

CHAPTER 8

SPECIAL PERMIT USE

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11-800. Procedures and Development Standards for Special Permit Uses. The Board of Zoning Appeals shall have the authority to grant special use permits for specific uses indicated on Table 1 and in accordance with the procedures and standards as set forth herein.

11-801. Procedure for Authorizing Special Permit Uses.

- A. Application for Special Use Permit. An application for a special use permit shall be filed with the city manager or city manager's designee at least ten (10) days prior to the regular meeting of the Board of Zoning Appeals. The application shall show the location and intended use of the property, the names of the property owners and existing land uses within two hundred (200) feet, and any other information pertinent to the request which the Building Inspector may require.
- B. Public Hearing. When applicable, the city manager or city manager's designee shall cause to be published in a daily newspaper of general circulation a NOTICE OF APPLICATION FOR SPECIAL USE PERMIT. Such notice shall give the time and place of such hearing and shall be published at least seven (7) days prior to the Board of Zoning Appeals meeting.
- C. Requirement for Special Use Permit. In the making of its decision, and in addition to the standards established herein, the Board of Zoning Appeals may impose such other conditions regarding the location, character, and other features of the special use as it may deem advisable in the furtherance of the general purposes of this ordinance.

The following general criteria are provided as guidelines in the review and/or approval by the Board of Zoning Appeals of an application for a special use permit. A request for a special permit shall:

1. Be in conformance with the Comprehensive Plan for development for the site and its surrounding area as well as any other officially approved area development plans.
2. Be in compliance with the uses permitted and area and bulk regulations of the district in which proposed.
3. Be functionally related and not detrimental to other adjacent existing or permitted use or structures.
4. Be so designed and located that the public health, safety, and welfare will be promoted and protected.

D. Effective Date of Approval - Issuance of Permit.

1. Board of Zoning Appeals approval shall become effective the date at which approval is granted.
2. No Special Use Permit shall be issued prior to the effective date of approval.
3. The Special Use Permit shall be issued subject to all conditions and requirements stipulated by the Board of Zoning Appeals.
4. The Building Inspector shall not issue a Certificate of Occupancy for a special use if any of the conditions imposed by the Board of Zoning Appeals in approving the special use permit have not been met.

E. Validity of Plans. All approved plans, conditions, restrictions, and rules made a part of the approval of the Board of Zoning Appeals shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.

F. Time Limit and Notification. An application for a Special Use Permit shall be acted upon within forty-five (45) days of the date of application and the applicant shall be provided with a written notice of approval or denial. Failure of the Board of Zoning Appeals to act upon such application within forty-five (45) days shall constitute approval of the application.

G. Amendments to Special Permits. A special use permit may be amended pursuant to the same procedure and in accordance with the same standards which governed its grant.

11-802. Development Procedures.

A. Before a permit is issued for any use permitted by right, or subject to special condition, the site plan of the proposed development shall be reviewed and approved by the Planning Commission. The Planning Commission shall have the power to impose conditions regarding the location of buildings on the site, yard requirements, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use to existing nearby uses. The Planning Commission may require the applicant to enter into a Development Improvement Contract with the City to assure that those improvements required be constructed as approved. (Ord. #984, 09/06/01).

B. In order that The Planning Commission may make an accurate determination of the character of the proposed use, the applicant shall submit an accurately and legibly drawn site plan as provided in Section 11-1101, *et seq.* The Planning Commission may make other reasonable requirements for information when necessary. The Planning Commission may require the applicant to provide certification of proper design, installation, and availability of

improvements such as drainage, fire service, street access, and utility services such as electric, water, gas and sewer. (Ord. # 984, 09/06/01).

- C. The Planning Commission shall meet and act upon any application within forty-five days from the date of the first meeting at which properly prepared site plans are presented. Failure to act shall constitute approval. When an application is denied, the Planning Commission shall state the reasons for such action. (Ord. # 984, 09/06/01).

Provided, however, that these development procedures shall not apply to the standards for home occupations provided for in 11-811.

11-803. Standards of General Applicability. An applicant for a special use permit shall present to the city manager or city manager's designee and Board of Zoning Appeals satisfactory evidence which establishes:

- A. The proposed building or use will not have an adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare.
- B. That the proposed building or use will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not to interfere with the development and use of neighboring property in accordance with the applicable district regulations.
- C. That the proposed building or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.
- D. That the proposed building or use will not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance.
- E. That the proposed building or use complies with any additional standards imposed on it by the particular provision of this section authorizing such use.

