

## CHAPTER 7

### SPECIAL PURPOSE DISTRICTS

#### SECTION

- 11-700. H-1 Hospital-Medical and Related Services District.
- 11-701. F-P Floodplain Districts.
- 11-702. H-D Historic District.
- 11-703. E-D Educational Complex District.
- 11-709. Flood

11-700. H-1 Hospital-Medical and Related Services District. Within the areas designated H-1 on the Official Zoning Map of Paris, Tennessee, the following regulations shall apply:

- A. Intent. The intent of this district is to provide suitable areas in the community for the location of institutions providing primarily for temporary in-patient services and facilities for health, medical, and surgical care to injured, disabled or sick persons, rehabilitation services for the rehabilitation of injured, disabled, or sick persons, and facilities providing skilled nursing and permanent domiciliary care and related medical services to aged persons.
- B. Principal Uses and Structures Permitted by Right. The uses permitted by right in this district are indicated in Table 1 and as follows:

Institutional - Health Clinic, Hospital, Nursing Home, Observation/Rehab Center.

Professional Services - Physicians, Dentists, Optometrist, Medical Clinic/Out-Patient, Medical Specialties.

Food-Drug-Beverages - Drugs & Pharmaceuticals.

Eating and Drinking Establishments - Restaurants & Cafes, Dairy Bar.

Art-Antique Jewelry - Flower Shop, Florist, Gift Shop, Optical goods.

- C. Principal Uses and Structures Permitted Subject to Special Conditions. Conditional uses and special permit uses permitted in this district are indicated in Table 1 and are subject to the applicable provisions of Section 11-800 and Section 11-900.

SPECIAL PERMIT USES (Section 11-800):

Institutional - Cemetery/Mausoleum, Church, Public Building.

Public Utilities - Water Treatment Plants, Water Storage Tanks.

CONDITIONAL USES (Section 11-900):

Institutional - Day Care, Family Day Care, Group Day Care.

D. Accessory Uses and Structures

1. Accessory uses or buildings customarily incidental to any permitted principal use and as provided in Section 11-1500.
2. Accessory uses for the convenience of employees, patients and visitors including the sale of food and non-alcoholic beverages, periodicals and tobacco shall be permitted within a permitted principal building; provided, however, that access to any room or enclosure provided for such sales shall be only from the interior of the principal building and shall not be accessible from a side entrance.

E. Prohibited Uses and Structures. All uses or structures not specifically permitted herein.

F. Area and Bulk Regulations. As provided in table 2 as follows:

<u>SPECIAL PURPOSE DISTRICTS</u>	<u>Minimum Lot Requirements</u>		<u>Minimum Yard Requirements</u>			<u>Maximum % of Lot Area Covered by all Buildings</u>
	<u>Area (Sq.Ft.)</u>	<u>Width (Sq.Ft.)</u>	<u>Front (Ft.)</u>	<u>Side (Ft.)</u>	<u>Rear (Ft.)</u>	<u>Percent</u>
H-1 Health, Medical and Related Services						
1. Hospital, nursing home, rest home, rehabilitation center.	None	None	50	30	30	50
2. All other uses	None	None	50	30	30	None

NOTE: A building height in excess of two (2) stories may be permitted, however, for each story above two stories, the minimum yard distance of all required yards shall be increased by five (5) feet for each additional story.

The site shall have at least one property line abutting an arterial or collector street as indicated on the Major Thoroughfare Plan and all vehicular entrance and exit (except hospital ambulance and delivery vehicles) shall be directly from such street.

G. Off-Street parking, Loading, and Unloading Requirements. As provided in Section 11-100, Hospital ambulance and delivery areas shall not be located at the main entrance of the principal building.

