal and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
 - c. not more than twenty-five (25) percent of the total floor area in dwelling unit shall be devoted to the proposed use;
 - d. the proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
 - e. no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
 - f. the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
 - g. the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located;
 - h. the provisions of this section shall not be used under any circumstances to permit; gift, florist, antique shops or other retail shops; or medical and health services specifically due to the burdens of traffic, parking, and utility demands posed by these operations.

- i. Adequate off-street parking shall be provided as required in Chapter IX of this Ordinance.
8. Family Day Care Home, Group Day Care Home, and Day Care Center, as defined in Chapter 2 under Nursery School, may be permitted by the Board of Zoning Appeals upon approval of a site plan which is drawn to scale and which addresses the criteria enumerated in Chapter IX, Section 11-908 of this Ordinance. The approval and the site plan may be subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a minimum, these operations approved shall meet the following requirements:
- a. The Family Day Care Home, Group Day Care Home, and Day Care Center shall be conducted in single family residences only. Accessory structures may not be used for nursery school facilities.
 - b. Minimum required lot area;
 - (1) Family Day Care Home, Group Day Care Home, and Day Care Center - 12,000 square feet.
 - c. Minimum required fenced play area.
 - (1) Family Day Care Home, Group Day Care Home, and Day Care Center - 200 square feet per child
 - d. The Board of Zoning Appeals shall also specifically address the need for set back of fenced play area and buffering of the fenced play area, and may require set back and/or buffering in specific cases to protect adjacent residential uses.
 - e. All outdoor play activities shall be conducted within the fenced play area.
 - f. The nursery school facilities, maintenance and operation shall meet the requirements of the Tennessee Department of Human Services and any other applicable local, state, or federal regulations.
 - g. There may be signs advertising the property as a daycare facility.
9. Telecommunications Equipment on Existing Structures Only may be permitted by the Board of Zoning Appeals upon approval of a proposal which addresses the criteria enumerated in Chapter IX, Section 11-909 of this Ordinance. The approval and the site plan may be subject to such

conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a minimum, these structures approved shall meet the requirements in Chapter IX, Section 11-909.

10. Standards for Wedding Chapels - The Board of Zoning Appeals may authorize the issuance of a Special Exception for a Wedding Chapel subject to the following additional standards:

- (a.) Minimum Area Regulations Half acre
- (b.) Minimum Lot Width at Building Line 100 feet
- (c.) Minimum Required Front Yard 30 feet
- (d.) Minimum required rear yard 30 feet
- (e.) Minimum required side yard 15 feet or more as required by the Board of Zoning Appeals.
- (f.) Maximum Lot Coverage by All Buildings 50% or less as required by the Board of Zoning Appeals.
- (g.) Parking Regulations Adequate off-street parking shall be provided. One space shall be required for every three seats.

11. Standards for Bed and Breakfast Homestay - The Board of Zoning Appeals may authorize the issuance of a special exception for a Bed and Breakfast Homestay subject to the following additional standards:
- (a) A minimum of one (1) off street parking space, per room to be occupied by guests, shall be provided for in addition to any parking on premises for permanent residents.
 - (b.) The dwelling unit shall maintain conformance with the general character of the neighborhood in which it is located.
 - (c.) Signs advertising the Bed and Breakfast Homestay shall not exceed three (3) square feet in area and shall be non-illuminated. The sign may only indicate the name of the occupant and/or the name of the Bed and Breakfast Homestay.
 - (d) No more than three (3) sleeping quarters of the dwelling unit shall be used for lodging in the Bed and Breakfast Homestay. This would not apply to other parts of the dwelling unit, which may be incidentally used by guests such as bathrooms, kitchen, and living room areas not being used as sleeping quarters by guests.
 - (e) The permanent residents of the dwelling unit shall establish separate and distinct sleeping quarters from the Bed and Breakfast Homestay guests.
 - (f) Proprietors of the Bed and Breakfast Homestay shall also be permanent residents of the dwelling in which it is located. All area and yard requirements of the district must be met.
 - (g) An accurately drawn plan shall be presented to the Board of Zoning Appeals at least (10) days prior to the meeting. The site plan shall show the location of the principal building, off street automobile parking, relationship to adjoining properties and surrounding land uses, existing zoning of the proposed site, any required screening, and other information as may be required by the Newbern Board of Zoning Appeals.
 - (h) All applicable Federal, State, and Municipal Codes, including municipal fire, building, and electrical codes, shall be complied with as a condition of approval by the Board of Zoning Appeals.
 - (i.) Lodging of guests at the proposed Bed and Breakfast Homestay shall be limited to no more than fourteen (14) days during any one stay.

- (j.) The Board of Zoning Appeals may also attach other conditions on the use of the structure or site, which will be necessary to carry out the intent of the Zoning Ordinance.
- (k.) No more than two (2) paid staff members/employees are permitted for Bed and Breakfast Homestay

12. Accessory uses and buildings customarily incidental to any aforementioned special exception.

C. Uses Prohibited.

Any other uses or structures not specifically permitted or permissible on appeal as a special exception in this Chapter. This shall include advertising signs or billboards and mobile homes, except as specifically permitted by this Ordinance.

D. Location of Accessory Buildings.

- 1. See Section 11-714.
- 2. Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

E. Regulations Controlling Lot Area, Lot Width, Yards, Building Height. The principal building shall be located so as to comply with the following requirements.

- 1. Minimum Area Regulations
 - a. Dwelling units 12,000 sq. ft. for the dwelling unit.
 - b. Churches
Two (2) acres or 200 square feet of lot area per auditorium seat, which ever is greater.
 - c. Schools
Five (5) acres plus one (1) acre for each 100 students.
 - d. Cemeteries
Two (2) acres

e. Other uses 12,000 sq. ft. or greater as required by the Board of Zoning Appeals.

2. Minimum Lot Width At Building Line

a. Single Family Dwellings 100 feet

b. Churches 100 feet

c. Other uses 100 feet or greater as required by the Board of Zoning Appeals.

3. Minimum Required Front Yard.

a. Dwelling 35 feet

b. Churches 50 feet

c. Other uses 50 feet or more as required by the Board of Zoning Appeals.

4. Minimum required rear yard.

a. Single Family Dwellings 30 feet

b. Churches 35 feet

c. Other uses 35 feet or more as required by the Board of Zoning Appeals.

5. Minimum required side yard

a. Dwellings - One and Two Story 15 feet
Three Story 20 feet

b. Churches 30 feet

c. Other uses 15 feet or more as required by the Board of Zoning Appeals.

6. Maximum Lot Coverage By All Buildings.

- a. Single Family Dwellings and accessories 30%
- b. Churches 25%
- c. Other uses 50% or less as required by the Board of Zoning Appeals.

7. Maximum Height Regulations

- a. No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet however;
- b. On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1.5) stories or twenty-five (25) feet in height.
- c. No accessory building shall exceed one (1) story in height.
- d. Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and Ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

F. Parking Regulations

Adequate off-street parking shall be provided as required in Chapter IX of this Ordinance.

11-402. R-2 (MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL) DISTRICTS

The purpose of the medium density district is to maintain the single family character of areas while permitting development at a higher density in order to maximize the use of existing or proposed utility and drainage improvements. These provisions have been devised to encourage adequate open space promoting emergency access as well as aesthetic quality while protecting these neighborhoods from unnecessary traffic congestion associated with greater population densities and more intense activities.

Within the R-2 (Medium Density Single Family Residential) Districts, as shown on the Zoning Map of Newbern, Tennessee, the following regulations shall apply:

A. Uses Permitted.

1. Single-family dwellings except mobile homes on individual lots.
2. Accessory uses and buildings customarily incidental to any aforementioned permitted uses
3. Name Plate and Real Estate Signs in accordance with Chapter IX, 11-906 of this Ordinance
4. Utility wires and mains, Street, and Railroad Right-of-way
5. Agricultural crops and gardening

B. Special Exceptions.

1. Churches and other Places of Worship
 2. Schools
 3. Libraries
 4. Parks, Golf Courses, Tennis Courts, Playgrounds, Gymnasiums, and Recreation Centers
 5. Public Utility facilities
 6. Cemeteries
- a. As a condition of approval of the aforementioned Special Exceptions, site plans shall be approved by the Board of Zoning Appeals in accordance with Chapter IX, Section 11-908 of this Ordinance. The Board of Zoning Appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this Ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. This power shall not include the power

to specify or alter the architectural style of proposed buildings, the power to specify building materials or colors, or other similar powers.

7. Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without 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 preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:
 - a. the proposed use shall be located and conducted in the principal building only;
 - b. the principal and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
 - c. not more than twenty-five (25) percent of the total floor area in dwelling unit shall be devoted to the proposed use;
 - d. the proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
 - e. no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
 - f. the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
 - g. the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located;
 - h. the provisions of this section shall not be used under any circumstances to permit; gift, florist, antique shops or other retail shops; or medical and health services specifically due to the burdens of traffic, parking, and utility demands posed by these operations.
 - i. Adequate off-street parking shall be provided as required in Chapter IX of this Ordinance.

8. Family Day Care Home, Group Day Care Home, and Day Care Center, as defined in Chapter 2 under Nursery School, may be permitted by the Board of Zoning Appeals upon approval of a site plan which is drawn to scale and which addresses the criteria enumerated in Chapter IX, Section 11-908 of this Ordinance. The approval and the site plan may be subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a minimum, these operations approved shall meet the following requirements:
 - a. The family and group home shall be conducted in single family residences only. Accessory structures may not be used for nursery school facilities.
 - b. Minimum required lot area;
 - (1) Family Day Care Home, Group Day Care Home, and Day Care Center - 9,500 square feet.
 - c. Minimum required fenced play area.
 - (1) Family Day Care Home, Group Day Care Home, and Day Care Center - 200 square feet per child
 - d. The Board of Zoning Appeals shall also specifically address the need for set back of fenced play area and buffering of the fenced play area, and may require set back and/or buffering in specific cases to protect adjacent residential uses.
 - e. All outdoor play activities shall be conducted within the fenced play area.
 - f. The nursery school, maintenance and operation shall meet the requirements of the Tennessee Department of Human Services and any other applicable local, state, or federal regulations.
 - g. There may be signs advertising the property as a daycare facility.
9. Telecommunications Equipment on Existing Structures Only may be permitted by the Board of Zoning Appeals upon approval of a proposal which addresses the criteria enumerated in Chapter IX, Section 11-909 of this Ordinance. The approval and the site plan may be subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a minimum, these structures approved shall meet the requirements in Section Chapter IX, Section 11-909 of this Ordinance.

10. Standards for Wedding Chapels - The Board of Zoning Appeals may authorize the issuance of a Special Exception for a Wedding Chapel subject to the following additional standards:
- (a.) Minimum Area Regulations Half acre
 - (b.) Minimum Lot Width at Building Line 100 feet
 - (c.) Minimum Required Front Yard 30 feet
 - (d.) Minimum required rear yard 30 feet
 - (e.) Minimum required side yard 15 feet or more as required by the Board of Zoning Appeals.
 - (f.) Maximum Lot Coverage by All Buildings 50% or less as required by the Board of Zoning Appeals.
 - (g.) Parking Regulations Adequate off-street parking shall be provided. One space shall be required for every three seats.
11. Standards for Bed and Breakfast Homestay - The Board of Zoning Appeals may authorize the issuance of a special exception for a Bed and Breakfast Homestay subject to the following additional standards:
- (a.) A minimum of one (1) off street parking space, per room to be occupied by guests, shall be provided for in addition to any parking on premises for permanent residents.
 - (b.) The dwelling unit shall maintain conformance with the general character of the neighborhood in which it is located.
 - (c.) Signs advertising the Bed and Breakfast Homestay shall not exceed three (3) square feet in area and shall be non-illuminated. The sign may only indicate the name of the occupant and/or the name of the Bed and Breakfast Homestay.
 - (d.) No more than three (3) sleeping quarters of the dwelling unit shall be used for lodging in the Bed and Breakfast Homestay. This

would not apply to other parts of the dwelling unit, which may be incidentally used by guests such as bathrooms, kitchen, and living room areas not being used as sleeping quarters by guests.

- (e) The permanent residents of the dwelling unit shall establish separate and distinct sleeping quarters from the Bed and Breakfast Homestay guests.
- (f) Proprietors of the Bed and Breakfast Homestay shall also be permanent residents of the dwelling in which it is located. All area and yard requirements of the district must be met.
- (g) An accurately drawn plan shall be presented to the Board of Zoning Appeals at least (10) days prior to the meeting. The site plan shall show the location of the principal building, off street automobile parking, relationship to adjoining properties and surrounding land uses, existing zoning of the proposed site, any required screening, and other information as may be required by the Newbern Board of Zoning Appeals.
- (h) All applicable Federal, State, and Municipal Codes, including municipal fire, building and electrical codes, shall be complied with as a condition of approval by the Board of Zoning Appeals.
- (i.) Lodging of guests at the proposed Bed and Breakfast Homestay shall be limited to no more than fourteen (14) days during any one stay.
- (j.) The Board of Zoning Appeals may also attach other conditions on the use of the structure or site, which will be necessary to carry out the intent of the Zoning Ordinance.
- (k). No more than two (2) paid staff members/employees are permitted for Bed and Breakfast Homestay

12. Accessory uses and buildings customarily incidental to any aforementioned special exception.

C. Uses Prohibited.

Any other uses or structures not specifically permitted or permissible on appeal as a special exception in this Chapter. This shall include advertising signs or billboards and mobile homes, except as specifically permitted by this Ordinance.

D. Location of Accessory Buildings.

1. See Section 11-714.
2. Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

E. Regulations Controlling Lot Area, Lot Width, Yards, Building Height. The principal building shall be located so as to comply with the following requirements.

1 Minimum Area Regulations

- a. Dwelling units 9,500 sq. ft. for the dwelling unit.
- b. Churches
Two (2) acres or 200 square feet of lot area per auditorium seat, which ever is greater.
- c. Schools
Five (5) acres plus one (1) acre for each 100 students.
- d. Cemeteries
Two (2) acres
- e. Other uses 9,500 sq. ft. or greater as required by the Board of Zoning Appeals.

2. Minimum Lot Width At Building Line

- a. Single Family Dwellings 85 feet
- b. Churches 100 feet
- c. Other uses 100 feet or greater as required by the Board of Zoning Appeals.

3. Minimum Required Front Yard.

- a. Dwelling 30 feet
- b. Churches 40 feet

- c. Other uses 40 feet or more as required by the Board of Zoning Appeals.
- 4. Minimum required rear yard.
 - a. Single Family Dwellings 25 feet
 - b. Churches 30 feet
 - c. Other uses 30 feet or more as required by the Board of Zoning Appeals.
- 5. Minimum required side yard
 - a. Dwellings - One and Two Story 10 feet
Three Story 20 feet
 - b. Churches 30 feet
 - c. Other uses 15 feet or more as required by the Board of Zoning Appeals.
- 6. Maximum Lot Coverage By All Buildings.
 - a. Single Family Dwellings and accessories 40%
 - b. Churches 25%
 - c. Other uses 50% or less as required by the Board of Zoning Appeals.
- 7. Maximum Height Regulations
 - a. No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet however;
 - b. On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1.5) stories or twenty-five (25) feet in height.

- c. No accessory building shall exceed one (1) story in height.
- d. Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and Ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

F. Parking Regulations

Adequate off-street parking shall be provided as required in Chapter IX of this Ordinance.

11-403. R-3 (HIGH DENSITY SINGLE FAMILY RESIDENTIAL) DISTRICTS The purpose of the high density district is to maintain the single family character of areas while permitting development at the highest density in order to maximize the use of existing or proposed utility and drainage improvements. These provisions have been devised to encourage adequate open space promoting emergency access as well as aesthetic quality while protecting these neighborhoods from unnecessary traffic congestion associated with greater population densities and more intense activities.

Within the R-3 (High Density Single Family Residential) Districts, as shown on the Zoning Map of Newbern, Tennessee, the following regulations shall apply:

A. Uses Permitted.

1. Single-family dwellings except mobile homes on individual lots.
2. Accessory uses and buildings customarily incidental to any aforementioned permitted uses
3. Name Plate and Real Estate Signs in accordance with Chapter IX, 11-906 of this Ordinance
4. Utility wires and mains, Street and Railroad Rights-of-way
5. Agricultural crops and gardening

B. Special Exceptions.

1. Churches and other Places of Worship
 2. Schools
 3. Libraries
 4. Parks, Golf Courses, Tennis Courts, Playgrounds, Gymnasiums, and Recreation Centers
 5. Public Utility facilities
 6. Cemeteries
- a. As a condition of approval of the aforementioned Special Exceptions, site plans shall be approved by the Board of Zoning Appeals in accordance with Chapter IX, Section 11-908 of this Ordinance. The Board of Zoning Appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this Ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. This power shall not include the power

to specify or alter the architectural style of proposed buildings, the power to specify building materials or colors, or other similar powers.

7. Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without 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 preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:
 - a. the proposed use shall be located and conducted in the principal building only;
 - b. the principal and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
 - c. not more than twenty-five (25) percent of the total floor area in dwelling unit shall be devoted to the proposed use;
 - d. the proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
 - e. no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
 - f. the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
 - g. the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located;
 - h. the provisions of this section shall not be used under any circumstances to permit; gift, florist, antique shops or other retail shops; or medical and health services specifically due to the burdens of traffic, parking, and utility demands posed by these operations.
 - i. Adequate off-street parking shall be provided as required in Chapter IX of this Ordinance.

8. Family Day Care Home, Group Day Care Home, and Day Care Center, as defined in Chapter 2 under Nursery School, may be permitted by the Board of Zoning Appeals upon approval of a site plan which is drawn to scale and which addresses the criteria enumerated in Chapter IX, Section 11-908 of this Ordinance. The approval and the site plan may be subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a minimum, these operations approved shall meet the following requirements:
 - a. The Family Day Care Home, Group Day Care Home, and Day Care Center shall be conducted in single family residences only. Accessory structures may not be used for nursery school facilities.
 - b. Minimum required lot area;
 - (1) Family Day Care Home, Group Day Care Home, and Day Care Center - 7,000 square feet.
 - c. Minimum required fenced play area.
 - (1) Family Day Care Home, Group Day Care Home, and Day Care Center - 200 square feet per child
 - d. The Board of Zoning Appeals shall also specifically address the need for set back of fenced play area and buffering of the fenced play area, and may require set back and/or buffering in specific cases to protect adjacent residential uses.
 - e. All outdoor play activities shall be conducted within the fenced play area.
 - f. The nursery school facilities, maintenance and operation shall meet the requirements of the Tennessee Department of Human Services and any other applicable local, state, or federal regulations.
 - g. There may be signs advertising the property as a daycare facility.
9. Telecommunications Equipment on Existing Structures Only may be permitted by the Board of Zoning Appeals upon approval of a proposal which addresses the criteria enumerated in Chapter IX, Section 11-909 of this Ordinance. The approval and the site plan may be subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a minimum, these structures approved shall meet the requirements in Chapter IX, Section 11-909 of this Ordinance.

10. Standards for Wedding Chapels - The Board of Zoning Appeals may authorize the issuance of a Special Exception for a Wedding Chapel subject to the following additional standards:
- (a.) Minimum Area Regulations Half acre
 - (b.) Minimum Lot Width at Building Line 100 feet
 - (c.) Minimum Required Front Yard 30 feet
 - (d.) Minimum required rear yard 30 feet
 - (e.) Minimum required side yard 15 feet or more as required by the Board of Zoning Appeals.
 - (f.) Maximum Lot Coverage by All Buildings 50% or less as required by the Board of Zoning Appeals.
 - (g.) Parking Regulations Adequate off-street parking shall be provided. One space shall be required for every three seats.
11. Standards for Bed and Breakfast Homestay - The Board of Zoning Appeals may authorize the issuance of a special exception for a Bed and Breakfast Homestay subject to the following additional standards:
- (a.) A minimum of one (1) off street parking space, per room to be occupied by guests, shall be provided for in addition to any parking on premises for permanent residents.
 - (b.) The dwelling unit shall maintain conformance with the general character of the neighborhood in which it is located.
 - (c.) Signs advertising the Bed and Breakfast Homestay shall not exceed three (3) square feet in area and shall be non-illuminated. The sign may only indicate the name of the occupant and/or the name of the Bed and Breakfast Homestay.
 - (d.) No more than three (3) sleeping quarters of the dwelling unit shall be used for lodging in the Bed and Breakfast Homestay. This

would not apply to other parts of the dwelling unit, which may be incidentally used by guests such as bathrooms, kitchen, and living room areas not being used as sleeping quarters by guests.

