

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. CODES ADOPTED.
2. BUILDING PERMIT FEES AND INSPECTIONS.
3. CONSTRUCTION OF PORCHES AND DECKS.
4. GARAGES, ACCESSORY BUILDINGS, AND CARPORTS.

CHAPTER 1

CODES ADOPTED¹

SECTION

- 12-101. One- and two- family dwelling code adopted.
 12-102. Local modifications.
 12-103. Availability of code for inspection.
 12-104. Violations and penalty.

12-201. One- and two-family dwelling code adopted. Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 25, 26, 27, 28, 29, 30, 31, 32 of the *International Residential Code for One- and Two-Family Dwellings*, 2018 edition, with Appendices B, C, F, N, and P as prepared and adopted by the International Code Council, is/are hereby adopted and incorporated by reference as a part of this chapter, except as otherwise specifically stated herein, and is hereinafter referred to as the "one- and two-family dwelling code." The one- and two-family dwelling code is adopted for the purpose of regulating residential dwelling, including construction, alteration, repair, use, occupancy, location, and maintenance of every detached one- or two-family dwellings and one-family townhouses not more than three (3) stories in height, and their accessory structures. (Ord. #220-06, April 2021)

12-102. Local modifications. (1) The City of Baneberry (hereinafter referred to as the "City") WILL NOT adopt the following chapters: 19, 20, 21, 22, 23, 24, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44.

¹Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

(2) The City WILL NOT adopt the following appendices: A, C, E, G, H, I, J, K, L, M, O, Q.

(3) When the *International Residential One- and Two-Family Dwelling Code* refers to the duties of certain officials named therein, that designated official in the City, who has duties corresponding to those of the named official in said "code" shall be deemed to be the responsible official insofar as enforcing the provisions of said "code" are concerned.

(4) The following provisions are added at the beginning of the code above

Chapter 1: Administration:

QUALITY CONTROL AND EVALUATION AND CERTIFICATION OF MATERIALS AND WORKMANSHIP IS NOT WITHIN THE PURVIEW OF THIS CODE EXCEPT AS SUCH RELATES TO THE PURPOSES DESCRIBED HEREIN.

THE PERMITTING OR INSPECTION OF ANY BUILDING, PLAN, OR STRUCTURE DESCRIBED IN THIS CODE SHALL NOT BE CONSTRUED OR ACT AS A WARRANTEE OF THE PHYSICAL CONDITION OF ANY BUILDING OR STRUCTURE OR THE ADEQUACY OF ANY PLAN. NEITHER JEFFERSON COUNTY AND/OR ANY AGENT, EMPLOYEE OR REPRESENTATIVE OF JEFFERSON COUNTY SHALL BE LIABLE UNDER ANY THEORY FOR DAMAGES OF ANY KIND, RELATED TO ANY ALLEGED DEFECT, HAZARD, CONDITION, AND/OR INADEQUACY OF ANY KIND OF SUCH BUILDING, STRUCTURE, OR PLAN AND SHALL NOT BE LIABLE FOR ANY ALLEGED FAILURE OF ANY COMPONENT OF SUCH CONSTRUCTION, BUILDING, STRUCTURE OR PLAN, WHICH MAY OCCUR AT ANY TIME, BEFORE, DURING, AND/OR AFTER ANY INSPECTION OR PERMITTING PERFORMED PURSUANT TO THIS CODE.

(5) Further, the following local amendments are hereby adopted:

Section R101.1 Title

Delete "[NAME OF JURISDICTION]" and replace with "City of Baneberry, Tennessee".

Section R102.5 Appendices.

"The following Appendices are specifically included in the adoption. All others are excluded."

At the end of this section, insert the following:

Appendix B: Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and appliances Listed for Use with Type B Vents.

Appendix C: Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems

Appendix F: Radon Control Methods

Appendix N: Venting Methods

Appendix P: Sizing of Water Piping system

Section 105.2 Work exempt from permit.

Delete Item 1 in its entirety.

Delete "2. Fences not over 7 feet (1829 mm) high," and insert "Fences" in its place.

Table R301.2 (1) Climatic and Geographic Design Criteria.

Insert "10PSF" in the Ground Snow Load.

Insert "90" in the table for Wind Speed.

Insert "NO" in the table for Topographic effects.

Insert "C" in the table for Seismic Design Category.

Insert "Severe" in the table for Weathering.

