

Article V

Zoning Districts

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5.010 Classification of Districts

For the purpose of this ordinance, the following zoning districts are hereby established in the City of White House, Tennessee.

<u>Zoning District</u>	<u>District Abbreviation</u>
Agricultural	A
Large Lot Residential	R-40
Low-Density Residential	R-20
Medium-Density Residential	R-15
High-Density Residential	R-10
Central Business	C-1
General Commercial	C-2
Neighborhood Service	C-3
Light Industrial	I-1
Heavy Industrial	I-2
Special Industrial	I-3
Floodway	F-1
PUD Low-Density Residential	PUD-LDRPUD
PUD High-Density Residential	PUD-HDRPUD
Commercial PUD	CPUD
Commercial PUD Limited	CPUDL
General Office PUD	GOPUD
Restricted Office PUD	ROPUD

5.020 Zoning Map

The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map designated as the Official Zoning Map of White House, Tennessee. The Zoning Map and any amendment thereto shall be dated with the effective date of the ordinance that adopts same. Certified prints of the adopted Official Zoning Map and amendments thereto shall be maintained in the Office of the Planning Director and shall be available for inspection by the public at all reasonable times, as long as this ordinance remains in effect.

5.030 Zoning District Boundaries

Unless otherwise indicated, the district boundary lines are center lines of streets or blocks or such lines extended, lot lines, corporate limit lines or the center line of the main tracks of a railroad. Such lines drawn as to appear on these lines are hereby on these lines. Where district boundary lines approximately parallel a street or other right-of-way, such district boundaries shall be constructed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by use of the scale of said zoning map. Questions concerning the exact locations of district boundaries shall be determined by the White House Board of Zoning Appeals.

Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Zoning Appeals may permit the extension of the regulations for either portion of the lot not to exceed five hundred (500) feet beyond the district line into the remaining portion of the lot.

5.040 Zoning of Annexed Territory

Concurrent with the annexation of additional territory into the City of White House shall be the zoning of that property and the amending of the Official Zoning Map in accordance with the provisions of Article X, of this ordinance. The Planning Commission shall make a recommendation to the Board of Mayor and Aldermen as to the appropriate zoning classification for the property or property shall be designated as R-20, Low Density Residential until otherwise classified. (Amended by Ordinance 05-34, November 17, 2005)

5.050 Specific District Regulations

The following regulations shall apply in the eighteen (18) zoning districts established in Section 5.010, of this ordinance.

5.051 A, Agricultural District

A. District Description

The Agricultural District established by this ordinance is designed to provide a low density residential environment, having some or no access to public water and sewer services. This district is designed to protect agricultural and other low density residential areas from heavy traffic and incompatible land uses which would otherwise be a hindrance to such agricultural and low-density residential land uses.

B. Uses Permitted

In the A, Agricultural District, the following uses and their accessory uses are permitted.

1. Single family detached dwelling.
2. Individual mobile homes.
3. Customary accessory buildings, including private garages and non-commercial workshops meeting the requirements of Section 3.100 Accessory Use Regulations.
4. Customary incidental home occupation as regulated in, Section 4.180.
5. Agriculture.
6. Essential Municipal Services.

C. Uses Permitted as Special Exception

In the A, Agricultural District, the following uses and their accessory uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals.

1. Churches
2. Public and private schools offering general education courses.
3. Day Care Centers. **(Amended by Ordinance 06-08, Feb. 2006)**
4. Public and semi-public recreational facilities and grounds.
5. Utility facilities (without storage yards) necessary for the provision of public services.
6. Government buildings and community centers.
7. Cemeteries.
8. Accessory Residential Family Dwelling Unit **(Added by Ord. 06-31, August 17, 2006)**

D. Uses Prohibited

Mobile home parks; billboards and similar advertising structures; uses not specifically permitted; or uses not permitted upon approval as a special exception.

E. Dimensional Regulations

All uses permitted in the A, Agricultural District, shall comply with the following requirements.

1. Minimum Lot Size Requirements

Area	1 acre
Area per Family	1 acre
Lot Width at Building Setback Line	150 feet

2. Minimum Yard Requirements

Front Setback	40 feet
Side	20 feet
Rear	25 feet

3. Maximum Lot Coverage

On any lot or parcel of land, the area occupied by all buildings including accessory buildings shall not exceed thirty-five (35) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed thirty-five (35) feet in height, except as provided in Article VII, Section 7.060.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

5.052 Residential Districts

The Residential Districts established by this ordinance are designed to promote and protect public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare. These general goals include, among others, the following specific purposes:

- A. To provide sufficient space in appropriate locations for residential development to meet the housing needs of the city's present and expected future population, with due allowance for the need for a choice of sites and building types;
- B. To protect residential areas, as far as possible, against heavy traffic and against through traffic of all kinds;
- C. To protect residential areas against congestion, by regulating the density of population and the bulk of buildings in relation to the land around them and to one another, and by providing for off-street parking spaces;
- D. To require the provision of open space and a maximum conservation of natural sites in residential areas, and to encourage the provision of additional open space by permitting planned development of moderately higher density and intensity coverage with concomitantly higher standards of open space, in order to

provide large open areas with greater utility for rest and recreation; and to encourage the development of more attractive and economic, and less monotonous building forms, by providing freedom of architectural and site design;

- E. To provide for access of light and air to windows and for privacy by controls over the spacing and height of buildings and other structures;
- F. To provide appropriate space for those public and private educational, recreational, health, and similar facilities which serve the needs of nearby residents, which generally perform their own activities more effectively in a residential environment, and which do not create objectionable influences;
- G. To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of residential development, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the City's tax revenue.

5.052.1 R-40, Large Lot Residential District

A. District Description

This district is designed to provide suitable areas for low density residential development characterized by an open appearance. Generally, the residential development will consist of single family detached dwellings and accessory structures. These districts also include community facilities, public utilities, and open uses which serve specifically the residents of these districts, or which are benefited by an open residential environment without creating objectionable or undesirable influence upon residential developments. Further, it is the intent of this ordinance that these districts be located so that the provision of appropriate urban services will be physically and economically facilitated and so that provision is made for the orderly expansion and maintenance of urban residential development within the urban area. It is the express purpose of this ordinance to exclude from these districts all buildings and other structures and uses having commercial characteristics whether operated for profit or otherwise, except that conditional uses and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted

In the R-40, Large Lot Residential Districts, the following uses and their accessory uses are permitted:

1. Single family detached dwellings.
2. Customary accessory buildings, including private garages and noncommercial workshops meeting the requirements of Section 3.100 Accessory Use Regulations.
3. Customary incidental home occupations as regulated in, Section 4.180.
4. Essential municipal services.

C. Uses Permitted as Special Exceptions

In the R-40, Large Lot Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals.

1. Churches.
2. Public and private schools offering general education courses.
3. Day Care Centers. **(Amended by Ordinance 06-08, Feb. 2006)**
4. Public and semi-public recreational facilities and grounds.
5. Utility facilities (without storage areas) necessary for the provision of public services.
6. Cemeteries.
7. Bed and Breakfast Home Residences. (See Article IV, Section 4.100, Special Conditions for Review Pertaining to Bed and Breakfast Home Residences). **(Added by Ordinance No. 96-7, April 18, 1996.)**
8. Residential Agricultural Uses (See Article IV, Section 4.170, Residential Agricultural Uses). **(Added by Ordinance No. 06-06, February 16, 2006.)**
9. Accessory Residential Family Dwelling Unit. **(Added by Ordinance 06-31, August 17, 2006.)**

D. Uses Prohibited

Mobile homes, mobile home parks; billboards, and similar advertising structures, uses not specifically permitted; or uses not permitted upon approval as a special exception.

E. Dimensional Regulations

All uses permitted in the R-40, Large Lot Residential District shall comply with the following requirements:

1. Minimum Lot Size Requirements

40,000 square feet

Lot Width at Building Setback

125 feet

2. Minimum Yard Requirements

Front Setback	40 feet
Side	20 feet
Rear	25 feet

3. Maximum Yard Requirements

On any lot or parcel of land, the area occupied by all buildings including accessory buildings shall not exceed thirty (30) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed thirty-five (35) feet in height except as provided in Article VII, Section 7.060.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

F. Exceptions

For residential developments larger than five (5) acres a maximum reduction in lot size of twenty-five (25) percent will be allowed if all of the following requirements are met.

For residential developments of five (5) to ten (10) acres inclusive:

1. At least one (1) acre of the development is dedicated to a permanent community park.
2. The park area will be equipped as specified by the White House Parks and Recreation Department.

For residential developments larger than ten (10) acres:

3. Of the first twenty (20) acres, ten (10) percent of the area must be permanently dedicate to a community park. For additional acreage, five (5) percent must be added to the park area up to a maximum of five (5) acres.
4. The park area will be equipped as specified in Subsection (b) above.

For all residential developments applying for an exemption:

5. Prior to any exemption being granted the applicant must first receive approval from the Director of Parks and Recreation for the City of White House. Guidelines shall be developed by the Planning Commission and Park Director relative to what may constitute an exemption.

5.052.2 R-20, Low Density Residential Districts

A. District Description

This district is designed to provide suitable areas for low density residential development characterized by an open appearance. Generally, the residential development will consist of single family detached dwellings and accessory structures. These districts also include community facilities, public utilities, and open uses which serve specifically the residents of these districts, or which are benefitted by an open residential environment without creating objectionable or undesirable influence upon residential developments. Further, it is the intent of this ordinance that these districts be located so that the provision of appropriate urban services will be physically and economically facilitated and so that provision is made for the orderly expansion and maintenance of urban residential development within the urban area. It is the express purpose of this ordinance to exclude from these districts all buildings and other structures and uses having commercial characteristics whether operated for profit or otherwise, except that conditional uses and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted

In the R-20, Low Density Residential Districts, the following uses and their accessory uses are permitted:

1. Single family detached dwellings.
2. Customary accessory buildings, including private garages and noncommercial workshops meeting the requirements of Section 3.100 Accessory Use Regulations.
3. Customary incidental home occupations as regulated in, Section 4.180.
4. Essential municipal services.

C. Uses Permitted as Special Exceptions

In the R-20, Low Density District, the following uses and their accessory uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals.

1. Churches.
2. Public and private schools offering general education.
3. Day Care Centers. **(Amended by Ordinance 06-08, Feb. 2006)**
4. Public and semi-public recreational facilities and grounds.
5. Utility facilities (without storage yards) necessary for the provision of public services.
6. Cemeteries.
7. Duplexes on lots over one acre with no future subdivision of said lot.
8. Bed and Breakfast Home Residences. (See Article IV, Section 4.100, Special Conditions for Review Pertaining to Bed and Breakfast Home Residences). **(Added by Ordinance No. 96-7, April 18, 1996.)**
9. Residential Agricultural Uses. (See Article IV, Section 4.170, Residential Agricultural Uses). **(Added by Ordinance No. 06-06, February 16, 2006.)**
10. Accessory Residential Family Dwelling Unit. **(Added by Ordinance 06-31, August 17, 2006.)**
11. Secondary detached single family residential dwelling units on lots over one acre meeting the requirements of Section 4.121.

D. Uses Prohibited

Mobile homes, mobile home parks; billboards, and similar advertising structures, uses not specifically permitted; or uses not permitted upon approval as a special exception.

E. Dimensional Regulations

All uses permitted in the R-20, Low Density Residential District shall comply with the following requirements:

1. Minimum Lot Size Requirements

Area	20,000 square feet
Area per Family	20,000 square feet
Lot Width at Building Setback Line	100 feet

2. Minimum Yard Requirements

Front Setback	40 feet
Side	15 feet
Rear	25

3. Maximum Yard Requirements

On any lot or parcel of land, the area occupied by all buildings including accessory buildings shall not exceed thirty-five (35) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed thirty-five (35) feet in height except as provided in Article VII, Section 7.060.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

F. Exceptions

For residential developments larger than five (5) acres a maximum reduction in lot size of twenty-five (25) percent will be allowed if all of the following requirements are met.

For residential developments of five (5) to ten (10) acres inclusive:

1. At least one (1) acre of the development is dedicated to a permanent community park.
2. The park area will be equipped as specified by the White House Parks and Recreation Department.

For residential developments larger than ten (10) acres:

3. Of the first twenty (20) acres, ten (10) percent of the area must be permanently dedicate to a community park. For additional acreage five (5) percent must be added to the park area up to a maximum of five (5) acres.
4. The park area will be equipped as specified in Subsection (b), above.