- (e) The permanent residents of the dwelling unit shall establish separate and distinct sleeping quarters from the Bed and Breakfast Homestay guests.
- (f) Proprietors of the Bed and Breakfast Homestay shall also be permanent residents of the dwelling in which it is located. All area and yard requirements of the district must be met.
- (g) An accurately drawn plan shall be presented to the Board of Zoning Appeals at least (10) days prior to the meeting. The site plan shall show the location of the principal building, off street automobile parking, relationship to adjoining properties and surrounding land uses, existing zoning of the proposed site, any required screening, and other information as may be required by the Newbern Board of Zoning Appeals.
- (h) All applicable Federal, State, and Municipal Codes, including municipal fire, building and electrical codes, shall be complied with as a condition of approval by the Board of Zoning Appeals.
- (i.) Lodging of guests at the proposed Bed and Breakfast Homestay shall be limited to no more than fourteen (14) days during any one stay.
- (j.) The Board of Zoning Appeals may also attach other conditions on the use of the structure or site, which will be necessary to carry out the intent of the Zoning Ordinance.
- (k). No more than two (2) paid staff members/employees are permitted for Bed and Breakfast Homestay

12. Accessory uses and buildings customarily incidental to any aforementioned special exception.

C. Uses Prohibited.

Any other uses or structures not specifically permitted or permissible on appeal as a special exception in this Chapter. This shall include advertising signs or billboards and mobile homes, except as specifically permitted by this Ordinance.

D. Location of Accessory Buildings.

1. See Section 11-714.
2. Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

E. Regulations Controlling Lot Area, Lot Width, Yards, Building Height. The principal building shall be located so as to comply with the following requirements.

1 Minimum Area Regulations

- a. Single Family Dwellings units 7,000 sq. ft. for the dwelling unit.
- b. Churches
Two (2) acres or 200 square feet of lot area per auditorium seat, which ever is greater.
- c. Schools
Five (5) acres plus one (1) acre for each 100 students.
- d. Cemeteries
Two (2) acres
- e. Other uses 9,500 sq. ft. or greater as required by the Board of Zoning Appeals.

2. Minimum Lot Width At Building Line

- a. Single Family Dwellings 70 feet
- b. Churches 100 feet
- c. Other uses 70 feet or greater as required by the Board of Zoning Appeals.

3. Minimum Required Front Yard.

- a. Dwelling 25 feet
- b. Churches 35 feet

c Other uses 35 feet or more as required by the Board of Zoning Appeals.

4. Minimum required rear yard.

a Single Family Dwellings 20 feet

b Churches 30 feet

c Other uses 30 feet or more as required by the Board of Zoning Appeals.

5. Minimum required side yard

a Single Family Dwellings - One and Two Story 10 feet
Three Story 15 feet

b Churches 25 feet

c Other uses 10 feet or more as required by the Board of Zoning Appeals.

6. Maximum Lot Coverage By All Buildings.

a Single Family Dwellings and accessories 40%

b Churches 25%

c Other uses 50% or less as required by the Board of Zoning Appeals.

7. Maximum Height Regulations

a. No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet however;

b. On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1.5) stories or twenty-five (25) feet in height.

- c. No accessory building shall exceed one (1) story in height.
- d. Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and Ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

F. Parking Regulations

Adequate off-street parking shall be provided as required in Chapter IX of this Ordinance.

11-404. R-4 (MEDIUM DENSITY RESIDENTIAL) DISTRICTS - The purpose of this medium density district is to allow a variety of single family and multiple family uses which do not overburden existing or proposed utility and drainage improvements. These provisions have been devised to encourage adequate open space promoting emergency access as well as compatibility with existing uses.

Within the R-4 (Medium Density Residential) Districts, as shown on the Zoning Map of Newbern, Tennessee, the following regulations shall apply:

A. Uses Permitted.

1. Single-family dwellings except mobile homes on individual lots.
2. Multiple family dwellings, Elderly Assisted Care, Elderly Congregate Living, and Nursing Homes
3. Accessory uses and buildings customarily incidental to any aforementioned permitted uses
4. Name Plate and Real Estate Signs in accordance with Chapter IX, 11-906 of this Ordinance
5. Utility wires and mains , Street and Railroad Rights-of-way
6. Agricultural crops and gardening

B. Special Exceptions.

1. Churches and other Places of Worship
 2. Schools
 3. Libraries
 4. Parks, Golf Courses, Tennis Courts, Playgrounds, Gymnasiums, and Recreation Centers
 5. Public Utility facilities
 6. Cemeteries
- a. As a condition of approval of the aforementioned Special Exceptions, site plans shall be approved by the Board of Zoning Appeals in accordance with Chapter IX, Section 11-908 of this Ordinance. The Board of Zoning Appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this Ordinance, the power to specify access points and driveway and parking locations, and

similar site design matters. This power shall not include the power to specify or alter the architectural style of proposed buildings, the power to specify building materials or colors, or other similar powers.

7. Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without 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 preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:
 - a. the proposed use shall be located and conducted in the principal building only;
 - b. the principal and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
 - c. not more than twenty-five (25) percent of the total floor area in dwelling unit shall be devoted to the proposed use;
 - d. the proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
 - e. no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
 - f. the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
 - g. the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located;
 - h. the provisions of this section shall not be used under any circumstances to permit; gift, florist, antique shops or other retail shops; or medical and health services specifically due to the burdens of traffic, parking, and utility demands posed by these operations.
 - i. Adequate off-street parking shall be provided as required in Chapter IX of this Ordinance.

8. Family Day Care Home, Group Day Care Home, and Day Care Center, as defined in Chapter 2 under Nursery School, may be permitted by the Board of Zoning Appeals upon approval of a site plan which is drawn to scale and which addresses the criteria enumerated in Chapter IX, Section 11-908 of this Ordinance. The approval and the site plan may be subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a minimum, these operations approved shall meet the following requirements:
 - a. The Family Day Care Home, Group Day Care Home, and Day Care Center shall be conducted in single family residences only. Accessory structures may not be used for nursery school facilities.
 - b. Minimum required lot area;
 - (1) Family Day Care Home, Group Day Care Home, and Day Care Center - 9,500 square feet.
 - c. Minimum required fenced play area.
 - (1) Family Day Care Home, Group Day Care Home, and Day Care Center - 200 square feet per child
 - d. The Board of Zoning Appeals shall also specifically address the need for set back of fenced play area and buffering of the fenced play area, and may require set back and/or buffering in specific cases to protect adjacent residential uses.
 - e. All outdoor play activities shall be conducted within the fenced play area.
 - f. The nursery school facilities, maintenance and operation shall meet the requirements of the Tennessee Department of Human Services and any other applicable local, state, or federal regulations.
 - g. There may be signs advertising the property as a daycare facility.
9. Telecommunications Equipment on Existing Structures Only may be permitted by the Board of Zoning Appeals upon approval of a proposal which addresses the criteria enumerated in Chapter IX, Section 11-909 . The approval and the site plan may be subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a

minimum, these structures approved shall meet the requirements in Chapter IX, Section 11-909 .

10. Standards for Wedding Chapels - The Board of Zoning Appeals may authorize the issuance of a Special Exception for a Wedding Chapel subject to the following additional standards:
 - (a.) Minimum Area Regulations Half acre
 - (b.) Minimum Lot Width at Building Line 100 feet
 - (c.) Minimum Required Front Yard 30 feet
 - (d.) Minimum required rear yard 30 feet
 - (e.) Minimum required side yard 15 feet or more as required by the Board of Zoning Appeals.
 - (f.) Maximum Lot Coverage by All Buildings 50% or less as required by the Board of Zoning Appeals.
 - (g.) Parking Regulations Adequate off-street parking shall be provided. One space shall be required for every three seats.
11. Standards for Bed and Breakfast Homestay - The Board of Zoning Appeals may authorize the issuance of a special exception for a Bed and Breakfast Homestay subject to the following additional standards:
 - (a.) A minimum of one (1) off street parking space, per room to be occupied by guests, shall be provided for in addition to any parking on premises for permanent residents.
 - (b.) The dwelling unit shall maintain conformance with the general character of the neighborhood in which it is located.
 - (c.) Signs advertising the Bed and Breakfast Homestay shall not exceed three (3) square feet in area and shall be non-illuminated. The sign may only indicate the name of the occupant and/or the name of the Bed and Breakfast Homestay.

- (d) No more than three (3) sleeping quarters of the dwelling unit shall be used for lodging in the Bed and Breakfast Homestay. This would not apply to other parts of the dwelling unit, which may be incidentally used by guests such as bathrooms, kitchen, and living room areas not being used as sleeping quarters by guests.
- (e) The permanent residents of the dwelling unit shall establish separate and distinct sleeping quarters from the Bed and Breakfast Homestay guests.
- (f) Proprietors of the Bed and Breakfast Homestay shall also be permanent residents of the dwelling in which it is located. All area and yard requirements of the district must be met.
- (g) An accurately drawn plan shall be presented to the Board of Zoning Appeals at least (10) days prior to the meeting. The site plan shall show the location of the principal building, off street automobile parking, relationship to adjoining properties and surrounding land uses, existing zoning of the proposed site, any required screening, and other information as may be required by the Newbern Board of Zoning Appeals.
- (h) All applicable Federal, State, and Municipal Codes, including municipal fire, building and electrical codes, shall be complied with as a condition of approval by the Board of Zoning Appeals.
- (i) Lodging of guests at the proposed Bed and Breakfast Homestay shall be limited to no more than fourteen (14) days during any one stay.
- (j.) The Board of Zoning Appeals may also attach other conditions on the use of the structure or site, which will be necessary to carry out the intent of the Zoning Ordinance.
- (k). No more than two (2) paid staff members/employees are permitted for Bed and Breakfast Homestay

12. Accessory uses and buildings customarily incidental to any aforementioned special exception.

C. Uses Prohibited.

Any other uses or structures not specifically permitted or permissible on appeal as a special exception in this Chapter. This shall include advertising signs or billboards and mobile homes, except as specifically permitted by this Ordinance.

- c. Churches 100 feet
- d. Other uses 100 feet or greater as required by the Board of Zoning Appeals.

3. Minimum Required Front Yard.

- a. Single, Multiple Family Dwelling Units, Elderly Assisted Care, Elderly Congregate Living, and Nursing Homes 30 feet
- b. Churches 40 feet
- c. Other uses 40 feet or more as required by the Board of Zoning Appeals.

4. Minimum required rear yard.

- a. Single, Multiple Family Dwelling Units, Elderly Assisted Care, Elderly Congregate Living, and Nursing Homes 25 feet
- b. Churches 30 feet
- c. Other uses 30 feet or more as required by the Board of Zoning Appeals.

5. Minimum required side yard

- a. Single, Multiple Family Dwelling Units One and
 - Two Story 10 feet
 - Three Story 20 feet
- b. Elderly Assisted Care, Elderly Congregate Living, and Nursing Homes 30 feet
- c. Churches 30 feet
- d. Other uses 15 feet or more as required by the Board of Zoning Appeals.

Adequate off-street parking shall be provided as required in Chapter IX of this Ordinance.

G. Site Plan Review

Prior to the issuance of any building permit for multiple family projects, the developer shall submit and have approved by the Planning Commission a site plan in accordance with the provisions in Chapter IX, Section 11-908 of this Ordinance. The Planning Commission will review the site plan and may require modifications or buffering to minimize the impacts of the project on adjacent development.

11-405. R-5 (HIGH DENSITY RESIDENTIAL) DISTRICTS - The purpose of the high density district is to allow a variety of single family and multiple family uses which do not overburden existing or proposed utility and drainage improvements. These provisions have been devised to encourage adequate open space promoting emergency access as well as compatibility with existing uses.

Within the R-5 (High Density Residential) Districts, as shown on the Zoning Map of Newbern, Tennessee, the following regulations shall apply:

A. Uses Permitted.

1. Single-family dwellings
2. Multiple Family Dwelling Units, Elderly Assisted Care, Elderly Congregate Living, and Nursing Homes
3. Mobile Homes on Individual Lots
4. Accessory uses and buildings customarily incidental to any aforementioned permitted uses
5. Name Plate and Real Estate Signs in accordance with Chapter IX, 11-906 of this Ordinance
6. Utility wires and mains, Street and Railroad Rights-of-way
7. Agricultural crops and gardening

B. Special Exceptions.

1. Churches and other Places of Worship
2. Schools
3. Libraries
4. Parks, Golf Courses, Tennis Courts, Playgrounds, Gymnasiums, and Recreation Centers
5. Public Utility facilities
6. Cemeteries
 - a. As a condition of approval of the aforementioned Special Exception, site plans shall be approved by the Board of Zoning Appeals in accordance with Chapter IX, Section 11-908 of this Ordinance. The Board of Zoning Appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall

include: the power to require greater setbacks and yard spaces than required by other provisions of this Ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. This power shall not include the power to specify or alter the architectural style of proposed buildings, the power to specify building materials or colors, or other similar powers.

7. Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without 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 preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:
 - a. the proposed use shall be located and conducted in the principal building only;
 - b. the principal and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
 - c. not more than twenty-five (25) percent of the total floor area in dwelling unit shall be devoted to the proposed use;
 - d. the proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
 - e. no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
 - f. the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
 - g. the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located;
 - h. the provisions of this section shall not be used under any circumstances to permit; gift, florist, antique shops or other retail shops; or medical and health services specifically due to the burdens of traffic, parking, and utility demands posed by these operations.

- i. Adequate off-street parking shall be provided as required in Chapter IX of this Ordinance.
8. Family Day Care Home, Group Day Care Home, and Day Care Center, as defined in Chapter 2 under Nursery School, may be permitted by the Board of Zoning Appeals upon approval of a site plan which is drawn to scale and which addresses the criteria enumerated in Chapter IX, Section 11-908 of this Ordinance. The approval and the site plan may be subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a minimum, these operations approved shall meet the following requirements:
- a. The Family Day Care Home, Group Day Care Home, and Day Care Center shall be conducted in single family residences only. Accessory structures may not be used for nursery school facilities.
 - b. Minimum required lot area;
 - (1) Family Day Care Home, Group Day Care Home, and Day Care Center - 7,000 square feet.
 - c. Minimum required fenced play area.
 - (1) Family Day Care Home, Group Day Care Home, and Day Care Center - 200 square feet per child
 - d. The Board of Zoning Appeals shall also specifically address the need for set back of fenced play area and buffering of the fenced play area, and may require set back and/or buffering in specific cases to protect adjacent residential uses.
 - e. All outdoor play activities shall be conducted within the fenced play area.
 - f. The nursery school facilities, maintenance and operation shall meet the requirements of the Tennessee Department of Human Services and any other applicable local, state, or federal regulations.
 - g. There may be signs advertising the property as a daycare facility.
9. Telecommunications Equipment on Existing Structures Only may be permitted by the Board of Zoning Appeals upon approval of a proposal which addresses the criteria enumerated in Chapter IX, Section 11-909 . The approval and the site plan may be subject to such conditions as the

Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a minimum, these structures approved shall meet the requirements in Chapter IX, Section 11-909 .

10. Standards for Wedding Chapels - The Board of Zoning Appeals may authorize the issuance of a Special Exception for a Wedding Chapel subject to the following additional standards:

- (a.) Minimum Area Regulations Half acre
- (b.) Minimum Lot Width at Building Line 100 feet
- (c.) Minimum Required Front Yard 30 feet
- (d.) Minimum required rear yard 30 feet
- (e.) Minimum required side yard 15 feet or more as required by the Board of Zoning Appeals.
- (f.) Maximum Lot Coverage by All Buildings 50% or less as required by the Board of Zoning Appeals.
- (g.) Parking Regulations Adequate off-street parking shall be provided. One space shall be required for every three seats.

11. Standards for Bed and Breakfast Homestay - The Board of Zoning Appeals may authorize the issuance of a special exception for a Bed and Breakfast Homestay subject to the following additional standards:

- (a) A minimum of one (1) off street parking space, per room to be occupied by guests, shall be provided for in addition to any parking on premises for permanent residents.
- (b) The dwelling unit shall maintain conformance with the general character of the neighborhood in which it is located.
- (c) Signs advertising the Bed and Breakfast Homestay shall not exceed three (3) square feet in area and shall be non-illuminated.

The sign may only indicate the name of the occupant and/or the name of the Bed and Breakfast Homestay.

- (d) No more than three (3) sleeping quarters of the dwelling unit shall be used for lodging in the Bed and Breakfast Homestay. This would not apply to other parts of the dwelling unit, which may be incidentally used by guests such as bathrooms, kitchen, and living room areas not being used as sleeping quarters by guests.
 - (e) The permanent residents of the dwelling unit shall establish separate and distinct sleeping quarters from the Bed and Breakfast Homestay guests.
 - (f) Proprietors of the Bed and Breakfast Homestay shall also be permanent residents of the dwelling in which it is located. All area and yard requirements of the district must be met.
 - (g) An accurately drawn plan shall be presented to the Board of Zoning Appeals at least (10) days prior to the meeting. The site plan shall show the location of the principal building, off street automobile parking, relationship to adjoining properties and surrounding land uses, existing zoning of the proposed site, any required screening, and other information as may be required by the Newbern Board of Zoning Appeals.
 - (h) All applicable Federal, State, and Municipal Codes, including municipal fire, building and electrical codes, shall be complied with as a condition of approval by the Board of Zoning Appeals.
 - (i) Lodging of guests at the proposed Bed and Breakfast Homestay shall be limited to no more than fourteen (14) days during any one stay.
 - (j.) The Board of Zoning Appeals may also attach other conditions on the use of the structure or site, which will be necessary to carry out the intent of the Zoning Ordinance.
 - (k). No more than two (2) paid staff members/employees are permitted for Bed and Breakfast Homestay
12. The Board of Zoning Appeals may at its discretion permit mobile home parks subject to approval of the mobile home park site plan which shall meet the minimum standards set forth in the Chapter IX and X.

13. Accessory uses and buildings customarily incidental to any aforementioned special exception.

C. Uses Prohibited.

Any other uses or structures not specifically permitted or permissible on appeal as a special exception in this Chapter. This shall include advertising signs or billboards and mobile homes, except as specifically permitted by this Ordinance.

D. Location of Accessory Buildings.

1. See Section 11-714.
2. Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

E. Regulations Controlling Lot Area, Lot Width, Yards, Building Height. The principal building shall be located so as to comply with the following requirements.

1 Minimum Area Regulations

- a. Single-Family Dwellings and Mobile Homes on individual lots 7,000 sq. ft.
- b. Multiple Family Dwelling Units, Elderly Assisted Care, Elderly Congregate Living, and Nursing Homes 7,000 sq. ft. for the first dwelling unit plus 2,000 sq. ft. for each additional dwelling unit
- c. Churches
Two (2) acres or 200 square feet of lot area per auditorium seat, whichever is greater.
- d. Schools
Five (5) acres plus one (1) acre for each 100 students.
- e. Cemeteries
Two (2) acres

f. Other uses 7,000 sq. ft. or greater as required by the Board of Zoning Appeals.

2. Minimum Lot Width At Building Line

- a. Single Family Dwellings 70 feet
- b. Multiple Family Dwelling Units, Elderly Assisted Care, Elderly Congregate Living, and Nursing Homes 100 feet
- c. Churches 100 feet

d. Other uses 70 feet or greater as required by the Board of Zoning Appeals.

3. Minimum Required Front Yard.

- a. Single, Multiple Family Dwelling Units, Elderly Assisted Care, Elderly Congregate Living, Nursing Homes and Mobile Homes on individual lots 25 feet
- b. Churches 35 feet
- c. Other uses 35 feet or more as required by the Board of Zoning Appeals.