Insert "12 inches" in the table for Frost Line Depth.

Insert "Moderate to Heavy" in the table for Termite.

Insert "19 degrees Fahrenheit" in the table for Winter Design Temp.

Insert "NO" in the table for Ice Barrier Underlayment Required.

Insert "210" in the table for Air Freezing Index.

Insert "59.4" in the table for Mean Annual Temp.

Flood hazard areas shall be as determined by the FEMA Maps.

Section R301.2.2 Seismic provisions.

Delete item 1, renumber item 2 to item 1 and insert "and townhouses" just after the word dwellings and at the end of the section, insert "All references to "townhouses in seismic design category C" in chapters 6, 7, and 28 shall not apply in Jefferson County."

Section R302.S.1 Opening protection.

Delete the words ", equipped with a self-closing device" and insert a period after the word "door".

Section R303.4 Mechanical ventilation.

Add the word "(Optional)". In the section title after the word ventilation.

Delete the words "the dwelling unit shall be provided with whole-house mechanical ventilation" and replace with the words "dwelling units provided with whole-house mechanical ventilation shall be".

Section R312.2 Window Fall Protection.

Delete section R312.2 and R312.2.1 in their entirety.

Section R313 Automatic Fire Sprinkler System.

Add the words "(Optional, see *Tennessee Code Annotated*, Section 68-120-101(a)(8))." In the section title after the word "systems".

Section R313.1 Townhouses automatic fire sprinkler systems.

Delete the words "an automatic residential fire sprinkler system shall be installed in townhouses." And replace with "When an automatic residential fire sprinkler system is installed in townhouses, the following shall apply":

Section R313.2 One- and two-family dwellings automatic fire sprinkler systems.

Delete the words "an automatic residential fire sprinkler system shall be installed in one- and two-family dwellings." And replace with "When an automatic residential fire sprinkler system is installed in one- and two- family dwellings, the following shall apply":

Section R502.11.4 Truss Design Drawings.

Delete "to the building official and approve prior to installation" and replace it with "for review when required by the building official".

Section R802.10.1 Truss Design Drawings.

Delete "to the building official and approve prior to installation" and replace it with "for review when required by the building official".

Table N1102.1.1 (R402.1.1) Insulation and Fenestration Requirements' By Component.

In the row for climate zone "4 except Marine", Ceiling Value from "R49" to "R-38", and change the Wood Frame Wall R-Value from "20" or 13+5" to "13".

Section N1102.2.6 (R402.2.6) Steel-Frame ceilings, walls, and floors.

After the first occurrence of the word "of" insert "TableN1102.1.1 OR".

Section N1102.4.1.1 (R102.4.1.1) Installation.

Add the words" and visual inspection option." after the word "Installation" in the section title. Add the words ", and be field verified." after the word "construction".

Section N1102.4.1.2 (R402.4.1.2) Testing.

Add the word" (optional)" after the word "Testing" in the section title. Before the first sentence insert "Where required by the building official",

Section N1103.1.1 (R403.1.1) Programmable thermostat.

Add the word"(optional)". After the word "thermostat" in the section title. Before the first sentence insert "Where required by the building official.

Section N1103.2.2 (R403.2.2) Sealing (Mandatory).

Before the words "Duct" insert "Where required by the building official".

Section N1103.6 (R403.6) Mechanical Ventilation (Mandatory).

Delete the word "MANDATORY" and replace with word "Optional" in the section title.

Delete "The building shall be provided with ventilation that meets" and replace with "Buildings provided with ventilation shall meet."

Section N1103.9 (R403.9) Pools and in ground permanently installed spas (Mandatory).

Delete the word "Mandatory" and replace with the word "Optional" in the section title. Before the first sentence insert "Where required by the building official".

Section N1103.10 (R403.10) Pools and permanent spa energy consumption (Mandatory).

Delete the word "Mandatory" and replace with the word "Optional" in the section title. Before the first sentence insert "Where required by the building official".

Section P2603.S.1 Sewer depth.

Delete "(NUMBER)" in two places and insert " twelve inches "in two places.

Section AF103.S.3 Vent Pipe.

At the end of the section insert "Exception: The vent pipe shall be allowed to terminate in the attic and may capped unless tests verify the radon potential to be 4 pCi/L or greater."

Section AF103.12 Power Source.

