

MUNICIPAL ZONING ORDINANCE SALTILLO, Tennessee



MUNICIPAL PLANNING COMMISSION SALTILLO TENNESSEE

**Betty Kimbrell, Chair
Emily Mitchell, Secretary
Mae Brewer
Greg Billings, Mayor
Karyn Maynard, Alderman**

**With the Assistance from:
Southwest Tennessee Development District
Regional Planning Office
102 E. College Street
Jackson, Tennessee 38301**

Updated

May 2023



SALTILLO TOWN BOARD

Greg Billings, Mayor

Carolyn Wood, Vice Mayor

Karyn Mainord, Alderman

Teresa Morgan, Alderman

Randy Carter, Alderman

Nathan Reeves, Alderman

TOWN STAFF

Venida Jackson, Town Recorder

Lewis Cobb, Town Attorney

Kenny Young, Fire Chief

Stephen Graves, Police Chief

TABLE OF CONTENTS

	Page
CHAPTER I	SALTILLO MUNICIPAL PLANNING COMMISSION 1
CHAPTER II	TITLE AND PURPOSE 2
CHAPTER III	GENERAL PROVISIONS..... 3
CHAPTER IV	ESTABLISHMENT OF DISTRICTS 10
CHAPTER V	PROVISIONS GOVERNING MIXED USE DISTRICTS 11
CHAPTER VI	PROVISIONS GOVERNING RIVER RESIDENTIAL 1 DISTRICTS..... 15
CHAPTER VII	PROVISIONS GOVERNING RIVER RESIDENTIAL 2 DISTRICTS..... 19
CHAPTER VIII	PROVISIONS GOVERNING BUSINESS DISTRICTS..... 29
CHAPTER IX	PROVISIONS GOVERNING INDUSTRIAL DISTRICTS..... 36
CHAPTER X	PROVISIONS GOVERNING MARINA DISTRICTS..... 38
CHAPTER XI	PROVISIONS GOVERNING OVERLAY DISTRICTS 40
	Flood Hazard Areas 40
	Impact Business Exclusion Zone 59
CHAPTER XII	EXCEPTIONS AND MODIFICATIONS 60
CHAPTER XIII	ENFORCEMENT 61
CHAPTER XIV	BOARD OF ZONING APPEALS 62
CHAPTER XV	AMENDMENT 64
CHAPTER XVI	LEGAL STATUS PROVISIONS 65
ENDNOTES 66

CHAPTER I
SALTILLO MUNICIPAL PLANNING COMMISSION

Creation and Membership Pursuant to the provisions of Section 13-3-102, Tennessee Code Annotated, there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of five (5) members; two (2) of these shall be the Mayor and another member of the City Council by the City Council; all other three (3) members shall be appointed by the Mayor. Except for the initial appointments, the terms of the three (3) members appointed by the Mayor shall be for three (3) years each. The three (3) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of one (1) member expires each year. The terms of the Mayor and the member selected by the City Council shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term of the Mayor, and he shall have power to remove any appointive member at their pleasure.

Organization, Rules, Staff, and Finances The planning commission shall elect its chairman from its appointive members. The term of chairman shall be one year with eligibility for re-election. The commission shall adopt rules for the transactions, findings and determinations, which record shall be a public record. The commission may appoint such employees and staff as it may deem necessary for its work and may contract with city planners and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the City Council.

Powers and Duties The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with Title 13 of the Tennessee Code Annotated.

CHAPTER II

TITLE AND PURPOSE

Title Chapters II through XII shall be known as the "Zoning Ordinance of the Town of Saltillo, Tennessee." The map herein referred to, which is identified by the title "Zoning Map of Saltillo, Tennessee," which is on file in the Saltillo City Hall is hereby adopted and made a part of this ordinance.

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

CHAPTER III

GENERAL PROVISIONS

Provisions Apply to Whole Town For the purpose of this ordinance, there shall be certain general provisions which shall apply to the town as a whole.

Definitions - Unless otherwise stated the following words shall, for the purpose of this ordinance, have the meaning herein indicated. Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word "shall" is mandatory, not directory.

Adult Oriented Business – A commercial enterprise that exploits sex in one form or another comprising a large variety of sexually oriented businesses including moving theaters, bookstores, video rental outlets, houses or prostitution, escort agencies, massage parlors and topless / bottomless bars. Adult oriented business also refers to the materials or services that these businesses market including movies, videos, photographs, books magazines, sexual devices as well as nude or semi-nude dancing and massages. The following are further definitions of specific adult oriented businesses and related terms:

A. Adult Entertainment Establishments

1. Adult Arcade – means an establishments where, for any form of consideration, one or more motion picture projectors, slide projectors or similar machines, for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides other photographic reproductions which are characterized by emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas.”
2. Adult Bookstore – means an establishment which has any of its stock-in-trade and offers for sale for any form of consideration any one or more of the following:
 - (a) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slide or other visual presentations which are characterized by an emphasis of the depiction or description of “specified sexual activities” or “specified anatomical area; or
 - (b) instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities”.
3. Adult Cabaret – means a nightclub, bar, restaurant or similar establishment which regularly features live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”, or films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical area.”
4. Adult Motel – means a motel or similar establishment offering public accommodations for any form of consideration which provides patrons which closed circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions which are

characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas.”

5. Adult Motion Picture Theater – means an establishment where, for any form of consideration, films, motion picture, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified sexual activities.”
 6. Adult Theater – means a theater, concert hall, auditorium, or similar establishment which, for any form of consideration, regularly features live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”
 7. Massage parlor – means an establishment where, for any form of consideration, massage, alcohol rub fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
 8. Sexual encounter establishment – means an establishment, other than a hotel, motel, or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate or consort in connection with “specified sexual activities” or the exposure of “specified anatomical areas.” This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in sexual therapy.
- B. Specified Anatomical Areas – means any of the following:
1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the aureole; or
 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- C. Specified Sexual Activities – means any of the following:
1. Human genitals is a state of sexual stimulation or arousal;
 2. Acts of human masturbation, sexual intercourse or sodomy;
 3. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
 4. Flagellation or torture in the context of a sexual relationship;
 5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
 6. Erotic touching, fondling or other such contact with an animal by a human being; or
 7. Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in “1” through “6” above.

Area of Building - The area of the first floor of the building including covered porches, attached garages and carports

Building - Any structure constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, mobile homes, billboards, signs and similar structures whether stationary or movable.

Principal Building - A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be the principal building on the lot on which the same is situated.

Accessory Building - A subordinate building, the use of which is incidental to that of a principal building on the same lot. Swimming pools shall be considered accessory buildings in residential districts.

Dwelling:

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

Two-Family- A detached residential dwelling unit other than a mobile home, designed for and occupied by two families only.

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

Dwelling Unit - One room or rooms connected together constituting a separate independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities.

Family - One (1) or more persons occupying a premise and living as a single, nonprofit housekeeping unit.

Floor Area:

Total Floor Area - The area of all floors of a building including finished attic, finished basements, covered porches and attached garages or carports.

Usable Floor Area - The are of all floors excluding storage areas, bathrooms and mechanical areas.

Junk Yard - Commercial establishment used for the storage, sale, and trade of scrap metal.

Lot - A piece, parcel, or plot of land in one ownership, which may include one (1) or more lots of record, occupied or to be occupied by buildings and accessory buildings and including the open spaces required under this ordinance. All lots shall front on and have access to a public or private street.

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

Lot of record - A lot, the boundaries of which are filed as a legal record.

Manufactured Home - See TCA 68-126-202.

Mobile Home - See TCA 68-126-202

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

Nonconforming Use - A use of a building or of land lawful at the time of the enactment of this ordinance that does not conform with the provisions of this ordinance for the district in which it is located.

Nonconforming Structure - A structure which was lawfully constructed prior to enactment, or amendment, of this ordinance that does not conform to the provisions of this ordinance for the district in which it is located.

Sign – Any object, device, graphic design or part thereof, situated outdoors or indoors and which objects, device, graphic design or the effect produced is used to advertise, announce, identify, declare, demonstrate, display, instruct, direct or attract attention by any means including words, letters, figures, designs, fixtures, colors, motion, illumination, sound and projecting images. Any sign requiring a permit is considered to be a structure.

Telecommunication Tower Structure – A wireless transmission facility constructed as a lattice tower with or without guy wires. Said tower may be an alternative tower structure or a monopole tower, primarily for the purpose of supporting an antenna array; support buildings and equipment; excluding equipment under thirty (30) feet in height used for amateur radio communications.

Townhouse - A building consisting of a series of three (3) or more one-family dwelling sections with separate entrance on ground level to each unit, and having a common wall between each two (2) adjacent sections.

Travel Trailer - A travel trailer is not to be considered as a mobile home. A travel trailer can be a pick-up camper, converted bus, tent-trailer, tent, or similar device used for temporary portable housing or a unit which:
Can operate independent of connections to external sewer, water and electrical systems;
Contains water storage facilities and may contain a lavatory, kitchen sink and/or bath facilities; and/or
Is identified by the manufacturers as a travel trailer.