For all residential developments applying for an exemption:

5. Prior to any exemption being granted the applicant must first receive approval from the Director of Parks and Recreation for the City of White House. Guidelines shall be developed by the Planning Commission and Park Director relative to what may constitute an exemption.

5.052.3 R-15, Medium Density Residential District

A. Purpose and Intent of District

This district is designed to provide suitable areas for medium density residential development where sufficient urban services and facilities are provided or where the extension of such services can be physically and economically facilitated prior to development. It is the intent of this district to not restrict in number the dwelling units contained in a building provided there is sufficient area of zone lot and open space on such lot relative to the number of dwelling units thereon. This class of district is intended also to permit community facility and public utility installations which are necessary to serve and do serve specifically the residents of these districts, or which installations are benefited by and compatible with a residential environment. It is the express purpose of this ordinance to exclude from this class district all buildings and other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that conditional use and home occupations specifically provided for in these regulations for this class of district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted

In the R-15, Medium Density Residential District, the following uses are permitted.

1. Single family detached dwellings.
2. Duplexes on lots over one acre with no future subdivision of said lots.
3. Customary accessory buildings, including private garages and non-commercial workshops meeting the requirements of Section 3.100 Accessory Use Regulations.
4. Customary incidental home occupation as regulated in, Section 4.180.
5. Essential municipal services.
6. Secondary detached single family residential dwelling units on lots over one acre meeting the requirements of Section 4.121.

C. Uses Permitted as Special Exception

In the R-15, Medium Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals.

1. Churches
2. Public and private schools offering general education courses.
3. Day Care Centers. **(Amended by Ordinance 06-08, Feb. 16, 2006)**
4. Public and semi-public recreational facilities and grounds.
5. Utility facilities (without storage yards) necessary for the provision of public services.
6. Government buildings and community centers.
7. Cemeteries.
8. Bed and Breakfast Home Residences. (See Article IV, Section 4.100, Special Conditions for Review Pertaining to Bed and Breakfast Home Residences). **(Added by Ordinance No. 96-7, April 18, 1996.) (Deleted by Ordinance No. 05-19 August 18, 2005.)**
9. Residential Agricultural Uses. (See Article IV, Section 4.170 Residential Agricultural Uses). **(Added by Ordinance No. 06-06, February 16, 2006.)**
10. Accessory Residential Family Dwelling Unit. **(Added by Ordinance 06-31, August 17, 2006.)**

D. Uses Prohibited

Mobile homes, mobile home parks; billboards, and similar advertising structures; uses not specifically permitted; or uses not permitted upon approval as a special exception.

E. Dimensional Regulations

All uses permitted in the R-15 Medium Density Residential District shall comply with the following requirements.

1. Minimum Lot Size Requirements

Area	15,000 square feet
Area per Family	15,000 square feet
Lot Width at Building Setback Line	85 feet

2. Minimum Yard Requirements

Front Setback	35 feet
Side	12.5 feet
Rear	25 feet

3. Maximum Yard Requirements

On any lot or parcel of land, the area occupied by all buildings including accessory buildings shall not exceed thirty-five (35) percent of the total area of such lot or parcel.

4. Height Requirement

No building shall exceed thirty-five (35) feet in height, except as provided in Article VII, Section 7.060. (With a Special Exception Available to up to 53 feet.) **Amended by Ordinance 15-09, May 21, 2015.**

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

5.052.4 R-10, High Density Residential District

A. District Description

This district is designed to provide suitable areas for high density residential development where sufficient urban facilities are available or where such facilities will be available prior to development wherever possible. Most generally this district will be characterized by residential structures each containing a multiple number of dwelling units. However, it is the intent of this ordinance to not restrict in number the dwelling units contained in a building provided there is sufficient area of zone lot and open space on such lot relative to the number of dwelling units thereon. This district is intended also to permit community facility and public utility installations which are necessary to service and do service specifically the residents of the district, or those installations which are benefited by and compatible with a residential environment.

B. Uses Permitted

In the R-10, High Density Residential District, the following uses and their accessory uses are permitted.

1. Multi-family dwellings. Must meet requirements per Development Standards for Multi-Family Projects, Section 5.056.1, I, (8).

2. Duplex dwellings. Must meet requirements per Development Standards for Attached Dwellings, Section 5.056.1, I, (9).

3. Mobile home parks as regulated in Article IV, Section 4.100.

4. Customary accessory buildings, including private garages and non-commercial workshops meeting the requirements of Section 3.100 Accessory Use Regulations.

5. Customary incidental home occupations as regulated in, Section 4.180.
6. Essential municipal services.

C. Uses Permitted as Special Exceptions

In the R-10, High Density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals.

1. Churches.
2. Public and private schools offering general education courses.
3. Day Care Centers. **(Amended by Ordinance 06-08, Feb. 16, 2006)**
4. Public and semi-public recreational facilities and grounds.
5. Utility facilities (without storage yards) necessary for the provisions of public services.
6. Government buildings and community centers.
7. Cemeteries.
8. Bed and Breakfast Home Residences. (See Article IV, Section 4.100, Special Conditions for Review Pertaining to Bed and Breakfast Home Residences). **(Added by Ordinance No. 96-7, April 18, 1996.)**

D. Uses Prohibited

Billboards and similar advertising structures; uses not specifically permitted; or uses not permitted upon approval as a special exception.

E. Dimensional Regulations

All uses permitted in the R-10, High Density Residential District shall comply with the following requirements except as provided in Article IV, Section 4.100, Mobile Home Parks.

1. Minimum Lot Size - 10,000 square feet
- Area Per/Dwelling Unit
- Duplex Dwelling - 5,000 square feet/dwelling unit
- Multi-Family Dwelling - 3,333 square feet/dwelling unit
- Lot Width at Building Setback Line - 75 feet

2. Minimum Yard Requirements

Front Setback	35 feet
Side	10 feet
Rear	20 feet

3. Maximum Lot Coverage

On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed seventy (70) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed thirty-five (35) feet in height, except as provided in Article VII, Section 7.060. (With a Special Exception Available to up to 53 feet) **Amended by Ordinance 15-09, May 21, 2015.)**

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Landscape Requirements

For multi-family developments, see Article III, Section 3.120.

5.052.5 R-TC, High Density Town Center Commercial District

A. District Description

This district is designed to provide for small lot single family homes in the area around the Commercial Town Center District. This will allow to keep single family homes present in this area while allowing for increased density. This district is intended also to permit public utility installations which are necessary to service and do service specifically the residents of the districts, or those installations which are benefited by and compatible with a residential environment.

B. Uses Permitted

1. Single family homes.
2. Essential municipal services.

C. Uses Prohibited

1. All other uses other than those listed as permitted will Be prohibited.

D. Dimensional Regulations

1. Minimum Lot Size- 5,000 square feet.
2. Maximum Lot Size- 10,000 square feet.
3. Lot Width at Building Set Back- 50 feet.
4. Minimum Yard Requirements
Front Setback- 15 feet
Side Setback- 5 feet
Rear Setback- 10 feet
5. Maximum Lot Coverage- 70%
6. Height Requirements- 35 feet (with a Special Exception Available to up to 53 feet)

5.053 Commercial Districts

The Commercial Districts established by this ordinance are designed to promote and protect the health, safety, comfort, convenience, order, prosperity and other aspects of the general welfare. These goals include among others, the following:

- A. To provide sufficient space, in appropriate locations in proximity to established residential areas, for local retail and service trades catering specifically to the recurring shopping needs of the occupants of nearby residences;
- B. To protect both retail and service developments and nearby residences against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences;
- C. To protect both retail and service developments and nearby residences against congestion, by regulating the intensity of retail and service developments consistent with their marketing functions, by restricting those types of establishments which generate heavy traffic, and by providing for off-street parking and loading facilities;
- D. To provide sufficient space in appropriate locations for commercial districts to satisfy functional needs of White House, and in particular the need for medical services, and the needs of the general public traveling along major highways;
- E. To provide sufficient space in appropriate locations for the mixture of compatible high density residential and restricted commercial developments where standards for development will provide protection for the environmental essentials of either;

- F. To provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities;
- G. To enhance the central business district and to promote and protect its service attributes, to lessen congestion in the district, to provide for high intensity of land use consistent with land valuation, and to protect its intended functional aspects against encroachment by detrimental influences;
- H. To promote the most desirable use of land and direction of building developments in accord with a well constructed plan, to promote stability of commercial development, to strengthen the economic base of White House, to protect the character of the districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect White House's tax revenues.

5.053.1 C-1, Central Business Service District

A. District Description

This district is designed to provide for a wide range of retail, office, amusement, service uses, and light industrial processes involving high performance standards. In addition, this district provides for governmental uses, and community facilities and utilities necessary to serve the district or which are required for the general community welfare. The regulations are structured to permit maximum freedom of pedestrian movement. Relative high density and intensity of use is permitted in this district.

B. Uses Permitted

In the C-1, Central Business Service District, the following uses and their accessory uses are permitted.

1. General retail sales and services.
2. Professional, finance, insurance, real estate, personal, business, and repair services.
3. Manufacturing, provided it is incidental to the retail business or service which sells the made products on the premises and that such manufacturing activity occupies less than forty (40) percent of the floor area and employs not more than five (5) operators.
4. Hotels, motels and boarding houses.
5. Commercial amusement establishments.
6. Churches and other places of assembly.
7. Mortuaries and undertaking services.
8. Newspaper and printing plants.

9. Governmental buildings and community centers.
10. Utility facilities (without storage yards) necessary for the provision of public services.
11. Communication business services.
12. Educational services.
13. Signs and billboards as regulated in Article IV, Section 4.080.
14. Gasoline service stations.
15. Food services.
16. Wholesale sales.
17. Medical services.
18. Veterinary services (excluding livestock).
19. Convenience sales and service.
20. Laundry and dry cleaning services.
21. Essential municipal services.
22. Accessory Firework Sales in Permanent Buildings with Primary General Retail and Convenience Commercial Sales.
23. Vehicular craft, and related equipment sales, rental and delivery.

C. Uses Permitted as Special Exceptions

In the C-1, Central Business Service District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VII, Section 7.060.

1. Automotive parking lot.
2. Warehousing and storage uses.
3. Day care centers.
4. Research services.
5. Retail business supply.
6. Twenty (24) Hour Medical/Veterinarian Clinic Accessory Residential Quarter meeting requirements of 4.160. **(Added by Ordinance 05-09, May 19, 2005)**

7. Commercial Accessory Residential Unit.

D. Uses Prohibited

Industrial uses; automobile wrecking, junks, and salvage yards; uses involved in firework sales in temporary buildings and tents; uses not specifically permitted or uses not permitted upon approval as a special exception. **(Amended by Ordinance 99-17, July 15, 1999)**

E. Dimensional Regulations

All uses permitted in the C-1, Central Business Service District shall comply with the following requirements, except as provided in Article VI.

1. Minimum Lot Size Requirements

No minimum lot size shall be required in the C-1 District.

2. Minimum Yard Requirements

Front Yard - Twenty (20) Feet. If a building or buildings on an adjacent lot or lots provide front yards less than twenty (20) feet in depth, a front yard equal to the average of adjacent front yards shall be provided. Rear yard - twenty (20) feet. Side yard - none is required. However, if an open area extending along a side lot line is provided, it shall be at least ten (10) feet wide, and it shall be unobstructed.

3. Maximum Lot Coverage

There is no restrictions on the area occupied by all buildings including accessory buildings on a lot or parcel located in the C-1 District.

4. Height Requirement

No building shall exceed fifty-three (53) feet in height, **Amended by Ordinance 15-09, May 21, 2015.)** except as provided in Article VII, Section 7.040. **(Amended by Ordinance 03-10, August 21, 2003)**

a. The maximum building height at the street line shall be thirty-five (35) feet.

b. For each foot the buildings is set back from the street line, the height of the building may be increased by one and one-half (1 1/2) feet to a maximum height of sixty-five (65) feet.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

F. Landscaping Requirements

See Article III, Section 3.130 (c).

G. Outdoor Storage

1. All outdoor storage shall be prohibited in the front yard which shall be interpreted as that portion of the property abutting the portion of the property abutting the right-of-way.
2. Outdoor storage shall take place in the rear yard and shall be screened by fencing or landscaping.

5.053.2 C-2, General Commercial

A. District Description

This district is designed to provide for certain types of commercial establishments which have a minimum of objectionable characteristics and do not involve storage, transfer or processing of goods or chattels.