Delete Section AF103.12 in its entirety. (Ord. #220-06, April 2021)

12-103. Availability of code for inspection. A copy of the *International Residential One- and Two-Family Dwelling Code* shall be filed in the office of the building official, and/or city manager and there kept for public use, inspection and examination. (Ord. #220-06, April 2021)

12-104. Violations and penalty. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. The city attorney or any official vested with the powers of enforcing the provisions of any code may, in addition to any other remedies provided by law, institute an injunction to prevent the violation of any provision of such

code. Additional and/or supplemental penalties shall also be as described in *Tennessee Code Annotated*, § 6-54-119, or other applicable provision of the *Tennessee Code Annotated*. (Ord. #220-06, April 2021)

CHAPTER 2

BUILDING PERMIT FEES AND INSPECTIONS

SECTION

- 12-201. Building permits.
- 12-202. Plan details.
- 12-203. Building inspections.
- 12-204. Porches, decks, pools and accessory structures.
- 12-205. Relevant ordinances, codes and references.
- 12-206. Enforcement.

12-201. Building permits. (1) Permit requirement. It is unlawful to commence the excavation for the construction of any building, including accessory buildings, or to commence moving or alteration of any building, including accessory buildings until the building official has approved issuance of a building permit for such work, including a statement that the plans, specifications and intended use of such building conform in all respects with the provisions of the Baneberry Zoning Ordinance and Subdivision Regulations.

(2) Form. Application for a building permit shall be made on the Baneberry building permit form available from the city manager or building official.

(3) Documentation required. The following documents must be submitted to the city manager ten (10) days prior to the next scheduled meeting of the Baneberry Planning Commission:

(a) Completed building permit application form.

(b) Septic system permit issued by the Jefferson County Department of Environmental Health. (865-397-1617)

(c) Two (2) copies of a plot plan, prepared, signed, dated and sealed by a surveyor or engineer, currently licensed by the State of Tennessee, showing the:

(i) Location of all lot lines;

(ii) Shape, size, heights, and location of all buildings/structures to be erected, altered, or moved; and location of any buildings already on the lot;

(iii) Location of all setbacks required by the Subdivision Regulations, Ord. #211-5;

(iv) Septic tank and drain field locations;

(v) Extent of all cuts and/or fill; and method(s) of drainage;

(vi) Intended use of all such buildings; and

(vii) Such other information as may be required by the building official.

(d) Two (2) complete sets of building plans (aka: working plans/ blueprints) that:

- (i) Are drafted to scale;
- (ii) Are legible and straight-edge drawn (not pencil or free-hand drawn);
- (iii) Consist of the foundation plan and details;
- (iv) Include floor plans for all levels of the buildings/structures to be erected, altered, or moved;
- (v) Show all bedrooms; and
- (vi) Show the elevations and sections.

(e) Contractor's identification including name of the contractor, the state contractor's license number, and proof of contractor's workers compensation insurance.

(4) Liability. An owner-builder is not required to be licensed; however, the owner-builder will be responsible for any and all liability.

(a) The person responsible for the project should apply for the building permit as that person is responsible for all work and liability.

(b) AM subcontractors must show proof of worker's compensation insurance.

(5) Permit fee. The fee for each of the required inspections is one hundred and seventy-five dollars (\$175.00) per inspection and must be paid by cash or check or fees as later set by resolution of the Baneberry Board of Commissioners.

(6) Approvals. If the proposed excavation or construction, as set forth in the application, is in conformity with the provisions of this chapter, the building official shall issue a building permit for such excavation or construction on city building permit form as detailed herein.

(7) Refusals. If a building permit is refused, the building official shall state such refusal in writing with cause. (Ord. #215-13, July 2015, modified)

12-202. Plan details. (1) Living area. (a) Houses must have the minimum living area for single-family residences as required by the City of Baneberry's Subdivision Regulation, Ord. #211-5; and the Zoning Ordinance, Ord. #212-5, or as specified in the protective and restrictive covenants of the following subdivisions:

(i) Lakeland: one thousand five hundred square feet (1,500 sq. ft.) for single family; one thousand square feet (1,000 sq. ft.) for condos.