Street - Any public or private way set aside for public travel. The word "street" may include, but is not limited to, the words "roads", "highway", "thoroughfare."

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

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

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

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

Travel Trailer Park - The term travel trailer park shall mean any plot of ground within the Town of Saltillo on which two (2) or more travel trailers, occupied for camping or periods of short stay, are located.

Zoning Affects Every Building and Use

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

Continuance of Non-conforming Use

Within the districts established by this ordinance or amendments that may later be adopted where there exist uses and/or structures which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment the following shall apply:

Any non-conforming structure may not be, extended except in conformity with this ordinance, rebuilt or repaired after damage exceeding seventy-five (75) percent of replacement value except in conformity with the provisions of this ordinance or removed and replaced with another nonconforming structure.

Any non-conforming use of land may not be changed to another non-conforming use which would be more detrimental to the district in which it is located or extended, except in conformity with this ordinance.

Any non-conforming use or structure may not be re-established after discontinuance of one year.

For any non-conformity created by amendments to this ordinance TCA 13-7-208 (Enforcement of ordinances - Remedies - Applicability of provisions) applies.

Erection of More Than One Principal Building on Any Lot In any commercial or industrial district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided the yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot. This provision does not apply to group housing developments as allowed under state law.

Street Frontage Required Specific Zoning Districts may dictate minimum lot widths. These requirements shall not be construed to apply to properties abutting a cul-de-sac.

Off-Street Automobile Storage There shall be provided, at the time of erection of any building or structure, or at the time any main building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, or before conversion from one zoning use of occupancy to another, permanent off-street parking space of at least two hundred (200) square feet per space with vehicular access to a street or alley. The city reserves the right to control ingress and egress over private right-of-way. Off-street parking space shall be deemed to be required open space associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner.

Parking Stall Marking - All parking stalls shall be marked with the exception of private garage or parking area for the exclusive use of a single-family dwelling.

Lighting - All lights illuminating a parking area shall be designed and located so as to reflect away from any street and adjacent property.

Ratio of Spaces to Dwelling Unit, Net Floor Area, Guest Rooms or Employees per Shift

Use	Minimum Number of Parking Spaces
Dwelling Units	2 spaces per dwelling unit
Professional / Commercial and Public Assembly	1 space per 300 square feet of usable floor area
Private Schools	1 space per faculty member
Hotels/Motels	1 space per guest room
Warehouse / Industrial	1 space per employee / per shift with largest workforce

Note: The ratios above are intended to be the minimum recommendation for a business. Individual business must determine their specific parking needs and plan accordingly. Businesses that produce unnecessary on-street parking will be asked to submit a plan to the building official or code enforcement officer to adequately address this problem.

If off-street parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted, the Planning Commission may permit such space to be provided on other off-street property provided such space lies within four hundred (400) feet of the main entrance to such principal use. A shared parking agreement between the two property owners must accompany the site plan. It is suggested that the parking agreement be recorded with the host plat.

Required Yard Cannot be Used by Another Building No part of a yard or other open space required about any building for the purpose of complying with the provisions of these regulations shall be included as a part of a yard or other open space required under these regulations for another building.

Obstruction to Vision at Street Intersection Prohibited On a corner lot not in the Central Business District, within the area formed by the center lines of the intersecting or intercepting streets and a line joining points on such center lines at a distance of seventy (70) feet from their intersection there shall be no obstruction to vision between a height of two and one half (2 1/2) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

Access Control In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

Width - A point of access, i.e., a drive or other opening for vehicles onto a street shall not exceed twelve (12) feet per access lane. For example, an access point with one-way in and two ways out (right turn and left turn lane) may be thirty-six (36) feet in width.

Number - Lots measuring one hundred (100) feet in width or less shall have no more than one (1) point of access to any one (1) public street. Lots measuring more than 100 feet or greater may have one (1) point of access per one-foot of width. However, each point of access one hundred (100) feet apart.

Intersections - No point of access shall be allowed within ten (10) feet of the right-of-way of any public street intersection.

Sidewalks - Where sidewalks exist, the area existing between the street and an interior parking space or driveway parallel to the street shall have a curb of at least six (6) inches in height and six (6) inches in width separating the parking area from the sidewalk to prevent encroachment of vehicles onto the sidewalk area.

State/Federal Highway - Access control on property abutting state or federal highways shall be governed by official regulations of the Tennessee Department of Highways or the provisions of this ordinance whichever is the stricter standard.

Procedures and Requirements for Site Plan Review The following procedures and standards are established for those Sections and Chapters of this Ordinance that require the submission and approval of a site plan prior to the issuance of a building permit or certificate of occupancy. The site plan must be based on a to-scale drawing of the property. The Saltillo Municipal Planning Commission shall act in the official review of all required site plans and shall have the power to approve or disapprove all required site plans according to the terms specified herein. All site plans submitted for the review of the location of any Use Permitted on Appeal by the Board of Zoning Appeals shall be reviewed and approved according to its conformance with the terms specified herein by the Saltillo Municipal Planning Commission before the issuance of a building permit or certificate of occupancy. Every site plan submitted to the Town of Saltillo shall become the property

of the town and shall be maintained in the permanent files of the Building Inspector. Site plan approval, once granted, shall be in effect for a period on one (1) year from the date of the approval.

In instances where site plan review is required by the Saltillo Municipal Zoning Ordinance, the site plan shall include:

- The name and address of development and the name and address of owner of record
- A note indicating the present zoning classification of the site and the zoning of all abutting properties. Also, note nature of proposed use.
- The date, scale (a scale of 1" to 100' is preferred), and north point with reference to source of meridian. Note all related dimensions and bearings of the lot.
- The courses and distances of center lines of all streets
- Note all building restriction lines (yard setbacks and rights-of-way)right-of-way and highway setback lines, easements, covenants, reservations and rights-of-way
- The acreage or square footage of the lot
- Include sufficient grade and elevation information to demonstrate that the property will properly drain and can be connected to the public sewer system to provide gravity discharge of waste from the building. Topography to be shown by dashed line illustrating contours and/or spot elevation, if required, and as required by the Town.

The site plan will also shall show the location, dimensions, site and height of the following if existing or proposed:

- Sidewalks, streets, alleys, easements and utilities
- Buildings and structures including the front (street) elevation of proposed building
- Public/Private sewer systems – private sewer system permit required with site plan
- Slopes, terraces and any retaining walls
- Driveways, entrances, exits, parking areas, sidewalks and garbage collection site
- Water mains and fire hydrant locations
- The following if applicable:
 - Number of dwelling units
 - Number and size of parking stalls and type of proposed pavement
 - Nmber of loading spaces and type of proposed pavement
 - Number of Commercial or Industrial tenants and estimated number of employees
- Plans for the collection and discharge of storm water and methods for landscaping.
- The delineation of the limits of floodplains, if any. Also the site plan must denote the minimum 100-year, base flood elevation level if any portion of the site lies within the FEMA-designated special flood hazard area
- Proposed grading plan

Site Plan Review Authority The Planning Commission shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the required use. This may include, but not be limited to, setbacks, screening, lighting, parking location and layouts, access and general landscaping requirements. This power for review shall not include the authority to specify or alter the architectural style of proposed or existing buildings, and authority to specify building materials, colors, or similar considerations.

The Planning Commission shall have the power to require a buffering of the development from surrounding properties by the use of fencing, plantings, or combinations thereof.

Telecommunication Tower Structure Requirements

1. Purpose

The purpose of this section is to protect the following health and enhance the safety of the residents of the Town of Saltillo by providing provisions relative to controlling the height, number and light emission of telecommunication tower structures in the Town.

2. Applicability

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

3. Plan Requirement

Prior to the issuance of a building permit for the construction of a tower or the utilization of an existing utility structure for telecommunications purposes, a site plan shall be submitted and reviewed in accordance to with the provisions of the Site Plan Review Requirements in the Saltillo Zoning Ordinance and the following provisions:

- (a) All new telecommunications tower structures not on an existing utility structure shall show the location of the tower and accessory structure and the location of two (2) future antennae arrays and accessory structures.
- (b) A letter of intent from the owner allowing for the shared use of the tower.
- (c) A letter from a professional engineer certifying that the tower's height and design complies with these regulations and all applicable structural standards and, also, describes the tower's capacity which includes the number and type of antennas that can be accommodated.
- (d) A letter indicating why all existing towers within one (1) mile radius of the proposed tower cannot be utilized.

4. Uses Permitted on Appeal

All telecommunication structures are only allowed in Mixed Use Districts as uses permissible on appeal.

5. Prohibited Uses

Any tower that is not specifically permitted as a use permitted on appeal.

6. Type

Lattice or monopole type telecommunications towers are allowed.