B. Uses Permitted

1. Medical offices and clinics.
2. Office buildings for finance, insurance, real estate, legal, engineering, architectural and similar personnel.
3. Hotels and motels.
4. Churches and other places of assembly.
5. Mortuaries and undertaking services.
6. Government buildings and community centers.
7. General retail trade.
8. Entertainment and amusement.
9. Consumer repair.
10. Utility facilities (without storage yards) necessary for the provision of public services.
11. Communication business services.
12. Day Care Centers.
13. Business colleges and other similar educational services (excluding auto-diesel schools).

14. Convenience retail.
15. Apparel and accessories retail.
16. Food service.
17. Auto service stations.
18. Animal care and veterinary.
19. Essential municipal services.
20. Interstate Sign District (C-2) (Zoning Atlas, Dated: **(July 10, 1995)**)
21. Accessory Firework Sales in Permanent Buildings with Primary General Retail and Convenience Commercial Sales.
22. Automobile sales provided buffer screen is provided and banner and flag streamers are not placed on the property.
23. Retail Package Stores

C. Uses Permitted as Special Exceptions

In the C-2, General Commercial District, the following uses and their accessory uses may be permitted as a special exception after review and approval by the Board of Zoning Appeals.

1. Warehousing provided that no manufacturing is involved, screening is provided, and the building does not exceed thirty-five (35) feet in height.
2. Twenty (24) Hour Medical/Veterinarian Clinic Accessory Residential Quarter meeting requirements of 4.160. **(Added By Ordinance 05-09, May 19, 2005)**

D. Uses Prohibited

1. Industrial uses, automobile wrecking, and/or recycling uses, junk or salvage yards, van or truck storage uses. Uses involved in firework sales in temporary buildings and tents; and uses not specifically permitted as a special exception. **(No body shops per Ordinance 92-12). (Amended by Ordinance No. 99-17, July 15, 1999)**

2. Uses Permitted **(Added by Ordinance No. 99-17, July 15, 1999)**

Interstate Sign District (C-2) **Zoning Atlas**, Dated, **July 10, 1995**.

Uses involved in the sale of fireworks in a permanent structure constructed and built in accordance with all applicable building codes.

3. Uses Prohibited **(Added by Ordinance No. 99-17, July 15, 1999)**

Uses involved in the sale of fireworks in temporary buildings and tents.

E. Dimensional Regulations

All uses permitted in the C-2, General Commercial District, shall comply with the following requirements except as provided in Article VI.

1. Minimum Lot Size Requirements

No minimum lot size shall be required.

2. Minimum Yard Requirements

Front Yard	20 feet
Two-thirds (2/3) of the front yards must be dedicated to landscaping).	
Side Yard	10 feet
Rear Yard	20 feet
Building Setback	35 feet

3. Maximum Lot Coverage

Provided landscaping and parking requirements are met there is no restrictions on the area occupied by all buildings including accessory buildings on a lot or parcel located in the C-2 District.

4. Height Requirements

No building shall exceed fifty-three (53) feet in height **(Amended by Ordinance 15-09, May 21, 2015.)**, except as provided in Article VII, Section 7.060.

F. Landscape Requirements

1. As regulated in Article III, Section 3.130, (c).

G. Outdoor Storage

1. All outdoor storage shall be prohibited in the front yard which shall be interpreted as that portion of the property abutting the right-of-way.

2. Outdoor storage shall take place in the rear yard and shall be screened by solid, non-transparent fencing or landscaping.

5.053.3 C-3, Neighborhood Service Business District

A. District Description

This district is designed to provide for uses to serve the recurring household needs and personal service requirements of the occupants of nearby residential areas. The permitted establishments are those which provide for regular local shopping and which, therefore, are visited frequently by customers. This district may occur along or away from arterial streets, characteristically are small, and are distributed widely for convenient accessibility by residential area occupants. The bulk regulations are established to provide for maximum compatibility between the commercial activity in the district and adjacent residential activity, and to lessen the concentration of vehicular traffic as compared to other commercial districts providing goods and services for more extensive marketing area.

B. Uses Permitted

In the C-3, Neighborhood Service Business District, the following uses and their accessory uses are permitted:

1. Generally recognized retail business which supplies commodities on the premises for persons residing in adjacent residential areas, such as groceries, meats, dairy products, baked goods or other food, drugs, dry goods, and notions or hardware.
2. Personal service establishments which performs services on the premises such as repair shops (radio, television, shoe and etc.), beauty parlors or barbershops and self-service laundries.
3. Signs as regulated in Article IV, Section 4.080.
4. Essential municipal services.

C. Uses Permitted as Special Exceptions

In the C-3, Neighborhood Service Business District, the following uses and their accessory uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals.

1. Day Care Centers.

D. Uses Prohibited (Amended by Ordinance No. 99-17, July 15, 1999)

In the C-3, Neighborhood Service Business District, all uses, including those uses involved in the sale of fireworks; as well as retail liquor and package stores are prohibited, with the exception of those uses that are specifically permitted, or those uses which permitted as accessory uses.

E. Dimension Regulations

All uses permitted in the C-3, Neighborhood Service Business District, shall comply with the following requirements except as provided in Article VI.

1. Minimum Lot Size Requirements

The minimum lot size in the C-3 District shall be fifteen thousand (15,000) square feet.

2. Minimum Yard Requirements

Front Setback	25 feet
Side	20 feet
Rear	20 feet

3. Maximum Lot Coverage

On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed sixty (60) percent of the total area of such lot or parcel.

4. Height Requirement

No building shall exceed fifty-three (53) feet in height **(Amended by Ordinance 15-09, May 21, 2015)**, except as provided in Article VI, Section 6.030.

F. Landscaping Requirement

1. As regulated in Article III, Section 3.103, C.

G. Outdoor Storage

1. All outdoor storage shall be prohibited in the front yard which shall be interpreted as that portion of the property abutting the right-of-way.
2. Outdoor storage shall take place in the rear yard and shall be screened by fencing or landscaping.

5.053.4 C-4, Office/Professional Service District

A. District Description

This district is designed to provide for the provision of professional office services, medical and personal services, as well as financial, insurance, real estate governmental, and consulting services. In addition to office activities certain community facilities are permitted to serve the needs of persons frequenting this district. Uses requiring the outdoor storage of goods and services, the repair and maintenance of vehicles, as well as the sale of retail products are prohibited within this district.

B. Uses Permitted

1. Essential municipal services such as:
 - city, county, state, and federal offices
 - civil defense facilities
 - court buildings
 - fire department facilities
 - police department facilities
 - post offices
2. Community centers
3. Mortuaries and undertaking services
4. Churches and places of assembly
5. Utility facilities (without storage yards) necessary for the provision of public services
6. Day care centers
7. Business colleges and other similar educational services (excluding auto-diesel schools)
8. Entertainment and amusement uses (with the exception of adult entertainment uses such as adult book stores, adult video stores, and adult cabarets and theaters wherein persons expose their sexual organs, or appear in a state of nudity, engage in sexual intercourse, engage in sexual deviant activity, and, or fondle the genitals of himself, herself, or another person).
9. Health care facilities such as:
 - centers for observation and rehabilitation
 - convalescent homes
 - hospitals
 - medical clinics
 - assisted living centers
10. Financial, consulting, and administrative services such as:
 - agricultural credit institutions
 - banking and bank related functions
 - credit unions
 - holding investment organizations
 - insurance carriers, agents, brokers, and services

- money management, and investment offices
- real estate brokers, managers, and appraisers
- rediscount and financing institutions for credit agencies other than banks
- savings and loan associations
- securities, commodities, brokers, dealers, and exchanges
- title offices.

11. General business and communications services such as:
 - advertising agencies and services
 - commercial services including radio and television broadcasting studios, telegraph offices and message centers, telephone exchanges and relay towers, and television and recording production studios
 - computer and data processing services
 - credit reporting, adjustment, and collection agencies
 - detective agencies and protective services
 - drafting services
 - employment, personnel, and temporary help services
 - exterminating services (with no outside storage)
 - interior decorating and consulting services
 - mailing, reproduction, and commercial art services
 - management, consulting, and public relations services
 - membership organizations including automobile clubs, better business bureaus, chamber of commerce, labor unions, political organizations, professional associations, and cultural and fraternal organizations
 - news syndicates
 - research and development laboratories
 - trading stamp services
 - travel agencies

12. General personal services including photographic studios, photofinishing studios, catering services, and clothing rental agencies

13. Medical and professional services such as:
 - accounting, auditing, and bookkeeping services
 - artist studios
 - attorneys and law offices
 - chiropractic offices
 - consulting scientists
 - dental offices and laboratories
 - educational and scientific research services
 - engineering and architectural services
 - optometrists
 - physicians offices
 - physiologists and psychotherapists offices
 - songwriters and music arrangers
 - writers and lecturers

14. Convenience commercial services such as:
 - bakeries
 - barber shops

- beauty shops
- drug stores
- hardware stores
- laundry and dry cleaning pick-up stations

15. Veterinarian clinics (with no outdoor animal pens)
16. Cultural services to include art galleries and botanical gardens
17. Legitimate health spas and fitness clubs (with the exception of illegitimate massage parlors, rap parlors, and/or saunas, wherein persons expose their sexual organs or appear in a state of nudity, engage in sexual intercourse, engage in deviant sexual activity, and/or fondle the genitals of himself, herself, or another person).
18. Photographic studios
19. Office and retail business supply uses

C. Uses Permitted as Special Exceptions

1. Food service establishments.
2. Twenty (24) Hour Medical/Veterinarian Clinic Accessory Residential Quarter meeting requirements of 4.160 **(Added by Ordinance 05-09, May 19, 2005)**

D. Uses Prohibited

Industrial uses, automobile wrecking and/or recycling uses, junk or salvage yards, van, car, or truck storage uses, body shops and other types of vehicular repair uses, general retail trade uses, automotive, marine, trailer, and farm implement sales uses, distribution, warehousing and construction uses, all types of rental storage uses, as well as any type use requiring outdoor storage, as well as any other uses not otherwise permitted.

E. Dimensional Regulations

All uses permitted in the C-4, Office/Professional Service District, shall comply with the following requirements except as provided in Article VI.

1. Minimum Lot Size Requirements

No minimum lot size shall be required.

2. Minimum Yard Requirements

Front Yard	20 feet
(Two-thirds (2/3) of the front yard must be dedicated to landscaping)	

Side Yard	15 feet
Rear Yard	20 feet
Building Setback	35 feet

3. Maximum Lot Coverage

Provided landscaping and parking requirements are met, there is no restriction on the area occupied by all buildings on a zone lot or parcel located within the C-4 District.

4. Height Requirements

No building shall exceed fifty-three (53) feet in height **(Amended by Ordinance 15-09, May 21, 2015.)**, except as provided in Article VII, Section 7.040. **(Amended by Ordinance 03-10, August 21, 2003)**

F. Landscape Requirements

1. As regulated in Article III, Section 3.130, (c).

G. Outdoor Storage

1. There shall be no outdoor storage allowed within the C-4 District.

5.053.5 C-5,Limited Office/Professional Service District

- A. This district is to provide for the provision of professional offices and services. This district would provide a transitional zoning classification with residential and commercial uses. In addition to office activities, certain community facilities are permitted. Uses requiring the outdoor storage of goods and services, the repair and maintenance of vehicles, as well as the sale of retail products are prohibited within this district.

B. Uses Permitted

1. Essential municipal services such as:
 - city, county, state, and federal offices
 - civil defense facilities
 - court buildings
 - fire department facilities
 - police department facilities
 - post office
 - parks and recreation
2. Churches and places of assembly
3. Utility facilities (without storage yards) necessary for the provision of public services.
4. Day care centers

5. Professional (non-medical) offices and services
6. Hair and Nail Salons and accessory retail.
7. Personal Services including photo studios, clothing rentals, catering services, clothing rental agencies, and accessory retail.

C. Uses Prohibited

Industrial uses, automobile wrecking and/or recycling uses, junk or salvage yards, van, car, or truck storage uses, body shops and other types of vehicular repair uses, general retail trade uses, automotive, marine, trailer, and farm implement sales uses, distribution, warehousing and construction uses, all types of rental storage uses, as well as any type use requiring outdoor storage, as well as any other uses not otherwise permitted.

D. Dimensional Regulations

All uses permitted in the C-5, Office/Professional Service District, shall comply with the following requirements except as provided in Article VI.

1. Minimum Lot Size Requirements

No minimum lot size shall be required.