H. Site Plan Review-Development Criteria.

1. Prior to any development within an H-1 (Hospital Medical District), a site plan shall be filed with the city manager or city manager's designee pursuant to the requirements of Section 11-1101, *et seq.* of this Ordinance and the Paris Subdivision Regulations, and shall indicate the specific proposal for the development proposed within the district. The site plan shall meet the following criteria:

- a. The requirements of the H-1 (Hospital Medical District) and all appropriate sections incorporated by reference.
  - b. The subdivision regulations of the City of Paris.
  - c. The proposed development must be located adjacent or with access to a collector status street as designated on the Paris Major Road Plan.
  - d. Access shall not be through a minor residential or directly onto an arterial street as designated on the Paris Major Road Plan.
  - e. The impact of the proposed development on the adjacent land uses should be considered.
  - f. Consideration should be given to the potential for and need to expand the complex facility.
2. Based on its review, the Planning Commission shall either recommend, 1) approval of the site plan as proposed; 2) approval conditional on stipulated modifications; or 3) disapproval.
  3. No development may take place until such time as a site plan is approved by the Planning Commission as meeting the objectives and minimum requirements of the H-1 (Hospital Medical District). No structure or use other than as indicated on an approved site plan shall be permitted.
  4. The approved site plan shall be on file at the office of the Building Inspector. Any subdivision of land shall follow the procedures and standards of the Paris Subdivision Regulations.

11-701. F-P Floodplain Districts.

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

**Section A. Statutory Authorization**

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Paris, Tennessee, Mayor and City Commission, do ordain as follows:

**Section B. Findings of Fact**

1. The City of Paris, Tennessee, Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
2. Areas of the City of Paris, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

**Section C. Statement of Purpose**

It is the purpose of this Ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This Ordinance is designed to:

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

## **Section D. Objectives**

The objectives of this Ordinance are:

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

## **ARTICLE II. DEFINITIONS**

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

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

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

**"Addition (to an existing building)"** means any walled and roofed expansion to the perimeter or height of a building.

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

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

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

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

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

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

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

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

**"Elevated Building"** means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**"Historic Structure"** means any structure that is:

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

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

**"Levee System"** means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.



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

**"Manufactured Home"** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle".

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

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

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

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

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

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

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

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

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

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

**"Recreational Vehicle"** means a vehicle which is:

1. Built on a single chassis;

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

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

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

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

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

**"Start of Construction"** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**"State Coordinating Agency"** the Tennessee Department of Economic and Community Development, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

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

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

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

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

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

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

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

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

### **ARTICLE III. GENERAL PROVISIONS**

#### **Section A. Application**

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

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

The Areas of Special Flood Hazard identified on the City of Paris, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) dated September 28, 2007 and Flood Insurance Rate Map (FIRM), Community 470090, Panel Numbers 47079C0305E, 47079C0310E, 47079C0315E, and 47079C0320E, dated September 28, 2007, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

#### **Section C. Requirement for Development Permit**

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

#### **Section D. Compliance**

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

#### **Section E. Abrogation and Greater Restrictions**

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this Ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

**Section F. Interpretation**

In the interpretation and application of this Ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

**Section G. Warning and Disclaimer of Liability**

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

**Section H. Penalties for Violation**

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

**ARTICLE IV. ADMINISTRATION**

**Section A. Designation of Ordinance Administrator**

The Building Inspector is hereby appointed as the Administrator to implement the provisions of this Ordinance.

**Section B. Permit Procedures**

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

1. Application stage

- a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- b. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Article V, Sections A and B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

## 2. Construction Stage

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

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

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

## **Section C. Duties and Responsibilities of the Administrator**

Duties of the Administrator shall include, but not be limited to, the following:

1. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

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

## **ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **Section A. General Standards**

In all areas of special flood hazard, the following provisions are required:

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

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

**Section B. Specific Standards**

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Article V, Section A, are required:

1. Residential Structures

In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the Base Flood Elevation. Should solid

foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

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

## 2. Non-Residential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

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

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

## 3. Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.

- 1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
- 2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;
- 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.



b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Article V, Section B.

4. Standards for Manufactured Homes and Recreational Vehicles

a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or

2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article II).

c. Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of Article V, Sections A and B.

d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:

1) Be on the site for fewer than 180 consecutive days;

2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;

3) The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Article V, Section E).

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

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

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the City of Paris, Tennessee and certification, thereof.

2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B.

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

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

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

2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B.