7. Accessory Uses and Structures

- (a) A telecommunications tower structure, as defined in Chapter III, shall not be considered as an accessory use to any permitted use or use permitted on appeal in any zoning district in

the Town of Saltillo. For the purpose of this section, transmission, switching and receiving buildings that provide for the operation of the tower, shall be considered as accessory uses. Any building that allows for the conduct of business or requires partial occupation by a person or persons for any part of a day shall not be considered as an accessory structure to a tower.

- (b) A utility structure shall be limited to no more than two (2) accessory buildings or structures at the base of the power line structure or water tower.

8. Structural Requirements

- (a) All new telecommunications tower structures not on an existing utility structure within the Town of Saltillo shall be designed to accommodate a minimum of three (3) antenna arrays.
- (b) All telecommunication tower structures on an existing utility structure shall be designed to accommodate a minimum of two (2) antenna arrays.
- (c) All new telecommunications tower structures, whether freestanding or on an existing utility structure shall be designed to withstand winds of a minimum of 70 mph with half and inch radial ice.

9. Setback

- (a) All telecommunications tower structures and accessory structures that are not constructed on an existing utility structure shall be setback from the property lines a distance equal to 100 percent of their height. The setback shall be measured from the security fence to all of the surrounding property lines.
- (b) In instances when telecommunications tower structures and accessory structures are constructed adjacent to a residential district or use, either immediately adjacent to such property or across a public way, the minimum setback from a residential lot line or a residential district, measured from the security fence, shall be 100 percent of the tower height plus (10) feet.

10. Co-Use of Utility Structures

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

11. Height

No tower shall exceed 150 feet. In instances when a tower is to be located upon or within an existing utility structure, which is defined as an existing power line structure that exceeds 30 feet or an existing water tower, the maximum height shall not exceed the height of the structure plus 15 feet.

12. Shared Use

The shared use of existing towers within the Town of Saltillo shall be encouraged through the requirement of having all new towers designed for additional users. All proposals for a new

telecommunications tower structure shall demonstrate, through documentation, that no existing towers within a one (1) mile radius of the proposed tower will accommodate a new antenna array for one or more of the following reasons:

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

13. Security

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

14. Landscaping

All freestanding towers and utility structures shall have a four (4) foot wide landscaping strip around the perimeter of the security fence. The landscaping strips shall be installed for the permanent year round protection of adjacent property owners by visually shielding the contents at the base of the tower from adjoining property owners. The landscaping strip shall consist of a combination of trees, shrubs, vines and other ground covers that are expected to grow to a height of 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 or there are existing physical features that meet the intent and purpose of this section.

15. Vehicle Access/ Parking

- (a) The location and design of driveways and/ or access easements to the facility from a public street shall be depicted on the site plan and shall be approved by the Planning Commission.
- (b) No parking spaces shall be required for the site since the site shall not have workers that remain at the sited on a full or part-time basis.

16. Lighting

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

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

17. Removal of Obsolete Towers

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

CHAPTER IV

ESTABLISHMENT OF DISTRICTS

Classification of Districts For the purpose of this ordinance, Saltillo, Tennessee, is hereby divided into six (6) districts, designated as follows:

MU	Mixed Use
RR1	River Residential 1
RR2	River Residential 2
B	Business
I	Industrial
M	Marina

Boundaries of Districts

The boundaries of districts in Section A of this Chapter are hereby established as shown on the Official Zoning Map entitled "Zoning Map of Saltillo, Tennessee," which is a part of this ordinance and which is on file in the city hall.

Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets or alleys, railroad rights-of-way, or the corporate limit lines as they existed at the time of the enactment of this ordinance. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.

Where a district boundary divides a lot, as existing at the time this ordinance takes effect and the major portion of said lot is in the less restricted district, the regulations relative to that district may be extended to twenty (20) feet within the more restricted district within said lot.

CHAPTER V

PROVISIONS GOVERNING MIXED USE DISTRICTS

The intent of the Mixed Use District is to encourage residential and commercial uses that are consistent with the community values and that are not a nuisance to the surrounding property owners.

Within the Mixed Use District, as shown on the zoning map of Saltillo, Tennessee, the following regulations shall apply:

Uses Allowed

Single family structures

Accessory buildings or uses customarily incidental to any aforementioned allowed use.

Real estate signs advertising the sale, rental, or leasing of only the premises on which they are maintained, provided that they are not over four (4) square feet in area.

Short Term Rental Property (STRP).

- a. For purposes of this section, "Short Term Rental Property (STRP)" means a residential dwelling unit containing not more than four sleeping rooms that is used and/or advertised for rent for transient occupancy by guests. Residential dwelling units rented to the same occupant for more than 30 continuous days, Bed and Breakfast establishments, boarding houses, hotels, and motels shall not be considered Short Term Rental Property.
- b. Permit. No person or entity shall operate a STRP or advertise a residential property for use as a STRP without the owner of the property first having obtained a STRP permit issued by the Town of Saltillo. An initial permit fee of two hundred dollars (\$200.00) shall be made payable to the Town of Saltillo prior to the operation of a STRP.
- c. Application. The STRP permit application shall include the following information:
 - (1) The name, telephone number, address, and email address of the owner and of a person or business ("responsible party") residing or located within twenty-five miles of the STRP that is responsible for addressing all maintenance and safety concerns;
 - (2) Proof of insurance evidencing homeowner's fire, hazard, and liability insurance. Liability coverage shall have limits of not less than \$1,000,000 per occurrence.
 - (3) If the STRP unit shares a common wall or a common driveway with another property owner, proof of written notification to such neighboring property owner(s) prior to filing the application.
- d. Signage. Signs, advertising, or any other display on the property indicating that the dwelling unit is being utilized, in whole or in part, as a STRP is prohibited.
- e. The STRP shall have approved smoke alarms meeting Underwriters Laboratory (UL) 217 standards installed as follows:
 - (1) In all sleeping areas.
 - (2) In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
 - (3) In each story within the sleeping unit, including basements.

- f. No recreational vehicles, buses, or trailers shall be parked on the street.
- g. No food shall be prepared for or served to the transient by the permit holder.
- h. The principal renter of a STRP unit shall be at least twenty-one (21) years of age.
- i. Maximum occupancy. The maximum number of paying adult guests permitted on a STRP property at any one time shall not exceed more than twice the number of sleeping rooms plus four. Simultaneous rental to more than one party under separate contracts shall not be allowed. The occupancy maximum shall be conspicuously posted within the STRP unit.
- j. The STRP owner shall not receive any compensation or remuneration to permit occupancy of a STRP for a period of less than twenty-four (24) hours. The maximum stay for any guest shall be thirty (30) consecutive days.
- k. The name and telephone number of the local responsible party shall be conspicuously posted within the STRP unit. The responsible party shall answer calls twenty-four (24) hours a day, seven (7) days a week for the duration of each short- term rental period to address problems associated with the STRP.
- l. Expiration of permit. A STRP permit shall expire three hundred sixty-five (365) days after it is issued. STRP permits may be renewed upon the payment of a one hundred dollar renewal fee to the Town of Saltillo.
- m. The permit holder shall be responsible for collecting and remitting all applicable room, occupancy, and sales taxes required by state law.
- n. A STRP permit shall not be transferred or assigned to another individual, person, entity, or address, nor shall the permit authorize any person, other than the person named therein, to operate a STRP on the property.
- o. STRP permit holders shall obtain a use permit from the Town of Saltillo as an accessory use to the primary residential use. No more than 3% of the single-family or detached two-family residential units within each census tract shall be permitted as non-owner-occupied short-term rental use as determined by the Town of Saltillo.
- p. Denial or Revocation of Permit.
 - (1) Upon the filing of three or more complaints within a calendar year regarding a STRP permit, the Town of Saltillo shall notify the permit holder in writing of such complaints.
 - (2) If the Town of Saltillo determines that violations of this section or any other ordinance or law relating to STRPs have occurred, the permit to operate a STRP may be revoked.
 - (3) Before revoking any permit, the Town of Saltillo shall give the permit holder fifteen days written notice of the alleged violation(s) against him/her.
 - (4) Any denial or revocation of a STRP permit may be appealed to the board of zoning appeals as an administrative appeal.

Conditional Uses

Commercial uses if located on arterial or collector status roads

Uses Permissible on Appeal

The Board of Zoning Appeals may at its discretion permit county, state, or federal uses, public utilities facilities, cemeteries, philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business, general farming uses, gardens, and buildings incidental thereto, but not including commercial, animal or poultry farms or kennels; provided, however, that no permit shall be issued except with written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located.

Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect and preserve the character of the neighborhood in which the proposed use is located; and then provided further that:

- the proposed use shall be located and conducted in the principal building only;
- the principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
- no more than fifteen (15) percent of the total floor area in dwelling unit shall be devoted to proposed use;
- proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
- no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
- the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
- the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located; and
- the proposed use shall provide adequate off-street parking facilities;
- the following occupations are examples, subject to the preceding requirements, allowed as customary home occupations, provided a resident of the home is engaged in such occupations.
 - Artist, sculptor, author
 - Dressmaker, milliner, seamstress, tailor
 - Beauty and barber shops, limited to two (2) operators, one of whom may be a non-resident of the home.
 - Day care, provided compliance with all State and Federal laws governing day care.
 - Teaching, including tutoring, musical instruction or dancing, but limited to two (2) pupils present for instruction at one time.
 - Rooming and boarding houses limited to three (3) non-family roomers or boarders.
 - Other uses similar in nature, which will not be a detriment to the neighborhood or adjacent structures, as determined by the Board of Zoning Appeals.

Nothing in this section shall be interpreted to mean the discontinuance of an existing lawful home occupation, but henceforth all new home occupations, and those existing home occupations allowed to lapse for one (1) year or more shall be governed by the foregoing provisions relative to home occupations.

Bed and Breakfast Homestays provided they meet the following criteria:

- The Bed and Breakfast Homestay must be located on a route designated as either an existing arterial or collector status street on the official Major Road Plan for the Town of Saltillo.
- The principals and employees engaged in the operation shall be residents of the dwelling unit in which the operation is located, provided that non-resident temporary cleaning services may be engaged for the operation.
- No more than three sleeping rooms shall be used for occupancy by paying guests. Residents shall establish sleeping quarters separate and distinct from those provided for guests.
- 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.
- The outside appearance of the dwelling unit shall maintain conformance with the general character of the neighborhood in which it is located.
- A minimum of one on-site parking space shall be provided in addition to any parking required for the principal residents.
- One sign, no more than three square feet in area and no higher than six feet above ground level with no illumination shall be allowed to identify the bed and breakfast establishment.
- An accurately drawn site plan shall be presented to the Board of Zoning Appeals at least fifteen (15) 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 other information as required
- Any conditions established by the Board of Zoning Appeals as necessary to protect the surrounding neighborhood shall be the responsibility of the proprietors of the bed and breakfast establishment.

Telecommunication Tower Structures as regulated in Chapter III, General Provisions of the Zoning Ordinance of Saltillo, Tennessee.

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

Minimum required lot area	
All Uses	As required by TDEC
Minimum required lot width at the building line	
Single Family	100
All Other Uses	As required by the Board of Zoning Appeals
Minimum required front yard	
Single Family	30
All Other Uses	As required by the Board of Zoning Appeals
Minimum required rear yard	
Single Family	20
All Other Uses	As required by the Board of Zoning Appeals
Minimum required side yard on each side of lot	

Residential Uses	15 feet
All Other Uses	15 feet

Maximum lot coverage by all buildings

All Uses	None
----------	------

Maximum allowed height of structures

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

No accessory building shall exceed two (2) stories in height.

Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property lines, unless adjoining property owners sign a written waiver.

CHAPTER VI

PROVISIONS GOVERNING RIVER RESIDENTIAL 1 DISTRICTS

The intent of the **River Residential 1 District** is to provide for conventionally built single family residential structures with access to or scenic views of the Tennessee River. TDEC will determine the necessary lot size of any new home constructed in this district.

Within the River Residential 1 District(s), as shown on the zoning map of Saltillo, Tennessee, the following regulations shall apply:

Uses Allowed

Single family dwellings, excluding mobile homes.

Accessory buildings or uses customarily incidental to any aforementioned allowed use.

Real estate signs advertising the sale, rental, or leasing of only the premises on which they are maintained, provided that they are not over four (4) square feet in area.

Short Term Rental Property (STRP).

- a. For purposes of this section, "Short Term Rental Property (STRP)" means a residential dwelling unit containing not more than four sleeping rooms that is used and/or advertised for rent for transient occupancy by guests. Residential dwelling units rented to the same occupant for more than 30 continuous days, Bed and Breakfast establishments, boarding houses, hotels, and motels shall not be considered Short Term Rental Property.
- b. Permit. No person or entity shall operate a STRP or advertise a residential property for use as a STRP without the owner of the property first having obtained a STRP permit issued by Town of Saltillo. An initial permit fee of two hundred dollars (\$200.00) shall be made payable to the Town of Saltillo prior to the operation of a STRP.
- c. Application. The STRP permit application shall include the following information:
 - (1) The name, telephone number, address, and email address of the owner and of a person or business ("responsible party") residing or located within twenty-five miles of the STRP that is responsible for addressing all maintenance and safety concerns;
 - (2) Proof of insurance evidencing homeowner's fire, hazard, and liability insurance. Liability coverage shall have limits of not less than \$1,000,000 per occurrence.
 - (3) If the STRP unit shares a common wall or a common driveway with another property owner, proof of written notification to such neighboring property owner(s) prior to filing the application.
- d. Signage. Signs, advertising, or any other display on the property indicating that the dwelling unit is being utilized, in whole or in part, as a STRP is prohibited.
- e. The STRP shall have approved smoke alarms meeting Underwriters Laboratory (UL) 217 standards installed as follows:
 - (1) In all sleeping areas.
 - (2) In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.

- (3) In each story within the sleeping unit, including basements.
- f. No recreational vehicles, buses, or trailers shall be parked on the street.
- g. No food shall be prepared for or served to the transient by the permit holder.
- h. The principal renter of a STRP unit shall be at least twenty-one (21) years of age.
- i. Maximum occupancy. The maximum number of paying adult guests permitted on a STRP property at any one time shall not exceed more than twice the number of sleeping rooms plus four. Simultaneous rental to more than one party under separate contracts shall not be allowed. The occupancy maximum shall be conspicuously posted within the STRP unit.
- j. The STRP owner shall not receive any compensation or remuneration to permit occupancy of a STRP for a period of less than twenty-four (24) hours. The maximum stay for any guest shall be thirty (30) consecutive days.
- k. The name and telephone number of the local responsible party shall be conspicuously posted within the STRP unit. The responsible party shall answer calls twenty-four (24) hours a day, seven (7) days a week for the duration of each short-term rental period to address problems associated with the STRP.
- l. Expiration of permit. A STRP permit shall expire three hundred sixty-five (365) days after it is issued. STRP permits may be renewed upon the payment of a one hundred (\$100.00) dollar renewal fee to the Town of Saltillo.
- m. The permit holder shall be responsible for collecting and remitting all applicable room, occupancy, and sales taxes required by state law.
- n. A STRP permit shall not be transferred or assigned to another individual, person, entity, or address, nor shall the permit authorize any person, other than the person named therein, to operate a STRP on the property.
- o. STRP permit holders shall obtain a use permit from the Town of Saltillo as an accessory use to the primary residential use. No more than 3% of the single-family or detached two-family residential units within each census tract shall be permitted as non-owner-occupied short-term rental use as determined by the Town of Saltillo.
- p. Denial or Revocation of Permit.
- (1) Upon the filing of three or more complaints within a calendar year regarding a STRP permit, the Town of Saltillo shall notify the permit holder in writing of such complaints.
 - (2) If the Town of Saltillo determines that violations of this section or any other ordinance or law relating to STRPs have occurred, the permit to operate a STRP may be revoked.
 - (3) Before revoking any permit, the Town of Saltillo shall give the permit holder fifteen days written notice of the alleged violation(s) against him/her.
 - (4) Any denial or revocation of a STRP permit may be appealed to the board of zoning appeals as an administrative appeal.

Uses Permissible on Appeal

The Board of Zoning Appeals may at its discretion permit county, state, or federal uses, public utilities facilities, cemeteries, philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business, general farming uses, gardens, and buildings incidental thereto, but not including commercial, animal or poultry farms or kennels; provided, however, that no permit shall be issued except with written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located.

Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect and preserve the character of the neighborhood in which the proposed use is located; and then provided further that:

- the proposed use shall be located and conducted in the principal building only;
- the principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
- no more than fifteen (15) percent of the total floor area in dwelling unit shall be devoted to proposed use;
- proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
- no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
- the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
- the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located; and
- the proposed use shall provide adequate off-street parking facilities;
- the following occupations are examples, subject to the preceding requirements, allowed as customary home occupations, provided a resident of the home is engaged in such occupations.
 - Artist, sculptor, author
 - Dressmaker, milliner, seamstress, tailor
 - Beauty and barber shops, limited to two (2) operators, one of whom may be a non-resident of the home.
 - Day care, provided compliance with all State and Federal laws governing day care.
 - Teaching, including tutoring, musical instruction or dancing, but limited to two (2) pupils present for instruction at one time.
 - Rooming and boarding houses limited to three (3) non-family roomers or boarders.
 - Other uses similar in nature, which will not be a detriment to the neighborhood or adjacent structures, as determined by the Board of Zoning Appeals.

Nothing in this section shall be interpreted to mean the discontinuance of an existing lawful home occupation, but henceforth all new home occupations, and those existing home occupations allowed to lapse for one (1) year or more shall be governed by the foregoing provisions relative to home occupations.