2. Minimum Yard Requirements

Front Yard 35 feet

Side Yard 15 feet

Rear Yard 25 feet

3. Maximum Lot Coverage

On any lot or parcel of land, the area occupied by all buildings may not exceed sixty (60%) of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed fifty-three (53) feet in height, **(Amended by Ordinance 15-09, May 21, 2015)** except as provided in Article VII, Section 7.040. (Amended by Ordinance 03-10, August 21, 2003).

E. Landscape Requirements

As regulated in Article III

F. Outdoor Storage

There shall be no outdoor storage allowed within the C-5 District.

5.053.6 C-6, Town Center Commercial District

- A. District Description: This district is designed to provide for a mixed use Commercial, office, and residential zoning district for the redevelopment of the City's Town Center including retail, office service uses with high performance standards, community facilities, and high density residential uses. The regulations are structured to permit maximum freedom of pedestrian traffic. A relatively high intensity of use is permitted in this district.
- B. Permitted Uses: In the C-6 Town Center Commercial District, the following Uses and their accessory uses as described are permitted by right.

Community Facility Activities:
Cultural and Recreational Services
Essential Municipal Services

Commercial Activities:

Convenience Commercial. Drive thru lanes, open bays, and accessory uses shall not be visible from roadways and be located at the rear of buildings. Indoor Entertainment and Amusement Services, with the exception of adult entertainment uses as defined in zoning ordinance.

Financial, Consulting, and Administrative Services. Drive thru lanes, and accessory uses shall not be visible from roadways and be located at the rear of buildings.

Food and Beverage Services

Consumer Repair Services, not including vehicle and mechanical repair services.

General Business and Communication Services

General Personal Services

General Retail Trade

Medical and Professional Services

Hotels

Mixed Use Facility with Permitted Residential Activities

Other uses determined by Planning Commission that are compatible with town center uses but shall not include prohibited uses.

Retail Package Stores

Residential Activities:

Multi-Family Residential at density of 20 units per acre, or 50 units per acre if the residential units are housed in buildings of at least 4 stories and a minimum of 40 feet tall. Properties with limited lot area shall be permitted one residential unit per 750 sq ft of building area designated for multi-family use.

Mixed Use Facility with Permitted Commercial Activities including upper story residential uses.

- C. Uses Permitted as Special Exceptions:

In the C-6, Town Center Commercial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with the provisions of the Zoning Ordinance.

Detached Single Family Residential Dwelling
Accessory Residential Family Dwelling Unit
Education and Day Care Facilities
Churches and Places of Community Assembly
Health Care Facilities

D. Prohibited Uses:

Industrial uses, automobile wrecking, recycling uses (except city recycling drop-off center), junk or salvage yards, van, car, or truck storage uses, body shops and other types of vehicular repair uses, automotive, marine, trailer, and farm implement sales uses, distribution, warehousing, and construction uses, all types of rental storage uses, as well as any type use requiring outdoor storage, as well as any other uses not otherwise permitted. Seasonal and permanent sales of fireworks. Other uses determined by the Planning Commission to be non-compatible with town center uses.

E. Dimensional Regulations:

Minimum Lot Size	1,000 sq ft
Lot Width at Building Setback	20 ft minimum
Maximum Lot Coverage	100%
Maximum Building Height	53 ft.
Minimum Building Height	25 ft
Front Setback	Minimum None/7.5 ft Maximum
	<ul style="list-style-type: none"> • Only courtyards and landscaping are permitted in front setbacks.
Side Yard Setback	Minimum None/10 ft Maximum
Rear Yard Setback	5 ft Minimum on Interior Roadways and Alleyways/20 ft Minimum for Perimeter Zoning Boundary

Special Conditions:

Building setback shall be listed on approved final subdivision plat. The Subdivision plat shall include five (5) ft building construction and maintenance easement. Due to building connections and reduced building setbacks then exterior walls shall be designed to meet provisions of City's adopted building and fire codes. The Planning Commission in review of the site plan and subdivision plats for all developments, including single family dwellings, may alter minimum lot size, lot width, and setback requirements due to the unique development characteristics with a mixed use town center redevelopment project.

G. Other Provisions:

Accessory Structures

Accessory structures may be located in rear yards only at the discretion of the Planning Commission on an approved site plan.

Parking Requirements

The number, size, and construction of parking spaces shall be regulated per zoning ordinance requirements and commercial design standards. Parking areas shall be located to rear of buildings to promote a continuous street-wall. On-street parking and shared parking facilities are encouraged.

Service Areas

The delivery, service, mechanical and electrical units, and dumpster/trash cart area shall be located at rear of site and shall not be visible from roadways.

5.054 Industrial Districts

The Industrial Districts established by this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. These goals include, among others, the following specific purposes:

- A. To provide sufficient space, in appropriate locations, to meet the needs of the area of White House's expected economic expansion for all types of distributive, industrial and related activities, with due allowance for the need for choice of suitable sites;
- B. To protect distributive, industrial and related activities, as well as residential and related activities by providing for the separation of these uses, and, as far as possible, provide that appropriate space needs for distributive and industrial activities are available by prohibiting the use of such space for residential purposes;
- C. To encourage industrial development which is free from danger of fire, explosions, toxic or noxious matter, radiation, smoke dust, or other particulate matter, and other hazards, and from offensive noise, vibration, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development in areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products and processes involved;
- D. To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of industrial and related activities, by restricting those industrial activities which involve danger of fire, explosions, toxic or noxious matter, and other hazards, or create offensive noise, vibration, heat, humidity, glare, and other objectionable influences, by permitting such development in areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products or processes involved;

- E. To protect industrial activities and related developments against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another, and by requiring space off public ways for parking and loading facilities associated with such activities.
- F. To promote the most desirable use of land and direction of building development, to promote stability of industrial and related development, to strengthen the economic base of the White House area, to protect the character of these districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect White House's tax revenues.

5.054.1 I-1, Light Industrial District

A. District Description

This district is designed for a wide range of industrial and related uses which conform to a high level of performance standards. Industrial establishment of this type, within completely enclosed buildings, provide a buffer between commercial districts and other industrial uses which involve more objectionable influences. New residential development is excluded from this district, both to protect residences from an undesirable environment and to ensure the reservation of adequate areas for industrial development. Community facilities which provide needed services to industrial development are permitted.

B. Uses Permitted

In the I-1, Light Industrial District, the following uses and their accessory uses are permitted:

1. Food and kindred products manufacturing, except meat products.
2. Textile mill products manufacturing except dying and finishing textiles.
3. Apparel and other finished products made from fabrics, leather, and similar materials manufacturing.
4. Furniture and fixtures manufacturing.
5. Printing, publishing and allied industries.
6. Fabricated metal products manufacturing, except ordinance and accessories.
7. Professional, scientific, and controlling instruments; photographic and optical goods, watch and clock manufacturing.

8. Miscellaneous manufacturing including jewelry, silverware and plated ware, musical instruments and parts, toys, amusement and sporting goods manufacturing, pens, pencils, and other office materials, costume jewelry, novelties and miscellaneous notions; tobacco manufacturing, motion picture production.
9. All types of wholesale trade.
10. Signs and billboards as regulated in Article IV, Section 4.080.
11. Warehouse and storage uses.
12. Agricultural equipment sales and repair.
13. All public utilities including buildings, necessary structures, storage yards and other related uses.
14. Animal health facilities including veterinary clinics.
15. Building materials storage and sales.
16. Retail trade.
17. Professional, financial consulting and administrative services.
18. Communication services.
19. Commercial amusement services.
20. Auto repair body shops.
21. Essential municipal services.

C. Uses Permitted as Special Exception

In the I-1, Light Industrial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals.

1. Day care centers.
2. Special institutional care facilities. **(Added by Ordinance No. 97-15, December 20, 1997)**
3. Twenty (24) Hour Veterinarian Clinic Accessory Residential Quarter meeting requirements of 4.160, Excluding Medical Clinics. **(Added by Ordinance No. 05-09, May 19, 2005)**

D. Uses Prohibited

Uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations

All uses permitted in the I-1, Light Industrial District, shall comply with the following requirements except as provided in Article VII, Section 7.020, (Nonconforming Uses).

1. Minimum Lot Size Requirements

No minimum lot size is required in the I-1 District.

2. Minimum Yard Requirements

Front Yard	10 feet
Side Yard	20 feet
Rear Yard	15 feet

Front Building Setback	40 feet
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3. Maximum Lot Coverage

On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed fifty (50) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed fifty-three (53) feet in height, **(Amended by Ordinance 15-09, May 21, 2015.)**except as provided in Article VII, Section 7.060.

5. Parking Space Requirements

In addition to the provisions of this ordinance regulating parking spaces and loading areas (Article IV, Section 4.010 and 4.020), the following provisions shall apply to parking and loading areas for uses permitted in this district:

a. All off-street parking lots and loading areas shall be surfaced with dustless, hard surfaced materials such as asphalt or concrete and so constructed to provide for adequate drainage and to prevent the release of dust.

b. Each parking space shall be appropriately marked with painted lines or curbs.

c. Entrances and exits onto and off of a public street shall be paved with a dustless, hard surfaced material for a distance which is at least the equivalent of the required front building setback line

measured from the property line at which the access point is located.

6. Landscaping Requirements

See Article III, Section 3.130.

F. Outdoor Storage

1. All outdoor storage shall take place in the rear half (1/2) of the rear yard and shall be screened by fencing or landscaping.
2. Outdoor storage is prohibited in the front half (1/2) of the rear yard.

5.054.2 I-2, Heavy Industrial District

A. District Description

This district is designed to accommodate industrial uses which involve more objectionable influences and hazards, and which therefore, cannot be reasonably expected to conform to a high level of performance standards, but which are essential for the economic viability of the White House area. No new residential developments are permitted, thereby insuring protection of such developments from an undesirable environment while at the same time ensuring adequate areas for industrial activities.

Adult Oriented Business are permitted in all I-2 and I-3 Districts, with the exception of those lots which have a contiguous side or rear lot line to any lot with a residential zoning designation or use. In addition no permit will be issued for any Adult Oriented Business within one thousand (1,000) feet of any child care facility, a private, public, or charter school, a public park, a residence, or a place of worship. Measurements shall be made in a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing an adult oriented establishment to the nearest point on the property line of a parcel containing a child care facility, a private, public, or charter school, a public park, a residence, or a place of worship and within one hundred-fifty (150) feet of any lot currently occupied by a business selling alcoholic beverages as measured in a straight line from the nearest corner of the two structures. **(Added by Ordinance No. 97-10, August 21, 1997) (Amended by Ordinance 10-06, May 20, 2010)**

B. Uses Permitted

In the I-2, Heavy Industrial District, the following uses and their accessory uses are permitted.

1. Uses that are permitted in the I-1, Light Industrial District.
2. Lumber and wood products manufacturing.
3. Lots or yards for scrap or salvage operations or for processing, storage, display, or sales or any scrap or salvage materials.
4. Meat products manufacturing.
5. Dyeing and finishing of textiles.
6. Paper and allied products manufacturing.
7. Rubber and miscellaneous plastic products manufacturing.
8. Primary metal industries.
9. Ordinance and accessories manufacturing.
10. Mining activities and related services.
11. Automotive and truck assembly manufacturing.
12. Block and brick manufacturing.
13. Asphalt and concrete plants.
14. Signs and billboards as regulated in Article IV, Section 4.080.
15. Truck terminals.
16. Auto repair body shops.
17. Essential municipal services.
18. Adult Oriented Business. **(Added by Ordinance No. 97-10, August 21, 1997)**

C. Uses Permitted as Special Exceptions

In the I-2, Heavy Industrial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals.

1. Day care centers.
2. Special institutional care facilities. **(Added by Ordinance No. 97-15, December 20, 1997)**
3. Twenty (24) Hour Veterinarian Clinic Accessory Residential Quarter meeting requirements of 4.160, Excluding Medical Clinics. **(Added by Ordinance No. 05-09, May 19, 2005)**

D. Uses Prohibited

Uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations

All uses permitted in the I-2, Heavy Industrial District shall comply with the following requirements except as provided in Article VI, (Nonconforming Uses).

1. Minimum Lot Size Requirements

No minimum lot size is required in the I-2 District.

F. Landscape Requirements

See Article III, Section 3.120.

5.054.3 I-3, Industrial District (Special)

A. District Description

The Industrial District (Special) is intended to provide suitable areas for intense or potentially noxious industrial and scrap operations, including open land operations. Secondly, to protect these industrial lands from encroachment by other uses.