(ii) Lands' End: Lots one (1) to twenty-five (25): One (1) story -one thousand six hundred and fifty square feet (1,650 sq. ft.) Two (2) story - nine hundred and fifty (950 sq. ft.) on the first floor and a minimum of one thousand eight hundred (1,800 sq. ft). total. Lots twenty-six (26) thru sixty five (65): One (1) story -one thousand five hundred square feet (1,500 sq. ft.) Two (2) story -

nine hundred and fifty square feet (950 sq. ft.) on the first floor and a minimum of one thousand six hundred and fifty square feet (1,650 sq. ft.) total.

(iii) Nina Ferry Landing: One (1) story - one thousand six hundred and fifty square feet (1,650 sq. ft.) Two (2) story -one thousand two hundred square feet (1,200 sq. ft.) on the first floor and a minimum of two thousand three hundred square feet (2,300 sq. ft.) total.

(b) Garages and porches are not factored into the square footage calculations required by § 12-302, (1)(a)(i), (ii), or (iii), as applicable to the subdivision and lot location.

(2) Lot size. (a) Existing lots must be large enough to provide an adequate building site and the required area for a septic system.

(b) Newly created lots must be a minimum of twenty thousand square feet (20,000 sq. ft.), plus three thousand square feet (3,000 sq. ft.) for each additional unit if building a condo or apartment.

(c) Minimum lot sizes are specified in Article VIII of the Baneberry Zoning Ordinance; Ord. #212-5.

(3) Drainage. (a) The site plan must show method(s), location(s) and flow directions of drainage.

(b) General contractors, subcontractors, lot owners, owner-builders, builder representatives, etc., are not permitted to alter roadside ditches from the approved design without approval of the Baneberry Planning Commission, the Baneberry Road Commission, and the building official.

(c) No alteration in the natural drainage by ditch, culvert, diverter, levee, pipe or other manner shall be allowed upon city right-of-way or easements without the review, and approval of the Baneberry Planning Commission per Baneberry Zoning Ordinance; Ord. #212-5.

(d) Long, steep driveways must be properly drained to prevent excess stormwater from entering and/or flooding the adjacent street/roadway.

(e) All drain pipes under driveways must be a minimum of eighteen inches (18") in diameter; or the applicable size specified in the Baneberry Subdivision Regulation, Ord. #211-5; or as designed and specified by a Tennessee licensed engineer certified in stormwater management and design.

(4) Utility service. All utility service must be installed underground from the service connection to the house/structure.

(5) Plan changes. Once approved, building plans may not be changed without further review and approval from the Baneberry Planning Commission and the building official.

(6) Height of structure. No building or structure shall hereafter be erected or altered so as to exceed the height limit of thirty-five (35') feet unless a special permit has been granted by the Baneberry Board of Zoning Appeals.

(7) Set-backs. The subdivision regulation, Ord. #211-5 applies with the following exceptions:

(a) Lakeland Subdivision - Front set back is fifty-five feet (55') from the center of the existing street. Rear yard, thirty feet (30'); side yards, fifteen feet (15').

(b) Lands' End Subdivision - Thirty feet (30') front and rear; ten feet (10') sides.

(c) Nina Point Subdivision - Thirty feet (30') front and rear; fifteen feet (15') sides.

(8) Right-of-way. Although some improved roadways are not correctly located, a previous agreement by city officials declared that the physical centerline of all improved roadways in the incorporated limits of the City of Baneberry shall be used as the point from which street widths, shoulder widths, drainage locations, easements and lot setbacks are to be determined. The city-wide roadway right-of-way is fifty feet (50') and the cul-de-sac right-of-way is one hundred feet (100') in diameter.

(9) Additions. All construction, design and materials must match the existing structure. If matching materials are no longer available, materials of like kind may be used if approved by the planning commission and building official.

(10) Unimproved roadways. (a) If building on an undeveloped street, the city will not be responsible for its maintenance until such time as the road is improved in accordance with the procedures and standards detailed in the Baneberry Road Commission and Road Policy Ordinance, Ord. #215-12, or until the unimproved roadway is accepted by resolution or ordinance of the Baneberry Board of Commissioners.

(b) The Baneberry Road Commission and Road Policy Ordinance, Ord. #215-12 details the city's road improvement policy for undeveloped streets. The entire cost of roadway, utility, infrastructure, and related improvement costs shall be borne by the land/subdivision developer. Ord. #215-12 details a procedure for land owners in undeveloped areas to request roadway, utility, infrastructure, and related improvements. All costs are borne by the property owners on the undeveloped roadway. (Ord. #215-13, July 2015)

12-203. Building inspections. (1) Purpose. The purpose of building inspection is to ensure the building code, as adopted by city ordinance or resolution, are correctly accomplished so as to protect public health, safety and general welfare as the code relates to the construction and occupancy of residential and commercial buildings and structures.