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

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

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Article V, Sections A and B.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Article IV, Section B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Article V, Section B.
4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City of Paris, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B. Within approximate A Zones, require that those subsections of Article V Section B dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

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

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Article V, Sections A and B, apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Article V, Section B.
2. All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the

flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Ordinance and shall provide such certification to the Administrator as set forth above and as required in accordance with Article IV, Section B.

3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

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

Located within the Areas of Special Flood Hazard established in Article III, Section B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Article IV and Article V shall apply.

### **Section H. Standards for Unmapped Streams**

Located within the City of Paris, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.

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

## **ARTICLE VI. VARIANCE PROCEDURES**

### **Section A. Municipal Board of Zoning Appeals**

#### **1. Authority**

The City of Paris, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

#### **2. Procedure**

Meetings of the Municipal Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Municipal Board of Zoning Appeals shall be open to the public. The Municipal Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Municipal Board of Zoning Appeals shall be set by the Legislative Body.

3. Appeals: How Taken

An appeal to the Municipal Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Municipal Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of **\$100** dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Municipal Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Municipal Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than 10 days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

The Municipal Board of Zoning Appeals shall have the following powers:

a. Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Ordinance.

b. Variance Procedures

In the case of a request for a variance the following shall apply:

1) The City of Paris, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

2) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.

3) In passing upon such applications, the Municipal Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:

a) The danger that materials may be swept onto other property to the injury of others;

b) The danger to life and property due to flooding or erosion;

c) The susceptibility of the proposed facility and its contents to flood damage;

d) The importance of the services provided by the proposed facility to the community;

e) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

- h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
  - j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.
- 4) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Municipal Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.
- 5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

**Section B. Conditions for Variances**

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

**ARTICLE VII. LEGAL STATUS PROVISIONS**

**Section A. Conflict with Other Ordinances**

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

**Section B. Severability**

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

**Section C. Effective Date**

This Ordinance shall become effective immediately after its passage, in accordance with the Charter of the City of Paris, Tennessee, and the public welfare demanding it. (Ord. #1193, 7/7/2016)

11-702. H-D Historic District. Within the areas designated HD Historic District on the official zoning map of Paris, Tennessee, the following regulations shall apply:

- A. Intent. It is the intent of this district to protect and preserve historic and/or architectural value: create an aesthetic atmosphere: strengthen the economy: protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided: and promote the education and patriotic heritage of the present and future citizens of the community. In order to achieve this intent a quality of significance in American history, architecture, archeology and culture shall be present in the site, buildings and structures of Historic Districts that:
1. are associated with events that have made a significant contribution to the broad patterns of our history, or
  2. are associated with the lives of persons significant in our past; or
  3. embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
  4. have yielded, or may be likely to yield, archeological information.
- B. Uses Permitted. The uses permitted and the area regulations of the existing district in which the site, structure or area is located shall govern.
- C. How Zoning Map Amended to Designate Historical and Cultural Districts. Any amendments to the zoning map of the City of Paris designating historic districts shall be subject to the provisions of Section 11-1700 of the Paris Zoning Ordinance.
- D. Administration.
1. No building permit for construction, major alteration or rehabilitation, moving, or demolition to be carried on within the H-D District shall be issued by the Building Inspector until it is submitted to and receives approval in writing by the Historic Zoning Commission.
  2. Administration shall be by the city manager or city manager's designee and the Historic Zoning Commission and all items regulated within the H-D District shall be submitted to the Historic Zoning Commission (through the city manager or city manager's designee) for its review.
  3. Within 90 days of designation of a Historic District, the Historic Zoning Commission shall prepare and submit to the Paris City Commission design review guidelines which shall be used by the Historic Zoning Commission in the consideration of any application for certificate of appropriateness applied for under this ordinance. No application may be considered by the Historic Zoning Commission until such time as said guidelines have received the approval of the City Commission.
  4. Building Permit Procedures.
    - a. Applications for building permits within the H-D District shall be made to the office of the Building Inspector and all such applications shall be referred directly to the Historic Zoning Commission. The Historic Zoning Commission shall have broad

powers to request detailed construction plans and related data pertinent to thorough review of any application.

- b. Upon receiving an application for a building permit, the Historic Zoning Commission shall, within thirty (30) days following the availability of sufficient data, issue to the office of the Building Inspector a letter stating its approval with or without attached conditions or disapproval with the grounds for disapproval stated in writing.
- c. The office of the Building Inspector shall additionally review applications for building permits (which have received written approval from the Historic Zoning Commission) in the same manner review is made of building permit applications outside of the H-D District, and final issuance or rejection shall additionally be based upon the adopted building codes of the City of Paris. The fee charged for building permits within the H-D District shall conform to existing fee schedules for building permits in any other zoning district within the City of Paris.

E. Historic Zoning Commission.

1. Creation and Appointment. In accordance with Tennessee Code Annotated, Section 13-7-401, a Historic Zoning Commission is hereby established. The Mayor and City Commission shall create a five (5) member Historic Zoning Commission which shall consist of a representative of a local patriotic or historic organization; an architect, if available; a member of the Planning Commission, at the time of his appointment; and the remaining members shall be appointed from the community in general. Historic Zoning Commission members shall be appointed by the Mayor, subject to confirmation by the City Commission. Appointments to membership on the Historic Zoning Commission shall be arranged so that the term of one member shall expire each year and his successor shall be appointed in like manner in terms of five (5) years. All members shall serve without compensation. The members of the commission shall elect a chairman from among themselves to preside over meetings.
2. Procedure. Meetings of the Historic Zoning Commission shall be held at the call of the chairman or by the majority of the membership. All meetings of the commission shall be open to the public. The commission shall give notice of the place, date, and time of any public hearings which they hold under the provisions of this ordinance, by publication in an official newspaper or a newspaper of general circulation at least three (3) days immediately prior thereto. At least four (4) members of the commission shall constitute a quorum for the transaction of its business. The concurring vote of three (3) members of the commission shall constitute final action of the commission on any matter before it. The commission shall keep minutes of its procedures showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact.
3. Powers and Duties. The Historic Zoning Commission shall have the following powers:
  - a. To request detailed construction plans and related data pertinent to thorough review of any proposal before the commission.
  - b. The Historic Zoning Commission shall, within thirty (30) days following availability of sufficient data, direct the granting of a building permit with or without conditions or direct the refusal of a building permit providing the grounds for refusal are stated in writing.
  - c. Upon review of the application for a building permit, the Historic Zoning Commission shall give prime consideration to:

:



- i. the historic architectural value of present structure;
- ii. the relationship of exterior architectural features of such structures to the rest of the structures of the surrounding area;
- iii. the general compatibility of exterior design, arrangement, texture and materials proposed to be used;
- iv. any other factor, including aesthetic, which is deemed pertinent.

11-703. E-D Educational Complex District. Within the areas designated E-D Educational Complex District on the Official Zoning Map of the City of Paris, Tennessee, the following regulations shall apply:

- A. Intent. The regulations set forth in this section are intended to provide minimum standards necessary for the establishment of a large, multi-faceted educational complex providing a wide range of public and private educational opportunities in an environment conducive for the educational process. The concept of these district regulations requires a unified site plan process to ensure compatibility and safety in the complex design as well as compatibility and safety of the development with the surrounding land uses. These regulations are intended to integrate educational, cultural, recreational, and religious uses within the district boundaries.
- B. Permitted Principal Uses and Structures. Within the E-D Educational Complex District the following principal uses are permitted: Schools, public or private, K-12, Day Care Schools, Colleges and Universities, Vocational or trade schools, Schools and/or workshops for the handicapped, Educational Services, Churches, synagogues or other religious service facility, Public Uses.
- C. Permitted Accessory Uses and Structures.
  - 1. Uses and structures which are customarily accessory and clearly incidental and subordinate to the above permitted uses.
  - 2. Parks, playgrounds, community centers, and non-commercial recreational facilities including playgrounds, game courts, swimming pools, stadium, amphitheater, ball or game fields, and gymnasiums or indoor sport facilities.
  - 3. Dormitories, cafeterias, or other support facilities which are part of, but subservient, to any above permitted use.
  - 4. Structures and uses required for the operation or maintenance of the above permitted or accessory uses, utilities, or public uses.
- D. Prohibited Uses and Structures.
  - 1. All uses and structures not specifically permitted herein.
  - 2. No use or structure shall be permitted that is not designated on a site plan approved by the Paris Municipal-Regional Planning Commission or any subsequent amendment.
- E. Development Requirements
  - 1. Minimum Site Area. The minimum area for the establishment of an E-D Educational Complex District shall be five (5) acres. Within the E-D Educational Complex District the following minimum site area standards shall apply:

Use

Area

<u>Schools, public or private</u>	
Schools without support facilities	4 acres, plus 1 acre for each 100 pupils
Schools with support facilities	8 acres, plus 1 acre for each 100 pupils
<u>Kindergarten</u>	1 acre
<u>Day Care Facilities</u>	1 acre
<u>Colleges or Universities</u>	10 acres
<u>Vocational or trade schools</u>	5 acres
<u>Churches, Synagogue or other religious service facilities</u>	20,000 sq. ft. or 200 sq. ft. of lot area per auditorium seat whichever is greater.
<u>Public Uses</u>	No minimum
<u>Accessory Uses</u>	Additional acreage shall be required for accessory uses set forth in C. 2 and 3. Above so that a 1 to 4 ratio is maintained (facility to open space) throughout the complex development. Note: Open playing fields shall not be considered as requiring this ratio, but all structures or hard surface recreational areas shall.

Provided however, that in the case of mixed uses within a development under one ownership, the area requirement shall not be cumulative, and the area requirement for the use which is greatest shall be the area requirement for the development.

2. Yards, fences, walls, or screening or developments within the E-D Educational Complex Districts. Within the E-D Educational Complex District in addition to the site plan requirements of Section 11-1101, *et seq.* the following yard, fence, wall, or screening improvements shall be required on both perimeter boundaries of the E-D Education Complex District and also on lot lines within the overall district. These requirements have been established to buffer the E-D Educational Complex District from potentially adverse surrounding uses, to create and aesthetically pleasing, orderly, and safe educational environment, and also to protect adjacent areas from potentially adverse influences within the development.
  - a. Along the perimeter boundaries of the E-D Educational Complex District
    - (1) Along the perimeter boundaries of the E-D Educational Complex District there shall be a minimum landscaped strip within the side, rear, and front yard of 25 feet.
    - (2) Adjacent to commercial or industrially zoned properties there shall be a 6' chain link or opaque fence required.
    - (3) Adjacent to residentially zoned properties there shall be a 4' chain link or opaque fence required.
    - (4) In addition to the required fencing in 2. and 3. above, there shall be required an evergreen or evergreen and deciduous planting screen that will provide a pleasing and aesthetically acceptable buffer to the visual impact of the fencing. This screen shall be a minimum of 4 feet in height and be completely sight obscuring within 3 or 4 growing seasons when planted unless otherwise authorized.
    - (5) Required perimeter yards shall be as follows: Front Yard - 100 feet; Side Yard - 100 feet; Rear Yard - 75 feet.

- (6) A greater depth and/or screening, walls or fencing may be required in any exterior yard where it is deemed necessary by the Planning Commission to provide greater protection or buffering to adjacent uses, or the proposed use, because of noise, traffic, lights or other adverse influences, or safety considerations.
- (7) Required screening or landscaping shall be planted prior to the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained by the owner or occupant with permanent plant materials to provide a screen to abutting properties.

Standards for screening or landscaping shall be as follows:

- a) Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
- b) Where plant materials are planted in two or more rows, planting shall be staggered in rows.
- c) Narrow evergreens shall be planted not more than three (3) feet in centers.
- d) Large deciduous shrubs shall be planted not more than four (4) feet on centers.
- e) Evergreen trees shall be planted not more than 10 feet on center.
- f) Any tree other than an evergreen shall be planted not more than 25 feet on center.

b. Within the E-D Educational Complex District the following yard, fencing, or screening requirements shall apply.