Adult Oriented Business are permitted in all I-2 and I-3 Districts, with the exception of those lots which have a contiguous side or rear lot line to any lot with a residential zoning designation or use. In addition no permit will be issued for any Adult Oriented Business within one thousand (1,000) feet of any child care facility, a private, public, or charter school, a public park, a residence, or a place of worship. Measurements shall be made in a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing an adult oriented establishment to the nearest point on the property line of a parcel containing a child care facility, a private, public, or charter school, a public park, a residence, or a place of worship and within (150) feet of any lot currently occupied by a business selling alcoholic beverages as measured in a straight line from the nearest corner of the two structures. **(Added by Ordinance No. 97-15, December 20, 1997) (Amended by Ordinance 10-06, May 20, 2010)**

B. Uses Permitted

1. All uses permitted or permitted as special exceptions in the I-1, Light Industrial District and the I-2, Heavy Industrial District.

2. Junk, salvage, automobile wrecking, and scrap operations.
3. Sanitary landfill operations.
4. Chemicals and allied products manufacturing.
5. Petroleum refining or related industries.
6. Rubber and miscellaneous plastics products manufacturing.
7. Chemical storage, storage of products treated with potentially hazardous chemicals.
8. Radioactive materials waste handling.
9. Waste disposal by incineration or compaction.
10. Explosives manufacturing.
11. Hazardous waste transfer or storage.
12. Airports
13. Signs and billboards as regulated in Article IV, Section 4.080.
14. Washing.
15. Auto repair body shops.
16. Essential municipal services.
17. Adult Oriented Business. **(Added by Ordinance No. 97-10, August 21, 1997)**

C. Uses Prohibited

Uses not specifically permitted or uses not permitted upon approval as a special exception.

D. Dimensional Regulations

1. Minimum Lot Area

The minimum lot area shall be five (5) acres.

2. Yard Requirements

Due to the potentially noxious activities which may be permitted within the I-3 Districts, special yard provisions are required.

In its review of any application for approval of an extensive manufacturing activity proposed for location within a I-3 District, the Planning Commission shall establish yards and

building separations sufficient to protect the health, safety and economic benefit of persons owning or occupying nearby property. As an absolute minimum, such yards shall be as indicated below.

a. Use Adjoins Residential Property

Along any rear or side lot line which adjoins residential property, whether such property is presently occupied for residential purposes or only zoned for such use, an open area unobstructed from the ground to the sky at least one hundred-fifty (150) feet wide shall be provided within the industrial district. Such open area shall not be used for off-street loading, or storage for processing of any kind.

b. Use Adjoins Commercial or Industrial Property

Along any lot line which adjoins property either classified or presently utilized for commercial or industrial purposes, an open area at least one hundred (100) feet wide shall be provided. Such area may be utilized for off-street parking or loading, but shall not be used for storage or processing of any kind.

E. Parking Space Requirements

As regulated in Article IV, Section 4.010 and 4.020.

F. Landscaping Requirements

As regulated in Article III, Section 3.120.

G. Outdoor Storage

1. All outdoor storage shall take place in the rear half of the rear yard and be screened and landscaped.
2. Outdoor storage is prohibited in the front half of the rear yard.

5.055 Floodway and Flood Fringe Districts

AN ORDINANCE ADOPTED FOR THE PURPOSE OF AMENDING THE CITY OF WHITE HOUSE, TENNESSEE MUNICIPAL ZONING ORDINANCE REGULATING DEVELOPMENT WITHIN THE CORPORATE LIMITS OF WHITE HOUSE, TENNESSEE, TO MINIMIZE DANGER TO LIFE AND

PROPERTY DUE TO FLOODING, AND TO MAINTAIN ELIGIBILITY FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM.

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

A. Statutory Authorization

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

B. Findings of Fact

1. The City of White House, Tennessee, Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
2. Areas of the City of White House, 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, flood proofed, or otherwise unprotected from flood damages.

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.

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 flood prone areas;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a flood prone 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. (New Section)
- (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.

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

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter 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 sub grade (below ground level) on all sides.

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

"Building" 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 nonbasement 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 "Flood Prone Area" means any land area susceptible to being inundated by water from any source (see definition of **"Flood" or "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.

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

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

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

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

"Historic Structure" means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on the City of White House, 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) Four hundred (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 one hundred-eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" the Tennessee Department of Economic and Community Development's, Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of 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 it's before damaged condition would equal or exceed fifty (50) percent 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 (50) percent 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 (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

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

"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

A. **Application**

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

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

The Areas of Special Flood Hazard identified on the City of White House , Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers (Sumner County Maps) 0125, 0257, 0259, 0260, 0267, 0270, and 0280, 252*, and 262* dated, April 17, 2012, and (Robertson County Maps) 405, 410, and 415 dated April 16, 2008, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance. **Currently non-printed maps.*

C. **Requirement for Development Permit**

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

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.

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.

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.

G. **Warning and Disclaimer of Liability**

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

H. Penalties for Violation

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

ARTICLE IV. ADMINISTRATION

A. Designation of Ordinance Administrator

The Planning/Codes Director is hereby appointed as the Administrator to implement the provisions of this Ordinance.

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 nonresidential building will be flood proofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- c. A FEMA Flood proofing Certificate from a Tennessee registered professional engineer or architect that the proposed nonresidential flood proofed building will meet the floodproofing criteria in Article V, Subsections 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 flood proofing is utilized for a nonresidential 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 flood proofing is utilized for a nonresidential 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 flood proofing level upon the completion of the lowest floor or flood proofing.

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.

C. Duties and Responsibilities of the Administrator

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

1. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean-sea-level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Article IV, Subsection 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 flood proofed, in accordance with Article IV, Subsection B.

8. When flood proofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Section B.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A, on the City of White House, 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

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, Subsection 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.

B. Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Article V, Subsection 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. Nonresidential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or nonresidential building, shall have the lowest floor, including basement, elevated or flood proofed 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 nonresidential building, shall have the lowest floor, including basement, elevated or flood proofed 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".

Nonresidential buildings located in all A Zones may be flood proofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A 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, Subsection 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.
 - i. 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;
 - ii. The bottom of all openings shall be no higher than one (1) foot above the finished grade;
 - iii. 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, Subsection 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:
 - i. 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
 - ii. 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, Subsections 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:
 - i. Be on the site for fewer than one hundred-eighty (180) consecutive days;
 - ii. 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;
 - iii. 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 fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Article V, Subsection E).

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

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

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, Subsection 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, Subsections A and B.

E. Standards for Streams Without Established Base Flood Elevations and Floodways (A Zones)

Located within the Special Flood Hazard Areas established in Article III, Subsection 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, Subsections A and B.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (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 flood proofed 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 flood proofing certifications shall be recorded as set forth in Article IV, Subsection 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, Subsection 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 (20) feet, whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City of White House, 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, Subsections A and B. Within approximate A Zones, require that those subsections of Article V, Subsection 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.

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

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

1. All new construction and substantial improvements of residential and nonresidential 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, Subsection B.
2. All new construction and substantial improvements of nonresidential buildings may be flood proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood proofed to at least one (1) foot above the 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 flood proofed 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, Subsection B.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

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

Located within the Areas of Special Flood Hazard established in Article III, Subsection 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.

H. Standards for Unmapped Streams

Located within the City of White House, 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

A. Municipal Board of Zoning Appeals

1. Authority

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

2. Procedure

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

3. Appeals: How Taken

An appeal to the Municipal Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Municipal Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of Seventy-five (\$75) dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Municipal Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Municipal Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than thirty-five (35) days from the date of the

hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

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

a. Administrative Review

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

b. Variance Procedures

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

- i. The City of White House, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- ii. 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.
- iii. In passing upon such applications, the Municipal Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 - (a) The danger that materials may be swept onto other property to the injury of others;
 - (b) The danger to life and property due to flooding or erosion;
 - (c) The susceptibility of the proposed facility and its contents to flood damage;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
 - (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

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

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, Subsection 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

A. Conflict with Other Ordinances

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

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.

C. Effective Date

This Ordinance shall become effective immediately after its passage, in accordance with the Charter of the City of White House, Tennessee, and the public welfare demanding it.

- Approved and adopted by the City of White House, Tennessee, Board of Mayor and Aldermen

SECTIONS

5.056 PLANNED DEVELOPMENT DISTRICTS

- 5.056.1 District Description**
- 5.056.2 Site Location Criteria and Definitions**
- 5.056.3 Administrative Procedure**
- 5.056.4 Common Open Space and Facilities**
- 5.056.5 Residential Planned Developments**
- 5.056.6 Commercial Planned Developments (Not Amended)**
- 5.056.7 Design and Development Standards**

(Section 5.056, Deleted and Replaced by Ordinance 04-04, April 15, 2005, Except for 5.056.6)

5.056.1 DISTRICT DESCRIPTION

To provide maximum flexibility in the application and implementation of design standards within areas specifically designated by an adopted Community Master Plan. This district is created with the intent of achieving a scale and form of

development that emphasizes sensitivity to pedestrian movement, minimizes intrusion of the automobile into new streets and roads, and provides for the sensitive placement of open spaces in relation to building masses, street design and accessories, and landscaping features in a manner otherwise not insured by the application of conventional developments and standards. The village concept combines a mixture of compatible uses including single-family, semi-detached, townhouse and neighborhood commercial and office areas. This shall be blended in a compact, walkable layout with landscaped streets, a network of sidewalks, open space that preserves the natural features of the land and provides the necessary public and community facilities.

This district shall create a traditional type of development that nurtures diversity in social and economic backgrounds while enhancing aesthetics and maintaining a small town character.

5.056.2 SITE LOCATION CRITERIA AND DEFINITIONS

1 Site Location Criteria

1. The proposed site is recommended for roads classified as an arterial or a collector road as identified on the Major Thoroughfare Plan of White House. Any site proposed for a road that does not meet these requirements is required to provide a "Traffic Study" prepared by competent professional demonstrating the ability of the road to handle the proposed traffic volumes.
2. All Planned Developments containing Commercial activities or High-Density Residential activities will be located on an arterial or collector road as identified on the Major Thoroughfare Plan of White House.
3. Located within an area that the water system is capable of providing fire flows and sprinkled service to all buildings.
4. Area has access to a public sewer system.
5. Electric power can be provided by underground service.

2 DEFINITIONS

a. Application

In the construction of this article, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise:

b. Terms Defined

ACTUAL CONSTRUCTION - The excavation of a site and/or the placement of building materials in conjunction with the construction of a building or other structure.

COMMON OPEN SPACE - A parcel or parcels of land and/or an area of water within the site designated, designed and intended for benefit, use or enjoyment

of the occupants of said development. "Common Open Space" may contain such complementary structures and improvements as necessary and appropriate for the benefit and enjoyment of the occupants of such development.

DWELLING, ATTACHED - A building located upon one (1) zone lot containing not more than two (2) dwelling units, attached at the side or sides in a series of three or more principal buildings each containing not more than two dwelling units.

DWELLING, DETACHED - A building located upon one (1) zone lot containing not more than two (2) dwelling units, separated from structures on adjacent lots.

DWELLING, SEMI-DETACHED - A building located upon one (1) zone lot containing not more than two (2) dwelling units, attached at the side to not more than one other building containing not more than two (2) dwelling units.

ENVIRONMENTAL OPEN SPACE - A parcel or parcels of land and/or an area of water within the site designated, designed and intended for protection of the natural landscape or certain specified resources.

LANDHOLDER - The legal or beneficial owner or owners of all the land proposed to be included in a planned development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than fifty (50) years in duration, or other person having an enforceable proprietary interest may be considered a "landholder" for the purpose of this ordinance.

PRIVATE USE OPEN SPACE - Open areas located upon a lot and held for the exclusive use and enjoyment of owner(s) of such property.

RECREATIONAL OPEN SPACE - A parcel or parcels of land and/or an area of water within the site designated, designed and intended for benefit, active or passive recreational use or enjoyment of the occupants of said development.

RESTRICTED USE OPEN SPACE - Open areas located within a planned development that are held in some form of common ownership and restricted to use only as vegetative buffers, or other forms of environmental protection. These areas may include floodplains, steep slopes or other environmentally sensitive lands.

SHARED USE OPEN SPACE - Shared use open space may exist within a planned development both as limited use or general use shared open space. Limited use shared open spaces are those limited to use by only a portion of the individuals who reside within the planned development. Shared general use open space is intended to be available for use by any resident of the development, but may be limited to use only by residents and their guests.

