ZONING ORDINANCE OF THE CITY OF BANEBERRY, TENNESSEE



October 2012

As Amended Through February 2025

TABLE OF CONTENTS

ARTICLE **PAGE**

CONTENTS

I AUTHORITY

100 Statutory Delegation 1
110 Background 1
120 Relevant Codes, References and Ordinances 1-2

II TITLE AND PURPOSE 3

200 Title 3
210 Zoning Map 3
220 Purpose 3

III DEFINITIONS 4

300 General Terms 4
310 Specific Definitions 4-9

III GENERAL PROVISIONS 10

400 Continuation of Nonconforming Uses 10
410 Off-Street Automobile Parking 10-12
420 Off-Street Loading and Unloading Space 12
430 Visibility Clearances at Intersections 13
440 Ingress and Egress 13
450 Landscape Buffering 13
460 Mineral Exception 13
470 Signs 13-17
480 Excavations and Cuts 18-20

V APPLICATION OF REGULATION 21

500 Use 21
510 Street Frontage 21
520 Comer Lots 21
530 One Principal Building on a Lot 21
540 Reduction of Lot Size 21
550 Yard and Other Spaces 21

TABLE OF CONTENTS

ARTICLE			PAGE
	560	Conforming to Subdivision Regulations	22
	570	Height and Density	22
VI	**PLANNED UNIT DEVELOPMENT**		**23**
	600	Statement of Purpose and Intent	23
	610	General Provisions	23-24
	620	Development Standards	24-26
	630	Site Plan Approval Process	26-28
VII	**PROVISIONS GOVERNING USE DISTRICTS**		**29**
	700	R-1, Single Family Residential District	29-33
	710	R-2, Multiple-Family Residential District	33-34
	720	C-1, Commercial/Business District	34-35
VIII	**SCHEDULE OF REGULATIONS**		**36**
	800	Minimum Lot Size/Yard Dimensions/Height	36
	810	Front Yard Setbacks for New Buildings	36-37
IX	**EXCEPTIONS AND MODIFICATIONS**		**38**
	900	Lot of Record	38
	910	Adjoining and Vacant Lots of Record	38
	920	Front Yards	38
	930	Group Housing Projects	38
	940	Exception on Height Limits	39
	950	Conformity to Front Setbacks	39
	960	Alteration of Natural Drainage	39

TABLE OF CONTENTS

ARTICLE **PAGE**

X ENFORCEMENT 40

1000 Enforcing Officer 40
1010 Building Permit Required 40
1020 Issuance of Building Permit 41
1030 Issuance of Special Permit for Porches/Decks 41-42
1040 Building Permit Fees 42-43
1050 Certificate of Occupancy 43
1060 Penalties 43
1070 Remedies 43

XI BOARD OF ZONING APPEALS 44

1100 Creation and Appointment 44
1110 Procedure 44
1120 Appeals: How Taken 44
1130 Powers 44-45
1140 Actions of Board of Zoning Appeals 45

XII AMENDMENT 46

1200 Authority to Amend 46
1210 Application to Amend 46

XIII LEGAL STATUS PROVISIONS 47

1300 Conflict with Other Ordinances 47
1310 Validity 47
1320 Effective Date 47

APPENDIX A: FORMS

Building Permit Application 49
Certificate of Occupancy 50

ARTICLE I

AUTHORITY

100 STATUTORY DELEGATION

This Ordinance is authorized pursuant to Sections 13-7-201 through 13-7-211 of the Tennessee Code Annotated.

"Be it ordained by the City of Baneberry as follows:"

The Baneberry Zoning Ordinance divides the community into districts within which restrictions and limitations are specified; permitted and special uses are established; and regulations governing lot size, building bulk, placement, and other development standards are specified. The Zoning Ordinance consists of two parts: a text and a zoning map. The zoning map, a separate document, is maintained in City Hall.

110 BACKGROUND

Using Baneberry Ordinance 204-9, (the Zoning Ordinance for the City of Baneberry) as the basic document, this ordinance incorporates all previous Baneberry ordinances relating to zoning issues and thereby repeals and replaces all previously approved zoning and zoning-related ordinances as enumerated in Baneberry Ordinance 204-9.

This Ordinance incorporates the content of, and repeals and replaces, the following Ordinances of the City of Baneberry, Tennessee:

- Ordinance No 204-9; An Ordinance Adopting the Revised Zoning Ordinance of the City of Baneberry, Tennessee
- Ordinance 206-4; Construction of Additions to Private Residences
- Ordinance 210-4; An Ordinance Adopting the Revised Sign Regulations in the Zoning Ordinance (204-9) of the City of Baneberry, Tennessee

120 RELEVANT CODES, REFERENCES AND ORDINANCES

In addition to the zoning standards and requirements set forth in this ordinance, the following codes, references and ordinances apply to and set the standards for any work being conducted within the incorporated area of the City of Baneberry, Tennessee or its authorized area of planning jurisdiction, whether that work is utility installation, removal, replacement or maintenance; road and/or roadside cutting, ditching, trenching, drilling, tunneling, or paving; new construction; renovation; demolition; removal; sub-dividing, platting, etc.

- Ordinance No. 211-5: An Ordinance to Adopt the Revised Subdivision Regulations of the City of Baneberry, Tennessee

- Ordinance No. 212-3: Municipal Flood Damage Prevention Ordinance
- The most current editions, as adopted by Baneberry City Ordinances of:

  International Residential Code for 1- and 2- Family Dwellings
  International Building Code
  International Property Maintenance Code
  NFPA-1 Uniform Fire Code
  ADA Standards for Accessible Design

- The most current edition of the Model Energy Code, by the Council of American Building Officials, in accordance with Tennessee Code Annotated; §§ 6-54-501 through 6-54-506

- Ordinance 205-10: Property Maintenance Regulations
- Better Site Design: *A Handbook for Changing Development Rules in Your Community,* Center for Watershed Protection, Ellicott City, Maryland, 1998

Anyone who designs, executes, modifies, constructs and/or maintains any utility service; any storm water management or treatment system; any road, street, highway, avenue, boulevard, parkway, lane, or other way or any part thereof; any structure including but not limited to commercial buildings, public buildings, homes, accessory buildings, decks, patios, porches, swimming pools, driveways, sidewalks, bridges, culverts; or anyone who takes action that requires cutting, ditching, trenching, drilling, tunneling, or paving shall use those portions of the *Better Site Design Principles* that best apply to their proposed project(s) and describe such selected design principles to the Baneberry Planning Commission and include same in all applicable plan and design documents.

ARTICLE II

200 TITLE

This Ordinance shall be known as the "Zoning Ordinance of the City of Baneberry, Tennessee" and will carry the nomenclature of Ordinance No. 212-5.

210 ZONING MAP

The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map entitled "Zoning Map of Baneberry, Tennessee," adopted May 3, 1990, and certified by the City Recorder. This map with all explanatory matter thereon is hereby adopted and made part of this ordinance and maintained separately in the Baneberry City Hall office.

220 PURPOSE

The purpose of this ordinance, as enumerated in Section 13-7-201 through 13-7-202 of the Tennessee Code Annotated, is to promote the public health, safety, morals, convenience, order, prosperity and general welfare; to regulate, within such districts, the location, height, bulk, number of stories and size of buildings and structures, the percentage of the lot which may be occupied, the size of the yards, courts and other open spaces, the density of population and the use of buildings, structures, and land for trade, industry, residence, recreation, public activities and other purposes within view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city. Special districts or zones may be established in those areas deemed subject to seasonal or periodic flooding, and such regulations may be applied therein as will minimize danger to life, and property, and as will secure to the citizens of Baneberry, the eligibility for flood insurance under Public Law 1016; 84th Congress; or subsequent related laws or regulations, promulgated thereunder.

ARTICLE III

300 GENERAL TERMS

Unless otherwise expressly stated, the following terms shall, for the purpose of this ordinance, have the meaning indicated:

301 Words in the singular number include the plural number and those in the plural number include the singular number.

302 Words in the present tense include the future tense.

303 The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

304 The word "person" includes "corporation," "co-partnership," "association," or other legal entity as well as individual.

305 The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged," or "designed to be used" or occupied.

310 SPECIFIC DEFINITIONS

Other terms or words used herein shall be interpreted or defined as follows:

Arterial Street: A street that provides for traffic movement between areas and across portions of the city and secondarily for direct access to abutting land, as shown on the Zoning Map of the City of Baneberry.

Boarding or Rooming Home: A building containing a single dwelling *unit* and not more than five (5) guest rooms where lodging is provided with or without meals for compensation.

Buffer Strip: A landscaped area created by the placement of plant material acceptable to the building official that has such growth characteristics as will provide an obscuring screen not less than six (6') feet in height.