11-804. Additional Standards for Special Permit Uses. In addition to the general standards for Special Permit Uses, special standards and uses shall apply under Section 11-805. to 11-817. herein below.

11-805. Standard for Cemeteries. The Board of Zoning Appeals may authorize the issuance of a special use permit for cemeteries as indicated on Table 1 after first holding a public hearing as provided in this section and subject to the following additional standards.

- A. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a major thoroughfare.
- B. Any new cemetery shall be located on a site containing not less than twenty (20) acres.
- C. All other structure including but not limited to mausoleum, permanent monument, or maintenance building shall be set back not less than twenty-five (25) feet from any property line or right-of-way line.
- D. All graves or burial lots shall be set back not less than twenty-five (25) feet from any property line or right-of-way line.

- E. All required yards shall be landscaped and maintained.

11-806. Standards for Mortuary Establishments. The Board of Zoning Appeals may authorize the issuance of a special use permit for Mortuary Establishments as indicated on Table 1 after first holding a public hearing as provided in this section and subject to the following additional standards:

- A. The minimum lot area shall be twenty-five thousand (25,000) square feet and so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking area.
- B. The site shall be so located as to have at least one property line abutting a thoroughfare either existing or proposed that will be sufficient to serve traffic entering or leaving the mortuary establishment as is required by the provisions of 11-803 A. and C., and the main entrance and exit from the site shall be directly onto said thoroughfare. (Ord. #1114, 11/05/09.)
- C. Points of entrance and exit for the site shall be so laid out as to minimize possible conflicts between traffic on adjacent thoroughfares and funeral processions or visitors entering or leaving the site. (Ord. #1114, 11/05/09).
- D. No building shall be located closer than fifty (50) feet to the outer perimeter (property line) of the district when said property line abuts any residential district.
- E. A caretaker's residence may be provided within the main building of the mortuary establishment.
- F. Loading and unloading area used by ambulance, hearses, or other such service vehicles shall be obscured from all residential view with a wall seven (7) feet in height and said wall, plus any other required walls, shall be further subject to the requirements of Section 11-1200.

11-807. Standards for Churches and Related Buildings. The Board of Zoning Appeals may authorize the issuance of a special use permit for churches and other buildings or uses normally accessory thereto as indicated on Table 1 after first holding a public hearing as provided in this section and subject to the following additional standards:

- A. The minimum lot area shall be 20,000 square feet or 200 square feet of lot area per auditorium seat whichever is greater.
- B. Front, Rear, and Side Yards shall conform to the district in which located.
- C. Off-Street Parking shall be as provided in Section 11-1000.
- D. Except for temporary non-profit festivals, fencing, screening, and landscaping shall be provided as appropriate for such facility in accordance with Section 11-1200, except that no landscaping or screens shall be located closer than 15 feet to any vehicular entrance or exit to the property.
- E. The location and operation of such community assembly facility shall be in keeping with the character of the surrounding area and shall not adversely affect the properties within the surrounding area.
- F. All public utilities and sewage disposal shall be available to the site and shall be subject to approval by the Paris Board of Public Utilities.
- G. General sign requirements for the district in which the community assembly activity is requested shall apply.

11-808. Standards for Schools. The Board of Zoning Appeals may authorize the issuance of a special use permit for schools, public or private, grades kindergarten through twelve as indicated on Table 1 after first holding a public hearing as provided in this section and subject to the following additional standards:

- A. The minimum site area shall be five (5) acres plus one 1 acre for each 100 students. Primary and secondary school site plans shall be recommended to the Board of Zoning Appeals by the appropriate school board.
- B. Front, rear, and side yards shall conform to the district in which located.
- C. All public utilities and sewage disposal shall be available to the site and shall be subject to approval by the Paris Board of Public Utilities.
- D. All regulations of the State of Tennessee that pertain to the use shall be met.
- E. The facilities shall be located as to be compatible with the surrounding area and provide safety to those using said facilities.
- F. Fencing, screening and landscaping shall be provided as appropriate to protect the surrounding area from such facility in accordance with Section 11-1200.
- G. The general sign requirement for the district in which the community education activity is requested shall apply.