5.056.3 ADMINISTRATIVE PROCEDURE

The provisions of this section govern the procedure for review and approval for all planned developments as provided herein. Any landowner or developer, as defined, may apply for a PUD zoning in any area subject to these provisions. The board of mayor and aldermen may, within its legislative power, impose PUD zoning upon any land area, and after such

action, the landowner shall follow the remaining procedures before any zoning permits can be issued and the land developed.

1. Steps of Approval Process

- a. The applicant must request a pre-application conference with city staff to evaluate a concept plan of the proposal and to determine and clarify any issues that may arise.
- b. The applicant shall submit a preliminary master plan and rezoning request to the planning commission for their consideration along with the required fees.
- c. The planning commission may approve or reject the request. If approved, the planning commission shall recommend the necessary PUD zoning to the board of mayor and aldermen. If rejected, the applicant may appeal the decision to the board of mayor and aldermen.
- d. After approval of the preliminary master plan and amendment of the zoning map, preparation of the final master plan may begin.
- e. The applicant shall submit a final master plan to the planning commission for their consideration. If any part of the PUD is to be subdivided, a final subdivision plat shall also be submitted. Both documents may be considered simultaneously. Approval of the final master plan shall form the basis for all permits, variances, and standards for the PUD.
- f. Prior to the sale or transfer of any property, the applicant shall submit and have approved a final subdivision plat.

2. Concept Plan

Prior to filing an application for approval of a planned unit development the applicant may present a concept plan to the planning commission concerning the layout and design of the proposed development. The planning commission after review of the plan may determine if a formal "work session" of the Planning Commission is needed before the proposed plan is submitted for approval and removing.

3. Application for Approval of the Preliminary Master Plan and Zoning Request

Application for approval of the preliminary master plan shall be made by the landowner of the affected property or his authorized agent, to the planning commission in accordance with such written general rules regarding general procedure, form of application, and required information as the planning commission may determine, provided

they are not inconsistent herewith. The application for preliminary approval shall consist of the following:

- a. The preliminary master plan for the proposed planned development shall be a general concept plan which shall include such items as the planning commission by general rule shall specify in order to disclose;
 - (1) The location and size of the area involved,
 - (2) Transportation routes including streets, driveways, sidewalks, and pedestrian ways, and off-street parking and loading areas,
 - (3) A traffic study prepared by a licensed engineer is required for all developments twenty (20) acres or more or with seventy-five (75) residential units or more,
 - (4) Location and approximate dimensions of structures including approximate height and bulk, building elevations and materials and the utilization of structures including activities and the number of living units,
 - (5) Estimated population and density and extent of activities to be allocated to parts of the project,
 - (6) Reservations for public uses including schools, parks and other open spaces,
 - (7) Availability commitments from the appropriate water and sewer provider,
 - (8) Major landscaping features, including topography,

- (9) The general means of the disposition of sanitary wastes and storm water, and
- (10) North arrow, graphic scale, and location map showing relationship to existing street system and adjoining properties.
- b. A tabulation of the land area to be devoted to various uses and activities and overall densities.
- c. The nature of the landowner's interest in the land proposed to be developed and a written statement or concurrence from all parties having a beneficial interest in the affected property.
- d. The general substance of covenants, grants of easements, deed restrictions, or other restrictions to be imposed upon the use of the land, buildings and structures including proposed easements for public utilities.
- e. A development schedule, setting forth when the landowner intends to commence construction and an estimated completion period.
- f. When it is proposed that the final master development plan will be submitted in stages, a schedule of submission thereof.
- g. A filing and review fee in an amount determined according to the standard fee schedule as approved by the board of mayor and aldermen.
- h. A general summary explaining the character, intent, and financing of the PUD.

If the application is incomplete, the planning commission shall hold in abeyance their formal review until such time as complete information is submitted.

4. Application for Approval of the Final Master Plan

The action of the board of mayor and aldermen on the zoning request and the preliminary master plan shall authorize and form the basis for the planning commission approval of a final master plan.

a. Application for Final Approval

After zoning a Planned Development District, the landowner may make application to the planning commission for approval of a final master development plan, provided that the proposed master development plan and other elements associated with the planned development are in substantial

compliance with the substance of the preliminary approval of the planning commission. The application shall include all aspects of the preliminary application, the proposed final master development plan, other required drawings, specifications, covenants, easements, and conditions and forms of bonds as were set forth by the planning commission's preliminary approval. Copies of all legal documents required for dedication or reservation of group or common open space and/or for the creation of a non-profit association shall also be submitted. When appropriate, this application shall contain the stage development schedule.

b. Final Approval of Stages

The application for final approval and the final approval by the planning commission may be limited to each stage as appropriate in a large planned development.

c. Final Master Development Plan

The final master plan of a planned development, or as submitted in stages if authorized, shall be substantially consistent with the approved preliminary master plan and in addition must show the following:

- (1) Detailed building plans including the use and architectural design of each building. Architectural design including the location and approximate dimensions of structures, other than one and two family dwellings including the architectural features of the buildings to determine design of the development and to ensure compatibility with surrounding properties. Example of architectural features includes: building height and bulk roof slopes, building orientation, porches and exterior materials.
- (2) Plan book for one and two-family dwellings, with typical building elevations, details of building materials and building floor plans.
- (3) Landscaping plans prepared by a Landscape architect.
- (4) Location of gas, water, sewerage, and drainage facilities,
- (5) Details and locations of signs,
- (6) Plans for street and parking lot improvements,
- (7) Location common open space areas and recreation facilities, with a maintenance plan.

- (8) Grading and drainage plans showing existing and proposed topography, drainage structures, water features and erosion control measures. Plan will need to demonstrate that the plans meet all Federal and State regulations.
- (9) Additional information as determined by the planning commission to indicate fully the ultimate operation and appearance of the PUD.

5. Platting Procedure

After or with approval of the Final Master Plan any section of the development containing individual lots or any public improvements must submit final plats and construction plans required by the Subdivision Regulations for a typical subdivision.

6. Amendments and Additions to the Planned Unit Development

The terms, conditions of the approved and recorded final master and all supporting data shall control all development of the Planned Unit Development. The recorded final Master Plan and supporting data together with all recorded amendments shall be binding on the applicants, their successors, grantees, and assigns and shall limit and control the use of premises and location of the structures in the Planned Unit Development. All proposed major and minor changes must be submitted with amended master plan, and all supporting documents that are effected by change. Changes in site engineering, unforeseen site conditions or changes in the target market must justify all amendments since the Master Plan was approved.

Major changes that will alter the concept or intent of the approved Planned Unit Development include the following:

- a. Increase in density and intensity of the development exceeding a five (5) percent increase in the units per acre density.
- b. Reduction in the amount of open space or the elimination of Common open space facilities.
- c. Changes in the use or types of structures or the addition of structures not approved with the Final Master Plan.
- d. Size of lots and building areas for Residential/ Commercial structures by more than ten (10) percent.
- e. Alteration of the approved building elevations or materials.
- f. Changes in the development schedule that would affect construction of recreational facilities or the dedication of common open space.

- g. Changes by the developer of the final governing agreements and restrictive covenants.

The landowner, the residents and/or owners of or in the PUD may apply to the planning commission for an amendment to the master plan. The planning commission may approve such amendment so long as the original intent is not abrogated and the change does not in any way damage any part of the Planned Unit Development or any adjoining properties.

Minor Changes

The Planning Commission may approve minor changes to the Preliminary/Final Master Plan and supporting documents which do not alter the concept or intent of the development are considered minor amendments.

Major Changes

Before Final Master Plan Approval: After receiving preliminary approval by the Planning Commission, if major changes are made to the Master Plan, the Planning Commission shall hold a Public Hearing to determine if the intent and concept of the development has changed. If it is determined that the intent and concept has changed then the Planning Commission may cancel the Preliminary Master Plan approval.

After Final Master Plan approval: If major changes are made to the approved Master Plan the Planning Commission shall hold a Public Hearing to determine if the intent and concept of the development has changed. If it is determined that the intent of the development has changed the Planning Commission shall require the Zoning Administrator to stop the issuance of building permits and revoke any permits issued that are in conflict with the approved Master Plan. All amendments and changes to the approved Master Plan are required to be recorded with the county registrar's office.

7. Cancellation of an Adopted Planned Development

In the event that actual construction has not begun within twenty-four (24) months from and after the date of the ordinance adopting or amending a planned development, (or after any period of extension officially authorized), the planning commission may, shall conduct an official meeting with notice to the landowner, to review the zoning and feasibility of the Planned Development and may act to cancel or extend approval of the master plan depending on the circumstances of each case in any case where said Planned Development has:

- a. Received Preliminary Master Plan Approval and the Rezoning Ordinance have been adopted and the Final Master Plan has not been submitted for approval within one year.

- b. Received Final Master Plan approval and construction has not begun within two years. In this instance, the Zoning Administrator shall not issue new permits.
- c. Received Final Master Plan approval and construction has lapsed for more than one year. In this instance, the Zoning Administrator shall not issue new permits and revoke existing permits.
- d. Received Final Master Plan approval and construction of the development falls more than two (2) years behind schedule filed with the Final Master Plan. In this instance, the Zoning Administrator shall not issue new permits and revoke existing permits.

8. Building Permits

A building permit shall be issued for structures, buildings, activities, or uses as a part of a finally adopted planned development only in strict compliance with the master development plan of the particular planned development including the conditions of approval and only after the administrative procedure outlined in this section has been strictly adhered to. No building permit shall be issued until a final master development plan, restrictive covenants and final plat have been approved and recorded with the counties registrar office and the developer has obtained all state and federal permits.

9. Certificate of Occupancy

A use and occupancy permit shall be issued only when the building inspector determines that the structure, building, activity, or use conforms to the final master development plan as approved by the planning commission.

5.056.4 COMMON OPEN SPACE

Any common open space established by an adopted final Master Development Plan for a planned development shall be subject to the following:

- A. The location, shape, site, and character of the common open space shall be reviewed in detail, and it must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development considering its size, density, expected population, topography, and the number and type of dwellings or structures to be provided.
- B. Common open space must be suitable for its intended uses but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements, which are permitted in the common open space, must be appropriate to the uses, which are authorized for the common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.

- C. The planning commission may require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space and facilities and such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to an appropriate public agency and said dedication be approved by the planning commission. However, the conditions of any transfer shall conform to the adopted final master plan.
- D. In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of the planned development fail to maintain the common open space in reasonable order and condition in accordance with the adopted master plan, the codes director may serve written notice upon such organization and/or the owners or residents of the planned development and hold a public hearing. After thirty (30) days when deficiencies of maintenance are not corrected, the Codes Director shall call upon any public or private agency to maintain the common open space for a period of one (1) year. When the Codes Director determines that the organization is not prepared for the maintenance for the common open space such agency shall continue maintenance for yearly periods.
- E. The cost of such maintenance by such agency shall be assessed proportionally against the properties within the planned development that have a right of enjoyment of the common open space, and shall become a lien on said properties.
- F. If the common open space is deeded to a Homeowners Association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for preliminary approval. In Phased Planned Developments the covenants and restrictions shall be for the entire development. The covenants and restrictions shall be recorded with the final master plan and final subdivision plat or site plan of the first phase. The provisions shall include, but not be limited to the following:
- (1) The homeowners association must be set up before the lot and/or homes are sold.
 - (2) Membership must be mandatory for each homebuyer and any successive buyer.
 - (3) The open space restrictions must be permanent, not just for a period of years.
 - (4) The association must be responsible for liability insurance, local taxes, and the maintenance of recreational, open space and other facilities.
 - (5) Homeowners must pay their pro rata share of the cost, and the assessment levied by the association can become a lien on the property.

- (6) The association must be able to adjust the assessment to meet changing needs.
 - (7) Reserved
 - (8) Any area reserved for environmental open space shall be left undisturbed.
- G. A recreation plan shall be developed and presented with the Final Master Development Plan for any proposed residential planned development. This plan shall indicate the general demographic characteristics of the anticipated market being targeted by the proposed development. The plan shall indicate the recreation facilities proposed and the age groups these facilities are designed to serve, as well as provide the number and detailed specifications of each type of recreational equipment and facility proposed. The size of each type of recreational facility, or type of recreational equipment shall be directly related to the age and number of the anticipated user population. These facilities may be devoted to either: (1) Shared limited use facilities designed so as to assure privacy and control of access by and for the exclusive use of a specific residential clientele within the development or (2) shared general use recreation facilities which are available to all residents of the proposed development.
- H. Within any development subject to the provisions of this section, open space shall be provided that is adequate to:
- a. Buffer both internal and external activities from objectionable or conflicting characteristics associated with such uses:
 - b. Assure adequate space, light and air along with visual and acoustical privacy:
 - c. Assure protection of steep slopes, floodable areas, wetlands and any area considered undesirable for building.
- (1). Use of Common Open Space
- All open space shown on a development plan of a Residential Planned Development shall be indicated as to its intended use. Common open space may consist of the following:
- a. Cultural and environmental open space.
 - b. Improved recreational open space.
- (2) Cultural and Environmental Open Space
- Except for those portions of a Residential Planned Development required for the installation of streets and utilities, the following areas shall be designated as environmental open space and no development shall take place thereon, these area can only count

as fifty (50) percent of the required open space for the development.