- (1) Within the E-D Educational Complex District there shall be minimum yard requirements as follows: Front Yard - 50 feet; Side Yard - 30 feet; Rear Yard - 30 feet. Within any individual development any principal or accessory uses or structures shall be required to meet the foregoing yard requirements when said uses or structures abut a public street or internal through street within the development. This requirement shall not be deemed applicable to service roads, access roads, or alleys that service internal streets within the individual development.
- (2) All front yards that abut a public street shall have the first 10 feet landscaped and/or fenced in conformance with the standards set forth in 2a. (7) of the previous section.
- (3) No designated parks, playgrounds, game courts, swimming pools, ball or game fields or other outdoor recreational facilities shall be located in any required yard.
- (4) A greater depth and/or screening, walls, or fencing may be required where it is deemed necessary by the Planning Commission such as but not limited to all designated playgrounds, game courts, swimming pools, ball or game fields, or other outdoor sport or play areas, to provide

greater protection or buffering to adjacent uses, or the proposed use, because of noise, traffic, lights or other adverse influences or safety considerations.

3. Streets, drives, parking, and service areas. Within the E-D Educational Complex District, streets, drives, parking, and service areas shall be located and constructed to provide ease of access while maximizing the protection of the high pedestrian traffic associated with educational environments. Streets shall be designed to discourage outside or high speed traffic.

- a. Streets which are to be dedicated to the City of Paris shall be designed and constructed in accordance with the Paris Subdivision Regulations.

All other streets, drives, parking, and service areas shall meet the requirements of Section 11-1000 of this Ordinance.

- b. Vehicular and pedestrian access points shall be designed to encourage smooth traffic flow and minimum hazards to vehicular or pedestrian traffic. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic.

- c. Carefully designated crosswalks and bikeways shall be provided for. Such ways need not be adjacent to, or limited to the vicinity of vehicular access points.

- d. Parking shall meet the minimum requirements of Section 11-1000 of this Ordinance. Because of the diversity of uses allowed in this District the following sections shall specifically apply:

Section 11-1000 - Table 3:

- 2.c.5. Educational Services - for all administrative and office buildings

- 2.d. Cultural-Recreation-entertainment - shall apply to all public or private assemblies for entertainment, sports or such uses as set forth in this section.

5. Public and Institutional Uses - shall apply to all classrooms, churches, or specialty uses as set forth in this section. In addition the following requirements shall apply.

College, Universities, Vocational or Trade Schools - Parking One (1) space for each teacher, professor, employee, or administrator plus one (1) space per two (2) students and one (1) space for each 150 square feet of seating area, including aisles, in any auditorium, gymnasium or cafeteria intended to be used as an auditorium.

- e. No parking shall be allowed within the required landscaped areas within the boundaries of the E-D Educational Complex District.

- f. Distance between driveways shall be as follows:

- 1) The minimum distance from an adjoining interior lot line and a driveway opening at the street right-of-way line shall be twenty (20) feet.

- 2) The minimum distance from the intersection of street right-of-way lines on a corner lot and a driveway opening at the right-of-way line shall be forty (45) feet.
    - 3) The minimum distance from the perimeter boundary and a driveway opening at the street right-of-way line shall be twenty-five (25) feet.
  - g. All streets, drives, and parking lots shall be lighted to ensure a safe pedestrian and vehicular environment.
4. Permitted Density. Within the E-D Educational Complex District there shall be an overall density standard maintained for the maximum percentage of lot areas covered by all buildings to be twenty-five (25) percent.
  - a. Parking, streets, drives, and service areas shall not be included in the computation of percentage of lot area covered.
  - b. Paved playing courts, pools, or covered, but unenclosed pavilions, shall not be included in the percentage of lot area covered.
  - c. Uncovered stadiums or amphitheater shall be considered as covered structures in determining the percentage of lot area covered.