11-809. Standards for Group and Family Day Care Homes. The Board of Zoning Appeals may authorize the issuance of a special use permit for Group and Family Day Care Homes as indicated on Table 1 after first holding a public hearing as provided in this section and subject to the following additional standards:

- A. All dimensional regulations of the district shall apply.
- B. There shall be provided along the entire site boundaries fencing screening, and landscaping as appropriate to protect any abutting residential property.
- C. All public utilities and sewage disposal shall be available to the site and shall be approved by the Paris Board of Public Utilities.
- D. The general sign requirements for the district in which the facility is located shall apply.
- E. All outdoor play areas must be appropriately fenced, screened, and landscaped from abutting property lines and must contain at least fifty (50) square feet of space per child.
- F. Off-street parking shall be provided as required in Section 11-1000.
- G. The facility must meet all applicable state and local licensing requirements.

11-810. Standards for Day Care Centers. The Board of Zoning Appeals may authorize the issuance of a special use permit for Day Care Centers as indicated on Table 1 after first holding a public hearing as provided in this section and subject to the following additional standards:

- A. All the requirements for group and family day care homes in Section 11-809. shall apply to a day care center.
- B. Along the site boundary of the facility, buffering, screening, and landscaping must be provided to adequately protect the facility from abutting uses.

- C. All outdoor play areas shall contain a minimum of fifty (50) square feet of space per child.11-811.

11-811. Standards for Home Occupations. A Home Occupation Permit is required prior to the usage of any residential structure as a home occupation in accordance with the provisions herein. An applicant for a Home Occupation Permit shall submit an application on a form as required by the City Manager or the City Manager's designee.

- A. Intent. It is the intent of this ordinance to eliminate as home occupations all uses except those that conform to the standards set forth herein. Custom and tradition are intentionally excluded as criteria. The standards for home occupations are intended to insure compatibility with other permitted uses and with the residential character of the neighborhood, and as clearly secondary or incidental status in relation to the residential use of the premises as the criteria for determining whether a proposed use qualifies as a home occupation.

Retail sales at the home occupation location is not allowed. No article shall be sold or offered for sale on the home occupation premises. Any retail items must be sold off site and delivered or if sold by electronic means such as telephone, computer, internet, or other electronic means must be delivered off site.

Examples of typical businesses which would be allowed by Home Occupation Permits might include typing or drafting services; consulting businesses, providing all work is picked up from and delivered to the client by the holder of the permit; landscape maintenance, janitorial services, and contractor business, where the business is conducted elsewhere and all equipment is either stored offsite and/or in a vehicle which is to be stored in the garage at the home occupation residence. Businesses making items on premises such as jewelry, leather goods, paintings or artwork, or the like, are allowed if such products are sold offsite or electronically. Home boutiques are not allowed. Occupations that consist of businesses in which only telephone or mail services are used are allowed subject to the provisions of this chapter.

- B. Standards for Home Occupations.

1. General. The standards set forth below shall be used by the City Manager or City Manager's designee in evaluating an application for a home occupation. In evaluating an application for a home occupation, the City of Paris must insure the following: (1) that the public interest has been adequately protected; (2) that no change in the character of the surrounding neighborhood will occur as a result of the home occupation; (3) that no excessive noise, increased traffic and parking, and odor or hazard will result from the home occupation; and (4) that the proposed home occupation will not place a strain or burden on existing public facilities and services, particularly sewer and water service, street improvements, fire and police protection, and solid waste collection.

2. Performance Standards. Home occupations are permitted as an incidental and subordinate use in specified residential districts when the applicant submits to the City of Paris satisfactory evidence of compliance with all of the following conditions:

- a. Employees. Any home occupation that relies on customers coming to the home occupation premises shall be conducted solely by the resident occupants of the premises. For a home occupation that is conducted by telephone, computer, internet, or other electronic means that does not have customers who come to the home occupation premises, the home occupation may have up to two (2) employees who are not resident

occupants of the premises so long as the other provisions of this chapter are complied with.. (Ord. #983, 09/06/01; Ord. #1212, 6/22/17; Ord. #1249, 1/2/2020).

- b. Incidental and Subordinate Use. The applicant must clearly demonstrate to the City of Paris that the home occupation is incidental and subordinate to its use for residential purposes. To insure the incidental and subordinate character, the home occupation shall be limited to fifteen (15) percent of the total area of the first floor of the residence. No home occupation shall be conducted outdoors, or in any garage or carport attached to the residence
- c. Advertising. Advertisement for the home occupation that is placed in any media (newspaper, magazine, telephone directory, radio, television, online, etc.) may not contain the address or indicate the location of the home occupation.
- d. Appearance. In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character, either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises, or vibrations.
- e. Accessory Buildings. No garage, carport, shed, or any other building or space outside or not attached to the principal building shall be used for home occupation purposes.
- g. Traffic. The additional parking generated by the home occupation shall take place on the site and the use may increase vehicular traffic flow and parking by no more than one additional vehicle at a time. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises, other than by common carriers such as UPS, Federal Express, or the United States Postal Service.

Instruction of students shall be limited to not more than three persons at a time and not more than fifteen (15) students in a 24-hour period.

- h. Nuisance Controls. Home occupation shall not generate traffic, parking, noise, vibrations, glare, fumes, odors, or electrical interference beyond what normally occurs in the applicable zoning district.
 - i. Utilities. The public utility costs (water, sewer, electricity, solid waste collection, etc.) incurred in the operation of the home occupation shall not exceed what is normal to the use of the property for residential purposes.
 - j. Signs. Only one sign shall be allowed. It may indicate the name of the occupant and/or the name of the home occupation. It shall not exceed one square foot in area, shall be non-illuminated and attached flat to the main structure or visible through a window.
- C. Application for Home Occupation Permit. An application for a Home Occupation Permit shall be filed with the City Manager or the City Manager's designee on a form provided by the City of Paris. The City Manager or the City Manager's designee shall have up to 14 days to approve the issuance of the permit.

The application fee for a Home Occupation Permit shall be \$50.00. The application fee shall be paid at the time the application is submitted and is not refundable. (Previous Section C Deleted, Ord. #1212, 6/22/2017; Ord. #1249, 1/2/2020)

D. Business License and Certificate of Occupancy.

1. If the special use permit for a home occupation is approved by the City Manager or City Manager's designee, the applicant shall secure a business license to operate the home occupation from the Office of the City Finance Director. All Business Licenses must be issued to a physical street address only. A Business License may not be issued to a post office box address. Provided, however, a post office box address may be used by a home occupation business to conduct the home occupation business but may not be used as a substitution for a physical business address in order to bypass or circumvent the Home Occupation Permit process governed by this Chapter. (Ord. #1212, 6/22/2017; Ord. #1249, 1/2/2020).
2. Prior to issuance of a Certificate of Occupancy, the City Manager or City Manager's designee will insure that the proper city business license has been issued for the home occupation and that all requirements of the Charter and Ordinances of the City of Paris are complied with prior to the start of actual operations.
3. The city business license and certificate of occupancy shall be renewed annually to insure compliance with applicable municipal codes as well as laws of the State of Tennessee.

E. Revocation of Home Occupation Permit

1. A Home Occupation Permit shall be revoked when it is determined that the conditions of its issuance are not being met.
2. The permit holder shall be notified in writing that the conditions of its issuance are not being met with the specific infractions noted.
3. The permit holder shall be given ten (10) calendar days from the postmark of written notification of non-compliance to contact the city to resolve the issue of non-compliance. Should the non-compliance not be resolved, the City Manager shall notify the permit holder that the Home Occupation Permit has been revoked and all business activities associated with the Home Occupation shall terminate immediately upon receipt of the notice.

F. Appeals

An application for a Home Occupation Permit that is denied or the revocation of a Home Occupation Permit may be appealed to the Board of Zoning Appeals on a form as required by the City Manager. The form shall show the location and intended use of the property, the names of the property owners and existing land uses within two hundred (200) feet, and any other information pertinent to the request which the City Manager may require. An appeal shall be made in writing to the Board of Zoning Appeals within seven (7) calendar days of the date of the revocation notice. A timely filed appeal shall result in the revocation action being held in abeyance pending the hearing by the Board of Zoning Appeals. The City Manager or City Manager's designee shall cause to be published in a daily newspaper of general circulation a NOTICE OF APPEAL FOR HOME OCCUPATION PERMIT. Such notice shall give the time and place of such hearing and shall be published at least seven (7) days prior to the Board of Zoning Appeals meeting.

G. Hearing by the Board of Zoning Appeals

1. An appeal hearing before the Board of Zoning Appeals shall be limited to the issue of whether the applicant complies with the criteria to be issued a Home Occupation Permit or whether a permit holder continuously meets the criteria required for the issuance of a Home Occupation Permit.

2. The Board of Zoning Appeals shall not grant a variance from the established criteria for the issuance of a Home Occupation Permit.
3. The Board of Zoning Appeals shall not hear an appeal that is not timely filed as provided in Section F above. (Ord. # 03/03/11; Ord. #1249, 1/2/2020)

11-812. Standards for Parks, Playgrounds, and Recreation Facilities. The Board of Zoning Appeals may authorize the issuance of a special use permit for Parks, Playgrounds, and Recreation Facilities as indicated on Table 1 after first holding a public hearing as provided in this section and subject to the following additional standards:

- A. Each site or facility must be proposed in accordance with the Comprehensive Plan and must serve the neighborhood or community in which it is to be located.
- B. Recreation facilities for organized sports or spectator facilities must have principal access from a major arterial or collector street and the site for such facilities must be designed to prohibit or severely restrict vehicular traffic from neighboring residential areas.
- C. Fields for recreation and athletics when provide seating for more than 100 spectators or which are equipped with outdoor lighting visible from adjacent residential areas shall be subject to the following additional standards:
 1. Screening shall be required along the lot lines of the field to insulate such field from the view of property zoned or used for residential purpose.
 2. Lighting, if any, including but not limited to lighted scoreboards, for such fields shall be so arranged to prevent direct glare onto any public or private property or streets. The location, height, and design of any light standards shall be submitted for review and approval of the Board of Zoning Appeals.

11-813. Civic or Community Clubs, Private Non-Commercial Recreation Area; and Institutional or Community Recreation Centers. The Board of Zoning Appeals may authorize the issuance of a special use permit to Civic or Community Clubs, Private Non-Commercial Recreation Area; and Institutional or Community Recreation Center as indicated on Table 1 after first holding a public hearing as provided in this section and subject to the following additional standards:

- A. The proposed site shall have principal access from a major arterial or collector street with no traffic allowed to travel through a residential neighborhood. Principal access to the site shall be prohibited from local neighborhood streets.
- B. All dimensional regulations of the district shall apply. Any required yard adjacent to property which is zoned or used for residential purposes shall not be used for off-street parking and shall be suitably landscaped with trees, shrubs, or other material to provide a natural screen.
- C. All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from adjacent residential areas.
- D. Off-street parking shall be provided so as to accommodate not less than one-half the membership or capacity of such facility. In determining the adequacy of off-street parking, the Board of Zoning Appeals may require the by-laws of the organization to establish the membership involved. In those cases where there is no formal membership for the proposed facility, the off-street parking shall be determined on the basis of usage and as provided for similar uses in Section 11-1000.

11-814. Standards for Bed and Breakfast Inns - The Board of Zoning Appeals may authorize the issuance of a special use permit for a Bed and Breakfast Inn after first holding a public hearing as provided in this section and subject to the following additional standards:

- A. A minimum of one (1) off street parking space, per room to be occupied by guests, shall be provided for in addition to any parking on premises for permanent residents.
- B. The outside appearance of the dwelling unit shall maintain conformance with the general character of the neighborhood in which it is located.
- C. Signs advertising the Bed and Breakfast Inn shall not exceed four (4) square feet in area, shall be non-illuminated and attached flat to the main structure or visible through a window. The sign may only indicate the name of the occupant and/or the name of the Bed and Breakfast Inn.
- D. No more than three (3) sleeping quarters of the dwelling unit shall be used for lodging in the Bed and Breakfast Inn. This would not apply to other parts of the dwelling unit which may be incidentally used by guests such as bathrooms, kitchen and living room areas not being used as sleeping quarters by guests.
- E. The permanent residents of the dwelling unit shall establish separate and distinct sleeping quarters from Bed and Breakfast Inn guests.
- F. Proprietors of the Bed and Breakfast Inn shall also be permanent residents of the dwelling in which it is located. All area and yard requirements of the district must be met.
- G. An accurately drawn plan shall be presented to the Board of Zoning Appeals at least ten (10) days prior to the meeting. The site plan shall show the location of the principal building, off street automobile parking, relationship to adjoining properties and surrounding land use, existing zoning of the proposed site, any required screening, and any other information as may be required by the Paris Board of Zoning Appeals.
- H. All applicable Federal, State, and Municipal Codes, including municipal fire, building and electrical codes shall be complied with as a condition of approval by the Board of Zoning Appeals.
- I. Lodging of guests at the Bed and Breakfast Inn shall be limited to no more than fourteen (14) days during any one (1) stay.
- J. The Board of Zoning Appeals may also attach other conditions on the use of the structure or site which will be necessary to carry out the intent of the Zoning Ordinance (Ord. #741, 10/04/90).

11-815. Standards for Boarding or Rooming House - The Board of Zoning Appeals may authorize the issuance of a special use permit for a Boarding or Rooming House after first holding a public hearing as provided in this section and subject to the following additional standards:

- A. A minimum of 1.5 off street parking space, per room to be occupied by residents shall be provided.
- B. The outside appearance of the dwelling unit shall maintain conformance with the general character of the neighborhood in which it is located.
- C. Signs advertising the Boarding or Rooming House shall not exceed four (4) square feet in area, shall be non-illuminated and attached flat to the main structure or visible through a window. The sign may only indicate the name of the occupant and/or the name of the Board or Rooming House.

- D. No more than twelve (12) sleeping quarters of the dwelling unit shall be used for lodging in the Boarding or Rooming House. This would not apply to other parts of the dwelling unit which may be incidentally used by residents such as bathrooms, kitchen and living room areas not being used as sleeping quarters by residents.
- E. An accurately drawn plan shall be presented to the Board of Zoning Appeals at least ten (10) days prior to the meeting. The site plan shall show the location of the principal building, off street automobile parking, relationship to adjoining properties and surrounding land use, existing zoning of the proposed site, any required screening, and any other information as may be required by the Paris Board of Zoning Appeals.
- F. All applicable Federal, State, and Municipal Codes, including municipal fire, building and electrical codes shall be complied with as a condition of approval by the Board of Zoning Appeals.
- G. The Board of Zoning Appeals may also attach other conditions on the use of the structure or site which will be necessary to carry out the intent of the Zoning Ordinance.

11-816. Standards for Public Utilities - The Board of Zoning Appeals may authorize the issuance of a special use permit for any public utilities indicated on Table 1 after first holding a public hearing as provided in this section and subject to the following additional standards:

- A. The utility company clearly shows a need for such facility at the location proposed and that the location, size, and design of such facility will best serve the overall development of the area which it is intended to serve.
- B. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
- C. Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding areas.
- D. The off-street parking and off-street loading requirements shall be determined based on those required for similar facilities.
- E. A site plan must be submitted to the Board of Zoning Appeals taking into consideration the above factors.
- F. The general sign requirements for the district in which the facility or service is requested shall apply.
- G. Nothing in these regulations shall be construed to prevent the construction, installation and operation of the following essential public utilities and facilities when approved as part of a subdivision plat or site plan:
 - 1. Communication and telephone distribution lines and poles.
 - 2. Gas, water, storm drainage, and sewer lines and incidental appurtenances thereto.
 - 3. Sewage disposal lift stations.
 - 4. Approved public and private streets.
 - 5. Rights-of-way to all modes of transportation.
 - 6. Landscaped, scenically open areas or natural reserves..

11-817. Standards for Commercial Television and Radio Towers, Public and private telecommunication towers, digital and microwave transmission towers, and other freestanding poles, spires, towers, antennae, and similar structures. The Board of Zoning Appeals may authorize the issuance of a special use permit as indicated on Table I, after first holding a public hearing as provided in this section and subject to the following additional standards:

A. Standards for all zoning districts except the B-2 (Central Business) District.

1. Setback

All towers and accessory structures which are not constructed within a utility easement shall be set back from the property lines a distance equal to twenty (20) percent of the tower height or the district yard requirements, whichever is greater. In instances when a tower and/or accessory structures are to be located within a utility easement, or within a distance equal to twenty (20) percent of the tower height from a utility easement, the city manager or his designee shall secure approval from the appropriate department head of the Paris Board of Public Utilities or the Paris Henry County Public Utility District for placement of the tower at an acceptable location to utility on or near such utility easement. Such approval from the appropriate representative shall be a prerequisite for issuance of a special use permit for construction of the proposed tower and/or accessory structure. In the event that the appropriate representative is of the opinion that the proposed placement of the tower and/or accessory structure on or near such utility easement shall interfere with the utility easement, then the special use permit for construction of the proposed tower and/or accessory structure shall not be issued. In instances when a tower and accessory structures are located adjacent to or within a residential district, either immediately adjacent to such property or across a public way, the minimum standard setback from residential lot lines and residential districts shall be equal to fifty (50) percent of the tower height. In no instance shall a tower be located on a lot or easement unless the base of the tower center is a minimum distance of one hundred (100) percent of the tower height from surrounding residential structures. (Ord. # 975, 01/02/01).

2. Shared Use

a. The shared use of existing towers shall be encouraged throughout the community. The applicant's proposal for a new wireless transmission facility shall not be approved unless the applicant can prove through documentation that the proposed equipment planned for the proposed tower cannot be accommodated on an existing or approved tower located within a minimum distance of five (.5) tenths of a mile due to one of the following reasons:

- 1.) The planned equipment would exceed the structural capacity of existing and approved towers.
- 2.) The planned equipment would cause radio frequency (RF) interference with other existing or planned equipment.
- 3.) Existing or approved towers do not have space on which planned equipment can be placed so it can function effectively and reasonably.
- 4.) Geographic service requirements prevent co-use of existing towers or structures.

b. The feasibility of the shared use of any proposed tower in the future shall be addressed at the time of application. As a minimum, a tower shall be designed for co-location on the initial installation,

i.e., the tower will be designed for two sets of fully sectored antenna arrays. A letter of intent committing the tower owner and any successive owners to provide for the shared use of the tower, if an applicant agrees in writing to pay any reasonable charge for shared use.

3. Type

Towers may be of a monopole or lattice type structure.

4. Buffering and Landscaping

- a. For ground structures and buildings located in or abutting properties zoned residential, either immediately adjacent to such property or across a public way, special care shall be taken to minimize the effects on the adjacent residential areas.
- b. All ground structures shall be buffered in a manner which consist of a minimum of four (4) foot wide landscaped strip around the perimeter of the structure (s). The buffered strip shall consist of a combination of trees, shrubs, vines, and / or ground covers that blends and enhances the appearance of the ground structures within the surrounded area. The buffer shall be installed for the permanent year round protection of adjacent property by visually shielding internal activities from adjoining property to a height of eight (8) feet. The landscaping provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment of physical features that meet the intent and purpose of this section.

5. Height

- a. No tower shall exceed a height of three hundred and thirty (330) feet. (Ord. # 975, 01/02/01).
- b. In instances when a tower is to be co-located upon an existing utility structure, which is defined as an existing power line structure or an existing water tower the maximum height shall not exceed the height of the structure plus (+) twenty (20) feet.

6. Vehicle Access Control

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

7. Lighting

- a. Towers: Towers shall not be artificially lighted unless required by the FAA or other authority for safety purposes. When required, the Board of Zoning Appeals shall review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding viewing area. "Dual lighting" (red at night / strobe during the day) shall be preferred unless restricted by the FAA.

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

8. Security

The facility shall be fully secured through the installation, around the perimeter of the compound, of a security fencing system of a minimum of eight (8) feet, which consist of either high impact vinyl, galvanized chain link, or pressure treated wood.

9. Removal of Obsolete Towers

10. Site Plan Requirements

Prior to the issuance of a building permit, the construction of a tower or the utilization of an existing structure for telecommunications transmission purposes, the submission of a site plan in accordance with these regulations is required.

11. Engineering Drawings Required

a. In addition to the site plan requirements in 11-817 A. 10. Above, the applicant shall provide plans and specifications for such tower prepared by a licensed engineer, certifying to the Board of Zoning Appeals that the proposed construction will be designed, securely braced and anchored to resist wind loads, dead loads, and uplift forces in compliance with generally accepted engineering standards for a structure of its type. Due allowance shall be made for the effect of shape of individual elements and height and contour of the proposed structure.

b. Provided, however, that in the B-2 (Central Business) District, the standards in a. above shall apply with the exception that:

- 1.) The maximum height shall be limited to 80 feet.
- 2.) The structure shall be freestanding.
- 3.) The only structures allowed in the B-2 Zone shall be a commercial television or radio tower, or public utility, microwave or T. V. transmitting tower or antenna.
(Ord. #916, 06/03/97).

11-818. Procedures and Standards for Floodway and Flood-Fringe Areas. See Section 11-702.

11-819. Standards for Family Care Facility. The Board of Zoning Appeals may authorize the issuance of a special use permit for a family care facility, as defined in 11-300 of this title, after first holding a public hearing as provided in this section and subject to the following additional standards:

- A. Family care facilities shall be allowed in all residential zones of the City of Paris.
- B. Notwithstanding the provisions of Table 2 regarding minimum lot requirements, the minimum lot size for a family care facility shall be fifteen thousand (15,000) square feet.
- C. If a family care facility is proposed in a residential zone, there shall be provided along the entire side lot lines and rear lot lines a wall or fence, as provided in 11-1201, to protect any abutting residential property.

- D. All public utilities and sewage disposal shall be available to the site, shall be capable of servicing the proposed use, and shall be approved by the Paris Board of Public Utilities.
- E. The outside appearance of the unit shall maintain conformance with the general character of the neighborhood in which it is located.
- F. A minimum of five (5) regular parking spaces and one (1) handicap parking space shall be required. Such off street parking shall be located in the rear of the premises or in the side yard of the premises whenever possible. Off street parking in front of the premises shall be allowed if the Board of Zoning Appeals feels that such parking shall maintain conformance with the general character of the neighborhood in which it is located.
- G. Signs advertising the family care facility shall not exceed four (4) square feet in area, shall be non-illuminated, and attached flat to the main structure. The sign may only indicate the name of the family care facility.
- H. An accurately drawn plan shall be presented to the Board of Zoning Appeals at least ten (10) days prior to the meeting. The site plan shall show the location of the principal building, off street parking, relationship to adjoining properties and surrounding land use, existing zoning of the proposed site, any required screening, and any other information as may be required by the Board of Zoning Appeals.
- I. All applicable federal, state, and municipal codes, including municipal fire, building and electrical codes, shall be complied with as a condition of approval by the Board of Zoning Appeals.
- J. All area and yard requirements of the zoning district must be met, as specified in Table 2.
- K. No family care facility shall be located less than one thousand (1,000) feet from any other family or group care facility. The one thousand (1,000) foot minimum distance shall be measured by the distance a pedestrian would normally walk on a public sidewalk or adjacent to a street right-of-way from the nearest lot line of the proposed family care facility to the nearest lot line of an existing family or group care facility.
- L. The Board of Zoning Appeals may also attach other conditions on the use of the structure or site, which will be necessary to carry out the intent of the zoning ordinance and this chapter.

11-820. Standards for Group Care Facility. The Board of Zoning Appeals may authorize the issuance of a special use permit for a group care facility, as defined in 11-300 of this title, after first holding a public hearing as provided in this section and subject to the following additional standards:

- A. Group care facilities shall be allowed in the R-3 and B-3 zoning districts.
- B. Notwithstanding the provisions of Table 2 regarding minimum lot requirements, the minimum lot size for a group care facility shall be twenty-five thousand (25,000) square feet.
- C. If a group care facility is proposed in a residential zone, there shall be provided along the entire side lot lines and rear lot lines a wall or fence, as provided in 11-1201, to protect any abutting residential property.
- D. All public utilities and sewage disposal shall be available to the site, shall be capable of servicing the proposed use, and shall be approved by the Paris Board of Public Utilities.
- E. The outside appearance of the unit shall maintain conformance with the general character of the neighborhood in which it is located.

- F. A minimum of 1.5 off street parking spaces shall be required for each resident bed for which the group care facility is licensed. Such off street parking shall be located in the rear of the premises or in the side yard of the premises whenever possible. Off street parking in front of the premises shall be allowed if the Board of Zoning Appeals feels that such parking shall maintain conformance with the general character of the neighborhood in which it is located.
- G. Signs advertising the group care facility shall not exceed four (4) square feet in area, shall be non-illuminated, and attached flat to the main structure. The sign may only indicate the name of the group care facility.
- H. An accurately drawn plan shall be presented to the Board of Zoning Appeals at least ten (10) days prior to the meeting. The site plan shall show the location of the principal building, off street parking, relationship to adjoining properties and surrounding land use, existing zoning of the proposed site, any required screening, and any other information as may be required by the Board of Zoning Appeals.
- I. All applicable federal, state, and municipal codes, including municipal fire, building and electrical codes, shall be complied with as a condition of approval by the Board of Zoning Appeals.
- J. All area and yard requirements of the zoning district must be met, as specified in Table 2.
- K. No proposed group facility shall be located less than one thousand (1,000) feet from any other family or group care facility. The one thousand (1,000) foot minimum distance shall be measured by the distance a pedestrian would normally walk on a public sidewalk or adjacent to a street right-of-way from the nearest lot line of the proposed group care facility to the nearest lot line of an existing family or group care facility.
- L. The Board of Zoning Appeals may also attach other conditions on the use of the structure or site, which will be necessary to carry out the intent of the zoning ordinance and this chapter. (Ord. # 953, 08/05/99).