Building: Any structure having a roof supported by columns or by walls and intended for shelter, housing, or enclosure of persons, animals, or chattel.

- Principal Building: A building in which is conducted the main or principal use of the lot on which the building is located.

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

Building Height: The vertical distance measured from the finished grade at the building line to the highest point on the roof.

Building Inspector: Hereinafter named "building official" and responsible for the duties building inspector and code enforcement officer.

Business Sign: A sign which directs attention to a business or profession conducted on the premises.

Carport: A structure used for the storage of vehicles and having no enclosure other than its roof and the necessary support as will prevent the minimum obstruction to light, air, view and shall be attached to a building.

Clinic: A structure used in providing medical services for outpatients only.

Club: Buildings and facilities owned or operated by an association or person for social or recreational purposes but not operated primarily for profit or to render a service which is customarily carried on as a business.

Collector Street: A street providing for traffic movement within the city as shown on the Zoning Map of the City of Baneberry.

Commercial Vehicles: All vehicles with more than two (2) axles and a rated capacity of more than one (1) ton.

Condominium: A multi-unit structure offering individual ownership of said units.

Day Care Center: A place operated by a person, society, agency, corporation, inspiration, or other group that receives pay for the care of eight or more children under 17 years of age for less than 24 hours per day, without transfer of custody. The term "Day Care Center" also includes child development centers, nursey schools, day nurseries, play schools, and kindergartens, as well as agencies providing before-and-after school care, regardless of shame, purpose, or auspices. (Excluding schools' grades 1-12 and kindergartens operated by governmental units or religious organizations.)

Development: 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, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

Dwelling, Single-Family: A building, designed, constructed and used for one (1) dwelling unit.

Dwelling, Two Family or Duplex: A building designed, constructed or reconstructed and used for two (2) dwelling units that are connected by a common structural wall.

Dwelling, Multi-Family: A building designed, constructed or reconstructed and used for more than two (2) dwelling units, with each dwelling unit having a common structural wall with any dwelling unit on the same floor.

Family: One or more persons occupying a premise and living together as a single housekeeping unit.

Fence: A barrier, constructed of acceptable material, used as a boundary or means of protection or confinement.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of rivers or streams or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Plain: A relatively flat or low area adjoining a river or stream which is periodically subject to partial or complete inundation by flood waters, or a low area subject to the unusual and rapid accumulation of runoff of waters from any source.

Flood Proofing: Any combination of structural or nonstructural additions, changes, or adjustments which reduce or eliminate flood damage to real estate, improved real property, water supply and sanitary sewer, electrical systems, and structures and their contents.

Floodway: The stream channel and the portion of the adjacent flood plain which must be reserved solely for the passage of flood waters to prevent an increase in upstream flood heights of more than one (1') foot above the pre-development condition.

Floodway Fringe Areas: Lands lying outside a designated floodway, but within the area subject to inundation by the Regional Flood or Structure Profile; whichever is higher.

Garage: A structure used for the storage of vehicles that is completely enclosed with the exception of permitted openings and has at least one door large enough to accommodate one vehicle and shall be attached to a building.

Horne Occupation: Any use customarily conducted at the home for gain or support, which is clearly incidental and secondary to the use of the dwelling, and which employs only a resident or residents of the dwelling, and which does not constitute more than thirty (30) percent of the actual floor area for home occupation purposes.

Lot: A parcel of land which fronts on and has access to a public street, and which is occupied or intended to be occupied by a building or buildings with customary accessories and open spaces.

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

Lot of Record: A lot, the boundaries of which are filed as legal record.

Mobile Home: A detached residential dwelling unit built on a metal chassis and designed for transportation after fabrication on streets or highways on its own wheels or on a flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location of jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.

Mobile Home Park: A parcel or tract of land under single ownership which has been planned and improved for the placement of mobile homes for dwelling purposes.

Nonconforming Uses: Any structure or land lawfully occupied by a use that does not conform to the use regulations of the district in which it is situated.

Nursing Home: One licensed by the State of Tennessee.

Outdoor Advertising: An attached, free standing or structural poster panel or painted or lighted sign for the purpose of conveying some information, knowledge, or ideas to the public.

Planned Unit Development: A planned residential, commercial, or industrial development, professionally designed as a unit, and approved by the Planning Commission, on a site of not less than two (2) acres, located in those areas zoned for its use.

Retaining Wall: A wall constructed of concrete, masonry, or other approved material, designed to retain a specifically designated area, usually a blank created by a change of elevation.

Signs:

- Business Sign: A sign that directs attention to a business conducted on the premises.
- Construction Sign: A sign that directs attention to the general contractor for a new structure being erected or remodeling of an older structure on the premises.
- Garage and Yard Sale Sign: A sign that directs attention to a one-family or multiple-family sale of used household goods or clothing on the premises.
- Land and Subdivision Development Signs: A temporary sign that directs attention to a newly developed subdivision on the premises.

- Monument Sign: A permanent sign that directs attention to a named subdivision or a place of historical significance.

- Professional Sign: A sign that directs attention to a profession conducted on the premises.

- Real Estate Sales Sign: A sign that directs attention to the sale or lease of a permanent structure on the premises.

- Short Term Sign: A sign that directs attention to a special event, charitable event, or public event.

Shopping Center: A group of commercial establishments, planned, developed, owned or managed as a unit, with off-street parking provided on the property; however, this shall not apply to a group of commercial establishments containing no more than four (4) separate commercial establishments in one (1) structure containing a total of not more than seventy-five hundred (7,500 SF) square feet of floor space.

Story: That upper portion of a building is included between the upper surface of any floor and the upper surface of the floor next to 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 other than storage of supplies for a janitor or domestic employee shall not be counted as a story.

Street: A public right-of-way set aside for public travel which: (a) has been accepted for maintenance by the City of Baneberry; (b) has been established as a public street prior to the date of adoption of this ordinance; or (c) has been dedicated to the City of Baneberry for public travel by the recording of a street plat or a plat of a subdivision which has been approved by the planning commission.

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachments to something having location on the ground.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds twenty-five hundred dollars ($2,500) either: (1) before the repair or improvement: or (2) before the damage occurred. For this ordinance, substantial improvement is considered to occur when the alteration of any wall, ceiling, floor, or other structural part of the building commences whether that alteration affects the external dimensions of the structure or not. The term does not, however, include either: (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are, solely necessary to ensure safe living conditions; or (2) any alteration or restoration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Total Floor Area: The area of all floors of a building including finished attic and/or finished basement, but shall not include covered porches, carports, patios, decks, etc.

Townhouse: A single-family dwelling unit attached by fire resistant common walls to other similar type units, each unit having an open space for light, air, and access in front and rear.

Trailer: For this ordinance, unless uniquely defined by a sub-section of the ordinance, trailer shall refer to and include any road vehicle, irrespective of the number of axles and/or wheels, designed to transport boats, vehicles, equipment, materials, supplies, refuse, etc. Trailers may be enclosed or open in design and typically designed to be drawn or powered by a tow vehicle, irrespective of the tow-vehicle's type of propulsion. The term trailer also applies to vehicles designed for human occupancy, whether temporary or permanent, whether self-propelled or drawn by a tow vehicle and hereby includes motor homes and specialty designed buses for temporary recreational occupancy. While defined uniquely throughout the ordinance. The term vehicle included commercial and private ownership.

Travel Trailer: Any vehicle used, or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons, and designed for short-term occupancy, for frequent and/or extensive travel, and for recreational and vacation use, including camper trucks, self-propelled campers, etc.

Travel Trailer Park: Any plot of land upon which one or more travel trailers are located and used as temporary living or sleeping quarters.

Watercourse: Any depression serving to give directions to a flow of water, having a bed and well-defined banks, where the drainage area above the same is twenty-five (25) acres or more to an extent, if it shall, upon the rule or order of the planning commission also include other generally or specifically designated areas where flooding may occur. The flow of water need not be on a continuous basis but may be intermittent resulting from the surface runoff of precipitation.

Yard: An open space on the same lot with a principal building that is open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance.

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

- Rear Yard: They yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building, including covered porches, patios, decks, etc.

ARTICLE IV

GENERAL PROVISIONS

400 CONTINUANCE OF NONCONFORMING USES

Any lawful use of any building or land existing at the time of the enactment of this ordinance or whenever a district is changed by an amendment thereafter may be continued although such uses do not conform with the provisions of this ordinance with the following limitations:

401 No building or land containing a nonconforming use shall hereafter be extended unless such extensions shall conform with the provisions of this ordinance for the district in which it is located; provided however, that a nonconforming use may be extended throughout those parts of a building which were manifestly arranged or designed for such use prior to the time of enactment of this ordinance.