- a. Natural slopes of twenty (20) percent or greater;
- b. Areas shown on a Flood Hazard Boundary Map.
- c. Streams, creeks and major drainage ways;
- d. Areas classified as wetlands:
- e. Sites of pale ethnological, prehistoric, historic or of archeological significance:
- f. All areas which present geological hazards specifically those areas with unstable geological and karst formations; and
- g. Areas presenting environmentally or ecological unique resources.

(3) Improved Recreational Open Space

A recreation plan shall be developed and presented with the Final Master Development Plan for any proposed residential planned development. This plan shall indicate the general demographic characteristics of the anticipated market being targeted by the proposed development. The plan shall indicate the recreation facilities proposed and the age groups these facilities are designed to serve, as well as provide the number and detailed specifications of each type of recreational equipment and facility proposed. The size of each type of recreational facility, or type of recreational equipment shall be directly related to the age and number of the anticipated user population. These facilities may be devoted to either: (1) Shared limited use facilities designed so as to assure privacy and control of access by and for the exclusive use of a specific residential clientele within the development or (2) shared general use recreation facilities which are available to all residents of the proposed development. A minimum of five (5) percent of the gross area of every residential Planned Unit Development shall be devoted to improved recreational open space.

(4) Recreation Plan

In phased developments every phase shall have open space proportioned to each phase and recreation improvements must be installed in each phase with the recreational improvements receiving approval before the next phase can begin or if the master plan includes the recreation improvements for the entire development in one phase then the recreational improvements must be completed and accessible to the first phase. All recreational improvements will need to be bonded with other improvements if not completed before the final subdivision plat of

C. Minimum Size

The minimum size of either residential PUD shall be five (5) acres. The planning commission and board of mayor and aldermen may, within their discretion, approve developments considered as an infill on less acreage.

D. Permitted Activities in a Residential PUD

The following activities listed in Table I may be permitted in a RPUD only when deemed appropriate by the Planning Commission and the Board of Mayor and Aldermen as approved with the preliminary master plan. Other activities not listed below are prohibited.

Residential accessory residential dwelling units shall require review by the Board of Zoning Appeals for a special exception under Section 4.190 of this ordinance. If a residential planned unit development is being designed to include accessory dwelling units for the entire development, then the units will need to be included on preliminary master plan to be approved by Planning Commission and Board of Mayor and Aldermen. **(Added by Ordinance 06-31, August 17, 2006)**

E. Limitation on Commercial Activities

The commercial activities permitted in Table I, shall be limited to no more than four (4) percent of the total floor area within such development and provided further that the maximum floor area for any establishment shall be five thousand (5,000) square feet. Such commercial activities shall be designed to serve primarily the residents within the PUD and shall not be constructed until at least one-half (1/2) the residential units are complete. Home occupations shall be considered separate from convenience commercial and shall be regulated under article 4.180. **(Amended by Ordinance 06-16, May 18, 2006)**

Table I
Permitted Uses and Structures
Residential Planned Development

<u>Residential Activities</u>	<u>Districts</u>	
	<u>SRPUD</u>	<u>NCRPUD</u>
Permanent Residential		
Dwelling Attached	N	P
Dwelling One-Family Detached	P	P
Dwelling Two-Family Detached	P	N
Dwelling Semi-Detached	P	P
Dwelling Mobile Home	N	N
Dwelling Multi-Family	N	P
Residential Accessory Dwelling Unit (section 4.190)	SE	SE
Semi-Permanent Residential	N	N
 <u>Community Facilities Activities</u>		
Administrative Services	P	P
Community Assembly	P	P
Community Education	P	P
Cultural & Recreation Services	P	P
Essential Services	P	P
Personal & Group Care Facilities	N	P
Religious Facilities	P	P
 <u>Commercial Activities</u>		
Consumer Repair Services	P	P
Convenience Commercial	P	P*
Home Occupations (Section 4.180)	P	P
Entertainment & Amusement Services	P*	P
Financial, Consultative & Administrative	P	P
Food & Beverage Services	P*	P
General Business Services	P*	P
General Personal Services	P*	P
Medical and Professional Services	P	P

Key to Interpreting Uses

P - May be considered as a permitted use.

N - Not permitted in the district.

SE- May be considered by Board of Zoning Appeals as Special Exception

* May be considered only when the PUD contains 200 units or more.

F. Suburban Residential Planned Development

1. Density and Open Space Regulations

Maximum Density	5.0 Units/Acre
Minimum Lot Size	5,000 sq. ft. per dwelling unit

The remaining area shall be left as common open space and used for designated purposes as approved by the Planning Commission. The minimum required ratio of dedicated common open space shall be in terms of the maximum density of the planned development. The percentage of the total acreage dedicated to open space shall be as follows:

<u>Maximum Density</u>	<u>Minimum Open Space %</u>
2.5 to 3.0 Units/Acre	15
3.0 to 4.0 Units/Acre	20
4.0 to 5.0 Units/Acre	25

2. Yards

Minimum Front Yard	15 ft.
Minimum Side Yard	5 ft.
Minimum Rear Yard	5 ft.

A twenty-five (25) foot building setback consisting of dedicated open space or alternative buffering plan is required around the outside boundary of the development.

G. Neighborhood Center Residential Planned Development

1. Density, Bulk and Open Space Regulations for One Family Detached Dwellings

a. Density and Open Space Regulations

Maximum Density	6.0 Units/Acre
Minimum Lot Size	4,500 sq. ft. *

<u>Maximum Density</u>	<u>Minimum Open Space %</u>
2.5 to 3.0 Units/Acre	15
3.0 to 4.0 Units/Acre	20
4.0 to 6.0 Units/Acre	25

The Planning Commission may vary this design where creative site and building design are proposed.

A minimum 100-foot setback where a residential collector intersects a major collector shall be observed. This requirement may be waived for innovative/alternative designs.

The remaining area shall be left as common open space and used for designated purposes as approved by the Planning Commission. A minimum of five (5) percent of the site shall be improved recreational open space.

<u>Maximum Density</u>	<u>Minimum Open Space %</u>
3 to 4 Units/Acre	15
4 to 5. Units/Acre	20
5. Units/Acre or More	25

2. Yards

Minimum Front Yard	10 ft.
Minimum Side Yard	5 ft. or zero lot line
Minimum Rear Yard	5 ft.

A twenty-five (25) foot building setback consisting of dedicated open space is required around the outside boundary of the development.

2. Density, Bulk and Open Space Regulations for Multi-Family Dwellings

a. Density, Bulk and Open Space Regulations

The following requirements shall apply to multi-family dwellings within a high-density residential planned development:

Maximum Area per Dwelling Unit	3,000 Sq. Ft.
Minimum Required Open Space	30 percent
Minimum Developed Open Space	120 percent
Maximum Building Height	53 Feet

b. The maximum overall densities shall be in terms of the number of dwelling units per gross acre of all the area within said development.

c. The maximum floor area shall be in terms of a ratio of total floor area per total area within said development, as provided herein.

d. Yard requirements are waived and the above minimum controls shall be applied with the following exception a twenty-five (25) foot building setback

consisting of dedicated open space is required around the outside boundary of the development.

- e. The minimum total outdoor area (including all uncovered outdoor areas, such as streets, parking, lawn, landscaped areas, patios, recreation, as well as usable roofs and uncovered balconies) shall be provided at no less than a minimum ratio of outdoor area per total floor area, as provided herein.
- f. The minimum total living space (that part of the total outdoor area which includes lawn, landscaping, and recreation areas and excluding streets and parking) shall be provided at no less than a minimum ratio of living space area per total floor area, as provided

H. Limitation on Density

The planning commission and board of mayor and aldermen may, within their discretion, limit the density to a figure lower than the maximum permitted above. This type of limitation shall be exercised only if the character of the adjoining neighborhood is inappropriate for the proposed development or if the development would place an excessive burden on the existing street and utility system.

5.056.6 **Commercial Planned Developments**

A. Type of Developments

There are hereby created four (4) types of commercial planned unit developments as follows:

Commercial Planned Unit Development	CPUD
Commercial Planed Unit Development Limited	CPUDL
General Office Planned Unit Development	GOPUD
Restricted Office Planned Unit Development	ROPUD

B. Purpose

The general purpose of Commercial PUD Districts is to provide for a wide range of activities developed for high quality and under controlled conditions.

C. Feasibility Study

The planning commission and/or the board of mayor and aldermen may require a feasibility study/market analysis for any proposed commercial planned unit development. The study will be utilized, among other things, to determine the impact of the proposed development on the long-range development of the commercial land use in the city, the timing of any proposed development to ascertain the effects of a proposed development upon lands used or zoned for commercial purposes, to form a basis for evaluating

the estimated effects on traffic, the financial capability of the developer, and other purposes which assist in an understanding of the public interest pertinent in the evaluation of a proposed development. The study, if required, shall be provided by the landowner and the landowner shall provide any other economic data or analysis as may be reasonably requested by the planning commission and/or board of mayor and aldermen.

D. Minimum Size

The minimum size for each type Commercial PUD shall be as follows:

CPUD	5 acres
CPUDL	No minimum
GOPUD	5 acres
ROPUD	1 acre

E. Permitted Activities

The activities listed in Table II, may be permitted as a part of PUD only when such activities are approved as a part of the final master plan and deemed appropriate by the planning commission. A change in use may be granted by the building inspector, only when the change is to a similar use or activity. Activities not listed are prohibited.

F. Bulk Regulations for Commercial PUDs

The building intensity, height, and open space requirements shall be as follows:

1. Maximum Floor Area Ratio

CPUD	1.0
CPUDL	5
GOPUD	1.5
ROPUD	25

2. Maximum Building Height: No building shall exceed thirty-five feet in height, except as provided in Article VII, Section 7.040. **(Amended by Ordinance 03-10, August 21, 2003)**

3. Open Space Requirements

The following building setbacks and open space requirements shall be observed:

Front

CPUD	60 feet
CPUDL	40 feet
GOPUD	50 feet
ROPUD	40 feet

Side and Rear

CPUD	30 feet
CPUDL	20 feet
GOPUD	15 feet
ROPUD	15 feet

For a building in excess of two (2) stories, the side and rear yard requirement shall be increased five (5) feet for each story in excess of two (2) stories.

Table II
Permitted Uses and Structures Within
Commercial Planned Unit Development Districts

	<u>CPUD</u>	<u>CPUDL</u>	<u>GOPUD</u>	<u>ROPUD</u>
<u>Community Facility Activities</u>				
Administrative Services	P	P	P	P
Community Assembly	P	P	P	N
Community Education	N	N	N	N
Cultural & Recreation Services	P	N	P	N
Essential Services	P	P	P	P
Extensive Impact Facilities	N	N	N	N
Health Care Facilities	P	N	P	N
Institutional Care Facilities	N	N	N	N
Intermediate Impact Facilities	N	N	N	N
Personal & Group Care Facilities	P	N	P	N
Religious Facilities				
<u>Commercial Activities</u>				
Animal Care & Veterinarian Services	N	N	N	N
Automotive Parking	P	P	P	P
Automotive Repair & Cleaning	N	N	N	N
Automotive Servicing	P	N	N	N
Building Materials & Farm Equipment	N	N	N	N
Consumer Repair Services	P	P	P	P
Construction Sales & Services	N	N	N	N
Convenience Commercial	P	P	P	P
Entertainment & Amusement Services	P	P	N	N
Financial, Consultive & Administrative	P	P	P	P
Food & Beverage Services	P	P	P	P
Food Service Drive-In	P	P	N	N
General Business & Communication Service	P	P	P	N
General Personal Services	P	P	P	P
General Retail Trade	P	P	P	P
Group Assembly	P	N	N	N
Medical & Professional Services	P	P	P	P
Scrap Operations	N	N	N	N
Transient Habitation	P	N	P	N
Transport & Warehousing	N	N	N	N
Undertaking Services	P	N	N	N
Vehicular, Craft, & Related Equipment Sales, Retail & Delivery	P	P	P	N
Wholesale Sales	P	N	P	N
<u>Key to Interpreting Uses</u>				
P - May be Considered In the District Indicated				
N - Not Permitted In the District				

Provided further that permanent open, landscaped areas meeting the requirements of Article III, Section 3.120, shall be maintained. No buildings or parking areas shall be permitted in any required permanent open space.