(2) Inspections. (a) Footing and location inspection. Siting prep will be checked for proper lay-out, setbacks, and septic location. Footings will be checked after they are dug and completely cleaned and all required reinforcing steel is in place, before placement of concrete.

(b) Foundation inspection. Foundations will be checked before framing is started, for anchor bolts, reinforcement, and installation of all other applicable hardware and waterproofing.

(c) Framing inspection. After installation of exterior doors and windows, the rough-in framing will be checked to confirm bearing walls and point loads are transferred all the way to the foundation and that fire blocking and bracing is in compliance.

(d) Final inspection. The building official will inspect to ensure that the house is complete and that all life and safety items meet code.

(3) Other building inspections. Code compliance, where applicable, relative to utility services, specialty installations, and construction finish rests with the installers, contractors, subcontractors and/or the supplying utility or service; (e.g., electricity, water, natural gas, propane, communications, security, automation, etc.).

(4) Premature request for inspection. If the general contractor, owner representative, or owner-builder calls for inspection but is not ready, the responsible party may be charged for an additional inspection.

(5) Certification. Building or fire inspectors, whether municipal, county, or state must be currently certified through the Tennessee State Fire Marshall's Office per *Tennessee Code Annotated*, § 68-120-113 before enforcing applicable fire or building codes.

(6) Reports. The building official shall be seated, ex officio, as a member of the Baneberry Planning Commission to report status of permits and projects to the planning commission who provides zoning, subdivision and building reports to the Baneberry Board of Commissioners. (Ord. #215-13, July 2015, modified)

12-204. Porches, decks, pools and accessory structures.

(1) Special permits. It is unlawful to construct a pool, accessory building, or any type porch, deck, or to replace existing decks or any other additions without first obtaining a permit from the City of Baneberry.

(2) All new decks, porches, or other additions must be attached to the existing house except if a variance is approved by the planning commission board of appeals.

(3) The addition, pool, or accessory building shall not encroach into setback areas unless it is detached from the existing house and allowed under special circumstances in 4.1.(b).

(4) Applicant must submit a building permit application to the building official that is completed in its entirety for all of the requirements listed on the application, as applicable to the pool, accessory building, porch or deck.

(5) A minimum of one (1) inspection shall be required. Foundations, footings and all other structural connections must be exposed at the request of the building official. The construction must meet all requirements of the building codes currently in effect by Baneberry ordinance or resolution. A permit fee shall be charged for one (1) inspection, at the rate at the time of application.

(6) Walls and roofs of additions, porches, decks, and accessory buildings must be constructed to match the existing house unless otherwise approved by the Baneberry Planning Commission and building official.

(7) The permit may be waived for repairing existing porches, decks, accessory buildings or pools if the existing foundation and all other structural aspects satisfactorily meet or exceed current in-place codes and regulations, and the structural integrity is not disturbed.

(8) Concrete slabs, without a roof or enclosure do not require a permit. (Ord. #215-13, July 2015)

12-205. Relevant ordinances, codes, and references. The following ordinances, codes and references apply to and set standards for any work being conducted within the incorporated area of the City of Baneberry, Tennessee or its authorized area of planning jurisdiction, whether that work is new construction; addition; modification; renovation; demolition; removal; replacement or maintenance of new homes, condos, townhouses, commercial buildings, public buildings or facilities; or road and/or roadside cutting, ditching, trenching, drilling, tunneling, or paving; utility installation, maintenance, addition, or replacement; or Planned Urban Development (PUD) or subdivision development, etc.

(1) Ordinance 212-5: Zoning Ordinance, Ord. #212-5.

(2) Ordinance 211-5: Revised Subdivision Regulations.

(3) Ordinance 212-3: Municipal Flood Damage Prevention Ordinance.

(4) The most current editions, as adopted by Baneberry City Ordinance, of the:

(a) *International Building Code (IBC).*

(b) *International Residential Code for One- and Two- Family Dwellings (IRC).*

(c) *International Plumbing Code (IPC).*

(d) *International Mechanical Code (IMC) International Fuel Gas Code (IFGC).*

(e) *International Energy Conservation Code (IECC.)*

(f) *International Fire Code (IFC);* each as amended by adopting ordinance.