402 Any nonconforming building which has been damaged by fire or other causes may be reconstructed and used as before unless the building official determines that the building is damaged to the extent of more than twenty-five (25) percent of its appraised value for tax purposes in which case any repair or reconstruction shall be in conformity with the provisions of this ordinance.

403 When a nonconforming use of any building or land has ceased, it shall not be reestablished or changed to any use not in conformity with the provisions of this ordinance.

404 All nonconforming outdoor advertising signs, junkyards, storage lots and/or areas etc., shall be required to conform to the provisions of this ordinance upon official notification by the building official.

410 OFF-STREET AUTOMOBILE PARKING

Off-street automobile parking spaces shall be provided in every lot on which any of the following uses are hereafter established. The number of automobile parking spaces provided shall be at least as great as the number specified below for various uses. Each space shall have a vehicular access to a public street.

410.1 Automobile Repair Garages: One (1) space for each regular employee plus one (1) space for each one hundred (100 SF) square feet of floor space for repair work.

410.2 Churches: One (1) space for each four seats.

410.3 Clubs and Lodges: One (1) space for each two hundred (200 SF) square feet of floor space up to one thousand (1000 SF) square feet and one (1) space for each three hundred (300 SF) square feet over one thousand (1000 SF) square feet.

410.4 Dwellings:

410.4-1 Single, Duplex, Condominium: Two (2) spaces for each unit.

410.4-2 Multi-Family: One and one-half (1.5) spaces for each unit.

410.5 Funeral Parlors: One (1) space for each four seats in the chapel.

410.6 Gasoline Service Stations and similar establishments: Four (4) spaces for each bay or similar facility plus one (1) space for each employee.

410.7 Hospitals and Nursing Homes: One (1) space for each two (2) staff or visiting doctors plus one (1) space for each two (2) employees (computed with the largest number of employees on duty at any period) and one (1) space for each four (4) beds.

410.8 Hotel: One (1) space for each four (4) employees plus one (1) space for each two (2) guest rooms.

410.9 Industry: One (1) space for each three (3) employees, computed on the largest number of persons employed at any one period during day or night.

410.10 Motels or Guest Villas: One (1) space for each four (4) employees plus one (1) space for each accommodation.

410.11 Offices:

410.11-1 Medical: One (1) space for each three hundred (300 SF) feet of floor space.

410.11-2 Other Professionals: One (1) space for each four hundred (400 SF) square feet of floor space.

410.12 Places of Public Assembly: One space for each four (4) seats in the Principal assembly room or area.

410.13 Recreation and Amusement without seating capacity: One (1) space for each five (5) customers, computed on maximum service capacity.

410.14 Restaurants: One (1) space for each four (4) employees, plus one (1) space for each one hundred (100 SF) square feet of floor space devoted to patron use.

410.15 Retail Business and Service Establishments: One (1) space for each two hundred (200 SF) square feet of gross floor area.

410.16 Schools: One space for each faculty member, plus one (1) space for each four (4) pupils except in elementary and junior high schools.

410.17 Wholesale Business: One (1) space for each three (3) employees based on maximum seasonal employment.

410.18 If off-street parking space required above cannot be reasonably provided on the same lot on which principal use is conducted, the Board of Zoning Appeals may permit such space to be provided on other off-street property if 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 to be open space associated with permitted use and shall not thereafter be reduced or encroached upon in any manner.

410.19 Extension of parking space into residential district: Required parking space may extend up to one hundred twenty (120) feet into a residential zoning district, provided that: (1) the parking space adjoins a commercial, professional, or industrial district; (2) has its only access to the property from the same street as in the commercial, professional, or industrial district for which it provides the required parking space; and (3) is separated from abutting properties in the residential district by a planted buffer strip as determined by the building official.

420 OFF-STREET LOADING AND UNLOADING SPACE

On every lot on which a business, trade, or industrial use is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public street or alley:

421 Retail Business: One (1) space of at least twelve (12') feet by twenty-five (25') feet for each three thousand (3,000 SF) square feet of floor area or part thereof.

422 Wholesale and industrial: One (1) space of at least twelve (12') feet by fifty (50') feet for each ten thousand (10,000 SF) square feet of floor space or part thereof.

423 Tour Buses, etc.: Sufficient space to accommodate the maximum number that will be parked, loaded, and unloaded at any one time.

430 VISIBILITY CLEARANCE AT INTERSECTIONS

Nothing is permitted to be built, placed, or grown in a way that would impede visibility at the intersection of public streets.

440 INGRESS AND EGRESS

A plan for adequate and safe entry to and exit from all land uses shall be required.

450 LANDSCAPE BUFFERING

To reduce visual and acoustic conflicts between commercial and industrial uses and residential uses, the following regulations apply:

451 In C-1, Commercial/Industrial District(s), where such district(s) abuts or is adjacent to any residential district, a landscape buffer shall be planted and maintained along the property line, except across a driveway from ten (10') feet in width where necessary for access to the Commercial/Industrial use, in accordance with the following minimum requirements:

451.1 A ten (10') foot wide strip of dense, fast growing evergreen foliage planted and maintained in either:

451.1-1 Trees, at a minimum distance of ten (10') feet on center for the length of the buffer strip and a minimum height at the time of their planting of four to five (4'-5') feet **or**

451.1-2 Other plantings subject to the review and approval of the planning commission.

452 Any exception to this landscaping buffer requirement, other than plantings, must be granted by the Baneberry Board of Zoning Appeals in accordance with zoning variance procedures.

460 MINERAL EXCEPTIONS

There shall be NO exceptions for the extraction of minerals in the City of Baneberry.

470 SIGNS

471 PURPOSE

The purpose of this section is to regulate on-site signs and outdoor advertising to protect the health, safety, and general welfare; property values; and to protect the character of the various neighborhoods, and in general, the City of Baneberry.

472 PERMITS REQUIRED

472.1 No fee shall be charged for obtaining a sign permit.

472.2 The following signs shall be allowed, provided that the individual or business enterprise obtains a permit from the City of Baneberry Planning Commission after said commission has approved the same.

Business Signs: One (1) sign for each application submitted, provided that no ground sign may be erected unless such use is of a commercial nature. No sign shall exceed twenty-five (25 SF) square feet in area, be higher than eight (8') feet above grade if a ground sign or extend above the first story of the buildings if commercial wall signs.

Monument Signs: One permanent sign per subdivision entrance area, which does not exceed twenty-five (25 SF) square feet in area for the sign face with an additional forty-eight (48 SF) square feet allowed for a base consisting of brick or stone framework and not exceed above the first story of the buildings if commercial wall signs.

472.3 Application for a sign permit shall contain the following information:

472.2-1 Name, address, and phone number of the applicant.

472.2-2 Location of the building, structure, or lot to which or upon which the sign is to be attached or erected.

472.2-3 Position of the sign in relation to nearby buildings or structures and to property lines.

472.2-4 One (1) blueprint or ink drawing of the plans and specifications, to include wording on the sign, design of sign construction, materials, and method of attachment to the building or the ground.

472.2-5 Names of persons erecting the structures.

472.2-6 Such other information as the Planning Commission may require showing full compliance with the article.

473 PERMIT EXEMPT SIGNS

The following signs are specifically exempt from the sign permit requirements, but are subject to the following regulations and standards:

473.1 Construction Signs: Provided that there shall be only one such sign per development project; with a maximum height of six (6') feet and not exceeding twenty-five (25 SF) square feet; setback a minimum of ten (10') feet from any property line or public street right-of way; and that such signs shall be erected during the construction period only and shall be removed fourteen (14) days after an occupancy permit is issued.

473.2 Flags: Insignia of any nation, state, community, Armed Forces, organization.

473.3 Garage and Yard Sale Signs: Provided that the signs comply with the following regulations:

473.3-1 A garage or yard sale sign may be erected forty-eight (48) hours prior to the advertised day of the sale.

473.3-2 The sign shall not exceed eight (8 SF) square feet in area and in no way obstruct the vision of vehicle traffic.

473.3-3 Signs will be allowed only in front of the dwelling where the sale is taking place.

473.3-4 The signs shall not be attached to any tree or utility pole in the road right-of-way.

473.3-5 AII signs shall be removed within twenty-four (24) hours upon closing the garage or yard sale.

473.4 Public Signs: Signs of a non-commercial nature and in the interest of, erected by, or on the order of a public officer or Codes Enforcement Officer in the performance of public duty, such as directional signs, regulatory signs, warning signs, and information signs.