G. Off-street Parking, Loading, and Vehicular Access

1. Off-street parking and loading space shall be provided in accordance with the provisions for off-street parking contained in Article IV. Parking lot landscaping shall be provided in accordance with the landscaping provisions of Chapter IV, Section 4.010 and 4.020.

2. Vehicular Access Locations

Vehicular access locations shall be provided so that vehicles entering or departing a commercial planned unit development site shall do so only at such locations. Elsewhere along the property lines of said commercial planned unit developments site a physical separation between the said site and public rights-of-way shall be provided. A vehicular access location shall consist of such entrance and exit driveway openings so designed and located so as to minimize hazardous vehicular turning movements and traffic congestion. Such design and location shall be subject to the approval of the City Engineer working in conjunction with the Planning Commission.

- a. No vehicular access location serving a commercial planned unit development site shall be:
 - (1) Within twenty-five (25) feet of the intersection of street right-of-way lines, bounding, in part, the same commercial planned unit development site, and
 - (2) Within one hundred (150) feet of any interchange ramp. Such distance shall be measured from a point where the center line of the ramp intersects with the edge of the pavement of the travel way of the intersecting street.

H. Permitted Signs

Signs may be permitted in accordance with the provisions of the White House Zoning Ordinance. Sign locations and character shall be approved as a part of the final master plan.

I. Other Regulations

1. If an area is reclassified to any Commercial PUD and such area contains existing houses, then such house may not be converted into use as an office or commercial building, the intent being to encourage new construction and the aggregation of small parcels into a larger tracts.

5.056.7 Design and Development Standards

A. Development Standards

1. Perimeter Requirements

Along the perimeter of the Planned Development, buildings shall be designed to harmonize in scale, setbacks, and mass with existing adjacent areas. A minimum setback of twenty-five (25) feet shall be required around the perimeter of all residential planned developments. Perimeter landscaping shall also be required.

2. Landscaping Requirements

Every PUD shall be attractively landscaped. The site perimeter and parking lot, landscaping requirements of Article III shall apply and be included in the dedicated open space. All transitional buffers within single-family developments shall be in dedicated open space or within a Buffer Easement that will be maintained by the homeowners Association. All developments are required to have street trees along the right-of-way in the area reserved for them.

3. Parking and Storage

On-street parking is a permitted design feature, except along arterial streets unless a section of an arterial street is within a commercial town center development. All parking lots and storage areas shall be enclosed or concealed by berms, buffers or through building design

4. Signs

The sign provisions contained in Article IV, Section 4.080 shall apply. Entry sign locations and designs shall be shown on or as a separate element of the final master plan and be consistent with the character of the development. Any sign located within a dedicated public right-of-way shall be perpetually maintained by the Homeowners

5. Building Design

- a. Architectural design shall be regulated, governed and Enforced as architectural design standards by an association of property owners in order to ensure compatibility of building types and to relate new buildings to the building designs of the region. These standards shall be contained in private covenants, declarations, or restrictions, of the property owners' association and shall be approved in concept by the Planning Commission at the time of approval of the Master Plan. Changes in architectural design standards may occur from time to time thereafter if approved by the planning commission and the property owners association.
- b. Architectural design standards shall specify the Materials and configurations permitted for walls, roofs, openings, street furniture and other elements. Architectural standards should encourage the following: architectural compatibility among structures in the development, human scale design.
- c. All building foundations are restricted brick or stone And one-two family dwellings shall be a minimum of forty (40) percent of the exterior walls shall include brick or stone, and hardi-board siding. Multi-family buildings and commercial buildings shall meeting requirements of Commercial Design Standards.

6. Street Design

- a. A street hierarchy should be established on the Master Plan shall specify standards for minimum pavement width, required right-of-way, presence of curbs, on-street parking, street trees, street furniture and sidewalks. Residential collector street shall have limited access or have alternative/innovative methods of access incorporated into the plan. No individual driveway will be permitted within 100 feet of an entrance to the development.
- b. The network of streets, alleys and pedestrian ways shall be designed to connect with other streets in the development and to existing or proposed thoroughfares outside the development. Cul-de-sacs are not permitted except where natural features such topography or water bodies prohibit connection. Where it is likely that a street may be extended in the future a stub street may be required.
- d. Streets shall be designed for pedestrian safety by having the street width, pattern and pattern to reduce speed and encourage pedestrian safety. To accomplish this street may vary from the Subdivision Regulations or provisions of this ordinance to control traffic and add aesthetics to the development.

i. Reserved.

- e. Sidewalks or pedestrian paths (minimum five (5) feet in width recommended) shall be provided on at least one side of the street. In developments with over five (5) units per acre, residential collectors or commercial areas a sidewalk should be provided on both sides of the all streets.

7. Street Improvements

Within any residential PUD, streets may be public or private provided that streets in a low density PUD shall be public. If the developer requests that the streets be dedicated to the public, specifications and procedures of the subdivision regulations shall apply. Streets may be privately constructed and maintained either by the landowner/developer or deeded to the homeowners association and subject to the following standards.

- a. All streets shall be designed to comply with the construction standards established in the White House Subdivision Regulations.

- b. Pavement widths shall be as follows:

Residential Collector Street	22 ft.
Access Street -	20 ft.
Access Lane	18 ft.
One Way Street	16 ft.
Alleys	16 ft.

- d. Dead-end streets shall be provided with adequate turn-around space and shall not exceed five hundred (500) feet in length.

8. Utilities

The development shall be serviced with public sanitary sewerage systems. The water systems shall be capable of providing needed fire flows for the development as well as domestic water supply. All buildings will provide water flows capable of sprinkling all buildings within the development.

All Planned Developments are required to have all electric power; telephone service and cable televisions located underground.

9. Waste Disposal

If any central waste disposal containers are provided, they shall be completely enclosed and screened from view.

10. Development Standards for Multi-Family Projects

- a. All multi-family buildings shall be designed to meet The City of White House Commercial Design Standards.
- b. The spacing of all buildings contained in multi-family dwellings shall be as set forth in Article V, Section 5.056.5
- c. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise.
- d. Street sidewalks and on-site walks shall be provided for convenient and safe access to all living units from streets, driveways, parking courts or garages and for convenient circulation and access to all facilities.
- e. The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and the screen out objectionable features. The planting plan shall be submitted with the site development plan.

Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

- f. Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units.

Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.

Well-equipped playgrounds of adequate size and number shall be provided, where it is anticipated that children will occupy the premises.

- g. Access and circulation shall adequately provide for fire fighting equipment, service deliveries, and furniture moving vans and refuse collection.
- h. Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close

proximity to the dwelling units they are designed to serve. At least one (1) parking space per dwelling unit shall be located so as to provide a maximum walking distance of two hundred (200) feet from the nearest entrance of the dwelling unit the space is to serve. Where appropriate, common driveways, parking areas, walks and steps shall be provided, maintained and lighted for night use. Parking shall comply with Article IV, Section 4.010(b). Screening of parking and service areas shall be in accordance with the landscape requirements of Article III, Section 3.120. Within each development a minimum of one visitor parking space shall be provided for each five (5) dwelling units. Visitor parking can be provided by designated areas or with on street parking.

11. Development Standards for Attached Dwellings

- a. The minimum lot required for any individual attached dwelling shall be as required to meet other provisions of these regulations. Individual attached dwellings may exceed the maximum lot coverage provisions established for the area in which such site is located. However, in no instance shall the aggregate site coverage of all dwellings, attached or otherwise, exceed the coverage provisions established for the PUD district in which such site is located.
- b. Minimum width for the portion of the lot on which the town house is to be constructed shall be twenty-two (22) feet.
- c. Not more than six (8) contiguous town houses shall be built in a row with the same or approximately the same front line, and not more than twelve (12) town houses shall be contiguous.
- d. The spacing of buildings containing attached dwellings shall be as required by Article IV, Section 4.070, and standards in zoning ordinance.
- e. Yards
 - (1) For units located along the periphery of a site containing attached dwellings. The yard provisions established for the district within which the attached dwelling is located shall apply along the periphery of any site on which attached dwellings may be located.
 - (2) For units located entirely within a site. No side or rear yard as such is required in connection with any attached dwelling located entirely

within a site containing attached dwellings but each such unit shall on its own lot have one yard containing not less than seven hundred fifty (750) square feet. This yard shall be reasonably secluded from view from streets or from neighboring property and shall not be used for off-street parking or for any accessory building.

- (3) The minimum front yard shall in all cases be no less than twenty-five (25) feet.
- f. No attached dwelling shall exceed two (2) stories in height.
- g. No development shall be approved which contains less than ten (10) dwelling units.
- h. Parking shall be provided as required in Article IV, Section 4.020. However, attached dwellings may be constructed with parking space required in bays either adjacent to the streets or in the interior accessed by alleys. Where appropriate, common driveways, parking areas, walks and steps shall be provided, maintained and lighted for night use. Screening of parking and service areas shall be encouraged through ample use of trees, shrubs, hedges, and screening walls. Within each development a minimum of one visitor parking space shall be provided for each five (5) dwelling units. Visitor parking can be provided by designated areas or with on street parking.
- i. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise.
- j. Street sidewalks and on-site walks shall be provided for convenient and safe access to all living units from streets, driveways, parking courts or garages and for convenient circulation and access to all facilities.

12. Quality Use and Improvement of Common Open Space

Common open space must be for amenity or recreational purposes. No open area may be accepted as common open space under the provisions of this section unless the location, shape, size and character of the common open space is appropriate to the scale and character of the

development considering its size, density, expected population, topography, and the number and type of dwellings to be provided. Open space can consist of either improved or unimproved land.

Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation, steep slopes, or floodplains may be left unimproved. In this regard, the planning commission may permit only fifty (50) percent of stream areas, bodies of water and slopes in excess of twenty (20) percent to be counted as required open space. Any buildings, structures, and improvements, which are permitted in the common open space, must be appropriate to the uses, which are authorized for the common open space having regard to its topography and unimproved condition.

No common open space may be put to any use not specified in the approved site master plan, unless such plan has been amended and approved by the Planning Commission. However, no change authorized may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved.

If the master plan provides for buildings, structures, and improvements a recreation plan must be prepared, if the common open space improvements have a value in excess of ten thousand dollars (\$10,000), the developer must provide a bond or other adequate assurance that the buildings, structures, and improvements will be completed. The planning commission shall release the bond or other assurance when the buildings, structures, or improvements have been completed according to the development plan. Any development aimed at a certain demographic shall supply this information when developing the plan.

The minimum open space for an entire development shall total not less than one (1) acre. No open space area, other than area reserved for a trail system, shall have dimensions less than fifty (50) feet; areas reserved for trail systems shall have a width of twenty-five (25) feet.

13. Customary Accessory Buildings

Customary accessory buildings, including private garages and non-commercial workshops meeting the requirements of Section 3.100 Accessory Use Regulations.

B. Design Standards

All Final Master Plans shall include a Design Plan containing the following:

1. Statement of Intent and Use
2. Street Design and Streetscapes
3. Pedestrian way layout
4. Siting of Buildings
5. Massing, Facades and Roofs and examples of buildings
6. Parking Orientation and Layout
7. Open Spaces, Landscaping and Buffering
8. Lighting and Utilities
9. Building Materials and percentages

9/25/03

9/16/03

11/5/03

12/1/03

5.056.8 **Design Variance**

Design variances from the provisions established within this Planned Unit Development Ordinance may be granted by the White House Board of Mayor and Aldermen with review by White House Planning Commission. The design variance shall be included on the master plan reviewed by the Planning Commission and the Board of Mayor and Aldermen. Request for design variances are subject to the following procedures, conditions, and stipulations:

1. No design variance may be granted from any provisions unless the applicant presents specific and detailed information as to the nature of the relief being requested and the alternative means proposed whereby the original intent of the particular provision will be accomplished.
2. Any design variance from any provision of these regulations shall be noted in the minutes of the meeting and shown on the master development plan where such action is taken along with detailed findings that such variance:
 - a. Is necessitated by conditions unique to the site in question.
 - b. Provides equal or greater protection of the public interest that the original requirement or standard from which variance is requested.

- c. Meets or exceeds the intent of the original provisions contained within these regulations.