F. Procedure for approval of the E-D Educational Complex District and all subsequent amendments.

1. Applications. An application for the establishment or amendment of the E-D Educational Complex District shall be submitted as provided in Section 11-1700 of this ordinance.
2. Application Submission and Review. The applicant shall submit the petition for the E-D Educational Complex District amendment and/or site plan to the city manager or city manager's designee.
3. Action by the City Commission on a Rezoning Petition. The City Commission shall refer the rezoning petition for review and recommendation to the Planning Commission or deny the petition as provided in Section 11-1700.
4. Planning Commission and Recommendation to the City Commission. If a rezoning petition is referred to the Planning Commission by the City Commission, the Planning Commission shall review the petition for conformance with all appropriate regulations and good planning principles and shall return a recommendation to the City Commission's consideration and preparation of the recommendation to the City Commission on a rezoning request shall include, but shall not be limited to, the following criteria with regard to the suitability of the site for the proposed E-D Educational Complex District:
  - a. The preamble stated objectives of the district.
  - b. The relation of the site to the major transportation facilities, utilities, public facilities, and services.
  - c. Land use compatibility with the existing or future development to insure an environment conducive to the educational process. Consideration should include possible noise, lights, and traffic surrounding the proposed site location.
  - d. The impact of this proposed district on adjacent land uses and it's relation to the surrounding land uses and proposed clientele.

- e. The relation of the site to the land use plan for the City of Paris.
5. Action by City Commission. Upon recommendation by the Planning Commission the City Commission shall proceed as for other amendments as provided in Section 11-1700.

G. Site Plan Review-Development Criteria.

1. Prior to any development within an E-D (education complex district), a site plan shall be filed with the city manager or city manager's designee pursuant to the requirements of Section 11-1101, *et seq.* of this ordinance and the Paris Subdivision Regulations, and shall indicate the specific proposal for the development proposed within the district. The site plan shall meet the following criteria:
  - a. The requirements of the E-D (educational complex district) and all appropriate sections incorporated by reference.
  - b. The subdivision regulations of the City of Paris
  - c. The proposed development must be located adjacent or with access to a collector status street as designated on the Paris Major Road Plan.
  - d. Access shall not be through a minor residential or directly onto an arterial street as designated on the Paris Major Road Plan.
  - e. The impact of the proposed development on the adjacent land uses should be considered.
  - f. Consideration should be given to the potential for and need to expand the complex facility.
2. Based on it's review, the Planning Commission shall either recommend, 1) approval of the site plan as proposed; 2) approval conditional on stipulated modifications; or 3) disapproval.
3. No development may take place until such time as a site plan is approved by the Planning Commission as meeting the objectives and minimum requirements of the E-D Educational Complex District. No structure or use other than as indicated on an approved site plan shall be permitted.
4. The approved site plan shall be on file at the office of the Building Inspector. Any subdivision of land shall follow the procedures and standards of the Paris Subdivision Regulations.

SPECIAL PURPOSE DISTRICTS

Perimeter Yard Requirements

	Front (Ft.)	Side (Ft.)	Rear (Ft.)
<u>E-D Educational Complex District</u>	100	100	75

Area	Minimum Lot Requirements		Minimum Yard Requirements			Maximum % of Lot Area Covered by
	Width		Front	Side	Rear	

<u>District &amp; Use</u>	<u>(Sq.Ft.)</u>	<u>(Sq.Ft.)</u>	<u>(Ft.)</u>	<u>(Ft.)</u>	<u>(Ft.)</u>	<u>all Buildings</u>
1. Schools, public or private Schools without support facilities	Four Acres Plus One Acre for Each One Hundred Pupils					
Schools with support facilities	Eight Acres Plus an Additional Acre for Each 100 Pupils	50	30	30		25
2. Kindergarten	One Acre	50	30	30		25
3. Day Care Facilities	One Acre	50	30	30		25
4. Colleges or Universities	Ten Acres	50	30	30		25
5. Vocational or Trade Schools	Five Acres	50	30	30		25
6. Churches, Synagogue or other religious service facilities	20,000 sq. ft. or 200 sq. ft. Of lot area per auditorium seat whichever is greater.	50	30	30		25
7. Public Uses	No Minimum	50	30	30		25
8. Accessory Uses	**Additional acreage shall be required for accessory uses set forth in C.2. and 3. Above so that a 1 to 4 ratio is maintained (facility to open space) throughout the complex development. Note: Open playing fields shall not be considered as requiring this ratio, but all structures or hard surfaced recreational areas shall.					