4. Minimum required rear yard.

- a. Single, Multiple Family Dwelling Units, Elderly Assisted Care, Elderly Congregate Living, Nursing Homes and Mobile Homes on individual lots 20 feet
- b. Churches 30 feet
- c. Other uses 30 feet or more as required by the Board of Zoning Appeals.

5. Minimum required side yard
 - a. Single, Multiple Family Dwelling Units,
Elderly Assisted Care,
Elderly Congregate Living, Nursing Homes and
Mobile Homes
on individual lots -

One and Two Story	10 feet
Three Story	15 feet
 - b. Churches

	25 feet
--	---------
 - c. Other uses

	10
feet or more as required by the Board of Zoning Appeals.	

6. Minimum required setbacks between Multiple Family building
 - a. Single, Multiple Family Dwelling Units,
Elderly Assisted Care,
Elderly Congregate Living, and Nursing Homes

	One and
Two Story	20 feet
Three Story	40 feet

7. Maximum Lot Coverage By All Buildings.
 - a. Single, Multiple Family Dwelling Units,
Elderly Assisted Care,
Elderly Congregate Living, Nursing Homes and
Mobile Homes
on individual lots and accessories

	40%
--	-----
 - b. Churches

	25%
--	-----
 - c. Other uses

	50% or less as required by the Board of Zoning Appeals.
--	--

8. Maximum Height Regulations
 - a. No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet however;

- b. On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1.5) stories or twenty-five (25) feet in height.
- c. No accessory building shall exceed one (1) story in height.
- d. Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and Ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

F. Parking Regulations

Adequate off-street parking shall be provided as required in Chapter IX of this Ordinance.

G. Site Plan Review

Prior to the issuance of any building permit for multiple family projects, the developer shall submit and have approved by the Planning Commission a site plan in accordance with the provisions in Chapter IX, Section 11-908 of this Ordinance. The Planning Commission will review the site plan and may require modifications or buffering to minimize the impacts of the project on adjacent development.

11-406. R-6 (LOW DENSITY MIXED STRUCTURE RESIDENTIAL) DISTRICTS -

The purpose of this low density mixed structure residential district is to allow a variety of single family uses, both conventional housing and mobile homes on individual lots, which do not overburden existing or proposed utility and drainage improvements. These provisions have been devised to encourage adequate open space promoting emergency access as well as compatibility with existing uses.

Within the R-6 (Low Density Mixed Structure Residential) Districts, as shown on the Zoning Map of Newbern, Tennessee, the following regulations shall apply:

A. Uses Permitted.

1. Single-family dwellings
2. Mobile Homes on Individual Lots
3. Accessory uses and buildings customarily incidental to any aforementioned permitted uses
4. Name Plate and Real Estate Signs in accordance with Chapter IX, 11-906 of this Ordinance
5. Utility wires and mains, Street and Railroad Rights-of-way
6. Agricultural crops and gardening

B. Special Exceptions.

1. Churches and other Places of Worship
2. Schools
3. Libraries
4. Parks, Golf Courses, Tennis Courts, Playgrounds, Gymnasiums, and Recreation Centers
5. Public Utility facilities
6. Cemeteries

- a. As a condition of approval of the aforementioned Special Exceptions, site plans shall be approved by the Board of Zoning Appeals in accordance with Chapter IX, Section 11-908 of this Ordinance. The Board of Zoning Appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this Ordinance, the power to

specify access points and driveway and parking locations, and similar site design matters. This power shall not include the power to specify or alter the architectural style of proposed buildings, the power to specify building materials or colors, or other similar powers.

7. Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without 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 preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:
 - a. the proposed use shall be located and conducted in the principal building only;
 - b. the principal and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
 - c. not more than twenty-five (25) percent of the total floor area in dwelling unit shall be devoted to the proposed use;
 - d. the proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
 - e. no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
 - f. the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
 - g. the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located;
 - h. the provisions of this section shall not be used under any circumstances to permit; gift, florist, antique shops or other retail shops; or medical and health services specifically due to the burdens of traffic, parking, and utility demands posed by these operations.
 - i. Adequate off-street parking shall be provided as required in Chapter IX of this Ordinance.

8. Family Day Care Home, Group Day Care Home, and Day Care Center, as defined in Chapter 2 under Nursery School, may be permitted by the Board of Zoning Appeals upon approval of a site plan which is drawn to scale and which addresses the criteria enumerated in Chapter IX, Section 11-908 of this Ordinance. The approval and the site plan may be subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a minimum, these operations approved shall meet the following requirements:
 - a. The Family Day Care Home, Group Day Care Home, and Day Care Center shall be conducted in single family residences only. Accessory structures may not be used for nursery school facilities.
 - b. Minimum required lot area;
 - (1) Family Day Care Home, Group Day Care Home, and Day Care Center - 7,000 square feet.
 - c. Minimum required fenced play area.
 - (1) Family Day Care Home, Group Day Care Home, and Day Care Center - 200 square feet per child
 - d. The Board of Zoning Appeals shall also specifically address the need for set back of fenced play area and buffering of the fenced play area, and may require set back and/or buffering in specific cases to protect adjacent residential uses.
 - e. All outdoor play activities shall be conducted within the fenced play area.
 - f. The nursery school facilities, maintenance and operation shall meet the requirements of the Tennessee Department of Human Services and any other applicable local, state, or federal regulations.
 - g. There may be signs advertising the property as a daycare facility.
9. Telecommunications Equipment on Existing Structures Only may be permitted by the Board of Zoning Appeals upon approval of a proposal which addresses the criteria enumerated in Chapter IX, Section 11-909 . The approval and the site plan may be subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a

minimum, these structures approved shall meet the requirements in Chapter IX, Section 11-909 .

10. Standards for Wedding Chapels - The Board of Zoning Appeals may authorize the issuance of a Special Exception for a Wedding Chapel subject to the following additional standards:
 - (a.) Minimum Area Regulations Half acre
 - (b.) Minimum Lot Width at Building Line 100 feet
 - (c.) Minimum Required Front Yard 30 feet
 - (d.) Minimum required rear yard 30 feet
 - (e.) Minimum required side yard 15 feet or more as required by the Board of Zoning Appeals.
 - (f.) Maximum Lot Coverage by All Buildings 50% or less as required by the Board of Zoning Appeals.
 - (g.) Parking Regulations Adequate off-street parking shall be provided. One space shall be required for every three seats.
11. Standards for Bed and Breakfast Homestay - The Board of Zoning Appeals may authorize the issuance of a special exception for a Bed and Breakfast Homestay subject to the following additional standards:
 - (a.) A minimum of one (1) off street parking space, per room to be occupied by guests, shall be provided for in addition to any parking on premises for permanent residents.
 - (b.) The dwelling unit shall maintain conformance with the general character of the neighborhood in which it is located.
 - (c.) Signs advertising the Bed and Breakfast Homestay shall not exceed three (3) square feet in area and shall be non-illuminated. The sign may only indicate the name of the occupant and/or the name of the Bed and Breakfast Homestay.

- (d) No more than three (3) sleeping quarters of the dwelling unit shall be used for lodging in the Bed and Breakfast Homestay. This would not apply to other parts of the dwelling unit, which may be incidentally used by guests such as bathrooms, kitchen, and living room areas not being used as sleeping quarters by guests.
- (e) The permanent residents of the dwelling unit shall establish separate and distinct sleeping quarters from the Bed and Breakfast Homestay guests.
- (f) Proprietors of the Bed and Breakfast Homestay shall also be permanent residents of the dwelling in which it is located. All area and yard requirements of the district must be met.
- (g) An accurately drawn plan shall be presented to the Board of Zoning Appeals at least (10) days prior to the meeting. The site plan shall show the location of the principal building, off street automobile parking, relationship to adjoining properties and surrounding land uses, existing zoning of the proposed site, any required screening, and other information as may be required by the Newbern Board of Zoning Appeals.
- (h) All applicable Federal, State, and Municipal Codes, including municipal fire, building and electrical codes, shall be complied with as a condition of approval by the Board of Zoning Appeals.
- (i) Lodging of guests at the proposed Bed and Breakfast Homestay shall be limited to no more than fourteen (14) days during any one stay.
- (j.) The Board of Zoning Appeals may also attach other conditions on the use of the structure or site, which will be necessary to carry out the intent of the Zoning Ordinance.
- (k). No more than two (2) paid staff members/employees are permitted for Bed and Breakfast Homestay

12. Accessory uses and buildings customarily incidental to any aforementioned special exception.

C. Uses Prohibited.

Any other uses or structures not specifically permitted or permissible on appeal as a special exception in this Chapter. This shall include advertising signs or billboards and mobile homes, except as specifically permitted by this Ordinance.

D. Location of Accessory Buildings.

1. See Section 11-714.
2. Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

E. Regulations Controlling Lot Area, Lot Width, Yards, Building Height. The principal building shall be located so as to comply with the following requirements.

1 Minimum Area Regulations

- b. Single-Family Dwellings
and Mobile Homes on individual lots 7,000 sq. ft.
- b. Churches
Two (2) acres or 200 square feet of lot area per auditorium seat, which ever is greater.
- c. Schools
Five (5) acres plus one (1) acre for each 100 students.
- d. Cemeteries
Two (2) acres
- e. Other uses 7,000 sq. ft. or greater as required by the Board of Zoning Appeals.

2. Minimum Lot Width At Building Line

- a. Single-Family Dwellings
and Mobile Homes on individual lots 70 feet
- b. Churches 100 feet
- c. Other uses 70 feet or greater as required by the Board of Zoning Appeals.

3. Minimum Required Front Yard.
 - a. Single Family Dwelling units and Mobile Homes on individual lots 25 feet
 - b. Churches 35 feet
 - c. Other uses 35 feet or more as required by the Board of Zoning Appeals.

4. Minimum required rear yard.
 - a. Single Family Dwelling units and Mobile Homes on individual lots 20 feet
 - b. Churches 30 feet
 - c. Other uses 30 feet or more as required by the Board of Zoning Appeals.

5. Minimum required side yard
 - a. Single Family Dwelling units and Mobile Homes on individual lots -

One and Two Story	10 feet
Three Story	15 feet
 - b. Churches 25 feet
 - c. Other uses 10 feet or more as required by the Board of Zoning Appeals.

6. Maximum Lot Coverage By All Buildings.
 - a. Single Family Dwelling units and Mobile Homes on individual lots and accessories 40%

- b. Churches 25%
- c. Other uses 50% or less as required by the Board of Zoning Appeals.

7. Maximum Height Regulations

- a. No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet however;
- b. On a lot less than fifty (50) feet in width at the building line, no building shall exceed one and one-half (1.5) stories or twenty-five (25) feet in height.
- c. No accessory building shall exceed one (1) story in height.
- d. Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and Ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

F. Parking Regulations

Adequate off-street parking shall be provided as required in Chapter IX of this Ordinance.

G. Site Plan Review

Prior to the issuance of any building permit for multiple family projects, the developer shall submit and have approved by the Planning Commission a site plan in accordance with the provisions in Chapter IX, Section 11-908 of this Ordinance. The Planning Commission will review the site plan and may require modifications or buffering to minimize the impacts of the project on adjacent development.

CHAPTER V

PROVISIONS GOVERNING COMMERCIAL DISTRICTS

11-501. B-1 (GENERAL BUSINESS) DISTRICT. The B-1 (General Business) District shall be considered a general highway commercial-service oriented district. The purpose of this district is to provide retail and service trades along roadways and thoroughfares capable of supporting heavy traffic.

Within the areas designated B-1 (General Business) on the Zoning Map of Newbern, Tennessee, the following provisions shall apply:

A. Uses Permitted

1. Retail Trade limited to:

- (a) Building Materials, Hardware and Farm Equipment
- (b) General Merchandise
- (c) Food
- (d) Automotive, Motorized Vehicles, Marine Craft, Aircraft and Accessories (except Automobile Storage Yard, Junk or Salvage Yards)
- (e) Apparel and Accessories
- (f) Furniture, Home Furnishings and Equipment
- (g) Eating and Drinking including Beverage Stores as defined in Section 11-202
- (h) Other Retail Trade, Not Elsewhere Coded limited to
 - (1) Drug and Proprietary
 - (2) Antiques
 - (3) Books and Stationery
 - (4) Sporting Goods and Bicycles
 - (5) Farm and Garden Supplies
 - (6) Jewelry
 - (7) Fuel and Ice
 - (8) Florists
 - (9) Newspaper and Magazines
 - (10) Cigars and Cigarettes
 - (11) Cameras and Photographic Supplies
 - (12) Gifts, Novelties, and Souvenirs
 - (13) Optical Goods

2. Services limited to:

- (a) Finance, Insurance and Real Estate Services
- (b) Personal Services limited to
 - (1) Laundering, dry cleaning, and dyeing services

- (2) Photographic Services
- (3) Beauty and Barber services
- (4) Funeral chapels except crematory services
- (5) Apparel repair, alteration, and cleaning pickup services; shoe repair services
 - (c) Business Services, except warehousing, storage services, and stockyards, providing that personal storage (mini-warehousing shall be allowed).

(d) Repair services Limited to:

- (1) Automotive and Farm Equipment Repair (except Automobile Storage Yard, Junk or Salvage Yards)
- (2) Automobile Wash Services
- (3) Electrical Repair
- (4) Radio and Television Repair Services
- (5) Watch Clock and Jewelry
- (6) Reupholstery and Furniture repair
- (7) Other Repair Services, NEC-limited to
 - (a) Bicycle Repair
 - (b) Camera Repair
 - (c) Locksmith Repair
 - (d) Musical Instrument Repair

(e) Professional Services not to include sanitariums, convalescent and rest home services

(f) Contract Construction Services

- (g) Governmental Services except military bases/reservations

(h) Educational Services (including Family, Group, and Daycare operations as defined under Nursery School in Section 11-202)

(i) Miscellaneous Services limited to:

- (1) Religious activities including churches, synagogues, and temples
- (2) Welfare and charitable services
- (3) Other miscellaneous services - limited to
 - (a) Business associations
 - (b) Professional membership organizations
 - (c) Labor unions and similar labor organizations
 - (d) Civic, social, and fraternal organizations

3. Wholesale Trade limited to:

- (a) Drugs, Chemicals, and Allied products
 - (b) Dry Goods and Apparel
 - (c) Farm Products (raw materials) limited to Cotton, Grains, and Field Beans
 - (d) Electrical Goods
 - (e) Hardware, Plumbing, and Heating Equipment
 - (f) Machinery, Equipment, and Supplies
 - (g) Other Wholesale Trade, Not Elsewhere Coded, limited to:
 - (1) Paper and Paper Products
 - (2) Furniture and Home Furnishings
 - (3) Lumber and Construction Materials
4. Public Assembly
 5. Cultural Activities
 6. Recreational Activities
 7. Transient Lodging
 8. Transportation except Airports
 9. Communications except Telecommunications (See Special Exceptions)
 10. Utilities limited to
 - (a) Electric and Water utilities except electric generation plants
 11. Horticultural specialties
 12. Accessory buildings customarily incidental to the permitted use.
 13. Signs as permitted in Chapter IX of this Ordinance

B. Special Exceptions

1. Telecommunications Equipment on Existing Structures and New Telecommunications Towers may be permitted by the Board of Zoning Appeals upon approval of a proposal which addresses the criteria enumerated in Chapter IX, Section 11-909. The approval and the site plan may be subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a minimum, these operations approved shall meet the requirements in Chapter IX, Section 11-909.

2. Mixed-use occupancy involving commercial and residential uses shall be permitted in order to sustain development, redevelopment, and renovation of the general business district to prohibit the deterioration and dilapidation of the commercial buildings in Newbern without undermining sales tax and retail area preservation.

For construction of new buildings or additions with proposed mixed uses, the Planning Commission shall review a site plan in accordance with Chapter IX, Section 11-908 followed by the approval of a certificate of occupancy by the Board of Zoning Appeals in accordance with this Ordinance.

No certificate of occupancy for such use in an existing building shall be issued without site plan and/or floor plan review by the Board of Zoning Appeals and subject to the following conditions in order to preserve and protect the character of the neighborhood in which the proposed use is located;

- a. A maximum of 50% of the total floor area of a structure shall be used for residential occupancy. The residential floor area shall be restricted to second floor or basements in order to screen the general public from residential activities.
 - b. All local, state, and federal requirements or codes shall be met.
 - c. Dwelling units shall be separated from business occupancy areas by fire resistant materials or any stricter provisions as required by applicable national, state, and local codes.
 - d. Commercial and residential parking shall be required. Residential parking spaces shall be designated by signage or striping. Two and one-half (2.5) spaces shall be required for each residential unit in the mixed-use structure. Parking for the commercial uses shall conform with the standards of this Ordinance.
 - e. Separate entrances shall be required for each residential and commercial unit for mixed-use occupancy.
3. Accessory uses and buildings customarily incidental to any aforementioned special exception.

C. Uses Prohibited

1. Any use not specifically permitted by the Ordinance

D. Regulations Controlling Lot Area, Lot Width, Yards, Building Coverage and Building Height

1. Minimum required lot area

- a. Churches Two (2) acres or 200 sq. ft. of lot area per auditorium space, whichever is greater.
- b. Other Uses No minimum requirement.

2. Minimum Lot width Measured at the Building Line

- a. Churches 100 feet
- b. Other uses No minimum requirement

3. Minimum Depth of Front Yards

- a. All uses Twenty-five (25) ft.

4. Minimum Depth of Rear Yard

- a. All uses Twenty (20) feet, provided that when the commercial lot adjoins a residential district along the rear lot line that the minimum depth of the rear yard shall be twenty-five (25) feet.

5. Minimum Width of Side Yards

- a. Churches Twenty-five (25)
- b. Other uses None required, however, if buildings do not have common or adjoining walls there shall be a side yard of at least five (5) feet.

On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential district on the side adjacent to the residential district.

6. Maximum Lot Coverage by All Buildings

- a. All uses None

7. Maximum Number of Principal Buildings on a Single Lot

- a. All uses No maximum providing the provisions of this Ordinance are met. However, when multiple separate structures are constructed on a single lot, each structure shall be situated so that all area and yard requirements may be met as if located on a separate lot.

8. Maximum Height

- a. All uses No structures shall exceed three (3) stories or thirty-five (35) feet in height. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas and water tanks or stand pipes provided they comply with the provisions of all pertinent codes and Ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.

9. Accessory buildings

- a. No accessory building shall extend into the required front or side yard.

E. Parking and Loading Regulations

Adequate off-street parking, loading and unloading shall be provided as required in Chapter IX of this Ordinance.

F. Site Plan Review

Prior to the issuance of a building permit all site plan requirements as set forth in Chapter IX, Section 11-908 shall be submitted for review by the Planning Commission. Any modifications required by the Planning Commission shall be made prior to the issuance of any building permit. The approved site plan shall have shall be maintained in the permanent files of the Town of Newbern.

11-502. B-2 (CENTRAL BUSINESS) DISTRICT - The B-2 district is intended to preserve the health, safety, function, character, and aesthetic qualities of the commercial development in the downtown area of our community.