(5) The most current edition of the *Model Energy Code*, by the Council of American Building Officials, in accordance with *Tennessee Code Annotated*, §§ 6-54-501 to 6-54-506.

(6) Ordinance 215-9: Adopting *International Property Maintenance Code (IPMC).*

(7) *Better Site Design: A Handbook for Changing Development Rules in Your Community*, Center for Watershed Protection, Ellicott City, Maryland, 1998. (Ord. #215-13, July 2015)

12-206. Enforcement. (1) Building official. (a) The provisions of this chapter shall be administered and enforced by the building official.

(b) The building official shall have the right to enter upon any premise necessary to carry out his duties in the enforcement of this chapter.

(c) The building official shall inspect all construction requiring a building permit a minimum of four (4) times, except as otherwise noted in this chapter.

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

(b) Approvals. Within three (3) days of such application, the building official shall make a final inspection of the property in question, and if the building or structure is found to conform to the provisions of the chapter and the statements made in the application for the building permit, the building official or city manager shall issue a certificate of occupancy.

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

(3) Penalties and remedies. (a) Compliance. It shall be unlawful for any person to violate or fail to comply with the provisions of the building code of the City of Baneberry. The violation of any section of this chapter shall be punishable by a penalty up to fifty dollars (\$50.00), plus court cost. Each day a violation is allowed to continue shall constitute a separate offense.

(b) Code availability. Pursuant to the requirements of *Tennessee Code Annotated*, § 6-54-502, each of the code books is available for public review at city hall.

(c) Injunctions. In case any building, pool, porch, deck, accessory building, or structure is erected, constructed, reconstructed, repaired, converted or maintained, or any building, pool, structure, or land is used in violation of this chapter, the building official or any other appropriate authority may institute injunction, mandamus or other appropriate action in proceeding to prevent the occupancy or use of such building, pool, structure, or land.

(d) Appeals. An appeal to the board of zoning appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the building official based in the whole or part on provisions of this chapter as provided in Baneberry's zoning ordinance.

(e) Variances. A request may be made by any person, firm or corporation for a variance from the terms of this chapter; the Baneberry Zoning Ordinance, Ord. #212-5; the Baneberry Subdivision Regulations, 211-5; and the building ordinances, rules, regulations and codes identified by this chapter.

(f) Rationale. Variance requests may be made where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the adoption of this section was a lot of record; or where by reason of exceptional topographical conditions or other extraordinary or exceptional situation or conditions of a piece of property, the strict application of the provisions of this chapter would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter.

(g) Applicability. This section cannot and does not cover all of the details regarding safe, efficient and effective construction, renovation, relocation, demolition or disposal of residential and commercial buildings, pools, porches, decks, accessory buildings, etc. The details provided in the codes, references and ordinances cited in § 12-305 must be applied in total, and as excepted, edited, or excluded by the adopting ordinances, as applicable, by all involved in the renovation, construction and inspection processes. (Ord. #215-13, July 2015)

CHAPTER 3

CONSTRUCTION OF PORCHES AND DECKS

SECTION

12-301. Permit required.

12-302. Decks, porches and similar structures must be attached to existing house.

12-303. Decks, porches, and similar structures shall not encroach into setback areas.

12-304. Exceptions.

12-305. Application for permit.

12-306. Inspection required.

12-307. Walls and roofs to match existing house.

12-308. Permit may be waived.

12-301. Permit required. It shall be unlawful to erect any type of porch, deck, replace existing decks or any other addition without first obtaining a permit from the City of Baneberry. (1999 Code, § 12-301)

12-302. Decks, porches and similar structures must be attached to existing house. All new decks, porches and similar structures must be attached to the existing house and must be approved by the planning commission. (Ord. #220-05, Feb. 2021)

12-303. Decks, porches, and similar structures shall not encroach into setback areas. New decks, porches, and similar structures shall not encroach into setback areas. (Ord. #220-05, Feb. 2021)

12-304. Exceptions. Concrete slabs, without a roof or enclosure, do not require a permit. (1999 Code, § 12-304)

12-305. Application for permit. Applicant must submit an application for permit to the city manager. The application shall be filled out completely and all of the requirements stated on the application must be met. If there are no "special circumstances" attached to the project, the city manager may, at his discretion, issue a permit without the planning commission's approval. (1999 Code, § 12-305)