Bed and Breakfast Homestays provided they meet the following criteria:

- The Bed and Breakfast Homestay must be located on a route designated as either an existing arterial or collector status street on the official Major Road Plan for the Town of Saltillo.
- The principals and employees engaged in the operation shall be residents of the dwelling unit in which the operation is located, provided that non-resident temporary cleaning services may be engaged for the operation.
- No more than three sleeping rooms shall be used for occupancy by paying guests. Residents shall establish sleeping quarters separate and distinct from those provided for guests.
- 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.
- The outside appearance of the dwelling unit shall maintain conformance with the general character of the neighborhood in which it is located.
- A minimum of one on-site parking space shall be provided in addition to any parking required for the principal residents.
- One sign, no more than three square feet in area and no higher than six feet above ground level with no illumination shall be allowed to identify the bed and breakfast establishment.
- An accurately drawn site plan shall be presented to the Board of Zoning Appeals at least fifteen (15) 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 other information as required
- Any conditions established by the Board of Zoning Appeals as necessary to protect the surrounding neighborhood shall be the responsibility of the proprietors of the bed and breakfast establishment.

Uses Prohibited

Any other use or structure not specifically permitted or permissible on appeal in this Chapter or in violation of the intent of this district.

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

Minimum required lot area	
All Uses	As required by TDEC
Minimum required lot width at the building line	
Single Family	100 feet
All Other Uses	As required by the Board of Zoning Appeals
Minimum required front yard	
Single Family	30
All Other Uses	As required by the Board of Zoning Appeals
Minimum required rear yard	
Single Family	25
All Other Uses	As required by the Board of Zoning Appeals
Minimum required side yard on each side of lot	
Residential Uses	15 feet

All Other Uses	15 feet
Maximum lot coverage by all buildings	

All Uses	None
Maximum allowed height of structures	

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

No accessory building shall exceed two (2) stories in height.

Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property lines, unless adjoining property owners sign a written waiver.

CHAPTER VII

PROVISIONS GOVERNING RIVER RESIDENTIAL 2 DISTRICT

The intent of the **River Residential 2 District** is to provide for affordable single or two family residential dwellings, mobile home park or travel trailer park with access to or scenic views of the Tennessee River. Within the River Residential 2 District(s), as shown on the zoning map of Saltillo, Tennessee, the following regulations shall apply:

Uses Allowed

Single family or two family dwellings, including mobile homes on individual lots

Accessory buildings or uses customarily incidental to any aforementioned allowed use.

Real estate signs advertising the sale, rental, or leasing of only the premises on which they are maintained, provided that they are not over four (4) square feet in area.

Uses Permissible on Appeal

The Board of Zoning Appeals may at its discretion permit county, state, or federal uses, public utilities facilities, cemeteries, philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business, general farming uses, gardens, and buildings incidental thereto, but not including commercial, animal or poultry farms or kennels; provided, however, that no permit shall be issued except with written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located.

Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect and preserve the character of the neighborhood in which the proposed use is located; and then provided further that:

- the proposed use shall be located and conducted in the principal building only;
- the principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
- no more than fifteen (15) percent of the total floor area in dwelling unit shall be devoted to proposed use;
- proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
- no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
- the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
- the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located; and
- the proposed use shall provide adequate off-street parking facilities;
- the following occupations are examples, subject to the preceding requirements, allowed as customary home occupations, provided a resident of the home is engaged in such occupations.
 - Artist, sculptor, author

- Dressmaker, milliner, seamstress, tailor
- Beauty and barber shops, limited to two (2) operators, one of whom may be a non-resident of the home.
- Day care, provided compliance with all State and Federal laws governing day care.
- Teaching, including tutoring, musical instruction or dancing, but limited to two (2) pupils present for instruction at one time.
- Rooming and boarding houses limited to three (3) non-family roomers or boarders.
- Other uses similar in nature, which will not be a detriment to the neighborhood or adjacent structures, as determined by the Board of Zoning Appeals.

Nothing in this section shall be interpreted to mean the discontinuance of an existing lawful home occupation, but henceforth all new home occupations, and those existing home occupations allowed to lapse for one (1) year or more shall be governed by the foregoing provisions relative to home occupations.

Bed and Breakfast Homestays provided they meet the following criteria:

- The Bed and Breakfast Homestay must be located on a route designated as either an existing arterial or collector status street on the official Major Road Plan for the Town of Saltillo.
- The principals and employees engaged in the operation shall be residents of the dwelling unit in which the operation is located, provided that non-resident temporary cleaning services may be engaged for the operation.
- No more than three sleeping rooms shall be used for occupancy by paying guests. Residents shall establish sleeping quarters separate and distinct from those provided for guests.
- 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.
- The outside appearance of the dwelling unit shall maintain conformance with the general character of the neighborhood in which it is located.
- A minimum of one on-site parking space shall be provided in addition to any parking required for the principal residents.
- One sign, no more than three square feet in area and no higher than six feet above ground level with no illumination shall be allowed to identify the bed and breakfast establishment.
- An accurately drawn site plan shall be presented to the Board of Zoning Appeals at least fifteen (15) 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 other information as required
- Any conditions established by the Board of Zoning Appeals as necessary to protect the surrounding neighborhood shall be the responsibility of the proprietors of the bed and breakfast establishment.

Mobile Home Park or Travel Trailer Park provided that a site plan has been submitted to and approved by the Saltillo Planning Commission, and further provided that the park is developed in conformance with the following minimum requirements and provisions:

- The site plan drawn shall include:
 - Area and dimensions of the tract of land to be used for a mobile home park;
 - Number, location and size of all mobile home and trailer spaces;
 - Location and width of roadways, walkways, and easements;
 - Location of all existing or proposed buildings and other structures, screening and existing or proposed utilities;
- Topography and a drainage and grading plan for the site.

- Mobile homes shall not be used for commercial, industrial, or other non-residential uses within the mobile home park.
- Access roads shall be constructed in the accordance with Hardin County Road regulations.
- All mobile homes shall be secured to the site through an anchorage system consisting of over the top tie downs to restrict the unit from being pushed from its piers. These tie downs shall meet the anchorage requirements specified by Tennessee State Statutes.
- Utility connections shall be provided in a permanent type installation at each mobile home space.
- There shall be a setback of ten (10) feet from perimeter property lines.

Recreation areas and facilities, such as playgrounds, swimming pools, and community buildings should be provided to meet the anticipated needs of the clientele the park is designed to serve.

Uses Prohibited

Any other use or structure not specifically permitted or permissible on appeal in this Chapter or in violation of the intent of this district.

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

Minimum required lot area

All Uses	As required by TDEC
----------	---------------------

Minimum required lot width at the building line

Single Family	100 feet
All Other Uses	As required by the Board of Zoning Appeals

Minimum required front yard

Single Family	30
All Other Uses	As required by the Board of Zoning Appeals

Minimum required rear yard

Single Family	20
All Other Uses	As required by the Board of Zoning Appeals

Minimum required side yard on each side of lot

Residential Uses	10 feet
All Other Uses	15 feet

Maximum lot coverage by all buildings

All Uses	None
----------	------

Maximum allowed height of structures

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

No accessory building shall exceed two (2) stories in height.

Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance

equal to their own height plus ten (10) feet from the nearest property lines, unless adjoining property owners sign a written waiver.

CHAPTER VIII

PROVISIONS GOVERNING BUSINESS DISTRICTS

This district is designed to provide adequate space in appropriate locations for the establishment of a wide variety of uses including commercial trade and service uses, entertainment facilities, offices and establishments engaged in wholesale trade. Since these activities tend to generate relatively large volumes of traffic and have other characteristics detrimental to residential districts, their locations should be removed from the proximity of residential district as such as possible.