473.5 Political Signs: Temporary political campaign signs announcing candidates seeking public political office and other reelection issues pertinent thereto shall be permitted up to a total of eight (8 SF) square feet for each sign. These signs shall be confined within private property and shall not encroach into the visibility triangle at street intersections. These signs may be displayed sixty (60) days prior to and up to twenty-four (24) hours after the election for which intended. Signage is not allowed in public right-of-way.

473.6 Real Estate Signs: Real estate signs in residential areas, which are freestanding (such as lawn signs) offering an open house on the premises or offering the premises on which they are located "for sale" or "for rent," providing that there shall not be more than one (1) sign per parcel, except that on a corner parcel, lake front parcel, or parcel abutting the golf course, two (2) signs are permitted. Signs shall not exceed four (4 SF) square feet and shall be removed within fifteen (15) days after the sale or rental of the property. Signage is not allowed in public right-of-way.

474 PROHIBITED SIGNS

Unless otherwise permitted by this ordinance, by variance or by legal non-conforming status, the following signs shall not be permitted.

474.1 Signs which are a size, location, movement, content, coloring, or manner of illumination which may cause confusion or obstruct the view in any direction at a street or road intersection.

474.2 Signs in any public right-of-way, except as allowed by the City Commission of the City of Baneberry.

474.3 Signs that are pasted or attached to utility poles or signs placed upon trees, fences, rocks, or in an unauthorized manner to walls or other signs.

474.4 Signs advertising activities that are illegal under federal, state, or city laws or Regulations.

474.5 All portable or non-structural signs except as allowed under the other sections of this ordinance. For the purpose of this ordinance, a sign shall be considered non-structural if it has no permanently mounted, self-supporting structure or is not an integral part of a building to which it is accessory.

474.6 Flashing signs with moving or blinking lights, or signs with exposed incandescent light bulbs.

474.7 String of lights or pennants used for commercial purposes except for holidays and city events.

474.8 A rotating search light or similar device that emits beams of light.

474.9 Any sign or sign structure which is structurally unsafe or constitutes a hazard to safety or health because of inadequate maintenance, dilapidation or abandonment, or is not kept in good repair, or can cause electrical shock to persons likely to encounter it.

474.10 Any sign unlawfully installed, erected, or maintained.

474.11 Billboards, or any surface whereon advertising matter is set in view conspicuously and which advertising does not apply to the premises or any use of the premises wherein it is displayed or posted.

475 MAINTENANCE OF SIGNS

475.1 All signs and sign components thereof; including without limitation support, braces, and anchors, shall be kept in a state of good repair.

475.2 All ground signs and the premises surrounding the same shall be maintained by the owner in a clean, sanitary, and inoffensive condition, being free and clear of all noxious substances, rubbish, and weeds.

475.3 If the Codes Enforcement Officer shall find that any sign is unsafe or insecure, inadequately maintained, or is a menace to the public, written notice shall be given to the owner, agent, or person having the beneficial interest in the building or the premises on which sign is located.

476 ENFORCEMENT

The Codes Enforcement Officer is hereby charged with enforcement of this article. He or she shall notify all persons violating any of the provisions of this article, by hand-delivered or certified mail, and shall, in the notice give the violator reasonable time, but in no event longer than three (3) days, in which to remedy the violation. If a person fails to remedy the violation within the specified time, the Codes Enforcement Officer has the authority to issue an Ordinance violation citation and subject the violator to a fifty ($50) dollar fine for each day the violation continues.

477 APPEALS

The Zoning Board of Appeals may, in its discretion, vary or adapt the strict application of any of the requirements of this article in the case of exceptional conditions whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the applicant for such variance of the reasonable use of his land or building involved, but in no other case.

480 EXCAVATIONS AND CUTS

481 PERMIT REQUIRED

It shall be unlawful for any person, firm, corporation, association, or others to make any excavation in any street, ally, public space, or public right-of-way or to tunnel under any street, ally, public space, or public right-of-way, without having first obtained a permit as herein required, without complying with the provisions of this chapter, and it shall also be unlawful to violate, or vary from the terms of any such permit, provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably be obtained beforehand. The person should therefore apply for a permit on the first regular business day on which the city manager is working, and said permit shall be retroactive to the date when the work was begun.

Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until restoration of the surface of the ground or pavement. It is unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the building official.

482 APPLICATIONS

Applications for such permits shall be made to the city manager, or such person as the mayor may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or other for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances, codes, and laws relating to the work to be done. Such application shall be rejected or approved by the city manager within twenty-four (24) hours of its filing.

483 FEES

The fee for such permits shall be ten dollars ($10.00) for excavations which do not exceed twenty-five (25 SF) square feet in area or tunnels not exceeding twenty-five (25') feet in length; and one dollar ($1.00) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars ($100.00) for any permit.

484 DEPOSIT OR BOND

Any work done by a company, construction crew, or utility shall have a bond in place prior to any construction being undertaken in the street, adjacent to the street, or under the street. The bond shall be set by the city manager, or such person as the mayor may designate.

485 MANNER OF EXCAVATING; BARRICADES AND LIGHTS; TEMPORARY SIDEWALKS

Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Any utility or other construction which requires a cut across a public street, or a paved driveway shall be required to bore under the street unless the contractors can prove that said boring would be impossible or would cause a safety or health hazard. (On unpaved streets the planning commission may give a waiver to cut the street and repair it to the original condition). Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users.

486 RESTORATION OF STREETS, etc.

Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, public place or public right-of-way in the City of Baneberry shall restore said street, alley, public place, or public right-of-way to its original condition, which shall be done by the contractor performing said excavation. In case of unreasonable delay in restoring the street, alley, or public place, the city manager, or such person as the mayor may designate, shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others.

If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel.

487 INSURANCE

In addition to making the deposit or giving the bond required to insure that property restoration is made, each person applying for an excavation permit shall file a certificate of insurance indication that he is insured against claims for damages for personal injury as well as claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and

underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the city manager, or such person as the mayor may designate, in accordance with the risk involved; however, that the liability insurance for bodily injury shall not be less than $100,000 for each person and $300,000 for each accident, and for property damages not less than $25,000 for any one (1) accident, and a $75,000 aggregate.

488 SUPERVISION

The building official, or such person as the mayor may designate, shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public places, in the city and see to the enforcement of these provisions. Notice shall be given to the building official, or such person as the mayor may designate, at least ten (10) hours before the work of refilling any such excavation or tunnel commences.

489 DRIVEWAY CURB CUTS

489.1 No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining approval from the planning commission and a permit from the city manager, or such person as the mayor may designate. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic or impede the health, safety, and welfare of the street or right-of-way. There shall be no fee for obtaining a driveway cut.

489.2 All driveways require a tile/culvert installed at the connection between the streets and highway unless the tile/culvert requirement is waived by the planning commission, said tile/culvert to be at least eighteen (18) inches in diameter.

489.3 When two (2) or more adjoining driveways are provided for the same property, a safety island of not less than ten (10') feet in width at its outer or street edge shall be provided.

489.4 Driveway aprons shall not extend out into the street.

ARTICLE V

APPLICATION OF REGULATIONS

500 USE

Except as herein provided, 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.

510 STREET FRONTAGE

No dwellings shall be erected on a lot which does not abut on at least one street for at least sixty (60') feet, except that lots fronting on cul-de-sacs may have a minimum road frontage of thirty (30') feet provided the lot meets the required width at the building setback line as set forth in Article VIII. Condominiums and townhouses may be excluded from this provision with the approval of the Baneberry Board of Zoning Appeals.

520 CORNER LOTS

The minimum of a side yard along an intersecting street shall be thirty (30') feet for the side facing the street.

530 ONE PRINCIPAL BUILDING ON A LOT

Only one principal building, and with the approval of the planning commission, its customary accessory buildings may hereafter be erected on any lot; except that condominiums and townhouses may be excluded from this provision with the approval of the Baneberry Board of Zoning Appeals.

540 REDUCTION OF LOT SIZE

No lot shall be reduced in area so that yards, lot area per family, lot width, building area, or other provisions of this ordinance shall not be maintained.

550 YARD AND OTHER SPACES

No part of a yard or other open space required about and building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required under this ordinance for another building.

560 CONFORMITY TO SUBDIVISION REGULATIONS

No building permit shall be issued for, or no building shall be erected on any lot within the municipality, unless the street giving access to the lot upon which said building is proposed to be placed, shall have been accepted or opened as a public street prior to that time or unless such a street corresponds in its location and lines with a street shown on a subdivision plan approved by the planning commission and such approval entered in writing on the plat by the secretary of the planning commission.

570 HEIGHT AND DENSITY

No building or structure shall hereafter be erected or altered to exceed the height limit of thirty-five (35') feet; to accommodate or house a greater number of families; or to have narrower or smaller front yards or side yards than are required or specified in the regulations herein for the district in which it is located.

