Ordinance No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_

 AN ORDINANCE OF THE CITY OF BANEBERRY, TENNESSEE ADDRESSING DETACHED GARAGES AND OTHER ACCESSORY STRUCTURES.

WHEREAS, garages and other accessory structures which are detached from the main structure are a commonplace addition to many residential properties; and

WHEREAS, aesthetically such garages and accessory structures may enhance the property; and

WHEREAS, encouraging garages in many cases will have the additional benefit of providing more and/or better off-street parking; and

WHEREAS, current interpretations of the City of Baneberry Municipal Code, Title 12, Chapter 3, have included “garages” in the definitions, although garages are not specifically mentioned; and

WHEREAS, the effect of this interpretation has been to disallow construction of a garage and/or accessory structures which are not attached to the existing home; and

WHEREAS, to clear up this confusion and to authorize the construction of garages and accessory structures which are not attached to the existing home, this ordinance is being passed, and

WHEREAS, this ordinance will make applicable changes to both the Baneberry Municipal Code and the Baneberry Zoning Ordinance:

NOW, therefore be it ordained by the City Commission of the City of Baneberry, Tennessee that:

Section 1: Title 12, Chapter 3, Section 12-302 shall be deleted in its entirety and changed to read as follows:

12-302. Decks, porches and similar structures must be attached to existing house. All new decks, porches and similar structures must be approved by the Planning Commission.

Section 2: Title 12, Chapter 3, Section 12-303 shall be changed to read as follows:

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.

Section 3: A new Chapter 4 shall be added to Title 12 of the Baneberry Municipal Code as follows:

CHAPTER 4: GARAGES AND ACCESSORY BUILDINGS

SECTION

12-401. Permit and inspections required.

12-402. Garages and pool houses must comply with codes.

12-403. Limitations on size.

12-404. Limitations on number.

12-405. Height of structures.

12-406. Location of structures.

12-407. Garages and accessory buildings not to be used as residence.

12-408. Prohibition on garages, etc. built on vacant lots.

12-409. Special circumstances and variances.

12-401. Permit and inspections required. A permit and applicable inspections shall be required of all garages, pool houses, accessory buildings, and gazebos.

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.

12-403. Garages, gazebos, accessory buildings, pavilions and pool houses shall be limited in size. Garages shall not exceed in size 75% of the main floor of the house and in no case shall exceed 1,500 square feet. The farthest point of a garage shall in no case exceed 60 feet from the back of the house. The front of the garage must start halfway back from the front line of the house. Pool houses shall not exceed 500 square feet in size and accessory buildings and gazebos shall not exceed 225 square feet in size.

12-404. Limits on the number of garages and accessory buildings. No property shall have more than one 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.

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 story in height.

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.

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.

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.

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.

Section 4: The “Definitions” section of the Baneberry Zoning Ordinance shall have the words, “and shall be attached to a building” deleted from the definition of “Garage.”

Section 5: All of Section 702.5 of the Baneberry Zoning Ordinance shall be deleted in its entirety and replaced with the following:

702.5 GARAGES AND ACCESSORY BUILDINGS:

 702.5-1 A permit and applicable inspections shall be required of all garages, pool houses, accessory buildings, and gazebos.

702.5-2 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.

 702.5-3 Garages shall not exceed in size 75% of the main floor of the house and in no case shall exceed 1,500 square feet. The farthest point of a garage shall in no case exceed 60 feet from the back of the house. The front of the garage must start halfway back from the front line of the house. Pool houses shall not exceed 500 square feet in size and accessory buildings and gazebos shall not exceed 225 square feet in size.

702.5-4 No property shall have more than one 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.

702.5-5 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 story in height.

702.5-6 No accessory structure, pool house, or gazebo shall be allowed in any front yard or to extend past the front line of the house.

702.5-7 In no case shall a detached garage or accessory building be used as a residence/living quarters.

702.5-8 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.

702.5-9 Variances related to this section must be approved by the Planning Commission or Zoning Board of Appeals, as applicable.

 Section 6: This ordinance shall take effect from and after its passage, the public welfare requiring it.

Passed First Reading: \_\_\_\_\_\_\_\_\_\_\_\_\_\_ Passed Second Reading: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Manager

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Mayor