12-306. Inspection required. A minimum of one (1) inspection shall be required. Foundations, footings and all other structural connections must be exposed at the request of the inspector. The construction must meet all requirements of the in-place building codes. A permit fee shall be charged for one (1) inspection, at the rate at the time of application. (1999 Code, § 12-306)

12-307. Walls and roofs to match existing house. Walls and roofs must be constructed to match the existing house unless approved otherwise by the planning commission. (1999 Code, § 12-307)

12-308. Permit may be waived. The permit may be waived for repairing existing porches if the existing foundation and all other structural aspects satisfactorily meet or exceed current in place codes and regulations and the structural integrity is not disturbed. (1999 Code, § 12-308)

CHAPTER 4

GARAGES, ACCESSORY BUILDINGS, AND CARPORTS

SECTION

- 12-401. Permit and inspections required.
- 12-402. Garages, pool houses, and accessory buildings must comply with existing codes.
- 12-403. Garages, gazebos, accessory buildings, pavilions and pool houses shall be limited in size.
- 12-404. Limits on the number of garages and accessory buildings.
- 12-405. Height of garage, pool house, accessory building, or gazebo.
- 12-406. Location of accessory structures, pool houses, and gazebos.
- 12-407. Garages and accessory buildings shall not be used as a residence.
- 12-408. Garages, etc. shall not be built on a vacant lot.
- 12-409. Special circumstances and variances.
- 12-410. Carport criteria.
- 12-411. Gates and posts.

12-401. Permit and inspections required. A permit and applicable inspections shall be required of all garages, pool houses, accessory buildings, and gazebos. (Ord. #220-05, Feb. 2021)

12-402. Garages, pool houses, and accessory buildings must comply with existing codes. Garages, pool houses, and other accessory buildings may be detached from the home but must comply with all building and zoning codes including setback requirements. Gazebos must also comply with setback requirements. Pre-fabricated accessory buildings are allowed if criteria is met. (Ord. #220-05, Feb. 2021, modified)

12-403. Garages, gazebos, accessory buildings, pavilions and pool houses shall be limited in size. Garages shall not exceed in size seventy-five percent (75%) of the main floor of the house and in no case shall exceed one thousand five hundred (1,500) square feet. The farthest point of a garage shall in no case exceed sixty feet (60') from the back of the house. The front of the garage can start halfway back from the front line of the house. Pool houses shall not exceed five hundred (500) square feet in size and accessory buildings and gazebos shall not exceed two hundred twenty-five (225) square feet in size. (Ord. #220-05, Feb. 2021)

12-404. Limits on the number of garages and accessory buildings. No property shall have more than one (1) detached garage. If a property has a detached garage it shall have no more than one accessory building. The

detached garage must remain detached as it was originally approved. (Ord. #220-05, Feb. 2021)

12-405. Height of garage, pool house, accessory building, or gazebo. No garage, pool house, accessory building or gazebo shall be greater in height than that of the existing home and in no case shall be more than one (1) story in height. (Ord. #220-05, Feb. 2021)

12-406. Location of accessory structures, pool houses, and gazebos. No accessory structure, pool house, or gazebo shall be allowed in any front yard or to extend past the front line of the house. (Ord. #220-05, Feb. 2021)

12-407. Garages and accessory buildings shall not be used as a residence. In no case shall a detached garage or accessory building be used as a residence/living quarters. (Ord. #220-05, Feb. 2021)

12-408. Garages, etc. shall not be built on a vacant lot. No garage, accessory building, pool house, or gazebo shall be built on a vacant lot. Any lot on which these structures are built must already contain a house and a septic system. Approval must be obtained from the health department that a garage or accessory building will not encroach on the drainfield or reserve area. (Ord. #220-05, Feb. 2021)

12-409. Special circumstances and variances. Variances related to this section must be approved by the planning commission or zoning board of appeals, as applicable. (Ord. #220-05, Feb. 2021)

12-410. Carport criteria. Carports must adhere to the following criteria:

- (1) Must not be used as a storage unit.
- (2) Exterior must match exterior of house.
- (3) Will allow autos, RVs, campers, boats, golf carts, jet skis.
- (4) Must be on a concrete slab.
- (5) Only one (1) carport is allowed.

12-411. Gates and posts. Gates and posts must not encroach on rights-of-way, must be outside of utility easements, and materials must meet fence material guidelines.