A. Uses and Structures

1. Principal Permitted Uses and Structures

- (a) OTHER HOUSING - except for –Hotel see (x)
- (b) INSTITUTIONAL - limited to - Place of worship, school, public or private, grades K-12, day care center, group day care home, family day care home, nursing home, park, playground, playfield, community centers, public, parochial and private non-profit museums, art galleries, libraries and observatories, non-profit private, public and utility administrative offices, post offices (excluding major mail processing centers), police and fire stations
- (c) PUBLIC UTILITIES - limited to - Communications installations or exchanges, Electric or gas substations, electric, communication and telephone distribution lines, poles, transformers and splice boxes (but not including electric transmission lines), water, storm drainage and sewer lines, and gas distribution lines with incidental appurtenances (but not including major fuel transmission lines), private streets, rights-of-way to all modes of transportation, small landscaped, scenically significant open areas, natural reserves
- (d) LUMBER, HARDWARE, BUILDING MATERIALS - except for - Lumber yards, greenhouse and nursery products
- (e) GENERAL MERCHANDISE – Except for adult oriented businesses and or merchandise
- (f) FOOD, DRUG, BEVERAGE - All uses
- (g) AUTO DEALER AND SERVICE STATIONS - limited to - Service stations, auto parts (new), auto dealership, car wash, motorcycle sales, tire sales and servicing
- (h) APPAREL AND ACCESSORIES - All uses
- (i) FURNITURE, HOME FURNISHING, APPLIANCES - All uses
- (j) RESTAURANTS - except for - Taverns, bars, and nightclubs
- (k) ART, ANTIQUE, JEWELRY - All uses
- (l) HOBBY, TOY, PET - All uses

- (m) MISCELLANEOUS RETAIL - Salvage Clothing
- (n) FINANCE, INSURANCE, REAL ESTATE - All uses
- (o) PERSONAL SERVICES - except for adult oriented businesses and or merchandise
- (p) PROFESSIONAL SERVICES - All uses
- (q) BUSINESS OFFICES - All Uses
- (r) RECREATION AND ENTERTAINMENT - limited to - Motion picture theater, roller skating, bowling, electronic amusement devices, arcades, billiard parlor, health spa, and miniature golf
- (s) BUSINESS SERVICES - except for - Photo-finishing, metal and wood fencing, ornamental grillwork, central laundry, dyeing and dry-cleaning works, truck terminals, and research services (private)
- (t) REPAIR SERVICES - except for - Armature rewinding, welding shop, tire recapping or retreading
- (u) EDUCATIONAL SERVICES - All uses
- (v) CONTRACT CONSTRUCTION SERVICES - All uses
- (w) UNDEVELOPED AND VACANT - except for - Circuses, carnivals and similar transient enterprises, open water including ponds, lakes and reservoirs, streams and water ways (all man-made)
- (x) Short Term Rental Property (STRP).
 - a. For purposes of this section, "Short Term Rental Property (STRP)" means a residential dwelling unit located on the second floor of an existing commercial building containing not more than four sleeping rooms that is used and/or advertised for rent for transient occupancy by guests. Residential dwelling units rented to the same occupant for more than 30 continuous days, Bed and Breakfast establishments, boarding houses, hotels, and motels shall not be considered Short Term Rental Property.
 - b. Permit. No person or entity shall operate a STRP or advertise a residential property for use as a STRP without the owner of the property first having obtained a STRP permit issued by Town of Saltillo. An initial permit fee of two hundred dollars (\$200.00) shall be made payable to the Town of Saltillo prior to the operation of a STRP.
 - c. Application. The STRP permit application shall include the following information:
 - (1) The name, telephone number, address, and email address of the owner and of a person or business ("responsible party") residing or located within twenty-five miles of the STRP that is responsible for addressing all maintenance and safety concerns;
 - (2) Proof of insurance evidencing homeowner's fire, hazard, and liability insurance. Liability coverage shall have limits of not less than \$1,000,000 per occurrence.

- (3) If the STRP unit shares a common wall or a common driveway with another property owner, proof of written notification to such neighboring property owner(s) prior to filing the application.
- d. Signage. Signs, advertising, or any other display on the property indicating that the dwelling unit is being utilized, in whole or in part, as a STRP is prohibited.
- e. The STRP shall have approved smoke alarms meeting Underwriters Laboratory (UL) 217 standards installed as follows:
 - (1) In all sleeping areas.
 - (2) In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
 - (3) In each story within the sleeping unit, including basements.
- f. No food shall be prepared for or served to the transient by the permit holder.
- g. The principal renter of a STRP unit shall be at least twenty-one (21) years of age.
- h. Maximum occupancy. The maximum number of paying adult guests permitted on a STRP property at any one time shall not exceed more than twice the number of sleeping rooms plus four. Simultaneous rental to more than one party under separate contracts shall not be allowed. The occupancy maximum shall be conspicuously posted within the STRP unit.
- i. The STRP owner shall not receive any compensation or remuneration to permit occupancy of a STRP for a period of less than twenty-four (24) hours. The maximum stay for any guest shall be thirty (30) consecutive days.
- j. The name and telephone number of the local responsible party shall be conspicuously posted within the STRP unit. The responsible party shall answer calls twenty-four (24) hours a day, seven (7) days a week for the duration of each short- term rental period to address problems associated with the STRP.
- k. Expiration of permit. A STRP permit shall expire three hundred sixty-five (365) days after it is issued. STRP permits may be renewed upon the payment of a one hundred (\$100.00) dollar renewal fee to the Town of Saltillo.
- l. The permit holder shall be responsible for collecting and remitting all applicable room, occupancy, and sales taxes required by state law.
- m. A STRP permit shall not be transferred or assigned to another individual, person, entity, or address, nor shall the permit authorize any person, other than the person named therein, to operate a STRP on the property.
- n. STRP permit holders shall obtain a use permit from the Town of Saltillo as an accessory use to the primary residential use. No more than 3% of the single-family or

detached two-family residential units within each census tract shall be permitted as non-owner-occupied short-term rental use as determined by the Town of Saltillo.

o. Denial or Revocation of Permit.

- (1) Upon the filing of three or more complaints within a calendar year regarding a STRP permit, the Town of Saltillo shall notify the permit holder in writing of such complaints.
- (2) If the Town of Saltillo determines that violations of this section or any other ordinance or law relating to STRPs have occurred, the permit to operate a STRP may be revoked.
- (3) Before revoking any permit, the Town of Saltillo shall give the permit holder fifteen days written notice of the alleged violation(s) against him/her.
- (4) Any denial or revocation of a STRP permit may be appealed to the board of zoning appeals as an administrative appeal.

2. Permitted Accessory Uses and Structures

- (a) Accessory off-street parking and loading facilities as required in Chapter II of this ordinance.
- (b) Accessory facilities and buildings customarily incidental to a permitted use

3. Uses Permitted on Appeal

- (a) INSTITUTIONAL - limited to - Cemetery – mausoleum; country club, airports, air cargo terminals, heliports and any other aeronautical device, major mail processing centers, military installations, colleges, junior colleges and universities, but excluding business schools operated as profit-making enterprises, all golf courses, stadiums, sports arenas, auditoriums and bandstands, zoological gardens, temporary nonprofit festivals
- (b) PUBLIC UTILITIES - limited to - Railroad, bus, and transit terminals, public and private utility corporations and truck yards, radio and television transmission stations, railroad yards and other transportation equipment marshaling and storage areas, reservoirs and water tanks, electric transmission lines and major fuel transmission lines, gas, electric production and treatment facilities, water production, and treatment facility
- (c) LUMBER, HARDWARE, BUILDING MATERIALS - except for - Greenhouse and nursery products
- (d) AUTO DEALERS AND SERVICE STATIONS - limited to - Used car sales, auto parts (used), boat, marine sales, truck, heavy equipment sales, auto and truck rental, mobile home sales; prefabricated homes
- (e) RECREATION AND ENTERTAINMENT - limited to - Drive-in movie, amusement park, fairground, golf driving range, and indoor shooting range
- (f) BUSINESS SERVICES - limited to - Photofinishing, research services (private), metal and wood fencing, and ornamental grill work

- (g) WHOLESALE TRADE - limited to - Drugs, chemicals and allied products, groceries and related products, electrical goods, hardware, plumbing and cooking equipment and supplies, metal and minerals
- (h) UNDEVELOPED AND VACANT - limited to - Circuses, carnivals and similar transient enterprises, open water including ponds, lakes and reservoirs, streams and waterways (man-made).

4. Prohibited Uses

Any use not allowed by right, by accessory use or by conditional use is prohibited in the B (Business) District.

C. Bulk Regulations

1. Minimum Required Lot Area

Within the Business District, the minimum required lot area shall be 15,000 square feet.

2. Maximum Height

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

D. Yard Requirements

1. General Provisions

General provisions applicable to all commercial districts concerning visibility at intersections, permitted obstruction in required yards, obstructions prohibited at street intersections, exceptions to these provisions and other regulations are contained in Chapter II of this ordinance.

2. Basic Provisions

(a) Front Yards

In all Business Districts, front yards abutting an arterial street shall be forty (40) feet. On double frontage and corner lots, there shall be a front yard on each street.

(b) Side Yards

The minimum side yard shall be twenty (20) feet.

(c) Rear Yards

The minimum rear yard shall be twenty (20) feet. When abutting residential property, it shall be thirty (30) feet.

E. Use of Required Yard Area

The following uses may be made of any open space in the Business District:

1. Landscaping

The first ten (10) feet of any required yard adjacent to a street shall be devoted to landscaping. All other required yard areas not occupied by sidewalks and driveways shall also be devoted to landscaping.

2. Driveways and Accessory Off-street Parking

3. Sidewalks

F. Site Plan Review

1. Prior to issuance of a building permit, a Site Plan for the use and development of the entire tract shall be submitted to the Planning Commission. The Site Plan shall conform to the following requirements:

(a) Be drawn on a scale of 1" = 100';

(b) Include the following:

- all existing and proposed roads and drainage ways;
- curb cuts, drives and parking areas;
- building lines enclosing the portion of the tract within which the buildings are to be erected;
- the proposed use of the land and buildings; and,
- the existing zoning.