ARTICLE VI

PLANNED UNIT DEVELOPMENT (PUD)

600 STATEMENT OF PURPOSE AND INTENT

Planned unit development is intended to permit greater flexibility in the use and design of structures and land. Modifications of specific provisions of this ordinance shall seek to accomplish the purpose of zoning to an equivalent or higher degree than where such regulations are designed to control unscheduled development on individual lots. PUD aims to promote economical and efficient land use, and improved level of amenities, appropriate and harmonious variety, creative design, and better environment.

610 GENERAL PROVISIONS

611 LOCATION

A PUD may be located within any residential, commercial, or industrial district provided a development plan has been reviewed and approved by the Baneberry Planning Commission.

612 PERMITTED USES

Any use which is specifically authorized in the particular zoning district in which a planned unit development is to be located shall be permissible. The Baneberry Board of Zoning Appeals may also authorize uses not permitted in the district where the planned unit development is proposed, provided that:

612.1 Such uses do not comprise more than ten (10) percent of the land area of the PUD.

612.2 Such uses are desirable or convenient for residents of the PUD or the immediate neighborhood.

612.3 Such cases will not materially alter the existing character of the neighborhood.

613 RELATIONS TO GENERAL ZONING, SUBDIVISION, OR OTHER REGULATIONS; VARIATIONS ON EQUAL SATISFACTION OF PUBLIC PURPOSE

The planned development regulations that follow shall apply generally to the initiation and regulation of all planned developments. Where there are conflicts between the planned development regulation herein and general zoning, subdivision, or other regulations, these regulations shall apply unless the Board of Zoning Appeals shall find, in the specific case, that the provision herein do not serve the purposes to a degree at least equivalent to such zoning, subdivision, or other regulations. Where actions, designs, or solutions proposed by the applicant are not literally in accord with the applicable planned development or general regulations, the Board of Zoning Appeals may make specific modifications to these regulations by approval of variance. Prior to authorizing any departure from existing regulations, the Board of Zoning Appeals shall find, in each case, that public purpose will be satisfied to an equivalent or greater degree.

620 DEVELOPMENT STANDARDS

621 HEIGHT

No building shall exceed thirty-five (35') feet in height except that a special permit may be granted by the Board of Zoning Appeals for the construction of structures exceeding that limit, providing the following conditions are met:

621.1 A six (6") inch diameter waterline serves the site that connects to a six (6) inch or greater internal diameter service source from the water utility provider.

621.2 Fire hydrants are within five hundred (500') feet of all buildings.

621.3 In each structure over thirty-five (35') feet, there is an internal fire protection system which will meet all applicable regulations established in the Baneberry Fire Code (NFPA-1 Uniform Fire Code: current edition).

622 AREA

The minimum development site for planned unit development shall be two acres.

623 DENSITY

A residential planned unit development may have a density 15 percent greater than that of the district in which the planned development is located.

624 PARKING

Off-street parking shall be provided on a site convenient to the building in accordance with the following regulations:

624.1 Residential

624.1-1 There shall be at least two (2) spaces per dwelling unit for townhouses, duplexes. Condominiums, and single-family dwellings.

624.1-2 There shall be at least one (1) space for each four seats in the main auditorium of churches and public buildings.

624.1-3 Parking spaces for parks, playgrounds, and community buildings in the development may be required according to the design of the planned unit development.

624.2 Commercial and Industrial

There shall be at least one parking space for each three hundred (300 SF) square feet of floor space.

625 SITE IMPROVEMENTS

625.1 All dedicated public streets shall be constructed so to conform to the intent of the Baneberry Subdivision Regulations.

625.2 The minimum width of sidewalks, if built, shall be four (4') feet.

625.3 Storm drainage structures shall be constructed in accordance with plans and specifications approved by the Planning Commission.

All new or replaced storm water outfalls shall not discharge unmanaged storm water in jurisdictional wetlands, sole-source aquifers, or other water bodies and all new or replaced outfalls shall employ designs that remove and treat storm water pollutants as outlined in the reference Better Site Design: *A Handbook for Changing Rules in Your Community.*

625.4 For the prevention of noise; improvement of visual character; and generally, more pleasing environment; adequate landscaping shall be required by the Planning Commission and shall be shown on the PUD plan.

626 BUILDING CONSTRUCTION

No multi-family structure in a PUD shall have more than four (4) contiguous units that are not separated by fire resistant construction.

627 OPEN SPACE

Open space shall be provided as follows:

627.1 Residential

On-site, usable recreation and open space shall be provided. Such areas shall be set aside for open space and recreation purposes only. It is intended to serve the residents of the PUD and therefore should be easily accessible to them. If the planned unit development shall be individually owned units, then this space shall be maintained in common ownership, established in the appropriate legal manners.

627.2 Commercial/Industrial

627.2-1 Commercial/Industrial planned unit development shall meet all open space requirements as established by this ordinance.

627.2 Commercial/Industrial planned unit development shall meet all open space requirements as established by this ordinance.

627.2-2 All open space shall be landscaped, and all such landscaping shall be shown on the PUD plan.

627.3 Establishment and Maintenance

Said open spaces shall be established in the appropriate legal manner and maintained in one of the following methods:

627.3-1 By the developer or management authority of the PUD.

627.3-2 By a homeowner's association established by deed restrictions.

627.3-3 By the public if dedication of such open space is approved by the City Commissioners.

628 STAGING

The applicant may elect to develop the site in successive stages in a manner indicated in the PUD plan; however, each stage shall be substantially completed within itself. The Planning Commission may require that developments be made in stages if public facilities are not adequate to service the entire development initially.

630 SITE PLAN APPROVAL PROCESS

The Baneberry Planning Commission must review and approve a preliminary site plan and a final site plan.

631 PRELIMINARY SITE PLAN

The preliminary site plan consists of the following information:

631.1 A general plan showing tentative street plans, public facilities, and building arrangements.

631.2 Preliminary sketches and specifications showing architectural design and type of construction.

632 FINAL SITE PLAN

The final site plan shall consist of the following:

632.1 An overall development plan showing the uses of land, dimensions and locations of proposed streets, parks and other open spaces, with such other pertinent information as may be necessary to determine the desirability of applying regulations which differ from those ordinarily applicable under this code.

632.2 When several buildings are to be constructed, architectural sketches and data should be provided to ensure aesthetically acceptable design for all buildings.

632.3 At least the following construction plans must be submitted for all development under this section:

632.3-1 Profiles of proposed sanitary sewers and storm water sewers with grades, sizes and elevations indicated.

632.3-2 Proposed water distribution system showing pipe sizes and the location of valves and fire hydrants.

632.3-3 The complete grading plan.

632.4 The proposed development plat shall be prepared by and have the seal of an architect or engineer duly registered to practice in the State of Tennessee.

632.4 Approval shall be in accordance with Sections II through IV of the current Baneberry Subdivision Regulation.

633 ADMINISTRATIVE PROCEDURES

633.1 The Planning Commission shall review the conformity of a proposed development recognizing principles of civic design, land use planning, and landscape architecture. The final design must conform with the original application to the satisfaction of the Planning Commission.

633.2 The Planning Commission may impose conditions regarding layout, circulation, and performance of the proposed development, and may require that appropriate deed restrictions be filed.

633.3 No building permit or zoning compliance permit shall be issued until a final plat of the proposed development is approved by the Planning Commission and recorded. No occupancy permit shall be issued until the building official has determined that the project, as constructed, meets all requirements of the proposed plan.

633.4 The tract or parcel of land involved must be either in one ownership or the subject of an application filed jointly by the owners of all property included.

633.5 A plat of the development shall be recorded in the office of the Jefferson County, Tennessee, Register of Deeds and shall show building lines, common land, streets, easements, and other applicable features required by the Baneberry Subdivision Regulations; provided, however, that the approval of said plat does not constitute the approval of a subdivision within the meaning of the subdivision regulations.

634 ABANDONMENT OF PUD CONCEPT

634.1 An applicant must submit a final site plan within one (1) year of approval of a preliminary site plan; otherwise, approval of the preliminary site plan expires.

634.2 Authorization shall expire upon abandonment of a project or upon the expiration of three (3) years from the final site plan approval. The area authorized for PUD shall revert to the regulations of the zoning district which governed prior to approval under this section.

ARTICLE VII

PROVISIONS GOVERNING USE DISTRICTS

700 R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

701 STATEMENT OF PURPOSE AND INTENT

This district is intended to establish areas for low-density, single-family dwellings and related uses.

702 PERMITTED USES

To achieve the intent of R-1, Single Family Residential District(s) as shown on the Zoning Map of the City of Baneberry, Tennessee the following uses are permitted, subject to the requirements:

702.1 Single Family Residences.

702.2 Customary General Gardening including:

702.2-1 The following gardening privileges subject to the requirements:

(a) Normal yard maintenance, including landscaping and beautification.

(b) Vegetable gardens.

702.2-2 Vegetable gardens shall be behind the rear line of the property of the owners' home and completely on their lot.

702.2-3 Garden areas will be maintained in a neat and orderly manner and will be seeded in a cover crop after the gardening season.

702.3 Customary Home Occupations including:

702.3-1 The following occupations subject to the requirements:

(a) Barber shop and beauty shop.

(b) Artist, dressmaker, milliner, seamstress, tailor, or interior decorator.

(c) Professional office of a physician, dentist, lawyer, engineer, architect, or accountant.

(d) Teaching, music instruction, or dance instruction; each limited to a maximum of three (3) pupils undergoing instruction at any given time.

(e) Any similar use which the City Commissioners deem to be a home occupation by reason of acceptance as a home occupation in the community.

702.3-2 There is no external evidence of the occupation.

702.3-3 Not more than thirty (30) percent of the total floor area of the dwelling is used for conducting home occupation.

702.3-4 Only residents of the dwelling are employed.

702.4 Public buildings and uses; schools offering general education; and churches, provided that:

702.4-1 The location of these uses shall first be reviewed by the planning commission.

702.4-2 The buildings are placed not less than fifty (50') from the side and rear property lines.

702.4-3 Buffer strips are placed along the side and rear property lines.

(a) Customary building plans are required and must be approved by the building official.

(b) A building permit is required.

(c) The building must be constructed on site with the design and all materials to match the exterior of the main building and conform to all existing, in place, building codes. No prefab buildings will be allowed.

(d) Footings will conform to the current building code.

(e) Floors may be constructed of wood or concrete or other material as approved by the building official.

(f) Size shall be no less than eight by ten (8'x10') feet; or more than fifteen by fifteen (15'x15') feet.

(g) Site plan, showing existing building(s), septic systems, and location of new accessory building. The location of the new building shall be behind the rear line of the main house; a minimum of five (5') feet from side property line; and a minimum of thirty (30') feet from the rear property line.

(h) Building shall not be used as temporary or permanent residence or a garage for automobile storage. Golf carts or garden machines are permitted.

702.6 Construction of Additions to Private Residences.

702.6-1 It is unlawful to erect any type of outbuilding except as described in "Accessory Buildings" above. All other building additions must be attached to the main building. An "outbuilding" shall be deemed to be any building not attached to the main structure, such as a garage, barn, etc.

702.6-2 The addition shall be deemed "attached" if it is connected by the roof or a wall that is the height of the roof line. All exterior construction shall match the existing structure.

702.6-3 The nearest wall of the addition shall not be more than eight (8') feet from the connecting point of the main structure. The connecting wall shall not be considered as the "nearest wall."

702.6-4 The addition shall not be more than two (2) stories. Spaces may be used as a garage or living space. (See 702.6-5 below).

702.6-4 All construction, design and materials must match the existing structure. Exception: If matching materials are no longer available, materials of like kind may be used if approved by the planning commission and or building official.

702.6-5 Without certification, registered, and filed with approval by the Jefferson County of Environmental Health, such additions shall not increasing the total number of bedrooms beyond the maximum number of bedrooms originally "approved" by, and recorded on, the Certificate for Subsurface Sewage Disposal, issued by Jefferson County Environmental Health Department and or as recorded on the registered plat of the property.

702.7 Swimming Pools

702.7-1 Customary plans are required for in-ground pools and must be approved by the Baneberry building official.

702.7-2 A building permit is required for construction of in-ground pools.

702.7-3 All swimming pools, no matter when constructed, MUST have a child-proof and secure pool fence and gate/s that comply with applicable State, County and/or local ordinance and/or code. All pools must be fenced or otherwise protected as set forth herein or according to current in-place regulations.

(a) Pool fencing and gates must be at least 48-inches (1.2m) high from the outside ground level and can contain no foot holds. Gates must be fitted with approved child safety catches. Vertical picket fences must only have a top and bottom rail, and the pickets must be spaced no further apart than 4" (110mm).

(b) Prefab above-ground pools must be a minimum four (4') feet above ground level and have a retractable ladder or a four (4') foot high fence with a self- latching gate.

(c) Prefab, above-ground pools do not require a building permit; however, the safety/fencing regulations do apply.

(d) Power lines must be a minimum of ten (10') feet from the sides of the pool.

703 REQUIREMENTS FOR R-1 RESIDENTIAL DISTRICTS

703.1 Tents, trailers, portable or move-in buildings shall not be permitted on any lot. Visiting R.V.s/Travel trailers are permitted for a reasonable period – not to exceed seven (7) days.

703.1-1 Recreational vehicles, boats, utility trailers, travel trailers, etc., not for commercial use, owned by property owners shall be permitted if they are parked behind the forward-most line of their home completely on their lot and under no circumstances to be used for a residence.

703.1-2 Commercial vehicles shall not be allowed except for pick up/deliveries.

703.2 All residences to be constructed on said lots shall be completed within one (1) year from the date initial site preparation commences, except in unusual cases, where the approval of the Board of Zoning Appeals shall be obtained.

703.3 Animals, livestock, or poultry of any kind shall not be raised, bred, or kept on any lot except that cats and dogs may be kept, so long as the owners comply with State Laws and City Ordinances.

703.4 Dumping or burning of any nature shall not be permitted on any lot without prior approval and issuance of a burning permit. (City Ordinance 209-4 provides specific guidance).

703.5 Noxious or offensive trades shall not be permitted on any lot which may be or become an annoyance to the neighborhood.

703.6 The natural flow of surface water on any lot shall not be altered in such a manner as to create a nuisance to other property.

703.7 All dwellings/homes/residences shall not be under fifteen hundred (1500 SF) square feet total floor area. This excludes garages, carports, decks, patios, etc.

703.8 All utilities (power, phone, cable, etc.) shall be underground from the supply source to the dwelling and/or building.

703.9 All yards, lots, etc., shall be mowed and/or cleared on a periodic schedule to prevent creating property that could endanger health, safety, and welfare of the citizens of the city. (City Ordinance 205.10 provides specific guidance).

710 R-2 MUTLIPLE FAMILY RESIDENTIAL DISTRICTS

711 STATEMENT OF PURPOSE AND INTENT

This district is intended to establish areas for multi-family dwellings and related uses. The multiple Family Districts are further proved to serve as zones of transition between non-residential districts and the lower-density Single Family Districts.

712 PERMITTED USES

To achieve the intent of the R-2, Multiple Family District, as shown on the Zoning Map of the City of Baneberry, Tennessee, the following uses are permitted, subject to the requirements.

712.1 Any use permitted in the R-1, Single Family Residential District.

712.2 Two family and multiple family dwellings.

713 REQUIREMENTS FOR R-2 RESIDENTIAL DISTRICT

713.1 All condominiums, townhouses, etc., shall have no less than one thousand (1000 SF) square feet total floor area. This excludes garages, carports, decks, patios, etc.

713.2 All condominiums, townhouses, etc., shall have fireproof walls between each unit.

713.2 R-2 type dwellings shall meet R-1 requirements.

720 C-1 COMMERCIAL/BUISINESS DISTRICT

721 STATEMENT OF PURPOSE AND INTENT

This district is intended to accommodate land uses which provide professional and civic activities, and meet the day-to-day convenience shopping and service needs of the persons residing in adjacent areas.

722 PERMITTED USES

To achieve the intent of C-1, Commercial/Business District, as shown on the Zoning Map of the City of Baneberry, Tennessee, the following uses are permitted subject to the requirements.

722.1 Any use permitted and as regulated in the R-2, Multiple Family Residential District.

722.2 Churches and places of worship.

722.3 Professional and business offices provided that:

722.3-1 There is no activity catering to retail trade with the general public.

722.3-2 Front yard parking is provided.

722.4 Funeral homes.

722.5 Schools and colleges offering general education; provided that:

722.5-1 The location of these uses shall first be reviewed and approved by the planning commission.

722.5-2 The buildings are placed not less than fifty (50') feet from the side and rear property lines.

722.6 Private clubs, lodges, and resort villas.

722.7 Generally recognized retail businesses and service establishments which supply goods or services on the premises, such as, but not limited to:

722.7-1 Grocery stores, drug stores, hardware stores, barber and beauty shops, dry cleaners, restaurants, and similar uses.

722.8 Shopping Centers provided that they shall conform to all requirements of Article VI, Planned Unit Developments.

722.9 Commercial campgrounds, RV parks, and related equipment shall not be allowed.

ARTICLE VI

800 MINIMUM LOT SIZE/YARD DIMENSIONS & MAXIMUM HEIGHTS

	MINIMUM LOT SIZE			MINIMUM YARD DIMENSIONS			MAXIMUM HEIGHT OF STRUCTURES
DISTRICTS	Area In Square Feet	Per Additional Family	Width in feet	Front	Side	Rear	
R-1							
Without City Water and Sewer	25,000	n/a	75	30	15	30	35
With City Water and without Sewer	20,000	n/a	75	30	15	30	35
With City Water and Sewer	13,500	n/a	75	30	15	30	35
R-2	Same as R1	3,000	50	30	8	25	35
C-1	n/a	n/a	n/a	30	10	25	35

810 FRONT YARD SETBACKS FOR NEW BUILDINGS

811 The existing streets in their present locations shall have precedence over existing property lines in determining front yard setbacks. The minimum front yard setback for all new buildings shall be determined by finding the center of the existing street, in its present location, and measuring one half of the total of the lateral dimension of the original right-of-way plus thirty (30') feet. Example for a residence:

811.1 If the original right-of-way is fifty (50') feet, the total dimension from the center of the street, in its present location, would be twenty-five (25') feet plus thirty (30') feet=fifty-five (55') feet.

811.2 If the existing setbacks in a neighborhood differ from the "thirty (30') foot" rule, then the setbacks shall be determined by the average setback of existing buildings in said neighborhood.

811.3 All conditions existing prior to the passage of this ordinance shall be deemed legal in their present condition and will be exempt from this ordinance.

811.4 This Ordinance will take precedence over the portion of all other ordinances pertaining to setbacks with which it may be in conflict.

811.5 Any property owner may apply for a variance of this ordinance by presenting their proposal the Baneberry Board of Zoning Appeals. A variance may be granted if the owner can show that there are special circumstances attached to their property that are created by this ordinance and cause an undue hardship to them provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance.

ARTICLE IX

EXCEPTIONS AND MODIFICATIONS

900 LOT OF RECORD

Where the owner of a lot consisting of one or more adjacent lots of official record at the time does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance in accordance with Article XI, Board of Zoning Appeals. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as possible in the opinion of the board of Zoning Appeals.

910 ADJOINING AND VACANT LOTS OF RECORD

A plat of land consisting of one or more adjacent lots with continuous frontage in single ownership which individually are less than lot widths required by this ordinance, such group of lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in one ownership shall be subjected to the requirements of this ordinance.

920 FRONT YARDS

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 cases, the minimum front yard shall be the average depth of the existing front yard depths of the developed lots.

930 GROUP HOUSING PROJECTS

In the case of a group housing project of two (2) or more buildings to be constructed on a plot of ground of at least two (2) acres not subdivided into the customary streets and lots and which will not be so subdivided or where existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual building units in such housing projects, a special exception to the terms of this ordinance may be made by the Board of Zoning Appeals in a manner that will: (1) be in harmony with the character of the neighborhood; and (2) will ensure substantially the same character of occupancy and the intensity of land use; no higher than a standard of open space and no lower than that permitted by this ordinance in the district in which the project is to be located. However, in no case shall the Board of Zoning Appeals authorize a use prohibited in the district in which the project is located or a smaller area per family than the minimum required in such district, or a greater height or a larger coverage than the requirements of this ordinance permit in such a district.

940 EXCEPTION ON HEIGHT LIMITS

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, domes and observation towers not intended for human occupancy, or to monuments, water towers, transmission towers, windmills, chimneys, flag poles and radio towers.

950 CONFORMITY TO FRONT SETBACKS

Where front setbacks exceed or are less than the requirements of this ordinance within two hundred (200) feet on each side of a lot, within the same block and zoning district, thence the front yard setback shall not be less than the average front yard depth, or as the Board of Zoning Appeals determines.

960 ALTERATION OF NATURAL DRAINAGE

No alteration in the natural drainage, for example: ditch, culvert, or pipe, shall be allowed upon City right-of-way and easements without the recommendation and approval of the planning commission.

ARTICLE X

ENFORCEMENT

1000 ENFORCING OFFICER

The provisions of this ordinance shall be administered and enforced by the Municipal building official; hereinafter, building official. This building official shall have the right to enter upon and premise necessary to carry out his duties in the enforcement of this ordinance.

1001 The building official shall inspect all construction requiring a building permit a minimum of three (3) times.

1002 Construction, modification, renovation, demolition or removal of new homes, condos, townhouses, commercial buildings, public buildings or facilities, etc., shall adhere to the most current editions of the following code as adopted by City Ordinance:

- International Residential Code for 1- and 2-Family Dwellings
- International Building Code
- International Property Maintenance Code
- Ordinance 205-10: Property Maintenance Regulations
- NFPA-1 Uniform Fire Code
- ADA Standards for Accessible Design
- The most current edition of the Model Energy Code, by the Council of American Building Officials, in accordance with Tennessee Code Annotated. §§ 6-54-501 through 6-54-506
- Better Site Design: A Handbook for Changing Development Rules in Your Community, Center for Watershed Protection, Ellicott City, Maryland, 1998

1010 BUILDING PERMIT REQUIRED

It is unlawful to commence the excavation for the construction of any building, including accessory buildings, or to commence moving or alteration of any building, including accessory buildings until the Baneberry building official has approved issuance of a building permit for such work, including a statement that the plans, specifications and intended use of such building in all respects conform with the provisions of this ordinance. Application for a building permit shall be made on the Baneberry Building Permit form available from the building official or city manager. (A copy is provided at **Appendix A.)**

1020 ISSUANCE OF BUILDING PERMIT

In seeking approval for the issuance of a building permit by the Baneberry building official, the applicant shall submit a site plan certified by a registered surveyor or engineer indicating the location of all: (1) lot lines; (2) the shape, size, heights, and location of all buildings to be erected, altered, or moved, and (3) of any buildings already on the lot. 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 Baneberry building official to determine whether the provision of this ordinance is being observed.

1020.1 If the proposed excavation or construction, as set forth in the application, is in conformity with the provisions of this ordinance, the building official shall issue a building permit for such excavation or construction on City Building Permit available from the building official or city manager. (A copy is provided at Appendix A.)

1020.2 If a building permit is refused, the building official shall state such refusal in writing with cause.

1030 ISSUANCE OF SPECIAL PERMIT FOR THE CONSTRUCTION OF PROCHES AND DECKS TO RESIDENCES

1031 It is unlawful to erect any type of porch, deck, or to replace existing decks or any other additions without first obtaining a permit from the City of Baneberry.

1032 All new decks, porches, or other additions must be attached to the existing house except in special circumstances, which must be approved by the building official.

1033 The addition shall not encroach into setback areas unless it is detached from the existing house and allowed under special circumstances in 1032.

1034 Applicant must submit an application to the building official. The application must be filled out completely and all the requirements stated in the application must be met.

1035 A minimum of one (1) inspection shall be required. Foundations, footings and all other structural connections must be exposed at the request of the inspector. The construction must meet all requirements of the in-place building codes referenced in 1002. A permit fee shall be charged for one inspection, at the rate at the time of application.

1036 Walls and roofs must be constructed to match the existing house unless approved by the building official.

1037 The permit may be waived for repairing existing porches if the existing foundation and all other structural aspects satisfactorily meet or exceed current in place codes and regulations, and the structural integrity is not disturbed.

1038 Concrete slabs, without a roof or enclosure do not require a permit.

1040 BUILDING PERMIT FEES

The following Building Permit, Moving, Demolition, and Plan Checking fees are currently in effect for the City of Baneberry.

1041 BUILDING PERMIT FEE

TOTAL EVALUATION	FEE
$1,000 and less	$50.00
$1,000 to $50,000	$50.00 for the first $1,000 plus $5.00 for each additional $1,000
$50,001 to $100,000	$295.00 for the first $50,000 plus $4.00 for each additional $1,000
$100,001 to 500,000	$495.00 for the first $100,000 plus $3.00 for each additional $1,000
$500,001 and up	$1,695.00 for the first $500,000 plus $2.00 for each additional $1,000

1042 MOVING FEE

For the moving of any building or structure, the fee shall be $100.00

1043 DEMOLITION FEE

For the demolition of any building or structure, the fee shall be $75.00.

1044 PLAN CHECKING FEE

When the valuation of the proposed construction exceeds $1,000.00 and a plan is required to be submitted, a plan checking fee shall be paid to the building official at the time of submitting plans and specifications for checking. Said plan:

The checking fee shall be equal to one-half of the building permit fee as set forth in Article 1041 above. Such plan checking fee is in addition to the building permit fee. The building official may waive the plan checking fee if a plan check is not required.

1045 The building official shall determine the value of construction.

1050 CERTIFICATE OF OCCUPANCY

Upon completion of the construction or alteration of a building for which a building permit has been granted, a site plan, certified by a registered surveyor or engineer, showing the finished location of all structures on the lot shall be submitted to the Baneberry building official with a request for a Certificate of Occupancy.

Within three days of such application, the building official shall make a final inspection of the property in question, and if the building or structure is found to conform to the provisions of the Ordinance and the statements made in the application for the building permit, the City Recorder shall issue a Certificate of Occupancy as attached to the Appendix of this ordinance.

If such a certificate is refused, the building official shall state such a refusal in writing with the cause. No land or building hereafter erected or altered in its use, shall be used until such a certificate of occupancy has been granted.

1060 PENALTIES

Any person, etc., violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars ($2.00) nor more than fifty dollars ($50.00) for each offense. Each day such a violation shall continue shall constitute a separate offense.

1070 REMEDIES

In case any building or structure is erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, the building official, 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.

ARTICLE XI

BOARD OF ZONING APPEALS

1100 CREATION AND APPOINTMENT

A Board of Zoning Appeals *is* hereby established in accordance with Section 13-705, Tennessee Code Annotated, Volume 3, the same being Section 5, Chapter 44 of Public Acts of Tennessee of 1935. The Baneberry Planning Commission is hereby designated as the Board of Zoning Appeals and the terms of the members of the Board of Zoning Appeals shall be concurrent with the terms of the members of the planning commission.

1110 PROCEDURE

Meetings of the Board of Zoning Appeals shall be held at the call of the chairman or by a majority of the membership and at such other times as the Board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board should 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; shall take all evidence necessary to justify examinations and other official action, all of which shall be immediately filed in the office of the Board and shall be a public record.

1120 APPEALS: HOW TAKEN

An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the building official based in the whole or part on provisions of this ordinance. Such an appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the building official and with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The building official shall transmit forth with the Board all papers constituting the record upon which action appealed was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon hearing, any party may appear in person or by agent or attorney.

1130 POWERS

The Board of Zoning Appeals shall have the following powers:

1131 ADMINISTRATIVE REVIEW

To hear and decide appeals where it is alleged by the appellant that there is error in any order requirement, permit decision, determination or refusal made by the

building official or any other administrative official in the carrying out or enforcement of any provisions of this ordinance.

1132 SPECIAL EXCEPTIONS

To hear and decide special exceptions to this ordinance as set forth in Article IX.

1133 VARIANCE

To hear and decide applications for a variance from the terms of this ordinance, but on where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the adoption of this ordinance was a lot of record; or where by reason of exceptional topographical conditions or other extraordinary or exceptional situation or conditions of a piece of property, the strict application of the provisions of this ordinance would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance.

In granting a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this ordinance. Before any variance is granted, it shall be shown that special circumstances are attached to the property which does not generally apply to the other property in the neighborhood.

1140 ACTION OF THE BOARD OF APPEALS

In exercising the aforementioned powers, the Board of Zoning Appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and to that end shall have all powers of the building official. The concurring vote of a majority of the Board shall be necessary to reverse any order, or to decide in favor of the applicant on any variance from the terms of this ordinance.

ARTICLE XII

AMENDMENT

1200 AUTHORITY TO AMEND

The regulations and the number, or boundaries of districts established by this ordinance may be amended by the Baneberry City Commissioners. As authorized by the Tennessee Code Annotated, 13-703 and 13-704, no amendment shall become effective unless it is first submitted to and approved by the Baneberry Planning Commission. If disapproved by the planning commission, an amendment may still become effective if it receives the favorable vote of a majority of the entire membership of the city commissioners. Before finally adopting any such amendment, the city commissioners shall hold a public hearing, with at least fifteen (15) days prior notice of the time and place published in a newspaper of general circulation in the municipality.

1210 APPLICATION TO AMEND

1211 APPLICATION AND FEE

Citizens wishing to have the Ordinance amended shall file an application according to the regulations of the planning commission. To partially defray the administrative costs and the costs of giving public notice, the applicant shall pay a filing fee to the City of Baneberry in the amount of ten dollars ($10.00).

1212 NOTICE TO PROPERTY OWNERS

The person(s) requesting a re-zoning must submit to the planning commission letters addressed to each property owner and resident within two hundred (200') feet of the proposed rezoning. These letters shall include: (1) existing zoning classification of the area proposed for re-zoning; (2) petitioned zoning classifications; (3) description of the property; (4) proposed use of the property; (5) notification of a public hearing before the planning commission. Letters shall be placed in unsealed, stamped and addressed envelopes ready for mailing by the planning commission. The return address of the planning commission must appear on the envelope, and a list of all persons to who letters are to be sent must accompany the application.

ARTICLE XIII

LEGAL STATUS PROVISIONS

1300 CONFLICT WITH OTHER ORDINANCES

In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future Ordinance of the City of Baneberry, the most restrictive shall in all cases apply.

1310 VALIDITY

If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court or competent jurisdiction, such holdings shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

1320 EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage, the public welfare demanding it.

Appendix-A: Forms

BUILDING PERMIT APPLICATION

(Rev. 8-15; Repeals and replaces all prior editions of this form.)

Issued by the City of Baneberry

521 Harrison Ferry Road, Baneberry, Tennessee 37890 – 865-674-0124

Applicant's Name: _____

Mailing Address: _____

Phone Number: Home: _____ Cell: _____

Location of project: _____

Each application shall be accompanied by the following:

1. Copy of a plot plan, showing boundary lines, setback lines, and location of the structure on the lot, with certified surveyor's seal, date, and signature.
2. Copy of the approved permit from the Tennessee Department of Environment and Conservation for construction of subsurface sewage disposal system.
3. Copy of building plans {blueprints) with sufficient detail and clarity to indicate the nature of the work.
4. If re-platting: a copy of the new approved plat map.
5. Check made out to "The City of Baneberry"

Work Description:

Special Conditions:

NOTE: It is the responsibility of the permit holder to contact the building **inspector at the appropriate intervals for inspections.**

I certify that the information herein is correct and true and any misrepresentations, either intentional or unintentional, constitute grounds for revocation of this permit.

SIGNATURES:

Owner	Date:
Contractor	Date:

Contractor's License No:

Compensation Insurance Carrier:

FOR BUILDING INSPECTOR ONLY:	Approved:	Denied:

Reason:

Fee: A non-refundable $50 permit fee plus inspection costs. Inspections are $175 ea. A New Home will have a minimum of 5 inspections. A Detached garage will have a minimum of 3 inspections. If more inspections are required for any project, or if there is a failed inspection, it is the owner's responsibility to pay for any additional inspections at a cost of $175.00 ea.	Permit No. _____ Date: _____
Check#	

RESIDENTIAL CERTIFICATE of OCCUPANCY

(Rev. 4-11; Repeals and replaces City Application Form 6-95)

Issued by Baneberry Building Official
521 Harrison Ferry Road~ City of Baneberry, Tennessee 37890 - 865-674-8444

Building Permit#: _____
This permit was issued and the residence was inspected based on the _____ (yr.) edition of the International Residential Code for 1- and 2-Family Dwellings or the _____ (yr.) edition of the International Building Code

Project Street Address:
_____
_____
City: _____ State: __ __
Zip Code: _____

Structure Type: Single-Family D New D Renovated / Rebuilt
Duplex D New D Renovated / Rebuilt
Townhouse/ Condominium D New D Renovated / Rebuilt
Other: _____ (describe)

Permit#	Contractor's Name & Phone #	Contractor's License #
Sewerage		
Structure		
Plumbing		
Electrical		
Gas		
Mechanical/ HVAC		

Permit Holder (or Owner)
Mailing Address:
_____
City: _____ State: ___
Zip Code: _____

Owner of structure if other than permit holder:
Mailing Address:
_____
City: _____ State: __ __
Zip Code: _____

Special Conditions affecting the approval of this certificate:

D Structures at this site are located in a Wildfire Hazard Zone requiring rated-roof coverings.
D Structure is located in a Flood Zone requiring elevation of the building and equipment.
D Home contains an Automatic Fire Sprinkler System that is required to be maintained.
D Other required conditions applying to this site.

This structure has been inspected and complies with all applicable codes, regulations, and laws that were in effect at the time the building permit was issued. All final inspections have been completed and this dwelling is approved for occupancy.

Signed this _____ day of _____ ,20

By: _____, Baneberry Building Official.

Note: The availability of plans, specifications, drawings, and permits regarding this project may be limited after two (2) years.