Within the B-2 (Central Business) Districts as shown on the Official Zoning Map of Newbern, Tennessee, the following regulations shall apply:

A. Uses Permitted

1. Retail Trade limited to:

- (a) Building Materials, Hardware and Farm Equipment except Manufactured Home Dealers
- (b) General Merchandise
- (c) Food
- (d) Automotive, Marine Craft, Aircraft and Accessories (except Automobile Storage Yard, Junk or Salvage Yards)
- (e) Apparel and Accessories
- (f) Furniture, Home Furnishings and Equipment
- (g) Eating and Drinking including Beverage Stores as defined in Section 11-202

- (h) Other Retail Trade, Not Elsewhere Coded limited to:
 - (1) Drug and Proprietary
 - (2) Antiques
 - (3) Books and Stationery
 - (4) Sporting Goods and Bicycles
 - (5) Jewelry
 - (6) Fuel and Ice
 - (7) Florists
 - (8) Newspaper and Magazines
 - (9) Cigars and Cigarettes
 - (10) Cameras and Photographic Supplies
 - (11) Gifts, Novelties, and Souvenirs
 - (12) Optical Goods

2. Services limited to:

- (a) Finance, Insurance and Real Estate Services
- (b) Personal Services limited to
 - (1) Laundering, dry cleaning, and dyeing services
 - (2) Photographic Services
 - (3) Beauty and Barber services
 - (4) Funeral chapels except crematory services

- (5) Apparel repair, alteration and cleaning pickup services; shoe repair services
- (c) Business Services, except warehousing, storage services, and stockyards, providing that personal storage (mini-warehousing shall be allowed)
- (d) Repair services limited to:
 - (1) Automotive Repair (except Automobile Storage Yard, Junk or Salvage Yards)
 - (2) Automobile Wash Services
 - (3) Electrical Repair
 - (4) Radio and Television Repair Services
 - (5) Watch Clock and Jewelry
 - (6) Reupholstery and Furniture repair
 - (7) Other Repair Services, NEC-limited to
 - (a) Bicycle Repair
 - (b) Camera Repair
 - (c) Locksmith Repair
 - (d) Musical Instrument Repair
- (e) Professional Services not to include sanitariums, convalescent and rest home services
- (f) Contract Construction Services
 - (g) Governmental Services except military bases/reservations
- (h) Educational Services(including Family, Group, and Daycare operations as defined under Nursery School in Section 11-202)
- (i) Miscellaneous Services limited to:
 - (1) Religious activities including churches, synagogues, and temples
 - (2) Welfare and charitable services
 - (3) Other miscellaneous services - limited to
 - (a) Business associations
 - (b) Professional membership organizations
 - (c) Labor unions and similar labor organizations
 - (d) Civic, social, and fraternal organizations
- 4. Entertainment Assembly
- 5. Cultural Activities

6. Recreational Activities
7. Transient Lodging
8. Transportation except Airports
9. Communications
10. Utilities
 - (a) Electric and Water utilities except electric generation plants
11. Accessory buildings customarily incidental to the permitted use.
12. Signs as permitted in Chapter IX of this Ordinance

B. Special Exceptions

1. Mixed-use occupancy involving commercial and residential uses shall be permitted in order to sustain development, redevelopment, and renovation of the central business district to prohibit the deterioration and dilapidation of the Newbern downtown provided that no building permit or certificate of occupancy for such use shall be issued without site plan and/or floor plan review by the Board of Zoning Appeals and subject to the following conditions in order to preserve and protect the character of the neighborhood in which the proposed use is located;
 - a. A maximum of 50% of the total floor area of a structure shall be used for residential occupancy. The residential floor area shall be restricted to second floor or basements in order to screen the general public from residential activities.
 - b. All local, state, and federal requirements or codes shall be met.
 - c. Dwelling units shall be separated from business occupancy areas by fire resistant materials or any stricter provisions as required by applicable national, state, and local codes.
 - d. Rear parking shall be required. This parking shall have separate rear access for the residential units. Two and one-half (2.5) spaces shall be required for each residential unit in the mixed-use structure. Parking for the commercial uses shall conform with the standards of this Ordinance.
 - e. Separate entrances shall be required for each residential and commercial unit for mixed use occupancy;

2. Accessory uses and buildings customarily incidental to any aforementioned special exception.

C. Uses Prohibited

1. Any use not specifically permitted by the Ordinance

D. Regulations Controlling Lot Area, Lot Width, Yards, Building Coverage, and Building Height

1. Minimum required lot area No minimum requirement.
2. Minimum required lot width
at the building line No minimum requirement.
3. Minimum required
front yard No minimum requirement
4. Minimum required
rear yard 20 feet, which may include public and
private easements or alleyways in order
to assure access to existing units.
5. Minimum required
side yard No minimum unless the lot is adjacent to
a residential district in which case the
side yard requirements of that district
shall apply.
6. Maximum permitted height of structures.
 - a. No building shall exceed thirty-five (35) feet in height.
 - b. No accessory building shall exceed twenty (20) feet in height.

E. Parking and Loading Regulations

Parking and loading requirements are waived within the Central Business District unless otherwise specified.

F. Site Plan Review

Prior to the issuance of a building permit all site plan requirements as set forth in Chapter IX, Section 11-908 shall be submitted for review by the Planning Commission. Any modifications required by the Planning Commission shall be made prior to the issuance of any building permit. The approved site plan shall have shall be maintained in the permanent files of the Town of Newbern.

11-503. R-O (RESIDENTIAL-OFFICE) DISTRICT-The intent of the R-O District is to provide for a transitional area of office activities that are low traffic generators, located in residential areas adjacent to the Central Business District. Allowing for such mixture of residential and service uses will encourage occupancy and maintenance of existing structures by either residential and/or office uses and prevent the potential problems associated with the encroachment of a purely commercial district into an area with existing residential properties.

Within the R-O (Residential-Office) Districts as shown on the Official Zoning Map of Newbern, Tennessee, the following regulations shall apply:

A. Uses Permitted

1. Single-family dwellings except mobile homes on individual lots.
2. Multiple family dwellings, Elderly Assisted Care, Elderly Congregate Living, and Nursing Homes
3. Services, limited to:
 - a. Finance, insurance real estate services
 - (1.) Banking and bank-related functions
 - (2.) Credit services.
 - (3.) Security and commodity brokers, dealers, exchanges, and services
 - (4.) Insurance carriers, agents, brokers, and services
 - (5.) Real Estate and services
 - (6.) Holding and Investment services
 - b. Business services, limited to:
 - (1) Advertising service
 - (2.) Consumer and mercantile credit reporting services, adjustment and collection services.
 - (3.) Duplicating, mailing and stenographic services
 - (4.) News syndicate services
 - (5.) Employment services
 - (6.) Other business services, NEC limited to
 - (a.) Business and management consulting
 - (b.) Motion picture distribution and services

- c. Professional services limited to:
 - (1.) Legal service
 - (2.) Other professional services, NEC limited to
 - (a) Engineering and architectural services
 - (b) Accounting, Auditing, and Bookkeeping services
 - (c) Urban Planning Services
- d. Governmental services, except correctional institutions and military bases and reservations
- e. Educational services
- f. Miscellaneous services
 - (1.) Religious activities
 - (2.) Welfare and charitable services
 - (3.) Other miscellaneous services, NEC limited to
 - (a) Business associations
 - (b.) Professional membership organizations
 - (c.) Labor Unions and similar labor organizations
 - (d.) Civic social, and fraternal organizations
- g. Mixed-use occupancy involving any of the aforementioned permitted uses provided that parking and other standards in this Ordinance are in compliance for each individual use.

B. Special Exceptions

None

C. Uses Prohibited.

Any other uses or structures not specifically permitted or permissible on appeal in this Chapter. This shall include advertising signs or billboards and mobile homes, except as specifically permitted by this Ordinance.

D. Location of Accessory Buildings.

- 1. See Section 11-714.
- 2. Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

E. Regulations Controlling Lot Area, Lot Width, Yards, Building Height. The principal building shall be located so as to comply with the following requirements.

1 Minimum Area Regulations

- a. Single-Family Dwelling Units 9,500 sq. ft.
- b. Multiple Family Dwelling Units, Elderly Assisted Care, Elderly Congregate Living, and Nursing Homes 9,500 sq. ft. for the first dwelling unit plus 3,000 sq. ft. for each additional dwelling unit
- d. Service 9,500 sq. ft.

2. Minimum Lot Width At Building Line

- a. Single Family Dwellings 85 feet
- b. Multiple Family Dwelling Units, Elderly Assisted Care, Elderly Congregate Living, and Nursing Homes 100 feet
- c. Churches 200 feet
- d. Service 100 feet

3. Minimum Required Front Yard.

- a. Multiple Family Dwelling Units, Elderly Assisted Care, Elderly Congregate Living, and Nursing Homes 30 feet
- b. Churches 40 feet
- c. Service 40 feet

4. Minimum required rear yard.

- a. Multiple Family Dwelling Units,

- Elderly Assisted Care, Elderly Congregate Living, and Nursing Homes 25 feet
 - b. Churches 30 feet
 - c. Service 30 feet
- 5. Minimum required side yard
 - a. Multiple Family Dwelling Units, Elderly Assisted Care, Elderly Congregate Living, and Nursing Homes
 - One and Two Story 10 feet
 - Three Story 20 feet
 - b. Churches 30 feet
 - c. Service
 - feet 15
- 6. Minimum required setbacks between Multiple Family buildings
 - a. Multiple Family Dwelling Units, Elderly Assisted Care, Elderly Congregate Living, and Nursing Homes
 - One and Two Story 20 feet
 - Three Story 40 feet
- 7. Maximum Lot Coverage By All Buildings.
 - a. Single, Two, and Multiple Family Dwellings and accessories 40%
 - b. Churches 25%
 - c. Service 50% or less
- 8. Maximum Height Regulations

- a. No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet however;
- b. On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1.5) stories or twenty-five (25) feet in height.
- c. No accessory building shall exceed one (1) story in height.
- d. Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and Ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

F. Parking and Loading Regulations

Adequate off-street parking and loading shall be provided as required in Chapter IX of this Ordinance.

G. Site Plan Review

Prior to the issuance of a building permit all site plan requirements as set forth in Chapter IX, Section 11-908 shall be submitted for review by the Planning Commission. Any modifications required by the Planning Commission shall be made prior to the issuance of any building permit. The approved site plan shall have shall be maintained in the permanent files of the Town of Newbern.

CHAPTER VI
PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

11-601. C-M (COMMERCIAL-INDUSTRIAL) DISTRICTS . The purpose and intent of these districts is to permit a specific variety of retail, wholesale, and manufacturing uses in areas along arterial streets or railroads, in which a mixture of such uses has or will develop due to the presence of transportation and utility infrastructure.

Within the C-M (Commercial-Industrial) Districts as shown on the Zoning Map of Newbern, Tennessee, the following regulations shall apply:

A. Uses Permitted

1. Retail Trade limited to

- (a.) Building Materials, Hardware and Farm Equipment
- (b.) General Merchandise
- (c.) Food
- (d.) Automotive, Marine Craft, Aircraft and Accessories (except Automobile Storage Yard, Junk or Salvage Yards)
- (e.) Apparel and Accessories
- (f.) Furniture, Home Furnishings and Equipment
- (g.) Eating and Drinking
- (h.) Other Retail Trade, limited to-
 - (1.) Drug and Proprietary
 - (2.) Antique
 - (3.) Books and Stationery
 - (4.) Sporting Goods and Bicycles
 - (5.) Jewelry
 - (6.) Fuel and Ice
 - (7.) Florists
 - (8.) Newspaper and Magazines
 - (9.) Optical Goods

2. Wholesale trade - limited to:

- (a.) Motor Vehicles and Automotive
- (b.) Drugs, Chemicals and Allied products
- (c.) Dry Goods and Apparel;
- (d.) Groceries and Related Products
- (e.) Farm Products (Raw Materials), excluding Livestock, Horses and Mules
- (f.) Electrical Goods
- (g.) Hardware, Plumbing and Heating Equipment and Supplies

- (h.) Machinery, Equipment, and Supplies
- (i.) Other Wholesale Trade limited to:
 - (1.) Metal and Minerals (except petroleum and scrap)
 - (2.) Petroleum bulk stations and terminals
 - (3.) Tobacco and tobacco products
 - (4.) Beer, Wine and Distilled alcoholic beverages
 - (5.) Paper and Paper Products
 - (6.) Furniture and Home Furnishings
 - (7.) Lumber and Construction Materials

3. Services - limited to

- (a.) Finance, Insurance and Real Estate Services
- (b.) Personal Services - limited to
 - (1.) Laundering, dry cleaning, and dyeing services
 - (2.) Photographic Services
 - (3.) Beauty and Barber services
 - (4.) Funeral and crematory services
 - (5.) Apparel repair, alteration and cleaning pickup services; shoe repair services.
- (c.) Business Services, excluding warehousing, storage services, and stockyards, providing that personal storage (mini-warehousing shall be allowed).
- (d.) Repair Services (except Automobile Storage Yards, Junk or Salvage Yards)
- (e.) Professional Services not to include sanitariums, convalescent and rest home services
- (f.) Contract Construction Services
- (g.) Governmental Services excluding military bases/reservations and solid waste collection or storage.
- (h.) Educational Services including daycare
- (i.) Miscellaneous Services limited to:
 - (1.) Religious activities including churches, synagogues, and temples
 - (2.) Welfare and charitable services
 - (3.) Other miscellaneous services - limited to
 - (a.) Business associations
 - (b.) Professional membership organizations
 - (c.) Labor unions and similar labor organizations
 - (d.) Civic, social, and fraternal organizations

4. Manufacturing - limited to:

(a.) Food and Kindred Products limited to

- (1.) Dairy Products
- (2.) Canning and preserving of fruits and vegetables
- (3.) Bakery Products
- (4.) Confectionery and related products
- (5.) Beverages
- (6.) Other Food Preparation and Kindred Products limited to
 - (a.) Roasting coffee and coffee products - manufacturing
 - (b.) Ice-manufacturing
 - (c.) Macaroni, spaghetti, vermicelli, and noodles - manufacturing

(b) Apparel and other Finished Products made from Fabrics, Leather and Similar Materials excluding Leather Tanning and Finishing

- (c) Furniture and Fixtures
- (d) Professional, Scientific and Controlling Instruments; Photographic and Optical Goods; Watches and Clocks

5. Veterinarian and Animal Hospital Services
6. Transportation excluding Airports
7. Communication except Telecommunications (See Special Exceptions)
8. Utilities
 - (a) Electric and Water utilities excluding electric generation plants
9. Accessory buildings and uses customarily incidental to any permitted use
10. Signs as permitted in Section IX of this Ordinance.

B. Special Exceptions

1. Telecommunications Equipment on Existing Structures and New Telecommunications Towers may be permitted by the Board of Zoning Appeals upon approval of a proposal which addresses the criteria enumerated in Chapter IX, Section 11-909. The approval and the site plan may be subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a minimum, these operations approved shall meet the requirements in Chapter IX, Section 11-909.
2. Accessory uses and buildings customarily incidental to any aforementioned special exception.

C. Uses Prohibited

1. Any use not specifically allowed in this Section.

D. Regulations Controlling Lot Area, Lot Width, Yards, Building Coverage and Building Height

1. Minimum required lot area

- | | |
|------------------------------------|--------------------|
| a. Manufacturing | One (1) acre |
| b. Retail, wholesale, and Services | 20,000 square feet |

2. Minimum required lot width at the building line

- | | |
|-------------|----------|
| a. All Uses | 100 feet |
|-------------|----------|

3. Minimum required front yard

- | | |
|-------------|---------|
| a. All uses | 25 feet |
|-------------|---------|

4. Minimum required rear yard

- | | |
|-------------|---------|
| a. All uses | 25 feet |
|-------------|---------|

5. Minimum required side yard on each side of lot.

- | | |
|-------------|---------|
| a. All uses | 25 feet |
|-------------|---------|

6. Maximum Lot Coverage by All Buildings

- | | |
|-------------|------|
| a. All uses | None |
|-------------|------|

7. Maximum Number of Principal Buildings on a Single Lot

- | | |
|-------------|--|
| a. All uses | No maximum providing the provisions of this Ordinance are met. However, when multiple separate structures are constructed on a single lot, each structure shall be situated so that all area and yard requirements may be met as if located on a separate lot. |
|-------------|--|

8. Maximum permitted height of structures

- | |
|--|
| a. No building shall exceed four (4) stories or forty (40) feet in height. |
|--|

- b. Free standing poles, spires, towers, antennae, and similar structures may exceed the height provisions provided they comply with the provisions of all other codes and Ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.

E. Parking and Loading Regulations

Adequate off-street parking and loading space shall be provided as required in Chapter IX of this Ordinance.

F. Periphery Buffering And Screening

In addition to meeting the yard requirements, the developer must provide adequate screening and buffering as required by the Planning Commission or Board of Zoning Appeals for Special Exceptions. The screening should be suitable to prevent the physical encroachment of the industrial development on the adjacent district. The screening shall be provided in the form of fencing, hedges, bushes, trees, or other buffering/screening materials as determined appropriate by the Planning Commission or Board of Zoning Appeals for Special Exceptions

G. Waste Containment And Disposal

The Planning Commission or Board of Zoning Appeals for Special Exceptions shall have the authority to require that a plan for the containment and eliminating of any by-product or waste of any process of any use permitted under the C-M District be submitted for approval from federal, state, or local agencies prior to final approval.

H. Site Plan Review And Permitting

When appropriate, the Planning Commission or Board of Zoning Appeals for Special Exceptions shall require that all applicable federal, state, and local permits are obtained either prior to or as a condition of site plan approval.

Prior to the issuance of a building permit all site plan requirements as set forth in Chapter IX, Section 11-908 shall be submitted for review by the Planning Commission or Board of Zoning Appeals for Special Exceptions. Any modifications required by the Planning Commission or Board of Zoning Appeals for Special Exceptions shall be made prior to the issuance of any building permit. The approved site plan shall have shall be maintained in the permanent files of the Town of Newbern.

11-602. I-1 (LIGHT INDUSTRIAL) DISTRICTS - These districts are designed to provide space for a wide range of industrial and related uses which have the least objectionable characteristics such as noise, smoke, or other omissions thus preventing any adverse impact to neighboring properties. These districts may provide a buffer between other districts and other industrial activities which have more objectionable influences.

Within the I-1 (Light Industrial) Districts as shown on the Official Zoning Map of Newbern, Tennessee, the following regulations shall apply:

A. Uses Permitted

1. Retail Trade – limited to:
 - (a.) Fuel and Ice Dealers

2. Wholesale trade -: limited to:
 - (a.) Motor Vehicles and Automotive Equipment (except Automobile Storage Yard, Junk or Salvage Yard)
 - (b.) Drugs, Chemicals and Allied products
 - (c.) Dry Goods and Apparel
 - (d.) Groceries and Related Products
 - (e.) Farm Products (Raw Materials), excluding Livestock, Horses and Mules
 - (f.) Electrical Goods
 - (g.) Hardware, plumbing and heating equipment and supplies
 - (h.) Machinery, Equipment, and Supplies
 - (i.) Other Wholesale Trade, Not Elsewhere Coded - limited to:
 - (1.) Tobacco and Tobacco Products
 - (2.) Beer, Wine and Distilled alcoholic beverages
 - (3.) Paper and Paper Products
 - (4.) Furniture and Home Furnishings
 - (5.) Lumber and Construction Materials
 - (6.) Other Wholesale Trade, Not Elsewhere Coded - excluding Scrap and Waste Materials

3. Services – limited to:
 - (a.) Business Services - limited to:
 - (1.) Dwelling and other Building Services
 - (2.) Warehousing and Storage Services

- (b.) Repair Services (except Automobile Storage Yards, Junk or Salvage Yards)
- (c.) Professional Services - limited to:
 - (1.) Medical Laboratory Services
 - (2.) Dental Laboratory Services
 - (3.) Other Medical and Health services, Not elsewhere Coded.
- (d.) Contract Construction Services
- (e.) Governmental Services
- 4. Manufacturing - limited to:
 - (a.) Food and Kindred Products limited to
 - (1.) Dairy Products
 - (2.) Canning and preserving of fruits and vegetables
 - (3.) Bakery Products
 - (4.) Confectionery and related products
 - (5.) Beverages
 - (b.) Apparel and other Finished Products made from Fabrics, Leather and Similar Materials excluding Leather Tanning and Finishing
 - (c.) Furniture and Fixtures
 - (d.) Printing, Publishing and Allied Industries
 - (e.) Rubber and Miscellaneous Plastic Products
 - (f.) Fabricated Metal Products
 - (g.) Electrical machinery, equipment, and supplies
 - (h.) Professional, Scientific and Controlling Instruments; Photographic and Optical Goods; Watches and Clocks
 - (i.) Miscellaneous Manufacturing, -Not Elsewhere Coded limited to:
 - (1) Jewelry
 - (2) Musical Instruments
 - (3) Toys, Amusements, Sporting And Athletic Goods
 - (4) Pens, Pencils, And Other Office And Artists Materials
 - (5) Costume Jewelry, Costume Novelties, Buttons, And Miscellaneous Novelties
 - (6) Tobacco
 - (7) Motion Picture Production
 - (8) Other Miscellaneous manufacturing, NEC- limited to:
 - (a) Brooms and brushes
 - (b) Matches
 - (c) Lamp shades

- (d) Signs and Advertising Displays
- (e) Umbrellas, Parasols, and Canes

- 5. Veterinarian and Animal Hospital Services
- 6. Transportation
- 7. Communication except Telecommunications (See Special Exceptions)
- 8. Utilities limited to:
 - (a) Electric and Water utilities excluding electric generation plants
- 9. Other Transportation, Communication and Utilities-Not Elsewhere Coded
- 10. Research Laboratories
- 11. Accessory buildings and uses customarily incidental to any permitted use
- 12. Signs as permitted in Chapter IX of this Ordinance.

B. Special Exceptions

- 1. Telecommunications Equipment on Existing Structures and New Telecommunications Towers may be permitted by the Board of Zoning Appeals upon approval of a proposal which addresses the criteria enumerated in Chapter IX, Section 11-909. The approval and the site plan may be subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a minimum, these operations approved shall meet the requirements in Chapter IX, Section 11-909.
- 2. Accessory uses and buildings customarily incidental to any aforementioned special exception.

C. Uses Prohibited

- 1. Any use not specifically allowed in this Section.

D. Regulations Controlling Lot Area, Lot Width, Yards, Building Coverage and Building Height

- 1. Minimum required lot area

- a. Manufacturing uses Five (5) acres
 - b. Other uses One (1) acre
2. Minimum required lot width at the building line
- a. All Uses 100 feet
3. Minimum required front yard
- a. All uses 50 feet
4. Minimum required rear yard
- a. All uses 25 feet
5. Minimum required side yard on each side of lot.
- a. All uses 25 feet
6. Maximum Lot Coverage by All Buildings
- a. All uses None
7. Maximum Number of Principal Buildings on a Single Lot
- a. All uses No maximum providing the provisions of this Ordinance are met. However, when multiple separate structures are constructed on a single lot, each structure shall be situated so that all area and yard requirements may be met as if located on a separate lot.
8. Maximum permitted height of structures
- a. No building shall exceed four (4) stories or forty (40) feet in height.
 - b. Free standing poles, spires, towers, antennae, and similar structures may exceed the height provisions provided they comply with the provisions of all other codes and Ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.

E. Parking and Loading Regulations

Adequate off-street parking and loading space shall be provided as required in Chapter IX of this Ordinance.

F. Periphery Buffering And Screening

In addition to meeting the yard requirements, the developer must provide adequate screening and buffering as required by the Planning Commission or Board of Zoning Appeals for Special Exceptions. The screening should be suitable to prevent the physical encroachment of the industrial development on the adjacent district. The screening shall be provided in the form of fencing, hedges, bushes, trees or other buffering/screening materials as determined appropriate by the Planning Commission or Board of Zoning Appeals for Special Exceptions

G. Waste Containment And Disposal

The Planning Commission or Board of Zoning Appeals for Special Exceptions shall have the authority to require that a plan for the containment and eliminating of any by-product or waste of any process of any use permitted under the I-1 District be submitted for approval from federal, state, or local agencies prior to final approval.

H. Site Plan Review And Permitting

When appropriate, the Planning Commission or Board of Zoning Appeals for Special Exceptions shall require that all applicable federal, state, and local permits are obtained either prior to or as a condition of site plan approval.

Prior to the issuance of a building permit all site plan requirements as set forth in Chapter IX, Section 11-908 shall be submitted for review by the Planning Commission or Board of Zoning Appeals for Special Exceptions. Any modifications required by the Planning Commission or Board of Zoning Appeals for Special Exceptions shall be made prior to the issuance of any building permit. The approved site plan shall have shall be maintained in the permanent files of the Town of Newbern.

11-603. I-2 (HEAVY INDUSTRIAL) DISTRICTS - These districts are designed to provide space for a wide range of industrial and related uses which by reasons of volume, scale of operation, type of structures, type of operation, and possible air and water emissions. Due to these factors, these locations will be evaluated so as to minimize the adverse impacts on adjacent properties.

Within the I-2 (Heavy Industrial) Districts as shown on the Zoning Map of Newbern, Tennessee, the following regulations shall apply:

A. Uses Permitted

1. Retail Trade - limited to:

- (a) Fuel and Ice Dealers

2. Wholesale Trade - limited to:

- (a) Farm Products (Raw Materials), excluding Livestock, Horses and Mules
- (b) Machinery, Equipment and Supplies
- (c) Other Wholesale Trade, Not Elsewhere Coded limited to:
 - (1) Metals and Minerals, excluding Petroleum Products and Scrap
 - (2) Petroleum Bulk Stations and Terminals
 - (3) Tobacco and Tobacco Products
 - (4) Lumber and Construction Materials

3. Services – limited to:

- (a) Business Services - limited to:

- (1) Warehousing and Storage Services, excluding Stockyards
- (2) Repair Services
- (3) Contract Construction Services
- (4) Governmental Services

4. Manufacturing - limited to:

- (a) Food and Kindred Products limited to

- (1) Meat Packing
- (2) Dairy Products
- (3) Canning and preserving of fruits and vegetables
- (4) Bakery Products
- (5) Confectionery and related products

(6) Beverage

- (b) Textile Mill Products
- (c) Apparel and other Finished Products made from Fabrics, Leather and similar Materials
- (d) Lumber and Wood Products
- (e) Furniture and Fixtures
- (f) Paper and Allied products, limited to:
 - (1) Converted Paper and Paperboard Products (except Containers and Boxes)
 - (2) Paperboard Containers and Boxes
 - (3) Building Paper and Board Manufacturing
- (g) Printing, Publishing and Allied industries
- (h) Fabricated Metal Products
- (i.) Rubber and Miscellaneous Plastic Products
- (j) Electrical machinery, equipment, and supplies
- (k) Professional, Scientific and Controlling Instruments; Photographic and Optical Goods; Watches and Clocks
- (l) Miscellaneous Manufacturing- Not Elsewhere Coded
 - (1) Jewelry
 - (2) Musical Instruments
 - (3) Toys, Amusements, sporting and Athletic Goods
 - (4) Pens, Pencils, and other office and artists materials
 - (5) Costume Jewelry, costume novelties, buttons, and miscellaneous novelties
 - (6) Tobacco
 - (7) Motion Picture Production
 - (8) Other Miscellaneous manufacturing, NEC- limited to:
 - (a) Brooms and brushes
 - (b) Matches
 - (c) Lamp shades
 - (d) Signs and Advertising Displays
 - (e) Umbrellas, Parasols, and Canes

- 5. Veterinarian and Animal Hospital Services
- 6. Transportation
- 7. Communication except Telecommunications (See Special Exceptions)
- 8. Utilities limited to:

- (a) Electric and Water utilities excluding electric generation plants
- 9. Other Transportation, Communications, and Utilities- Not Elsewhere Coded
- 10. Research Laboratories
- 11. Accessory buildings and uses customarily incidental to the permitted use
- 12. Signs as permitted in Chapter IX of this Ordinance.

B. Special Exceptions

Prior to the issuance of a building permit all site plan requirements as set forth in Chapter IX, Section 11-908 shall be submitted for review by the Board of Zoning Appeals. Any modifications required by the Planning Commission or Board of Zoning Appeals for Special Exceptions shall be made prior to the issuance of any building permit. The approved site plan shall be maintained in the permanent files of the Town of Newbern.

- 1. Telecommunications Equipment on Existing Structures and New Telecommunications Towers may be permitted by the Board of Zoning Appeals upon approval of a proposal which addresses the criteria enumerated in Chapter IX, Section 11-909. The approval and the site plan may be subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a minimum, these operations approved shall meet the requirements in Chapter IX, Section 11-909.
- 2. Wholesale Trade limited to:
 - (a) Farm Products (Raw Materials):Livestock, Horses and Mules
 - (b) Other Wholesale Trade, Not Elsewhere Coded - Scrap and Waste Materials (Automobile Storage Yards and Junk or Salvage Yards)
- 3 Business Services - limited to:
 - (a) Stockyards
- 3. Utilities not permitted by right including Sewage Disposal and Solid Waste Disposal
- 4. Food and Kindred Products limited to

- (a) Grain Mill products
- 5. Chemicals and Allied Products, limited to:
 - (a) Drugs
 - (b) Soap, Detergents and Cleaning Preparations, Perfume, Cosmetics and other Toilet Preparations
 - (c) Paints, Varnishes, Lacquers, Enamels, and Allied Products
- 6. Industrial Organic Chemicals limited to:
 - (a) Tanning extracts, tar and tar oils
- 7. Agricultural Chemicals limited to:
 - (a) Nitrogenous Fertilizers
 - (b) Phosphatic Fertilizers
 - (c) Fertilizers Mixing Only
- 8. Stone, Clay, Cement and Glass Products
- 9. Primary Metal Industries
- 10. Business Services
- 11. Adult Oriented Businesses as defined in Chapter II – These businesses shall also be regulated in accordance with the following requirements in addition to any other applicable municipal codes, state, or federal laws or regulations.
 - a. Such use shall be located no closer than 1,500 feet from existing churches, synagogues, or other regular places of religious worship;
 - b. Such use shall be located no closer than 1,500 feet from existing public or private nursery schools, family daycare centers, group daycare centers, daycare centers;
 - c. Such use shall be located no closer than 1,500 feet from existing public or private elementary, middle, or secondary schools;

- d. Such use shall be located no closer than 1,500 feet from existing public parks;
 - e. Such use shall be located no closer than 1,500 feet from existing residential structures;
 - f. Screening shall be required. Such screening may be a strip of densely planted with evergreen shrubs or trees which are at least 4 feet high and may be expected to form a year-round dense screen; may be a wall, barrier or uniformly painted fence at least 6 feet in height but not more than 8 feet high, as measured from the finished grade. Such wall, barrier or fence must be opaque. This screen shall be maintained in good condition at all times.
 - g. The property and the facility housing such use must meet all yard standards, parking requirements, and all other applicable provisions of this Ordinance.
 - h. Prior to the issuance of a building permit all site plan requirements as set forth in Chapter IX, Section 11-908 shall be submitted for review by the Board of Zoning Appeals. Any modifications required by the Board of Zoning Appeals shall be made prior to the issuance of any building permit. The approved site plan shall have shall be maintained in the permanent files of the Town of Newbern. Distances from existing structures on adjacent property will be required in order to review compliance with the established regulated distances for such uses above.
- 13. Automobile Storage Yard, Junk or Salvage Yards provided that the use has a minimum lot area of 5 acres and conforms to the setbacks above.
 - 14. Biodiesel and other Alternative Fuel Production
 - 15. Travel Trailer Parks in accordance with Chapter X and any other provisions
 - 16. Accessory uses and buildings customarily incidental to any aforementioned special exception.

C. Uses Prohibited

- 1. Any use not specifically permitted or permitted as a Special Exceptions by the Board of Zoning Appeals is specifically prohibited.

2. The manufacture, processing, storage, or disposal of any hazardous substance, waste or by-products. This shall not be construed to prohibit any processing operation in which hazardous substances are necessary for the manufacture of a non-hazardous end product without production of any additional hazardous wastes.

D. Regulations Controlling Lot Area, Lot Width, Yards, Building Coverage and Building Height

1. Minimum required lot area
 - a. Manufacturing uses Five (5) acres
 - b. Other uses One (1) acre
2. Minimum required lot width at the building line
 - a. All Uses 100 feet
3. Minimum required front yard
 - a. All uses 50 feet
4. Minimum required rear yard
 - a. All uses 35 feet
5. Minimum required side yard
 - a. All uses 35 feet
6. Maximum Lot Coverage by All Buildings
 - a. All uses None
7. Maximum Number of Principal Buildings on a Single Lot
 - a. All uses No maximum providing the provisions of this Ordinance are met. However, when multiple separate structures are constructed on a single lot, each structure shall be situated so that all area and yard requirements may be met as if located on a separate lot.
8. Maximum permitted height of structures

- a. No building may exceed three (3) stories or thirty-five (35) feet in height.
- b. Free standing poles, spires, towers, antennae, and similar structures may exceed the height provisions provided they comply with the provisions of all other codes and Ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

E. Parking and Loading Regulations

Adequate off-street parking and loading space shall be provided as required in Chapter IX of this Ordinance.

F. Periphery Buffering And Screening

In addition to meeting the yard requirements, the developer must provide adequate screening and buffering as required by the Planning Commission or Board of Zoning Appeals for Special Exceptions. The screening should be suitable to prevent the physical encroachment of the industrial development on the adjacent district. The screening shall be provided in the form of fencing, hedges, bushes, trees, or other buffering/screening materials as determined appropriate by the Planning Commission or Board of Zoning Appeals for Special Exceptions

G Waste Containment And Disposal

The Planning Commission or Board of Zoning Appeals for Special Exceptions shall have the authority to require that a plan for the containment and eliminating of any by-product or waste of any process of any use permitted under the I-2 District be submitted for approval from federal, state, or local agencies prior to final approval.

H. Site Plan Review And Permitting

When appropriate, the Planning Commission or Board of Zoning Appeals for Special Exceptions shall require that all applicable federal, state, and local permits are obtained either prior to or as a condition of site plan approval.

Prior to the issuance of a building permit all site plan requirements as set forth in Chapter IX, Section 11-908 shall be submitted for review by the Planning Commission or Board of Zoning Appeals for Special Exceptions. Any modifications required by the Planning Commission or Board of Zoning Appeals for Special Exceptions shall be made prior to the issuance of any building permit. The approved site plan shall have shall be maintained in the permanent files of the Town of Newbern.

CHAPTER VII

GENERAL PROVISIONS, NONCONFORMING LOTS USE AND STRUCTURES, ACCESS CONTROL AND EXCEPTIONS AND MODIFICATIONS

For the purpose of this Ordinance, there shall be certain general provisions, which shall apply to the Town as a whole as follows:

11-701. ZONING AFFECTS 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 hereinafter provided.

11-702. CONTINUANCE OF NON-CONFORMING USES AND STRUCTURES - It is the intent of this Ordinance to recognize that the elimination as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of this Ordinance is as much a subject of health, safety and welfare as is the prevention of the establishment of new uses that would violate the provisions of this Ordinance. It is also the intent of this Ordinance to administer the elimination of non-conforming uses, buildings, and structures so as to avoid an unreasonable invasion of established private property rights. Lawful non-conforming uses, buildings, and structures existing at the time of the passage of this Ordinance or any amendment thereto shall be allowed to remain subject to the following provisions:

- A. A non-conforming building or building housing a non-conforming use shall not be structurally altered except in conformance with the provisions of this Ordinance. This provision shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.
- B. Any non-conforming building or non-conforming use, which is damaged by fire, flood, wind or other act of God or man, may be reconstructed and used as before, if it be done within twelve (12) months of such damage, unless damage of the extent of more than seventy-five (75) percent of its fair sales value immediately prior to damage, in which case any repair or reconstruction shall be in conformity with the provisions of this Ordinance.
- C. Except as provided in Tennessee Code Annotated 13-7-208, a non-conforming use of land shall be restricted to the area occupied by such use as of the effective date of this Ordinance. A non-conforming use of a building or buildings shall not be enlarged to either additional land or buildings after the effective date of this Ordinance.

- D. An existing non-conforming use of a building or land may be changed to a conforming use or to another non-conforming use of the same classification or a classification less detrimental to the district in which it is located as determined by the Board of Zoning Appeals.
- E. No existing non-conforming use or structure shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except as herein provided.
- F. When a non-conforming use of any building or land has ceased for a period of one (1) year, it shall not be re-established.
- G. Non-conforming commercial, business, or industrial uses created after the passage of Tennessee Code Annotated 13-7-208 shall be allowed to expand operations and reconstruct facilities which involve an actual continuance and expansion of activities of the business which were permitted and being conducted prior to the change in zoning, provided that there is a reasonable amount of space for such expansion of the property owned by such business and that any construction, improvement or reconstruction shall be in conformance with the district requirements in which it is located.

11-703. ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE PER LOT - In any district, no more than one structure housing a permitted principal use may be erected on a single lot, except for multiple family dwellings, commercial structures, industrial structures, mobile home parks, and travel trailer parks provided that the orientation of the structures conforms to the yard and other requirements of this Ordinance as though these structures were located on individual lots.

11-704. REDUCTION OF 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 this Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

11-705. REQUIRED YARD CANNOT BE USED BY ANOTHER BUILDING - No part of a yard or other open space required about any building for the purpose of complying with the provisions of these regulations shall be included as part of a yard or other open space required under these regulations for another building.

11-706. REAR YARD ABUTTING 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. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property than the distance required for side yards on adjoining properties fronting on that street.

11-707. CORNER LOTS - On lots located at the intersection of two streets, the frontage on both streets shall be considered as front yards, the other two yards shall be considered side yards for the purposes of this Ordinance.

11-708. OBSTRUCTION OF VISION AT STREET INTERSECTIONS PROHIBITED - No structure, planting, object, or sign which obstructs visibility shall be placed on a corner lot within the area defined by a distance of twenty-five (25) feet along the right-of-way lines of the intersecting streets from the point of intersection of the right-of-way lines at the corner, and a line connecting the end points on the right-of-way lines to form an equilateral triangle. Any object between a height of two and one-half (2.5) feet and a height of ten (10) feet above the average grade of each street at the centerline thereof shall be deemed as obstructing vision under the provision of this Ordinance. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

11-709. 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, i.e., drive or other opening for vehicles into a street shall not exceed thirty-three (33) feet in width.
- B. There shall be no more than two (2) points of access to any one (1) public street on a lot of less than four hundred (400) feet but more than one hundred (100) feet in width. Lots less than one hundred (100) feet in width shall have no more than one (1) point of access to any one (1) public street.
- C. No point of access shall be allowed within twenty-five (25) feet of the right-of-way of any public street intersection.
- D. Where sidewalks exist, the area existing between the street and an interior parking space or driveway parallel to the street shall have a curb of at least six (6) inches in height and six (6) inches in width separating the parking area from the sidewalk to prevent encroachment of vehicles onto the sidewalk area.
- E. No curbs on Town streets or rights-of-way shall be cut or altered without written approval of the Building Inspector.
- F. Ingress and egress to required parking spaces for uses other than single-family residential shall be via driveways arranged so that vehicles enter and depart by forward motion.
- G. Access control on property abutting state or federal highways shall be governed by official regulations of the Tennessee Department of Transportation or the provisions of this Ordinance whichever is stricter.

11-710. STREET FRONTAGE - No structure shall be erected on a lot which does not abut a public street or is located on a permanent access easement approved by the Newbern Planning Commission; all structures shall be located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

11-711. LOT OF RECORD - Where the owner of a lot of record at the time of the adoption of this Ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this Ordinance or a preceding Zoning Ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this Ordinance. Permission to use such lot as a building site may be granted, however, providing that the yards and other requirements of the districts are complied with as closely as is possible in the opinion of the Board of Zoning Appeals.

11-712. FRONT YARD REQUIREMENTS IN PRE-EXISTING DEVELOPMENTS - The front yard requirements of this Ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots, located within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing front yard depths on the developed lots.

11-713. FRONT YARDS - The front yard shall be measured from the street right-of-way. In the instance when the street right-of-way is unspecified, the following standards shall be used to establish a point of measurement:

- | | |
|----------------------|---|
| A. Minor residential | 50 foot right-of-way or 25 feet from the street centerline. |
| B. Collector streets | 60 foot right-of-way or 30 feet from the street centerline. |
| C. Arterial streets | 70 foot right-of-way or 35 feet from the street centerline. |

11-714. LOCATION OF ACCESSORY ACTIVITY, USE, BUILDING OR STRUCTURE - No accessory activity, use, building, or structure shall be erected in any front or side yard except as provided for corner lots, and no separate accessory activity, use, building or structure shall cover more than thirty (30) percent of any required rear yard, and shall be erected within five (5) feet from all lot lines and from any other buildings. For corner lots, accessory buildings or structures may be permitted in the side yards provided that no separate accessory activity, use, building or structure shall cover more than thirty (30) percent of the combination of required side yards and required front yards, and shall not be erected within the required front yard for principal structures or within five (5) feet from the side lot lines and within five (5) feet from any other buildings

except for fences and other uses specifically mentioned elsewhere in this ordinance.

11-715. 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 be over two and one-half (2.5) feet in height.

Buffers may be exempt from these provisions if required by the reviewing authority. No proposed fence, wall, or fence shall be permitted, which violates Section 11-708 and any other provisions of this ordinance or other City Codes.

Neither fences nor walls shall be constructed within any known right-of-way. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

11-716. BUFFERING AND SCREENING The Newbern Planning Commission may require screening of parking lots, service areas, open storage of material and equipment, and other commercial or industrial activities not contained within a building from residential or other property where the visual appearance of such uses of land is inconsistent with the amenities of the surrounding development or is an annoyance to the adjoining land owner.

11-717. LIGHTING Any light used to illuminate signs, parking areas or buildings shall be so arranged as to reflect such light away from adjoining premises and streets.

11-718. INTERPRETATION OF PERMITTED USES - Permitted uses, when in question, shall be determined by utilization of the Standard Land Use Coding Manual. Uses will be considered similar if they are part of the same two digit code in the Standard Land Use Coding Manual.

PROVISIONS GOVERNING FLOOD HAZARD DISTRICTS

8-801. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Section A. Statutory Authorization

The Legislature of the State of Tennessee has in Tennessee Code Annotated 13-7-201 through 13-7-211 and 13-7-301 through 13-7-306 delegated the responsibility to units of municipalities to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Newbern, Tennessee Mayor and its Board of Alderman does ordain as follows:

Section B. Findings of Fact

1. The Newbern Mayor and its Board of Alderman wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-04 Edition).
2. Areas of Newbern Planning Region in Dyer County 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, flood-proofed, 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 floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage or erosion, and;

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 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 floodable areas;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a floodable area and
8. To maintain eligibility for participation in the National Flood Insurance Program.

8-802. 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" shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

1. Accessory structures shall not be used for human habitation.
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 which may result in damage to other structures.
5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

"Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered "New Construction".

"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" 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.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

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

"Breakaway Wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

"Building", means any structure built for support, shelter, or enclosure for any occupancy or storage (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 permanent 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 fill, 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 first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (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 National Flood Insurance Program (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 Administrator 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 the Federal Emergency Management Agency, 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 the Federal Emergency Management Agency, 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 the Federal Emergency Management Agency, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

"Floodplain" or "Flood-prone Area" means any land area susceptible to being inundated by water from any source (see definition of "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, 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 flood plain 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.

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

"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, bridge openings and the hydrological effect of urbanization of the watershed.

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

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

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminary 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 a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By an approved state 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", unless such transportable structures are placed on a site for 180 consecutive days or longer.

"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 the Agency.

"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 National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is 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 after the effective date of this ordinance or the effective date of the first 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 after the effective date of this ordinance or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

"North American Vertical Datum (NAVD)" as corrected in 1988 is 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.

"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; and

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 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 the Administrator to assist in the implementation of the National Flood Insurance Program for the state.

"Structure", for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

"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 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any repairs, reconstructions, rehabilitations, additions, alterations or other improvements to a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

For the purpose of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. 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 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

"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, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

8-803. GENERAL PROVISIONS

Section A. Application

This Ordinance shall apply to all areas within the Planning Region of Newbern, Tennessee outside of the Corporate Limits.

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

The Areas of Special Flood Hazard identified on the Dyer County, Tennessee and Incorporated Areas, Federal Emergency Management Agency, Flood Insurance Study (FIS) 47045CV000A and Flood Insurance Rate Map (FIRM), Community Panel Number Panel Number 47045C0100E; 47045C0125E; 47045C0205E; 47045C0210E; and 47045C0250E; effective: October 16, 2008 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 Town of Newbern, 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. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Newbern, Tennessee from taking such other lawful actions to prevent or remedy any violation.

8-804. ADMINISTRATION

Section A. Designation of Ordinance Administrator

The Building Inspector 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 BFE's are available, or to 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 flood-proofed where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.
- c. Design certificate from a registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in 8-804. Section 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 unnumbered A zones, where flood elevation data are not available, the Administrator shall record the elevation of the lowest floor on the development permit. 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.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing. Within unnumbered A zones, where 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.

Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a registered land surveyor and certified by same. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a professional engineer or architect and certified by same.

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:

1. Review of 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. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.
3. Notification to 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 submission of evidence of such notification to the Federal Emergency Management Agency.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
5. 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 or substantially improved buildings, in accordance with 8-804. Section B.
6. Record the actual elevation; in relation to mean sea level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been flood-proofed, in accordance with 8-804. Section B.
7. When flood proofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with 8-804. Section B.
8. 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) the Administrator shall 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.
9. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Administrator shall 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 Community FIRM meet the requirements of this Ordinance.

Within unnumbered 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 or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in 8-802 of this Ordinance). All

applicable data including elevations or flood proofing certifications shall be recorded as set forth in 11-804. Section B.

10. All records pertaining to the provisions of this Ordinance shall be maintained in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

8-805. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards

In all flood prone areas the following provisions are required:

1. New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
3. New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction or substantial improvements to existing buildings 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; and,
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.

Section B. Specific Standards

These provisions shall apply to ALL Areas of Special Flood Hazard as provided herein:

1. Residential Construction. Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated 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 and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of 8-804. Section B.

Within unnumbered 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 or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in 8-802 of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in 8-804. Section B.

2. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building, when BFE data is available, shall have the lowest floor, including basement, elevated or floodproofed no lower than one (1) foot above the level of the base flood elevation.

Within unnumbered 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 or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in 8-802 of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in 8-804. Section B.

Buildings located in all A-zones may be flood-proofed, 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 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 8-804. Section B.

3. Elevated Building. All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, 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 professional engineer or architect or meet the following minimum criteria.

- 1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 2) The bottom of all openings shall be no higher than one foot above the finish grade; and
 - 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. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the elevated living area (stairway or elevator); and
 - c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of 8-805. Section B. of this Ordinance.

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, including elevations and anchoring.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - 1) When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one (1) foot above the level of the base flood elevation; or,
 - 2) Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three (3) feet in height above the highest adjacent grade.
- c. Any manufactured home, which has incurred "substantial damage" as the result of a flood or that has substantially improved, must meet the standards of 8-805. Section B. 4 of this Ordinance.
- 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 on identified flood hazard sites 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.
- 3) The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than 180 consecutive days.

5. Standards for Subdivisions

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision 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 proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty lots and/or five acres in area.

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

Located within the Areas of Special Flood Hazard established in 11-803. 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 developments 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, when combined with all other existing and anticipated development, shall not result in ANY increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.
2. New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of 11-805.

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

Located within the Areas of Special Flood Hazard established in 8-803. 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 structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a 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 or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with 8-805. Section B.

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

Located within the Areas of Special Flood Hazard established in 8-803, where streams exist, but no base flood data has been provided (A Zones), OR where a Floodway has not been delineated, the following provisions shall apply:

1. When base flood elevation data or floodway data have not been provided in accordance with 8-803, then the Administrator shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State or other source, in order to administer the provisions of 8-805. ONLY if data is not available from these sources, then the following provisions (2 & 3) shall apply:
2. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by 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.
3. In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of 8-805, Section B, and "Elevated Buildings".

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

Located within the Areas of Special Flood Hazard established in 8-803, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined

channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions 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 the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of 8-805, Section B, and "Elevated Buildings".
2. All new construction and substantial improvements of nonresidential buildings may be flood-proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood-proofed to at least one (1')foot above the specified FIRM flood level, 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, the lowest floor, including basement, shall be flood proofed to at least three (3) feet above the highest adjacent grade. A 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 8-804, Section B.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.
4. The Administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

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

Located within the areas of special flood hazard established in 8-803. Are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of 8-804. and 8-805. Section A. shall apply.

Section H. Standards for Unmapped Streams

Located within Newbern, 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. In areas adjacent to such unmapped streams, no encroachments including fill material or 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 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 new elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood proofed to elevations established in accordance with 8-804.

8-806. VARIANCE PROCEDURES

The provisions of this section shall apply exclusively to areas of Special Flood Hazard within the Newbern Planning Region within Dyer County, Tennessee outside of the corporate limit boundary of Newbern, Tennessee.

Section A. Board of Zoning Appeals

1. The Newbern Regional 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 (see definition) 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 to preserve the historic character and design of the structure.
3. In passing upon such applications, the Regional 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 facility;
 - 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, and;
 - 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, and water systems, and streets and bridges.
4. Upon consideration of the factors listed above, and the purposes of this Ordinance, the Regional 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 in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.
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 level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.
4. The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

8-807. 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 Newbern, Tennessee, the most restrictive shall in all cases apply.

Section B. Validity

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.

CHAPTER IX

SPECIAL PROVISIONS GOVERNING PARKING, LOADING, SIGNS, SITE PLAN REVIEW, TELECOMMUNICATIONS STRUCTURES, AND MANUFACTURED HOMES

For the purpose of this Ordinance, there shall be certain provisions, which shall apply to the Town as a whole as follows:

11-901. OFF-STREET PARKING SPACES

There shall be provided, at the time of erection of any building or structure, or at the time any main building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, or before conversion from one zoning use or occupancy to another, permanent off-street parking space of at least two hundred (200) square feet per space with vehicular access to a street or alley. Parking space maintained in connection with an existing or continuing main building or structure on the effective date of this ordinance up to the number required by this Ordinance shall be continued and may not be counted as serving a new structure or addition; nor may any parking space be substituted for a loading space, nor any loading space substituted for a parking space. Off-street parking space shall be deemed to be required open space associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner. The city reserves the right to control ingress and egress over private right-of-way.

If the off-street parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted, the Board of Zoning Appeals may permit such space to be provided on other off-street property provided such space lies within four hundred (400) feet of the main entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

11-902. MINIMUM PARKING REQUIREMENTS

- | | | |
|----|---------------------------------------|--|
| A. | Retail trade and personal services | One (1) space for each 200 square feet of floor area. |
| B. | Office (Public, Private, or Business) | One (1) space for each 400 square feet of floor area. |
| C. | Medical Clinics | Five (5) spaces for each physician or dentist plus one (1) space per employee. |

- D. Public Buildings One (1) space for each 200 square feet of floor area.
- E. Schools One (1) space for each faculty, office, or staff member; plus one (1) space for each two (2) auditorium or stadium seats
- F. Places of Assembly One (1) space for each five (5) auditorium, stadium, sanctuary, or theater seats.
- G. Industrial Not less than one (1) space per each two (2) employees computed on the total number of employees on the largest shift plus company vehicular storage space.
- H. Residential
Multiple family dwellings,
Elderly Assisted Care, Elderly
Congregate Living,
and Nursing Homes Two (2) spaces for each single family dwelling and two and one-half (2.5) spaces for each dwelling unit in a multiple-family dwelling.
- I. All other uses One (1) space for each 400 feet of floor area.

11-903. HANDICAPPED PARKING

- A. In all developments, handicapped parking spaces shall be provided which have a minimum width of sixteen (16) feet [or one van accessible space as required below with a 96 inch space and adjacent 96 inch access aisle] unless a 60 inch (5 feet) middle aisle is used in conjunction with two adjacent eleven (11) feet wide parking spaces designed as a van and non-van accessible space (referred to as the universal design standard).

One in every eight accessible parking spaces shall be van accessible with an acceptable overhead clearance of a minimum of 108 inches (9 feet). Two adjacent van accessible spaces shall have a minimum of two 96 inch (8 feet) spaces separated by a 96 inch (8 feet) aisle.

The number of handicapped parking spaces in relation to the total number of spaces is listed below (unless dictated for multiple

family, or automobile showrooms or specified medical uses as dictated by the North Carolina Handicapped Code):

<u>Total Spaces in Lot</u>	<u>Required number of reserved spaces</u>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of Total
Over 1000	20 plus 1 for each 100 over 1000

- B. Ramp slopes for wheelchair accessibility shall be between 1:16 and 1:20.
- C. The travel distance along accessible routes from accessible parking spaces to accessible entrances shall not exceed 200 feet.
- D. The number and location of handicapped parking spaces shall be dictated the North Carolina Handicapped Code, the Americans with Disabilities Act, or other applicable code. If there is a conflict, the strictest standard shall apply.

11-904. OFF-STREET LOADING AND UNLOADING SPACES - Every building or structure used for business for trade shall provide adequate space for the loading and unloading of vehicles off the streets or public alley. Such space shall have access to a public alley or if there is no alley, to a public street. Each loading space shall be at least twelve (12) feet wide, fifty (50) feet long with a vertical clearance of at least fourteen (14) feet.

The number of loading spaces shall be determined using the table below:

<u>Gross Floor Area (In Square Feet)</u>	<u>Loading and Unloading Space Required</u>
0 - 1,400	None
4000 - 20,000	One (1) Space
20,000 - 100,000 and over	One (1) space plus (1) space for each additional 20,000 square feet in excess of 20,001 square feet with no more than five (5) spaces required.

11-905. LOCATION OF OFF-STREET LOADING SPACES

All off-street loading facilities, where feasible, shall be located in the rear of the principal building. Loading berths shall be located so as not to restrict the ingress and egress to the lot nor to any intersection.

11-906. SIGN REGULATIONS

- A. Sign Setback: No sign shall be located within the required rear or side yards of any lot.
- B. Sign Height: The height of signs shall not exceed the height regulations of the zoning district in which they are located.
- C. Sign Projection Limits:
 - 1. No sign of any kind shall project into a street's right-of-way.
 - 2. No sign shall project above the roof line of the building on which it is attached.

D. Interference with Traffic Signals or Motorist's Vision

1. No sign may be located in a manner which may obstruct or interfere with the view of traffic signs. No signs may be located within 100 feet of an intersection of a public road, if the sign obstructs the vision of a motorist within 100 feet of the intersection or causes confusion with a traffic control sign or signal by reason of color, lighting or other means.
2. No sign located within the required front yard may obstruct vision of the street.

E. Certain Types of Signs Prohibited. No person may erect or maintain a sign which flashes, rotates, simulates action or has a moving part that is visible from a public street.

F. Sign Definitions and Maximum Size

(1) Name Plate Sign:

Attached or Free Standing

A sign containing the name and title of the occupant of a building. No name plate sign in a residential area shall exceed one square foot or two square foot in other areas.

(2)

Identification Sign: A sign identifying the name of a church, institution, school, apartment building, club, lodging place, business or industry on the property on which it is located. No identification sign shall exceed thirty-six (36) square feet in size per side.

(3)

Business, Sign Attached A sign attached to the face of a building identifying the trade, services or industry located within said building. No attached building sign shall exceed thirty per-cent (30%) of the front face of the building in area: nor shall it

exceed a maximum size of 350 square feet per side.

- (4) Business, Sign, Free Standing A sign attached to its own support or to the ground identifying the trade, services, or industry located on a lot or in a building on the same lot. It shall not exceed a maximum size of 120 square feet per side.
- (5) Billboard Sign: Attached or Free Standing A sign advertising anything not exclusively provided on the premises on which the sign is located.

No Billboard sign shall exceed a maximum square footage of 382 square feet in size per side.

No billboard sign shall be placed closer than 1,000 feet apart on the same side of the street.

All billboard signs shall meet the height restriction of the zoning district in which they exist.

The stacking or doubling of advertising sign on the same poles shall not be permitted.

G. Sign restrictions: The following schedule lists the number of signs permitted, and zoning districts in which are permitted.

<u>Type of Sign</u>	<u>Number of Signs Permitted</u>	<u>Districts in which Permitted</u>
Name Plate	One per occupant	Any district
Identification	One per use	Any district
Attached Business	One per occupant	B-1, B-2, C-M, R-O, I-1, I-2 districts
Free Standing Business	One for each use whose contiguous street frontage is at least 200 feet	B-1, B-2, C-M, R-O I-1, I-2

- F. Signs which display thereon or advertise any obscene, indecent or immoral matter.
- G. Signs which are intended to advertise customary incidental home occupations as prescribed in the Special Exception section for residential districts unless otherwise specified.

11-908. PROCEDURES AND REQUIREMENTS FOR SITE PLAN REVIEW

Before a permit is issued for any permitted use or special exception listed, a site plan of the proposed development shall be reviewed and approved by the Planning Commission. The Planning Commission shall have the power to impose conditions regarding the location of the buildings on the site, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area, compatibility of the proposed use with existing nearby uses, as well as for the purposes of traffic circulation, emergency access, utility access, or refuse collection in relation to the proposed use or adjacent uses.

Site Plan Review Procedures. In instances of review by the Newbern Planning Commission the following procedure shall apply.

- A. Site Plan Submission and Review. Site plan review is required under three (3) instances by the Zoning Ordinance. These instances include:

Review and approval by the Newbern Building Inspector prior to the issuance of a building permit.

Review and approval by the Newbern Board of Zoning Appeals prior to the approval of a permitted special exception.

Review and approval by the Newbern Planning Commission

- 1. Building Inspector Review

- (a) In instances of review by the Newbern Building Inspector prior to the issuance of a building permit the following procedure shall apply.

- (1) Prior to the issuance of a building permit, a site plan shall be submitted to the Building Inspector. The site plan for single-family dwellings shall be reviewed for compliance with the provisions of this section and approved or disapproved. In

the instance of disapproval, reasons for such disapproval shall be stated in writing.

2. Review Procedure

- (a) In instances of a review by the Newbern Planning Commission or Board of Zoning Appeals as specified by the Newbern Zoning Ordinance, the following procedure shall apply:
 - (1) The owner or developer shall submit four (4) copies of the proposed site plan to the Building Inspector ten (10) days prior to the regular meeting date of the Planning Commission or Board of Zoning Appeals, whichever is applicable. The site plan shall be reviewed in light of the provisions of this Ordinance and the appropriate district regulations and approved or disapproved. The plans then shall be returned to the owner or agent with the date of such approval or disapproval noted thereon over the signature of the Secretary of the Planning Commission or Chairman of the Board of Zoning Appeals, whichever is applicable.
 - (2) Prior to the regular Planning Commission or Board of Zoning Appeals meeting, whichever is applicable, copies of the proposed site plan will be distributed by the Building Inspector to other affected Town departments and the planning staff to review and approve those areas under their responsibility. A coordinated staff position will be developed for submission to the Planning Commission or Board of Zoning Appeals, whichever is applicable. The owner, developer, or agent will be invited to attend the meeting.
 - (3) In the instance of disapproval, reasons for such disapproval shall be stated in writing.

B. Contents of the Site Plan for Single Family Development

Construction of Single-Family Dwellings. In instances where the proposed construction is an individual Single-Family Dwelling, the site plan shall include the following:

- (1) All property lines and their surveyed distances and courses, Tax Map and deed references.
- (2) All building restriction lines, setback lines, easements, covenants, reservations and rights-of-way.
- (3) Total land area.
- (4) Present zoning of site and abutting properties.
- (5) Name, address of owner of record and applicant.

- (e) Provisions for utilities, water, sewer, etc.
- (g) Location and dimensions of the existing and proposed structures.

C. Contents of the Site Plan for Multiple Family, Commercial, and Industrial Development

1. The site plan shall show the following:
 - (a) Name of development or address
 - (b) Name and address of owner of record and the applicant
 - (c) Present zoning of the site and abutting property
 - (d) Date, graphic scale, and north point with reference to source of meridian
 - (e) Courses and distances of center of all streets and all property lines
 - (f) All building restriction lines, setback lines, easements, covenants, reservations and rights-of-way.
 - (g) The total land area
 - (h) Certification as to the accuracy of the plan by a licensed surveyor, engineer, or architect.

2. The Site Plan shall show the location of the following when existing:
 - (a) Sidewalks, streets, alleys, easements and utilities
 - (b) Building and structures
 - (c) Public sewer systems
 - (d) Slopes, terraces and retaining walls
 - (e) Driveways, entrances, exits, parking areas and sidewalks
 - (f) Water mains and fire hydrants
 - (g) Trees and shrubs
 - (h) Recreational areas and swimming pools
 - (i) Natural and artificial water courses
 - (j) Limits of floodplains with references to current Flood Insurance Rate Map

3. The Site Plan shall show the location, dimensions, site and height of the following when proposed.
 - (a) Sidewalks, streets, alleys, easements, and utilities
 - (b) Buildings and structures including the front street elevation of proposed buildings if the buildings exceed one story in height
 - (c) Public sewer systems
 - (d) Slopes, terraces, and retaining walls
 - (e) Driveways, entrances, exits, parking areas, and sidewalks

- (f) Water mains and fire hydrants
- (g) Trees and shrubs
- (h) Recreational areas
- (i) Distances between buildings
- (j) Estimates of the following when applicable:
 - (1) Number of dwelling units or other units
 - (2) Number of parking spaces
 - (3) Number of loading spaces
- (k) Plans for Collecting storm water and methods of treatment of natural and artificial water courses including a delineation of limits or flood plains, if any
- (l) Proposed grading, surface drainage terraces, retaining wall heights, grades on paving areas, and ground floor elevations of proposed buildings and structures
- (m) In instances where common parking, easements, entrance and egress, are proposed, or other features or requirements imposed by the Town of Newbern are shared in the development or use of any properties, such shared or common features shall be shown on the required site plan and shall be included in restrictive covenants and included with such site plan
- (n) Proposed dumpster pad, if required by Town code or policies

D. Contents of the Site Plan for Mobile Home Parks

Applications for a mobile home park permit shall be filed and issued by the Town Building Inspector subject to approval of the mobile home park plan by the Board of Zoning Appeals or Planning Commission in accordance with Chapter provisions. Plans shall be submitted at least ten (10) days prior to the scheduled meeting. Applications shall be in writing and signed by the applicant and shall accompany the site plan. The plan shall contain the following information and conform to the following requirements:

- (1) The plan shall be clearly and legibly drawn to a scale not smaller than one hundred (100) feet to one (1) inch prepared and stamped by a licensed surveyor, engineer, or architect;
- (2) Name and address of owner of record;
- (3) Proposed name of park;
- (4) Vicinity map showing location and acreage of mobile home park;

- (5) North point and graphic scale and date;
 - (6) Exact boundary lines of the tract by-bearing and distance;
 - (7) Names of owners of record and zoning of adjoining land;
- (8) Existing streets, utilities, easements and water courses on and adjacent to the tract;
- (9) Proposed design including streets, proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public/recreational uses, and any land to be used for purposes other than mobile home spaces;
- (10) Provisions for water supply, sewage and drainage;
- (11) Such information as may be required by the Town to enable it to determine if the proposed park will comply with legal requirements such as zoning designation; and
- (12) The applications and all accompanying plans and specifications shall be filed in triplicate with the building inspector;
- (13) Proposed dumpster pad
- (14) Certificates that shall be required are:
- (a.) owner's signature and date;
 - (b.) certificates from the State Health Officer (County Environmentalist) concerning the acceptability of the sewage disposal and water system, if applicable;
 - (c.) the Public Work director or Town engineer regarding approval of proposed road construction plans, water, sewer and any other utilities;
 - (d.) and any certificates deemed necessary by the Planning Commission or Board of Zoning Appeals

11-909. REQUIREMENTS FOR TELECOMMUNICATION TOWERS EQUIPMENT

- A. These regulations shall apply to Telecommunications Towers and Equipment as permitted according to each zoning district's provisions.

- B. New telecommunications towers or telecommunication equipment on existing structures upon approval by the Board of Zoning Appeals and in compliance with the provisions of "Telecommunications Tower Requirements."
 - 1. Purpose - The purpose of this section is to protect the health and enhance the safety of the residents of the Town of Newbern by providing provisions relative to controlling the height, number, and light emission of telecommunication towers.

 - 2. Applicability - All new telecommunication towers which are defined as any system of wires, poles, rods, reflecting discs, or similar devices that exceed a height of 20 feet, not constructed upon or used as an accessory structure for a residential dwelling and are used for the transmission or reception of electromagnetic waves shall be required to submit a site plan for approval.

 - 3. Plan Requirement - Prior to the issuance of a building permit for the construction of a tower or the utilization of an existing utility structure for telecommunications purposes, a site plan shall be submitted and reviewed in accordance with the provisions of the Site Plan Review requirements in this Ordinance.
 - (a) The Board of Zoning Appeals, upon referral, may make other requirements for information when necessary for the proper review and judgement of the site plan.

 - (b) All new telecommunications towers not on an existing utility structure shall show the location of the tower and accessory structures and the location of future antenna arrays and accessory structures.

 - (c) A letter of intent from the owner allowing for the shared use of the tower.

 - (d) A letter from a professional engineer certifying that the tower's height and design complies with these regulations and all applicable structural standards and, also, describes the tower's capacity which includes the number and type of antennas that can be accommodated.

- (e) A letter indicating why all existing towers or structures within a one (1) mile radius of the proposed tower cannot be utilized.
- 4. Prohibited Uses - All telecommunication towers that exceed a height of 20 feet constructed and any tower that is not specifically permitted as a use permitted or Special Exception the Town of Newbern shall be specifically prohibited.
- 5. Type - All new telecommunications towers that exceed a height of 25 feet may be of a monopole or lattice type structure.
- 6. Accessory Uses and Structures
 - (a) A telecommunications tower, as defined in this section, shall not be considered as an accessory use to any permitted use or Special Exception in any district in the Town of Newbern. For the purpose of this section, transmission, switching and receiving buildings that provide for the operation of the tower, shall be considered as accessory uses. Any building that allows for the conduct of business or requires partial occupation by a person or persons for any part of a day shall not be considered as an accessory structure to a tower.
 - (b) Each antenna array may have an accessory structure. Accessory buildings or structures at the base of the power line structure or water tower shall not exceed a maximum of 20 feet by 20 feet. Accessory buildings or structures shall not exceed one story.

7. Structural Requirements

- (a) All new telecommunications towers not on an existing utility structure within the Town of Newbern shall be designed to accommodate a minimum of three 3 antenna arrays.
 - (b) All telecommunications towers on an existing utility structure shall be designed to accommodate a minimum of 2 antenna arrays.
 - (c.) All new telecommunications towers, whether freestanding or on an existing utility structure shall be designed to withstand winds of a minimum of 70 miles per hour with half an inch radial ice.
8. Setbacks
- (a) All telecommunications towers and accessory structures that are not constructed on an existing utility structure shall be setback from

the property lines a distance equal to fifty (50%) percent of the tower height or the district yard requirements, whichever is greater.

- (b.) In instances when a telecommunications tower and accessory structures are constructed adjacent to a residential district, either immediately adjacent to such property or across a public way, the minimum setback from a residential lot line, a residential district, a public street or public way shall be one hundred (100%) percent of the tower height plus ten feet.

9. Co-Use of Utility Structures

The co-use of existing utility structures in the Town of Newbern shall be encouraged on existing power line structures and water towers, or other towers exceeding 30 feet in height.

10. Height

- (a.) No height restrictions provided that all setback requirements and provisions of this ordinance and other local, state, and federal codes are met.
- (b.) In instances when a tower is to be co-located upon an existing utility structure, which is defined as a power line structure or an existing water tower, the maximum tower height shall not exceed the height of the structure plus ten (10) feet.

11. Shared Use

The shared use of new telecommunications towers within the Town of Newbern shall be encouraged through the requirement of having all new towers designed for additional users. All proposals for a new telecommunications tower shall demonstrate, through documentation, that no existing towers or existing structures within a one mile radius of the proposed tower will accommodate a new antenna array for one or more of the following reasons.

- (a.) The planned antenna array equipment would exceed the structural capacity of all existing or approved towers and existing utility structures and said towers and structures cannot be upgraded at a reasonable cost.
- (b.) The planned equipment would cause radio frequency (RF) interference with other existing or planned equipment.
- (c.) The planned equipment would not function effectively and reasonably on an existing tower or utility structure.

(d.) Geographic service requirements would prevent the co-use of an existing tower or utility structure.

12. Security - All telecommunications towers, whether freestanding or on an existing utility structure, shall be fully secured through the installation of a security fence/wall system of a minimum height of 8 feet or the height of the accessory structures, whichever is greater.

13. Landscaping - All freestanding towers and utility structures shall have a 4 foot wide landscaping strip around the perimeter of the security fence. The landscaping strip shall be installed for the permanent year round protection of adjacent property owners by visually shielding the contents at the base of the tower from adjoining property owners. The landscaping strip shall consist of a combination of trees, shrubs, vines and other ground covers that are expected to grow to a height of 8 feet. The landscaping provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or there are existing physical features that meet the intent and purpose of this section.

14. Vehicle Access/Parking

(a.) The location and design of driveways and/or access easements to the facility from a public street shall be depicted on the site plan and shall be approved by the Planning Commission in accordance with access control regulations within this ordinance.

(b.) No parking spaces shall be required for the site since the site shall not have workers that remain at the site on a full or part-time basis.

15. Lighting

(a.) Towers: No artificially lighted tower shall be permitted in the Town of Newbern. If a proposed tower is required to be lighted by the FAA (Federal Aviation Administration), then the applicant shall be required to reduce the height of the tower or move the tower to eliminate the requirement for lighting.

(b.) Structures: Outside lighting of structures, if required for safety and security purposes, shall be of a sensory fashion in which illumination offers only when the site is approached. The lighting shall be arranged to minimize glare and reflection on adjacent properties and public streets.

16. Removal of Obsolete Towers - Any telecommunications tower that is no longer in use for its original purpose shall be removed at the owner's expense. The owner shall provide the Town with a copy of the notice of intent to cease operations that must be submitted to the FCC and shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and any accessory structure(s). In the case of multiple operators sharing a single tower, this provision shall not become effective until all users cease operations.

11-910. MANUFACTURED RESIDENTIAL DWELLINGS: In accordance with Tennessee Code Annotated Section 13-24-201, this Zoning Ordinance shall not be used to exclude the placement of a residential dwelling on land designated for residential use solely because the dwelling is partially or completely constructed in a manufacturing facility." A structure, transportable in one or more sections, which may be built on a permanent chassis and designed to be used as a single family dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. For the purpose of these regulations, the term "manufactured residential dwellings" does not include "mobile home." as herein defined and as further defined in Tennessee Code Annotated Section 13-24-201. This term does not "apply to factory manufactured mobile homes constructed as a single self-contained unit and mounted on a single chassis..."

A. Manufactured Residential Dwellings

1. The unit must be installed on a continuous, permanent, masonry wall with the appearance of a conventional load-bearing foundation wall and appropriate venting and access in order to have a site-built appearance as allowed by Tennessee Code Annotated Section 13-24-202. Manufactured Residential Dwellings in Flood Hazard areas must comply with the requirements in Chapter VIII of this Ordinance.
2. The home must be covered with an exterior material customarily used on conventional dwellings. Suitable exterior materials include but shall not be limited to clapboard, simulated clapboards, such as conventional or metal material, but excluding smooth, ribbed or corrugated metal or plastic panels.
3. The hitches or towing apparatus, axles, and wheels must be removed.
4. The roof must be pitched so there is at least a 3.57-inch vertical rise for each 12 inches of horizontal run. The roof must consist of material that is customarily used for conventional dwellings including but not limited to approved wood, asphalt composition shingles or fiberglass.
5. The unit must be oriented on the lot so that its long axis is parallel with the street.
6. All such units shall be required to connect to a public utility system which includes, electricity, water and sewer in compliance with the Southern Standard Building Code, other national, state, and local codes.

CHAPTER X

PROVISIONS GOVERNING MOBILE HOME AND TRAVEL TRAILER PARKS

11-1001. PERMIT FOR MOBILE HOME PARK. No place or site within said Town shall be established or maintained by any person, group of persons, or corporation as a mobile home park unless he/she holds a valid permit issued by the Town Building Inspector in the name of such person for the specific mobile home park. The Town Building Inspector is authorized to issue, suspend, or revoke permits in accordance with the provisions of this ordinance.

11-1002. INSPECTIONS BY TOWN BUILDING INSPECTOR. The Town Building Inspector is hereby authorized and directed to make inspections to determine the condition of mobile home parks, in order that he/she may perform his duty of safeguarding the health and safety of occupants of mobile home parks and of the general public. The Town Building Inspector shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this ordinance.

No mobile home shall be used, placed, stored or serviced by utilities within the Town of Newbern or within any mobile home park in said Town unless there is posted near the door of said mobile home a valid Tennessee State License.

11-1003. CODE COMPLIANCE. No mobile home shall be admitted to any park unless it can demonstrate that it meets the requirements of the Mobile Home Standards for Plumbing, Heating, and Electrical Systems or any state/local administered code insuring equal or better plumbing, heating or electrical installations.

In accordance with Tennessee State Law, a permit for the installation of the mandatory mobile home anchoring system is required and obtainable from the appropriate state inspector. The anchorage inspector shall make inspections of the mobile home anchorage and tie down facilities in accordance with Sections 68-126-401 through 68-126-408 of the Tennessee Code Annotated and the State Fire Marshall's Office.

The electrical inspector shall make inspections in accordance with those powers designated by the appropriate State regulations.

Mobile homes and mobile home parks shall comply with all fire prevention and applicable federal, state, county, municipal health and safety codes.

- 11-1004. LOCATION AND PLANNING.** The mobile home park shall be located on a well-drained site and shall be so located that its drainage will not endanger any water supply or create erosion problems for adjacent properties. A site plan shall be in conformity with this Ordinance. Prior to the issuance of any building permit for mobile home park, the developer shall submit a site plan in accordance with the provisions in Chapter IX, Section 11-908 and the provisions of this Chapter.
- 11-1005. MINIMUM SIZE OF MOBILE HOME PARK.** The tract of land for the mobile home park shall comprise an area of not less than two (2) acres. The tract of land shall consist of a single plot so dimensioned and related as to facilitate efficient design and management.
- 11-1006. MINIMUM NUMBER OF SPACES.** Minimum number of spaces completed and ready for occupancy before first occupancy is three (3).
- 11-1007. MINIMUM MOBILE HOME SPACE AND SPACING OF MOBILE HOMES.** Each mobile home space shall be adequate for the type of facility occupying the same. Mobile homes shall be parked on each space so that there will be at least fifteen (15) feet of open space between mobile homes or any attachment such as a garage or porch, and at least fifteen (15) feet end to end spacing between mobile homes and any building or structure, twenty (20) feet between any trailer and property line and thirty-five (35) feet from the right-of-way of any public street or highway. In addition each mobile home space shall contain:
- (a) A minimum lot area of four thousand five hundred (4,000) square feet per mobile home;
 - (b) A minimum depth with end parking of an automobile equal to the length of the mobile home plus thirty (30) feet; and,
 - (c) A minimum depth with side parking equal to the length of the mobile home plus fifteen (15) feet; and,
 - (d) A minimum width of at least forty (40) feet and a minimum depth of at least seventy-five (75) feet with the limits of each mobile home space being marked by permanent ground stakes.
 - (e) Mobile home spaces shall be arranged in a manner that affords practical access for the placement and removal of mobile homes.
 - (f) All mobile homes shall be secured through an anchorage system as specified by Tennessee state statutes.

11-1008. STREETS. All mobile home parks shall be provided with safe and convenient vehicular access from public streets or roads. Access shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic.

- (a) The street system shall be designed to recognize existing easements, utility lines, etc., which must be preserved and to permit connection of existing facilities where necessary for the proper functioning of the drainage and utility systems. Streets shall also be adapted to the topography, have suitable alignment for traffic safety, and have satisfactory surface and ground water drainage.
- (b) All interior dead-end streets shall have a minimum of 6 inches of compacted stone. Public and exterior private streets shall conform to the Subdivision Regulations or other local standards.
- (c) Before any proposed street may be constructed, the area must first be inspected by the Town public works officials who will at that time review the size of culvert necessary, to prevent future drainage problems. The developer will be responsible for the provision of the specified culverts and installment in the manner as is indicated by the Town personnel or engineers.
- (d) All mobile home parks shall be provided with safe and convenient pedestrian access between mobile homes and park facilities. A common walk system is recommended for those areas in which pedestrian traffic is concentrated in a large development.

11-1009. PARKING SPACES. Car parking shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least two (2) car spaces for each mobile home space to provide for guest parking, for two car tenants and for delivery and service vehicles. Car parking spaces shall be located for convenient access to the mobile home spaces. The size of the individual parking spaces shall have a minimum width of not less than ten (10) feet and length of not less than twenty (20) feet. The parking spaces shall be located so access can be gained only from internal streets of the mobile home park.

11-1010. WATER SUPPLY. Where a public water supply is available it shall be used exclusively. The development of an independent water supply to

serve the mobile home park shall be made only after written approval of plans and specifications has been granted by the County Health Officer/Environmentalist.

- (a) The bacteriological and chemical quality of the water shall be acceptable to the Dyer County Health Officer in accordance with minimum requirements for the State of Tennessee.
- (b) The feeder water lines shall be as required by the Newbern Water System.
- (c) The water system must be adequate to provide 500 gallons per minute fire flow and maintain a 20 psi residual pressure. All fire hydrants shall be located at distances and locations approved by Newbern Water System Department and the Fire Department. The maximum distance shall not exceed 500 feet.
- (d) The water supply system shall be connected by pipes to all mobile homes and other facilities requiring water in such a manner that neither underground nor surface contamination will reach the water from any source. All water piping, fixtures, and other equipment shall be constructed and maintained in accordance with the Southern Standard Plumbing Code and Tennessee State Health regulations. Written approval from the Tennessee Department of Conservation and Environment shall be required for all water line extensions.
- (e) All materials, design, and specifications shall meet the requirements and be approved by the Newbern Water System.

11-1011 **SEWER.** An adequate sewage disposal system must be provided and must be approved in writing by Tennessee Department of Conservation and Environment. Each mobile home space shall be equipped with a sewer connection. No mobile home park shall be operated within the Town of Newbern that is not connected to the public sewage disposal system.

- (a) The sewer system shall be approved in writing by the Tennessee Department of Conservation and Environment and subject to maintenance inspections.
- (b) All sewer lines shall be located in trenches of sufficient depth to prevent breakage from traffic or other movements, and constructed in such a manner as to have watertight joints. Sewer lines shall be separated from the water supply system and be constructed and maintained in accordance with the Southern Standard Plumbing Code and Tennessee Department of Conservation and Environment regulations.

- (c) All sewer lines shall be at a grade which will insure a velocity of two feet per second when flowing full and designed for a minimum volume flow of 250 gallons of sewage per day per mobile home.
- (d) All materials, design, and specifications shall meet the requirements of Newbern Public Works Department and shall be approved by the Department in accordance with local standards and the Department of Conservation and Environment

11-1012. ELECTRICITY.- Every mobile home park shall contain an electrical wiring system consisting of wiring, fixtures, and equipment installed and maintained in accordance with the applicable codes and regulations governing electrical distribution systems. The electrical distribution system shall also meet the following general requirements:

- (a) Main primary lines not located underground shall be suspended at least eighteen (18) feet above the ground. No overhead conductors shall pass over any mobile homes.
- (b) All underground electric cables shall be installed in accordance with the Newbern Electric System policies. Direct bury cables will not be allowed. Such cables shall be located no less than twenty-four (24) inches below the ground surface and located in a separate trench not less than one (1) foot radial distance from water, sewer, gas, and other piping.
- (c) Demand factors for feeder and service lines shall be calculated in accordance with the Southern Standard Building Code to determine the appropriate line sizes.
- (d) All materials, design, and specifications shall meet the requirements of and be approved by the Newbern Electric System.

11-1013. ILLUMINATION. The developer/owner shall install street lighting in accordance with the requirements of Newbern Electric System and shall be approved by the System.

The park shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night.

The owner shall pay the energy cost of operating and maintaining the street lighting system. The owner shall apply to the Newbern Electric System for electrical service. The owner shall post a bond in addition to any deposits required by the Newbern Electric System. The amount of this bond shall be determined by the Newbern Electric System at the time of application for services. The bond shall be perpetual and running for as long as the park shall be in operation.

11-1014. GAS SUPPLY - Natural gas systems equipment and installations within a mobile home park shall be designed and constructed in accordance with the applicable codes and regulations. The natural gas supply system shall meet the following general requirements:

- (a) Underground piping shall be buried at a sufficient depth to protect it from physical damage as outlined in the Southern Standard Gas Code. No piping shall be installed underground beneath a mobile home or other structure.
- (b) All gas regulators, meters, valves and other exposed equipment shall be protected from physical damage.
- (c) A readily accessible and identified emergency shut-off valve controlling the flow of gas to the entire internal gas piping system of a mobile home park shall be installed near to the point of connection to the service piping.
- (d) Demand factors for use in calculating gas piping systems shall be in accordance with the Standard Gas Code.
- (e) All natural gas systems shall meet the current editions of the Standard Gas Code, National Fuel Gas Code, Minimum Federal Safety Standards, and any other applicable Federal, State, County, or local codes.
 - (f) All materials, design, and specifications shall meet the requirements of Newbern Gas System and shall be approved by this system.

11-1015. REFUSE. The storage, collection and disposal of refuse, in the park shall be so managed as to create no health hazard. All refuse shall be stored in fly proof, water tight and rodent proof containers. Satisfactory container racks or holders shall be provided. Garbage shall be collected and disposed of in an approved manner at least twice per week or in compliance with the Town's refuse collection policy.

11-1016. BUFFER STRIP. An evergreen buffer strip consisting of trees, shrubs or hedges which will grow to a height of not less than ten (10) feet and be spaced not less than ten (10) feet apart shall be planted along all boundaries of the mobile home park.

11-1017. BOARD OF APPEALS. The Newbern Board of Zoning Appeals shall serve as the Board of Appeals and shall be guided by procedures and powers compatible with state law.

Any party aggrieved because of an alleged error in any order, requirement, decision, or determination made by the building inspector in the enforcement of this ordinance, may appeal for and receive a hearing by the Newbern Board of Zoning Appeals for an interpretation of pertinent ordinance provisions. In exercising this power of interpretation of the ordinance, the Board of Zoning Appeals, may, in conformity with the provisions of this ordinance, reverse or affirm any order, requirement, decision, or determination made by the Building Inspector.

11-1018. MOBILE HOME PARKS FEES.

- (a) Electrical Inspection Fee - An electrical inspection is required and a fee shall be levied in accordance with Tennessee statutes for inspection services.
- (b) Anchoring Fee - A state anchoring system inspection is required by Tennessee statutes and a fee shall be levied.
- (c) Tennessee License Fee - A state license for mobile homes is required by Tennessee statutes.

11-1019 LICENSE

- (a) It shall be unlawful for any person to maintain or operate within the corporate limits of the Town of Newbern, Tennessee, any mobile home park unless such person shall first obtain a license therefor.
- (b) License shall not be transferable.

11-1020. LICENSE FEES

- (a) The annual licensee fees for mobile home parks shall be determined by the number of mobile home spaces in the park as follows:

<u>Number of Spaces</u>	<u>License Fee</u>
Under 15	\$25.00
16-25	50.00
26-50	75.00
Over 50	100.00

Said license fees shall be due and payable at the same time as property taxes.

- (b) Each mobile home not licensed for over the road use shall be assessed for Town property tax to the owner thereof.

11-1021. APPLICATION FOR LICENSE

Applications for a mobile home park license shall be filed with and issued by the Building Inspector. Applications shall be in writing signed by the applicant and shall contain the following:

- (a) The name and address of the applicant.
- (b) The location and legal description of the mobile home park.
- (c) A complete plan of the park showing compliance with this ordinance.
- (d) Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home park.
- (e) Such further information as may be requested by the Building Inspector to enable him to determine if the proposed park will comply with zoning and other code requirements.

The application of all accompanying plans and specifications shall be filed in triplicate. The Building Inspector, Town Recorder, or the Mayor shall investigate the applicant and inspect the proposed plans and specifications. If the applicant is found to be of good moral character, and the proposed mobile home park will be in compliance with all provisions of this ordinance or other applicable ordinances or statues, the building Inspector shall approve the application and upon completion of the park according to the plans shall issue the license.

Mobile homes shall not be parked on any public thoroughfare, street, alley or public place in the Town of Newbern, Tennessee, for longer than one (1) hour when no emergency for repairs exist.

None of the provisions of this ordinance shall be construed as prohibiting the parking of mobile homes for display by a duly authorized and licensed dealer or sales agency, provided that the lot where such mobile home are parked is within an area or zone where such type of business is permitted by the Zoning Ordinance of the Town of Newbern, Tennessee.

11-1022. REGISTER OF OCCUPANTS

It shall be the duty of the licensee to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information:

- (a) Name and address of each occupant.
- (b) The make, model and year of all mobile homes.
- (c) The state issuing such license.
- (d) License number and owner of each mobile home.
- (e) The dates of arrival and departure of each mobile home.

The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three (3) years following the date of registration.

11-1023. REVOCATION OF LICENSE

The Building Inspector shall make periodic inspection of the park to assure compliance with this ordinance. In case of non-compliance with any provisions of this ordinance, the Building Inspector shall serve warning to the licensee. Thereafter upon failure of the licensee to remove said violation, the Building Inspector shall recommend to the Board of Mayor and Aldermen revocation of the offending park's license. The Town Board shall hold hearings on the matter, and upon determination of non-compliance, revoke said license, the license may be reissued if the circumstances leading to renovation have been remedied and the park can be maintained and operated in full compliance with the law.

11-1024. POSTING OF LICENSE

The license certificate shall be conspicuously posted in the office of or on the premises of the mobile home park at all times.

11-1025. TRAVEL TRAILER PARKS as defined in this Ordinance provided the following conditions are met:

- A. The development site shall be suitable for as the site of transient lodging for travel trailer parks. It shall not be subject to hazards such as insect or rodent infestation, objectionable smoke, noxious odors, unusual noise, or the probability of flooding or erosion. The soil, ground water level, drainage, and topography shall not create hazards to the property, or to the health and safety of occupants.

- B. Minimum Lot Area one (1) acre.
- C. Each travel trailer space shall be adequate for the type of unit to occupy the space. Each travel trailer shall be parked on each space so that there will be at least twenty-five (25) feet of space between individual travel trailers. A minimum fifteen (15) feet shall be provided between each travel trailer and any other building or structure within the proposed park. A minimum of twenty (20) feet shall be provided in the exterior yard (between any travel trailer and the property line). No travel trailer shall be located less than thirty-five (35) feet from the right-of-way of any public street or highway. In addition, each travel trailer space shall contain:
- (1) A minimum area of one thousand four-hundred (1,400) square feet per travel trailer space
 - (2) A minimum depth with end parking of an automobile equal to the length of the travel trailer plus thirty (30) feet.
 - (3) A minimum depth with side or street parking equal to the length of the travel trailer plus fifteen (15) feet; and
 - (4) A minimum width of at least forty (40) feet and a minimum depth of at least seventy-five (75) feet with the limits of each travel trailer space being clearly marked by permanent ground stakes.
- D. Direct vehicular access to the development site shall be provided by an abutting improved public street. Each travel trailer space shall be provided with safe and convenient vehicular access from an internal private drive. Access shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic.
- E. An evergreen buffer strip consisting of trees, shrubs, or hedges shall be planted along all boundaries of the travel trailer park, if required by the Board of Zoning Appeals . Trees or shrubs may be required for internal screening of garbage collection areas, and to provide adequate privacy among the individual travel trailers.
- F. Utilities - If a travel trailer park offers public or private water as a convenience and not as a permanent service; public or private sewer or septic as a convenience and not as a permanent service, electrical distribution system as a convenience and not as a permanent service, such utilities shall meet all applicable federal, state, or local standards and written documentation shall be provided prior to site plan approval.
- G. Garbage Disposal - The storage, collection, and disposal of refuse in a travel trailer park shall be so conducted as to create no health hazards,

rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

- H. Each travel trailer space shall have an area designated as a travel trailer space, which meets all the setback requirements and affords practical access for the placement and removal of a travel trailer.
- I. Off-street parking spaces as required for Travel Trailer Space in a Travel Trailer Park - One parking space for each Travel Trailer Space to be rented.
- J. Travel trailers shall be placed in travel trailer parks, which are designated as travel trailer parks on site plans approved by the Planning Commission or Board of Zoning Appeals as required in this Zoning Ordinance.
- K. Floodplain Management Standards shall apply in accordance with the appropriate chapter of this Zoning Ordinance.
- L. Buffer Strip. An evergreen buffer strip consisting of trees, shrubs or hedges which will grow to a height of not less than ten (10) feet and be spaced not less than ten (10) feet apart shall be planted along all boundaries of the travel trailer parks.
- M. Prior to the issuance of a building permit all site plan requirements as set forth in Chapter IX, Section 11-908 shall be submitted for review by the Planning Commission or Board of Zoning Appeals. Any modifications required by the Planning Commission or Board of Zoning Appeals shall be made prior to the issuance of any building permit. The approved site plan shall be maintained in the permanent files of the Town of Newbern.

CHAPTER XI

ADMINISTRATION AND ENFORCEMENT

11-1101. ADMINISTRATION

The provisions of this Ordinance shall be administered and enforced by a Building Inspector appointed by the Chief Legislative Body. He may be provided with the assistance of such other persons as the Chief Legislative Body may direct and shall have the power to make inspections of buildings or premises necessary to carry out his duties in the enforcement and administration of this Ordinance.

11-1102. ENFORCEMENT

If the Building Inspector shall find that any of the provisions of this Ordinance are being violated, he/she shall notify in writing the person, or persons, responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. he/she shall order discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

11-1103. BUILDING PERMIT PROVISIONS

- A. It shall be unlawful to commence the excavation for or the construction of any building, including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings, until the Building Inspector has issued a building permit for such work. No building permit shall be issued except in conformity with the provisions of this Ordinance, except after written order from the Board of Zoning Appeals.
- B. In applying to the Building Inspector for a building permit, the applicant shall submit a dimensional sketch or a scale plan indicating the shape, size, height and location on the lot of all buildings to be erected, altered or moved and of any building already on the lot unless specified in the district provisions and Chapter IX. The Applicant shall also state the existing and intended use of all such buildings and supply such other information as may be required by the Building Inspector for determining whether the provisions of this Ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this Ordinance and other ordinances of the Town of

Newbern, then in force, the Building Inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the Building Inspector shall state such refusal in writing with the cause.

- C. The issuance of a permit shall in no case be construed as waiving any provision of this Ordinance.
- D. A building permit or site plan shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the project described therein.

11-1104. CERTIFICATES OF ZONING COMPLIANCE

- A. It shall be unlawful to use or occupy or permit the use of occupancy of any building or premises, or both, or part thereof created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the Building Inspector stating that the proposed use of the building or land conforms to the requirements of this Ordinance.
- B. No non-conforming structure or use shall be maintained, renewed, changed, or extended until a certification of zoning compliance shall have been issued by the Building Inspector. The certificate of zoning compliance shall state specifically wherein the nonconforming use differs from the provisions of this Ordinance, provided that upon enactment or amendment of this Ordinance, owners or occupants of nonconforming uses or structures shall have three (3) months to apply for certificates of zoning compliance. Failure to make such application within three (3) months shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this Ordinance.
- C. No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work.
- D. A temporary certificate of zoning compliance may be issued by the Building Inspector for a period not to exceed six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect safety of the occupants and the public.
- E. The Building Inspector shall maintain a record of all certificates of zoning compliance, and copies shall be furnished upon request to any person.
- F. Failure to obtain a certificate of zoning compliance shall be a violation of this Ordinance and punishable under the general penalty clause for this code.

11-1105. PLAN VARIANCES

Building permits or certificates of zoning compliance issued on the basis of plans and application approved by the Building Inspector authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Any use, arrangement, or construction at variance with the authorized shall be deemed a violation of this Ordinance.

11-1106. REMEDIES

In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in the violation of this Ordinance, the Building Inspector or any other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies may institute injunction, mandamus, or other appropriate action in proceeding to prevent the occupancy or use of such building, structure or land.

CHAPTER XII

BOARD OF ZONING APPEALS

- 11-1201.** **PURPOSE** - The Board of Zoning Appeals is created as an appellate board to review: actions of the Building Inspector; applications for Special Exceptions, and requests for Variances. In all cases the actions of the Board of Zoning Appeals for the Town of Newbern shall be governed as set forth below.
- 11-1202.** **CREATION AND APPOINTMENT** - A Board of Zoning Appeals is hereby established in accordance with Section 13-7-205 of the Tennessee Code Annotated. The Board of Zoning Appeals shall consist of three (3) members, not less than one (1) of whom may be a member of the Newbern Municipal Planning Commission appointed by the Mayor and confirmed by a majority vote of the Board of Mayor and Aldermen. The term of membership shall be three (3) years, except that the initial individual appointments to the Board shall be terms of one (1), two (2), and three (3) years, respectively. Vacancies shall be filled for an unexpired term by appointment by the chief executive officer and confirmation by the Board of Mayor and Aldermen.
- 11-1203.** **POWERS AND DUTIES OF BOARD**
- A. **Administrative Reviews:** The Board of Zoning Appeals shall have the power to hear and decide appeals where it is alleged there is error in any order, requirements, permit, decision, determination or refusal made by the Building Inspector or other administrative official in the enforcement of any provision of this Ordinance.
 - B. **Granting of Variances:** The Board of Zoning Appeals shall have the power to authorize, upon appeal in specific cases, such variance 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.
 - C. **Special Exceptions:** The Board of Zoning Appeals shall have the power to hear and decide only such special exceptions as the Board of Zoning Appeals is specifically authorized to pass on by the terms 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.

11-1204. PROCEEDINGS OF BOARD

The Board of Appeals shall adopt rules for the transaction of its business and the regulation of procedure before it. Meetings of the Board shall be held at such times and at such places within the Town as the Board may designate, and meetings may be held at any time at the call of the Chairman. The Chairman of the Board, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board 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 examination and other official action, all of which shall be immediately filed in the City Hall and shall be a public record. Upon appointment and annually the Board of Zoning Appeals shall meet and organize and shall elect its own Chairman who shall serve one year or until his successor duly qualifies.

11-1205. APPEALS TO BOARD

Appeals may be taken to and before the Board of Appeals by any person aggrieved, or by any officer, department, board or bureau of the Town. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by filing with the Building Inspector from whom the appeal is taken and with the Board, a written notice of appeal and specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board of Appeals all of the papers constituting the record upon which the action appealed from was taken.

11-1206. NOTICES AND HEARINGS

The Board shall fix a reasonable time for the hearing of the appeal or other matters referred to it, and give due giving public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appeal in person or by agent or by attorney. The applicant shall be responsible for the pay of an application fee established by the Board of Mayor and Alderman. The minimum fee shall cover any cost for the publication of the public hearing notice.

11-1207. APPEALS FROM BOARD

Any person or persons, or any board, taxpayer, department, board or bureau of the Town aggrieved by any decision of the Board of Zoning

Appeals may seek review by a court of record of such decision, in the manner provided by the laws of the State.

11-1208. ADMINISTRATIVE REVIEW PROCEDURES

- A. It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the administrative official, and that recourse from the decision of the Board of Zoning Appeals shall be to the courts as provided by law.
- B. A reversal or amendment of an administrative decision of interpretation of this Ordinance by the Building Inspector shall not be granted by the Board of Zoning Appeals unless and until:
 - (1.) A written application for review of such order, requirement, permit, decision, determination, or refusal made by the Building Inspector shall be submitted;
 - (2.) The Board of Zoning Appeals shall find sufficient grounds to decide that an error was made;
 - (3.) In exercising its power, the Board of Zoning Appeals may, so long as such action is in conformity with the terms of this ordinance, reverse, or affirm, wholly or partly, or may modify the order, requirements, decision, or determination as ought to be made, and to that end shall have the powers of the administrative official and from whom the appeal is taken.

11-1209. VARIANCE PROCEDURES

- A. Variance - To hear and decide applications for variance from the terms of this Ordinance, but only where by reason of exceptional narrowness, shallowness or shape of specific piece of property which at the time of adoption of this Ordinance or preceding Zoning Ordinance or amendments was a lot of record; or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation or conditions of a piece of property the strict application of the provisions of the ordinance would result in exceptional difficulties or the exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without the substantial detriment to the public and without substantially impairing the intent and purpose of this Ordinance. Financial disadvantage to the property owner is no proof of hardship within the purpose of zoning and as further explained below.

The Board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

- (1) 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.
- (2) The conditions upon which the petition for variance is based would not be applicable, generally, to other property within the same district.
- (3) The variance will not authorize activities in a zoning district other than those permitted by this Ordinance.
- (4) Financial returns alone shall not be considered basis for granting a variance.
- (5) 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.
- (6) That granting of the variance requested will not confer on this applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- (7) The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- (8) 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.
- (9) 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.
- (10) The variance is not based on the fact of non-conforming use of neighboring lands, structures, or buildings in the same district.
- (11) Under no circumstances shall the Board of 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.

- B. 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 reduce or minimize the injurious effect of such variation upon surrounding property and better carry out the general intent of this Ordinance.

11-1210. SPECIAL EXCEPTION PROCEDURES

- A. A special exception shall not be granted by the Board of Zoning Appeals unless and until:
1. A written application for a special exception is submitted indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.
 2. The Board of Zoning Appeals shall make a finding that it is empowered under these sections of this Ordinance described as a special exception in the application to grant such exception, and that the granting of the special exception will not adversely affect the public interest.
 3. In granting any special exception, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the special exception shall void the approval.

11-1211 RESTRICTIONS - The Board of Zoning Appeals shall not have the power to permit a use prohibited by this ordinance, have the power to subdivide land, or exercise any power granted to the Planning Commission or legislative body as provided under Tennessee Code Annotated or other applicable law.

CHAPTER XIII

AMENDMENT

11-1301. AMENDMENT REQUIREMENTS

Whenever the public necessity, convenience, general welfare, or good zoning practice justified such action, the Board of Aldermen of the Town of Newbern may from time to time, amend, supplement, or change by ordinance the boundaries of districts or regulations herein established. Any proposed amendment, supplement, or change shall first be submitted to the Newbern Municipal Planning Commission for its recommendation and report.

11-1302. AMENDMENT APPLICATION

A proposed change of district or of text may be initiated by the Newbern Municipal Planning Commission, the Board of Aldermen, or by application of one or more owners of property within the area proposed to be changed.

11-1303. APPLICATION FEE

Before any action is taken upon any application as provided in this section, either by the Newbern Municipal Planning Commission or the Board of Aldermen, the applicant shall deposit with the Newbern Municipal Planning Commission the fee prescribed by the Board of Aldermen to cover the approximate cost of the procedure and the Commission shall then deposit this amount with the Town recorder where it shall be credited to the General Revenue Fund of the Town. The failure of either the Planning Commission or the Board of Aldermen to approve the change shall not be construed as any reason for refunding the deposit to the applicant.

11-1304. PUBLIC NOTICE AND HEARING

Before enacting the zoning ordinance or any amendment thereof, the chief legislative body shall hold a public hearing hereon, at least fifteen (15) days' notice of the time and place of which shall be published in a newspaper of general circulation in the municipality. No change in or departure from the text or maps as certified by the Planning Commission shall be made, unless such change or departure be first submitted to the

Planning Commission and approved by it, or, if disapproved receive the favorable vote of the majority of the entire membership of said chief legislative body.

11-1305. PLANNING COMMISSION RECOMMENDATION

The Newbern Municipal Planning Commission may recommend that the regulations or the District map be changed as requested, be made, or that no change be made. This recommendation shall be forwarded to the Board of Aldermen.

CHAPTER XIV

LEGAL STATUS PROVISIONS

11-1401. CONFLICT WITH OTHER ORDINANCES - In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Newbern, Tennessee, the most restrictive shall in all cases apply.

11-1402. VALIDITY - 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.

11-1403. EFFECTIVE DATE - This ordinance shall take effect and be in force immediately after adoption, the public welfare requiring it.

Approved and Certified by the Planning Commission.

Secretary of Planning Commission

Date of Public Hearing _____

Passed First Reading _____

Passed Second Reading _____

Mayor

Attest:

Town Recorder