(c) Show the building elevations for the front, rear and sides of all buildings and any proposed signs.

(d) Include a vicinity map showing the relationship of the proposed development to Saltillo.

(e) Show the relation of the proposed development to:

- the street system;
- the surrounding use district, and
- surrounding properties

(f) Provide certification by a licensed surveyor, architect, contractor or civil engineer certifying that the plan as shown is true and correct;

(g) Contain a form for certificate of approval by the Secretary of the Planning Commission;

(h) Provide certification by the owner and trustee of the mortgage, if any, that they adopt the plan, and dedicate the streets as shown on the plan and agree to make any required improvements of adjacent streets as shown on the plan.

2. The Planning Commission shall review the Site Plan within thirty (30) days. Where conditions have been required of the applicant, such changes, as required by the Planning Commission, shall have been made.

3. The Planning Commission shall approve the Site Plan as submitted or reject the Site Plan as submitted. The reasons for rejection of the Site Plan shall be certified to the applicant in writing. The Planning Commission shall have the authority to give conditional approval to a Site Plan, subject to minor revisions being required of the applicant.

4. The certification required of the owner and trustee of the mortgage shall serve as the commitment by the owner that the site will be developed as shown on the approved Site Plan. Upon such certification by the owner, the approved Site plan shall be recorded by the owner with the Hardin County Register's Office and shall regulate the development of the subject parcel. If, during the process of construction, the Building

Inspector notes variations from the approved site plan, he shall promptly notify the owner in writing of these variations and shall direct that the variations be corrected within a specified period. If, after proper notice by the Building Inspector, the owner has not complied with the provisions of the approved Site Plan, the Building Inspector shall have the authority to cite the owner to Municipal Court for violation of this ordinance.

5. The Building Inspector shall have the authority to authorize minor revisions to the approved Site Plan during the process of construction, if, in his opinion, the revisions do not substantially alter the nature of the approved Site Plan, with the written concurrence of the Chairman of the Planning Commission.

CHAPTER IX

PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

Within the I (Industrial) Districts as shown on the Zoning Map of Sault Ste. Marie, Michigan, the following regulations shall apply:

1. Uses Permitted

- (a) Retail and wholesale sales: automobile sales and service; automobile parts; agricultural implement sales and service; lawnmower sales and service; lumber and building materials; paint; mobile home sales and service; boats and boating equipment sales and service; sporting goods; greenhouse and nursery products; hardware; motorcycle sales and service; and, welding supplies.
- (b) Services: animal hospitals and clinics; automobile service stations; auto repair garages; truck terminals; printing; tire repair and recapping; pest exterminator; sign shop; upholstery shop; plumbing and heating supply; outdoor advertising signs and structures; sheet metal shop; family day care, group day care, day care centers, and warehousing including warehousing operation, but not including gravel, sand, fertilizers or other nuisance producing goods.
- (c) Manufacturing, processing or fabrication; canned or preserved fruits or vegetables; bakery products; bottling plants; candy and confectioneries; apparel and another finished products made from fabrics; drugs; footwear, except rubber; leather gloves and mittens; luggage; handbags and other personal leather goods; glass products, made of purchased glass; communication equipment; electronic components and accessories; professional, scientific and controlling instruments; photographic and optical goods; watches and clocks; and jewelry, silverware, and plated ware.
- (d) Federal, state and municipal uses.
- (e) Research laboratories.
- (f) Accessory uses customarily incidental to any aforementioned permitted use.

2. Uses Permitted on Appeal

- (a) Adult Oriented Businesses, provided these uses are setback a minimum distance of 1,000 feet from any residential or religious structure in addition to any other safeguards and or criteria rendered by the Board of Zoning Appeals;
- (b) Any other use which, in the opinion of the Board of Zoning Appeals, is similar in character to the above permitted uses and will not be detrimental to the district in which located, subject to such conditions and safeguards as may be required by the Board of Zoning Appeals.

3. Uses Prohibited

Any use not specifically permitted by the terms of this section or permissible on appeal. The Board of Zoning Appeals shall specifically not have the authority to permit: single and multiple-family dwellings; hotels and motels; bag cleaning; boiler and tank works; central mixing plant for cement, mortar, plaster or paving materials creamery; crematory; curing, tanning and storage of raw hides and skins; distillation of bones, coal, woods or tar; fat rendering; forge plant or foundry; metal fabrication plant; quarry; scrap paper, rag storage and baling; sawmills; slaughter house and stockyards; smelting plant; and the manufacture of acetylene, acid, alcohol, alcoholic beverages, ammonia, bleaching powder, condensed milk, chemicals, brick, pottery, terra cotta, or tile, candles, disinfectants, dye stuffs, fertilizers, illuminating or heating gas (or storage of same), linseed oil paint,

oil, turpentine, varnish, soap and tar products; screws and bolts, wire and tires, or any other use which would cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odors, dust, or other objectionable conditions.

4. Regulations Controlling Yards and Building Height.

- (a) Minimum required front yard.
 - (1) All Uses 35 feet
- (b) Minimum required rear yard
 - (1) All Uses 25 feet
- (c) Minimum required side yard on each side of lot
 - (1) All Uses 25 feet
- (d) Notwithstanding the above provision, no yard will be required for that part of a lot which fronts on a railroad siding.
- (e) On a lot adjacent to a residential district all buildings shall be located so as to conform with the front and rear yard requirements of the adjacent residential district, and a minimum side yard of fifty (50) feet shall be provided. Streets or public rights-of-way of thirty (30) feet or more in width may be included as the side yard requirements of this subsection, but in no case shall a building be erected closer to the side property line than twenty-five (25) feet.
- (f) When a side lot line is shared with a residential lot, a well maintained tight fence or compact evergreen hedge not less than six (6) feet in height, beginning at the front building line and extending along the common side lot line to the rear property line, shall be installed to "screen" the industrial use from the adjoining lot in residential use.
- (g) Maximum permitted height of structures.
 - (1) No building shall exceed four (4) stories or forty-five (45) feet in height.
 - (2) Free standing poles, spires, towers, antennae and similar structures may exceed the height provisions provided they comply with the provisions of all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

CHAPTER X

RPROVISIONS GOVERNING MARINA DISTRICTS

This district serves the existing Town of Saltillo Marina. The following standards shall apply to Marina (M) districts.

A. Uses and Structures

1. Principal Permitted Uses and Structures

Marinas

2. Permitted Accessory Uses and Structures

- (a) Accessory off-street parking and loading facilities;
- (b) Accessory facilities and buildings customarily incidental to a permitted use.

3. Uses Permitted on Appeal

None.

4. Uses Prohibited

Any use not allowed by right, by accessory use or by conditional use is prohibited in the Marina district.

B. Bulk Regulations

1. Minimum Required Lot Area

Within the M (Marina) district, the minimum required lot area shall be one (1) acre.

2. Maximum Height

No building shall exceed thirty-five (35) feet in height.

C. Specific Development Standards for Marina Districts

1. The maximum capacity for dry storage shall be thirty (30) boats; provided, however, that no more than fifteen (15) percent of the total high land area of the site shall be devoted to dry boat storage and the stacking of boats is prohibited. The minimum capacity for wet storage is twelve (12) boats.

2. No more than four-hundred fifty (450) linear feet of dock spaces shall be provided for rental spaces to accommodate a maximum of twenty (20) overnight or long-term boat tie-ups, plus a maximum of one-hundred (100) linear feet for service and boat rental. The maximum permitted linear feet of dock space shall be measured along the perimeter of the dock and shall include only those areas available for the tying up of boats. The ends of dock sections, which measure less than eight (8) feet in width, and dock section which are utilized only from docking spaces and the land shall be excluded from such measurements.
3. The normal host or boating related hours of operation shall be limited to one-half hour before sunrise and one-half hour after sunset.
4. No commercial or charter fishing boat shall be permitted overnight docking privileges and the marina shall not engage in or permit the sale from the premises of fish, crabs, or shrimp, other than for bait.
5. The marina shall not hold itself out a facility for, or engage in, the maintenance or repair of boats, but may provide one dry storage space for the use of any boat owner to have minor repairs or maintenance (such a replacement of points, plugs, power packs, coils, control cable, propeller replacement, carburetor adjustments, etc. Minor repairs shall in all cases be limited to those maintenance activities not requiring the removal of bat motors or the removal or disassembly of the power head, motor foot, or outdrive) performed on such owner's boat by such owner or an independent contractor.
6. Boats shall not be utilized for overnight sleeping or living accommodations.

CHAPTER XI

OVERLAY DISTRICTS

FLOOD HAZARD AREAS

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

Section A. Statutory Authorization

The Legislature of the State of Tennessee has in Tennessee Code Annotated Section 6-2-201 delegated the responsibility to units of local government to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Saltillo, Tennessee, Mayor and its Legislative Body do ordain as follows:

Section B. Findings of Fact

1. The Town of Saltillo, 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 Town of Saltillo, 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 Town of Saultillo, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By the approved Tennessee program as determined by the Secretary of the Interior or
 - b. Directly by the Secretary of the Interior.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Recreational Vehicle" means a vehicle which is:

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

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

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

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

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

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

"State Coordinating Agency" the Tennessee Department of Economic and Community Development's 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 Town of Saltillo, Tennessee.

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

The Areas of Special Flood Hazard identified on the Town of Saltillo, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) 47071CV000A dated 06/16/2006 and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47071C0040E and 470710105E dated June 16, 2006, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

Section C. Requirement for Development Permit

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

Section D. Compliance

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

Section E. Abrogation and Greater Restrictions

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

Section F. Interpretation

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

Section G. Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Town of Saltillo, 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 Town of Saltillo, Tennessee from taking such other lawful actions to prevent or remedy any violation.

ARTICLE IV. ADMINISTRATION

Section A. Designation of Ordinance Administrator

The Town Mayor 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 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 Town of Saltillo, 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 Town of Saltillo, 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 Town of Saltillo, 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 Town of Saltillo, 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. Board of Floodplain Review

1. Creation and Appointment

A Board of Floodplain Review is hereby established which shall consist of three (3) members appointed by the Chief Executive Officer. The term of membership shall be four (4) years except that the initial individual appointments to the Board of Floodplain Review shall be terms of one, two, and three years, respectively. Vacancies shall be filled for any unexpired term by the Chief Executive Officer.

2. Procedure

Meetings of the Board of Floodplain Review shall be held at such times, as the Board shall determine. All meetings of the Board of Floodplain Review shall be open to the public. The Board of Floodplain Review 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 Board of Floodplain Review shall be set by the Legislative Body.

3. Appeals: How Taken

An appeal to the Board of Floodplain Review 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 Board of Floodplain Review a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of \$50.00 dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Board of Floodplain Review all papers constituting the record upon which the appeal action was taken. The Board of Floodplain Review 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 thirty (30) 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 Board of Floodplain Review 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 Town of Saltillo, Tennessee Board of Floodplain Review 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 Board of Floodplain Review 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 Board of Floodplain Review 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 Town of Salttilo, 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.

IMPACT BUSINESS EXCLUSION ZONE

Within the Impact Business Exclusion Overlay Zone, as shown on the zoning map of Saltillo, Tennessee, the following regulations shall apply:

Uses allowed:

- All uses allowed in the Mixed Use District.

Uses prohibited:

- Mobile Homes.
- Mobile Home Parks.
- Recreational Vehicle Parks.
- Adult Oriented Businesses.
- All Manufacturing or Industrial Uses.

Uses allowed on Appeal:

- All uses allowed in the Mixed Use District.

CHAPTER XII

EXCEPTIONS AND MODIFICATIONS

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

Group Housing Project In the case of a group housing project of two or more buildings to be constructed on a plot of ground not subdivided into the customary street and lots, and which will not be subdivided or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual building units in such housing projects, the application of the terms of this ordinance may be varied by the Board of Zoning Appeals in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy and an intensity of land use no higher and a standard of open space no lower than that permitted by this ordinance in the district in which the proposed project is to be located. However, in no case shall the Board of Zoning Appeals authorize a use prohibited in the district in which the project is to be located, or a smaller area per family than the minimum required in such district, or a greater height, or a larger coverage than the requirements of this ordinance permit in such district. The procedure for approval of group development plans shall consist of the submission of a design plan showing the proposed layout, including the location of buildings, driveways, off street parking spaces and recreation areas, to the Saltillo Planning Commission for study and recommendation prior to final approval by the Board of Zoning Appeals.

CHAPTER XIII

ENFORCEMENT

Enforcing Officer The provisions of this ordinance shall be enforced by an official appointed by the City Council who shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this ordinance.

Building Permits

It shall be unlawful to commence the excavation for the construction of any building, including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings, until the Building Inspector has issued a building permit for such work.

In applying to the Building Inspector for a building permit, the applicant shall submit a dimensional sketch or a scale plan indicating the shape, size, height and location on the lot of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information for determining whether the provisions of this ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this ordinance and other ordinances of the Town of Saltillo, Tennessee then in force, the Building Inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the Building Inspector shall state such refusal in writing with the cause.

The issuance of a permit shall in no case be construed as waiving any provision of this ordinance.

A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the project described therein.

Certificate of Occupancy No land or building or part thereof hereafter erected or altered in its use of structure shall be used until the Building Inspector shall have issued a certification of occupancy stating that such land, building or part thereof and the proposed use thereof are found to be in conformity with the provisions of this ordinance. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building or part thereof and the proposed use thereof are found to conform with the provisions of this Ordinance, or, if such certificate is refused, to state such refusal in writing with the cause.

Records A complete record of such application, sketches, and plans shall be maintained in the office of the Building Inspector.

Permit Fee A fee may be charged for issuance of a building permit.

Penalties Any person violating any provisions of this ordinance shall be guilty of a misdemeanor, and shall be punished as provided by law. Each day such violation shall continue shall constitute a separate offense.

CHAPTER XIV

BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the use permitted on appeal. This may include, but not be limited to, setbacks, screening, lighting, parking location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing buildings, the authority to specify building materials, colors, or similar considerations.

The Board of Zoning Appeals shall have the authority to require a buffering of the use permitted on appeal from surrounding properties by the use of fencing, plantings or a combination thereof.

Creation and Appointment A Board of Appeals is hereby established. The word "Board" when used in this Section shall be construed to mean the Board of Appeals. Said Board shall be the Saltillo Planning Commission and the terms of membership shall run concurrently with planning commission terms. Vacancies shall be filled for the unexpired term of the member whose place has become vacant. Members shall be removed for cause by the Mayor and City Council upon written charges and after public hearing. One of the members of the Board shall be named as chairman at the time of his appointment.

Procedure Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records of applications and action thereon, which shall be a public record.

Appeals: How Taken An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved, or by a governmental officer, department, board or bureau affected by any decision of the Building Inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time which shall not be more than fifteen (15) days from the date of the hearing. Upon the hearing any person or party may appear and be heard in person or by agent or by attorney.

Powers The Board of Zoning Appeal shall have the following powers:

Administrative Review To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Building Inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance.

Special Exceptions To hear and decide applications for special exceptions upon which the Board of Zoning Appeals is specifically authorized to pass.

Variance To hear and decide applications for variance from the terms of this ordinance, but only where by reason of exceptional narrowness, shallowness or shape of a specific piece of property which at the time of the adoption of this ordinance was a lot of record; or where by reason of exceptional topographic conditions or other extraordinary or exceptional situations or conditions of a piece of property the strict application of the provisions of this ordinance would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided

that such relief may be granted without detriment to the public good and the intent and purpose of this ordinance. Financial disadvantage to the property owner is no proof of hardship within the purpose of zoning.

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

CHAPTER XV

AMENDMENT

Right to Petition Amendments to the zoning map may be proposed by the City Council, the Planning Commission or by any owner of property or his authorized agent (an option holder may petition also provided both he and the owner sign the application), provided, however, that an owner of property or his authorized agent, including option holder, shall not initiate action for an amendment to the zoning map affecting the same parcel more often than once every twelve (12) months. Amendments to the text of this ordinance may be initiated by any citizen of Saltillo, the Planning Commission or the City Council. When the Planning Commission or the City Council shall initiate an amendment, the public notice fee, as described below, shall be waived.

Application Fee Each application shall be accompanied by a payment (determined by the City Board) to cover the expense of advertising for public hearing. No payment shall be refunded for any reason other than if a public notice is not given (such as, if the application is withdrawn).

Procedure Each application shall be accompanied by the following:

A site plan prepared by a competent professional person showing:

All property lines with accurate dimensions;

Adjoining streets with right-of-way and pavement widths;

Location of buildings or other structures, easements, etc.;

Other pertinent information that the Planning Commission or Board may request in order to properly evaluate the application.

Planning Commission Review No such amendment shall become effective unless the same be first submitted for approval, disapproval or suggestions to the Planning Commission. If the Planning Commission within sixty (60) days disapproved after such submission, it shall require the favorable vote of a majority of the City Council to become effective. If the Planning Commission neither approves or disapproves such proposed amendment within sixty (60) days after such submission, the action on such amendment by said commission shall be deemed favorable.

Public Hearing on Proposed Amendment Upon the introduction of an amendment to this ordinance or upon the receipt of a petition to amend this ordinance, the City Council shall publish a notice of such request for an amendment, together with the notice of time set for hearing by the City Council on the requested change. Said notice shall be published in some newspaper of general circulation in the Town of Saltillo, Tennessee. Said hearing by the City Council shall take place not sooner than fifteen (15) days after the date of publication of such notice.

CHAPTER XVI
LEGAL STATUS PROVISIONS

Conflict with Other Ordinances In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Saltillo, the most restrictive shall in all cases apply.

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

END NOTES: