REGIONAL ZONING ORDINANCE

COVINGTON, TENNESSEE

ADOPTED: 12th, July, 2016

PREPARED FOR THE

City of Covington Board of Mayor and Alderman

Justin Hanson, Mayor

Wayne G. "Mac" McGowan	Minnie Bommer	John E. Edwards
Jere Hadley	Drew Glass	William Ed Timberlake

COVINGTON MUNICIPAL/ REGIONAL PLANNING COMMISSION

Joe Swaim, Chairman
Ed Timberlake
Alice Fisher
Sue Rose
Joe Auger
Johnny Walker
Louis Gaither

PREPARED BY
Will Radford, AICP
Lessie Fisher, Building Official

Nelson Community Development Group, LLC

ORDINANCE NO. 1683

AN ORDINANCE TO READOPT THE COVINGTON REGIONAL ZONING ORDINANCE IN ITS ENTIRETY

WHEREAS, Section 13-7-301 through 13-7-306 of the Tennessee Code Annotated empowered the City to enact the Covington Regional Zoning Ordinance and provide for its administration, enforcement; and,

WHEREAS, the Board of Mayor and Aldermen deems it necessary, for the purpose of promoting the health, safety, prosperity, morals and general welfare of the City and Planning Region to amend said Ordinance; and,

WHEREAS, the Covington Municipal/Regional Planning Commission has reviewed said proposed amendments pursuant to Sections 13-7-302 and 13-7-303 of the Tennessee Code Annotated and recomm
ends such amendments to the Covington Board of Mayor and Aldermen; and,

WHEREAS, the Board of Mayor and Aldermen has given due public notice of a hearing on said amendment and has held a public hearing; and,

WHEREAS, all the requirements of Section 13-7-301 through 13-7-306 of the Tennessee Code Annotated, with regard to the amendment of a zoning ordinance by the Planning Commission and subsequent action of the Board of Mayor and Aldermen have been met;

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Covington, Tennessee that the text of the Covington Regional Zoning Ordinance be amended as follows:

SECTION 1. That the entire text of the Covington Regional Zoning Ordinance be deleted in its entirety and replaced with the following:

AMENDMENT INDEX

COVINGTON REGIONAL ZONING ORDINANCE

COVINGTON REGIONAL ZONING ORDINANCE

TABLE OF CONTENTS

		PAGE
ARTICLE I	**ENACTMENT**	**1**
1.010	Authority	1
1.020	Title	1
1.030	Enactment	1
1.040	Purpose	2
ARTICLE II	**DEFINITIONS**	**3**
2.010	Scope	3
2.020	Definitions	3
ARTICLE III	**GENERAL PROVISIONS**	**19**
3.010	Scope	20
3.020	Only One (1) Principal Building on Any Lot	20
3.030	Lot Must Abut a Public Street or Easement	20
3.040	Rear Yard Abutting a Public Street	20
3.050	Corner Lots	21
3.060	Future Street Lines	21
3.070	Reduction in Lot Area Prohibited	21
3.080	Obstruction to Vision at Street Intersection Prohibited	21
3.090	Access Control	21
3.100	Accessory Use Regulations	22
3.110	Buffer Strips	23
3.120	Site Plan Requirement	23
3.130	Solar Farm Regulations	24
3.140	Wind Farm Regulations	25
3.150	Communication Towers	26
ARTICLE IV	**SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS**	**29**
4.010	Off-Street Parking Requirements	30
4.011	Certification of Minimum Parking Requirements	31
4.012	Combination of Required Parking Space	31
4.013	Remote Parking Space	31
4.014	Extension of Parking Space into a Residential District	32
4.015	Requirements for Design of Parking Lots	32
4.020	Off-Street Loading and Unloading Requirements	32
4.030	Temporary Use Regulations	33
4.040	Customary Incidental Home Occupations	34
4.050	Fall-Out Shelter Restrictions	35
4.060	Gasoline Service Station Restrictions	35
4.070	Standards for Signs, Billboards, and Other Advertising Structures	36
4.080	General Requirements for All Manufactured and "Mobile" Homes	39
4.090	Development Standards for Mobile Home Parks	41

Table of Contents (Continued)

		PAGE
4.100	Development Standards for Automobile WreckingJunk and Salvage Yards	44
4.110	Off Road, ATV Track or Trail Regulations	44
4.120	Subsurface Disposal of Toxic Materials	47
4.130	Development Standards for Sanitary Landfill or Hazardous Waste Facility (Disposal, Treatment, Storage)	47
4.140	Restrictions for Adult-Oriented Business Establishments	48
4.150	Standards for Telecommunication Antennas and Towers	49
4.160	Swimming Pool Regulations	54
4.170	Development Standards for Cemeteries	55
4.180	Private Airstrip Regulations	55
4.190	Development Standards for Mini-Storage Facilities	56
4.200	Development Standards for Golf Courses	56
4.210	Bed and Breakfast Regulations	57
4.220	Development Standards for Multi-Family Developments	58
4.230	Development Standards for Fences	61
4.240	Litter, Refuse, Garbage, Junk and Debris Control Regulations	61
4.250	Outdoor Firearms Training Facilities	63

ARTICLE V ZONING DISTRICTS

5.010	Classification of Districts	65
5.020	Covington Regional Zoning Map	65
5.030	Covington Planning Region and Urban Growth Boundary	66
5.040	Zoning District Boundaries	66
5.050	Specific District Regulations	67
5.051	FAR, Forestry, Agricultural, Residential District	67
5.052	R-1, Single-Family Residential District	71
5.053	R-2, Multi-Family Residential District	74
5.054	R-3, Residential-Mobile Home District	77
5.055	C-1, Rural Commercial District	80
5.056	C-2, Light Commercial District	83
5.057	C-3, Highway Commercial District	86
5.058	I-1, Light Industrial District	89
5.059	I-2, Restricted Industrial District	94
5.060	A-1, Airport Overlay District	99
5.070	Development Standards for Planned Residential Developments	104

ARTICLE VI EXCEPTIONS AND MODIFICATION 108

6.010	Scope	108
6.020	Nonconforming Use	108
6.030	Exceptions to Height Limitations	109
6.040	Lots of Record	109
6.050	Exception to Front Setback Requirements	110
6.060	Agricultural Use of Land	110

Table of Contents (Continued) PAGE

ARTICLE VII FLOODPLAIN ZONING DISTRICT **111**

7.010 Statutory Authorization, Findings of Fact, Purpose and Objectives 111
7.020 Definitions 112
7.030 General Provisions 119
7.040 Administration 121
7.050 Provisions for Flood Hazard Reduction 123
7.060 Variance Procedures 131

ARTICLE VIII ADMINISTRATION AND ENFORCEMENT **134**

8.010 Administration of the Ordinance 134
8.020 The Enforcement Officer 134
8.030 Building Permits 135
8.040 Temporary Use Permits 136
8.050 Certificate of Occupancy 136
8.060 Procedure for Authorizing Special Exceptions 137
8.070 Covington Regional Board of Zoning Appeals 139
8.080 Variances 140
8.090 Amendments to the Ordinance 141
8.100 Penalties 142
8.110 Remedies 142
8.120 Separability 143
8.130 Interpretation 143
8.140 Effective Date 143

APPENDIX A

Form 1 Site Plan Checklist
Form 2 Building Permit Application
Form 3 Sample Building Permit
Form 4 Application To Appear Before The Board of Zoning Appeals
Form 5 Petition For Rezoning
Form 6 Application To Appear Before The Covington Municipal-Regional Planning Commission

ARTICLE I

ENACTMENT

SECTION

1.010 Authority
1.020 Title
1.030 Enactment
1.040 Purpose

1.010 AUTHORITY

An ordinance, in pursuance to the authority granted by Section 13-7-301 through 13-7-306 of the Tennessee Code Annotated, to provide for the establishment of districts or zones within the Covington Planning Region; to regulate within such districts the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the size of yards, courts, and other open spaces, the density of population, the uses of buildings, structures, and land for trade, industry, residence, recreation, public activities, and other purposes; and to provide methods of administration of this Ordinance and to prescribe penalties for the violation thereof.

1.020 TITLE

This Ordinance shall be known and may be cited as the Zoning Ordinance of the Covington Planning Region, Tipton County, Tennessee, and the map herein referred to which is identified by and titled, "Official Zoning Map for the Covington Planning Region, Tipton County, Tennessee", and all explanatory matters thereon are hereby adopted and made a part of this Ordinance. The Official Zoning Map shall be located in the Covignton City Hall and shall be identified by the signature of the Mayor and attested by the City Recorder. The Official Zoning Map may be amended under the procedures set forth in Section 8.90 of this Ordinance, provided, however, that no amendment of the Official Zoning Map shall become effective until after such change and entry has been made on said map and signed by the Mayor and attested by the City Recorder.

1.030 ENACTMENT

WHEREAS, Section 13-7-301 through 13-7-306, of the ***Tennessee Code***, empowers the City to enact a Zoning Ordinance for the Covington Planning Region and to provide for its administration, enforcement, and amendment, and

WHEREAS, the Covington Board of Mayor and Aldermen deem it necessary for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the City to enact such an Ordinance, and

WHEREAS, all requirements of Section 13-7-301 through 13-7-306, of the ***Tennessee Code Annotated***, with regard to the preparation of the Zoning Plan by the Covington Municipal-Regional Planning Commission and subsequent action of the Covington Municipal-Regional Commission have been met.

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Covington, Tennessee, as follows:

1.040 PURPOSE

The purpose of this Ordinance is to promote the public health, safety, morals, convenience, order, prosperity and general welfare by:

A. enhancing the character and stability of agricultural, residential, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;

B. preventing overcrowding of land;

C. conserving the value of land and buildings;

D. minimizing traffic hazards and congestion;

E. preventing undue concentration of population;

F. providing for adequate light, air, privacy, and sanitation;

G. reducing hazards from fire, flood, toxic materials, and other dangers;

H. assisting the economic efficiency, utilization, and expansion for all services provided by the public, including: roads, water and sewer service, recreation, schools and emergency services;

I. encouraging the most appropriate use of land;

J. enhancing the natural, man-made and historical amenities of Covington, Tennessee.

K. minimize opportunities for creating public nuisance.

ARTICLE II

DEFINITIONS

SECTION

2.010 Scope
2.020 Definitions

2.010 SCOPE

For the purpose of this Ordinance and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as follows:

A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

C. The word "shall" is mandatory.

D. The word "may" is permissive.

E. The words "uses" or "occupied" includes the words "intended", "designed", "arranged to be used", or "occupied".

F. The word "lot" includes the words "plat" or "parcel".

2.020 DEFINITIONS

The following words, terms and phrases are hereby defined as follows and shall be interpreted as such throughout this Ordinance. Terms not herein defined shall have their standard dictionary definition or such as the context may imply. Definitions pertaining to flood hazards are contained in the Article VII Floodplain Zoning District.

Access - The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

Accessory Buildings - A subordinate building, the use of which is incidental to that of the principal building and located on the same lot therewith. An accessory building shall not include any mobile home units (single or double-wides).

Accessory Solar Collection System - An accessory use, consisting of a panel(s), or other solar energy device(s), that collects, inverts, stores, and distributes solar energy for the purpose of electricity generation that serves the principal use of the property.

Accessory Use - A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

Adult Arcade - Any place to which the public is permitted or invited wherein coin-operated or slug operated or electronically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting, describing of "Specific Sexual Activities" or "Specified Anatomical Areas".

Adult Bookstore or Adult Video Store - An establishment having as its principal business purpose the sale or rental of books, films, video cassettes or any other kind of video tape or any other form of electronic media, or magazines and other periodicals, or adult paraphernalia which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as below.

Adult Entertainment - Any exhibition of any adult-oriented motion picture, live performance display or dance of any type, which has a significant or substantial portion of such performance, any actual or simulated performance of "Specified Sexual Activities", including removal of articles of clothing or appearing unclothed.

Adult Motion Picture Theater - An enclosed building regularly used for presenting material having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined, for observation by patrons, therein.

Adult-Oriented Establishment - Includes, but is not limited to, Adult Bookstores or Adult Video Stores, Adult Motion Picture Theaters, Adult Arcades, Adult Theaters or Cabarets, and further means any premises to which the public or members of the public are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An Adult-Oriented Establishment further includes, without being limited to, any adult entertainment studio or any premises physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import.

Adult Theater or Adult Cabaret - A theater, nightclub, club, bar, restaurant or similar commercial establishment which regularly features:

A. Live performances, displays, or dances which have as their dominant theme or are distinguished or characterized by an emphasis on any actual or simulated "Specified Sexual Activities" or "Specified Anatomical Areas", or the removal of articles of clothing or appearing partially or totally nude, or

B. Films, motion pictures, video cassettes, slides, or other video or photographic reproductions which are characterized by the depiction of "Specified Sexual Activities" or "Specified Anatomical Areas".

Advertising - Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designed, used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, milestones, signboards, wallboard, roofboard, frames, supports, fences, or other manmade structures.

Advertising Sign or Structure - See Sign.

Agricultural Use - This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests, and woods, provided, however, all health codes of Tipton County and the State of Tennessee, are complied with.

The feeding or disposal of community or collected garbage to animals shall not be deemed an agricultural use, nor shall commercial feed lots, the raising of furbearing animals, riding stables, livery or boarding stables or dog/cat kennels be so considered.

Agricultural Accessory Use - Those structures or equipment that are normally required in the operation of agricultural uses.

Alley - A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to properties otherwise abutting a street, and which may be used for public utility and public service purposes.

Alteration - As applied to a building or structure, means a change or rearrangement in the structural parts or an enlargement, whether by extending a side or by increasing its height or structural changes, other than repairs, that would affect safety. The term "alter" in its various modes and tenses and its practical forms, refers to the making of an alteration.

Alternative Tower Structure – Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antennas – Any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves.

Apartment Dwelling - See "Dwelling - C"

Area, Building - The total areas taken on a horizontal plane at the main grade level of the principal building and all necessary buildings exclusive of uncovered porches, terraces, and steps.

Automobile Storage – The placement of any vehicle that is not currently operable, licensed or registered.

Automobile Wrecking, Junk, and Salvage Yards - Any establishment or place of business where five (5) or more unlicensed, unregistered vehicles are maintained, used, or operated for storage, keeping, buying or selling, wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicles parts.

Average Ground Elevation - The elevation of the mean finished grade at the front of a structure.

Basement - A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average ground elevation or when subdivided and used for commercial activities.

Bed and Breakfast Inn – An operator- or owner-occupied home that provides three (3) to ten (10) rooms for paying guests on an overnight basis for periods not to exceed fourteen (14) days with one (1) daily meal being available on the premises. Bed and breakfast inns are subject to approval by the Tennessee Department of Health in addition to all local regulatory requirements.

Boarding House - See "Dwelling - E".

Buffer Strip - A greenbelt planted strip that is not less than ten (10) feet in width. The greenbelt strip shall be composed of one (1) row of evergreen trees that are spaced not more than twenty (20) feet apart. In addition, there shall be not less than two (2) rows of shrubs or hedges that are spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet, or some other form of an aesthetically designed buffer that will conceal from view an adjoining lot or district.

Buildings - Any structure having a roof supported by columns or by walls, including tents, lunch wagons, dining cars, mobile homes and similar structures whether stationary or movable.

Building Area of a Lot - That portion of a lot bounded by the required rear yard, side yards, and the building setback line.

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

Building Setback Line - A line delineating the minimum allowable distance between the property line and a building on a lot, within no building or other structure be placed, except, as otherwise, provided.

Building Setback Line, Front - A line delineating the minimum allowable distance between the street right-of-way, or if an official future street right-of-way has been established, from that future street right-of-way line and the front of a building on lot. The front building setback line extends the full width of the lot and is parallel to the street right-of-way.

Building Setback Line, Rear - A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

Building Setback Line, Side - A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

Bulk – Describes the size of buildings or other structures and their relationship to each other and to open areas and lot lines.

Business and Communication Services - The provision of services of clerical, goods brokerage, communications of a minor processing nature, including multi-copy and blueprinting services, custom printing, but excluding the printing of books, other than pamphlets, and small reports.

Camping Ground - A parcel of land used or intended to be used, let, or rented for occupancy by campers or for occupancy by camping trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

Cemetery - Any land or structure dedicated to and used, or intended to be used, for interment of human remains. Cemetery refers to all types of cemeteries, public or private, except family burial grounds.

Certificate of Occupancy - A written statement or certificate issued by the Building Official indicating that the land, structure or part thereof is found to be in conformity with the provisions of this Ordinance.

Clinic - See Medical Facilities.

Commercial Feed Lot - Business of feeding or fattening livestock for slaughter in a confinement facility designed or used to feed or fatten fowl, poultry and other livestock. Density considerations for commercial feed lots are as follows: cattle, emus, horses or mules > 10/acre; hogs, sheep or goats > 20/acre; chickens > 100/acre.

Condominium - A form of ownership that provides single ownership in a multi-unit structure or structures with common elements.

Convenience Sales - The retail sale of small convenience items such as toiletries, tobacco, and magazines. The dispensing of petroleum products may be included as accessory to convenience food products retailing.

Convenience Services - Services that are typically needed frequently or recurrently, such as barber and beauty care; and includes the operation of self-service laundromats.

Coverage - The lot area covered by all buildings located therein, including the area covered by all overhang roofs.

Country Club - A chartered, non-profit membership club, with facilities catering primarily to its membership and providing one or more of the following recreational or social amenities; golf, riding, clubhouse, pool, dining facilities or lounge.

Day Care Center - Any place, home, or institution, which receives thirteen (13) or more unrelated children under seventeen (17) years of age for general care, exercise, play or observation for less than twenty-four (24) hours per day without transfer of custody.

Day Care Group – Any place, home, or institution which receives eight (8) through twelve (12) children under seventeen (17) years of age for general care, exercise, play or observation only present before and after school, on school holidays, on school snow days, and during school summer vacation for less than twenty-four (24) hours per day without transfer of custody.

Day Care Home (Family) – Includes day care in an occupied residence of not more than seven (7) children under seventeen (17) years of age for less than twenty-four (24) hours per day without transfer of custody, including children living in the home.

Development - Any manmade change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations. Agricultural activities, as defined by this Ordinance are not included in this definition of development.

Development Permit - Defined as a permit issued by the Building Official for a proposed use of land or structure, or the alteration of land or a structure, or the location or erection of a structure after having been found to be in conformity with the provisions of the Covington Regional Zoning Ordinance.

District - Any section or sections of the area lying within the Covington Planning Region.

A. Residential District – Property zoned Agricultural or Residential Uses (FAR, R-1, R-2 or R-3).

B. Non Residential District – Property zoned for Commercial Uses (C-1, C-2, C-3) or property zoned for Industrial Uses (I-1, I-2).

Duplex Dwelling - See " Dwelling - B".

Dwelling - A building or part thereof used for habitation under one of the following categories:

A. Single Detached Dwelling means a building and accessories thereto principally used, designed, or adapted for use by a single household.

B. Duplex Dwelling means a building and accessories thereto principally used, designed, or adapted for use by two (2) households, the living quarters of each of which are completely separate.

C. Apartment Dwelling means a building and accessories thereto principally used, designed, or adapted for use by three (3) or more households, each of which has separate living quarters.

D. Rooming House means a dwelling or other residential structure in which lodging facilities are supplied for people over an extended period of time and distinguished from a tourist home.

E. Boarding House means a building other than a hotel or motel where, for compensation and arrangement, meals and lodging are provided for three (3) or more persons, but not exceeding twenty (20) persons.

F. Town House means a residential structure containing three or more single nondetached dwelling units separated by a common vertical wall.

G. Multi-Family means more than one dwelling unit per structure.

H. Prefabricated (Modular) Dwelling means a single detached dwelling constructed primarily off-site, designed to be transported on a flat-bed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to public or on-site systems, and permanently connected to such systems. Such structures are distinguished from mobile homes as described elsewhere in this Ordinance when they have a minimum gross floor area of six hundred (600) square feet and have no horizontal exterior dimensions of less than fifteen (15) feet not including porches or carports. When such a structure meets the above-stated requirements it shall qualify as a single detached dwelling.

I. Manufactured "Mobile" Home or "Trailer" means a transportable structure built on a permanent chassis, designed for year-round occupancy, and designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, and electrical systems contained therein. Recreational vehicles and travel trailers are not included in this definition of a mobile home.

Enforcing Officer - The building Official or such person designated by the chief executive officer to be responsible for enforcing the provisions of these regulations.

FAA – Federal Aviation Administration.

Family - One or more persons related by blood, marriage or adoption, or a group not all related by blood, marriage, or adoption, occupying the premises and living as a single nonprofit housekeeping unit as distinguished from a group occupying a boarding or lodging house or similar dwelling or group use. A family shall not be deemed to include domestic servants employed by said family.

Family Burial Grounds - A zoned lot in private ownership that may contain one or more sites used or intended to be used, for interment of human remains, for the benefit of the owners of the lot or their immediate family members.

FCC – Federal Communications Commission.

Financial, Consulting and Administrative - Includes the provision of financial, insurance, real estate brokerage services, as well as the provision of advice, designs, information, or consultation of a professional nature. Also includes the executive, management, administrative, and desired activities of private, profit-oriented firms, other than public utility firms. These activities do not include the storage of goods and chattels for the purpose of sale unless otherwise permitted by other provisions of this Ordinance.

Floor Area - The sum of the gross floor area for each of the several stories under roof, measured from the exterior limits or faces of a building or structure.

Frontage - All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is a dead end, then all of the property abutting on one side between an intersection street and the dead-end of the street.

Garbage - Food waste, animal waste, dead or decomposing animal matter, and dead or decomposing vegetable matter, and any dead or decomposing matter whether or not it originally constituted human or animal food.

Gasoline Service Station - Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil or automobile accessories, and incidental services including facilities for lubricating, hand car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

Governing Authority – Governing authority of the County.

Grade, Finished - The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

Group Home for Physically or Mentally Handicapped Persons:

Major means a dwelling shared by nine (9) or more handicapped persons, plus resident staff persons, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential.

Minor (See Family) means a dwelling shared by eight (8) or less handicapped persons, plus two (2) resident staff persons, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential.

As used in both definitions, the term "handicapped" shall mean having:

(1) A physical or mental impairment that substantially limits one (1) or more of such person's major life activities so that such person is incapable of living independently;

(2) A record of having such impairment; or

(3) Being regarded as having such an impairment.

However, "handicapped" shall not include current illegal use of or addiction to a controlled substance. The term "group home for the handicapped" shall not include alcoholism or drug treatment centers, work release activities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

Health Department - The Tipton County Health Department.

Height – When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

Height of Buildings or Structures - The vertical distance from the average ground elevation or finished grade at the building line, to the highest point of the building or structure.

Home Occupation - See Section 4.040.

Hospital - See Medical Facilities.

Junk - Rubbish and wasted or discarded items, including metal, wood, paper, glass and other objects and, including junk motor vehicles. The term shall not include items held for sale in a business establishment that holds a valid Tennessee Business License.

Junk Motor Vehicle - Any automobile, motor vehicle or the metal scraps and remains of the foregoing items, which are incapable of being operated and which it would not be economically practical to make operative and which are not fully placed or located within and fully surrounded by a substantial and durable building. The term shall not include items on the premises or establishment constituting automobile graveyards within the meaning of ***Tennessee Code***, Section 54-20-201, et. seq., or establishments having facilities for processing scrap metal.

Junk Yard or Salvage Yard - A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of used or recycled building materials, waste paper, rags, scrap metal, or discharged material, or for the collecting, or storage for sale, dismantling, storage and salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof.

Landscaping – The planting and maintenance of trees, shrubs, lawns, and other ground cover, or materials.

Light Industry - Is defined, for the purpose of this Ordinance, on the basis of performance in terms of absence of objectionable noise, smoke, odor, dust, dirt, noxious gasses, glare and heat, and of the creation of hazards to health and life by reason of fire, effects of industrial waste, psychological effects and generation of motor vehicle traffic.

Litter - Particles of items of trash, rubbish, wastepaper, or garbage lying or scattered about.

Loading Space - An area ten (10) feet by fifty (50) feet with a fourteen (14) foot height clearance providing for the standing, loading, or unloading of a truck or other vehicle.

Lot - A piece, plot, or parcel of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one principal building and its accessory buildings, including the open spaces required under this Ordinance.

Lot, Area - The total surface land area included within the lot lines.

Lot, Corner - A lot of which at least two (2) adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two (2) such sides is less than one hundred thirty-five (135) degrees.

Lot, Depth - The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

Lot, Frontage - That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

Lot, Interior - A lot other than a corner lot.

Lot, Lines - The boundary dividing a given lot from the street, and alley, or adjacent lots.

Lot of Record - A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the effective date of this Ordinance.

Lot Width - The width of a lot at the building setback line measured at right angles to its depth.

Marina - A facility for the docking and servicing of boats.

Medical Facilities:

> **Convalescent, Rest or Nursing Home** - A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.
>
> **Dental Clinic or Medical Clinic** - A facility for the examination and treatment of ill and afflicted human out-patients, provided, however, that patients are not kept overnight except under emergency conditions.
>
> **Hospital** - An institution providing health services primarily for human in-patient medical care for sick or injured and including related facilities such as laboratories, out-patient facilities, emergency medical services, and staff offices which are an integral part of the facility.

Public Health Center - A facility utilized by a health unit for the provision of public health services.

Minimum Floor Elevation - The lowest elevation permissible for construction, erection or other placement of any floor, including a basement floor.

Mini-Storage Facilities – An enclosed storage facility of a commercial nature containing independent, fully enclosed and secured bays that are leased to persons exclusively for dead storage of their household goods or personal property. Such a facility shall be lighted, buffered from residential abutting properties, fenced in, secured and shall not be used for habitable space not commercial activity, and shall be maintained and free from debris. There shall be no storage of flammable or other hazardous materials in such a facility.

Mobile Home - See "Dwelling - I".

Mobile Home Park - A lot or tract of land not subdivided upon which three (3) or more manufactured or mobile homes, occupied for dwelling or sleeping purposes, are located.

Multi-Family Dwelling - See "Dwelling - G".

Night Club - An eating and drinking establishment, with or without alcohol, in daytime or nighttime that includes entertainment such as live music, dancing, sports viewing and the like.

Nonconforming Use - A building, structure, or use of land existing at the time of enactment of this Ordinance which does not conform to the regulations of the district in which it is located.

Noxious Matter – Material in gaseous, liquid or solid form which is capable of causing injury to living organisms, chemical reactions, or detrimental affects upon the social, economic or psychological well-being of individuals.

Open Space - An area on the same lot with a main building which is open, unoccupied and unobstructed by structures from the ground to the sky except as otherwise provided in this Ordinance.

Owner - Includes a duly authorized agent or attorney, a purchaser, devisee, fiduciary, and person, having a vested interest in the property in question.

Parking Lot - An off-street facility including parking spaces with adequate provisions for drives and aisles for maneuvering and obtaining access.

Parking Space - An off-street space available for parking one (1) motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

Permanent Easement - The right granted by the owner of land to another party by deed or description, to allow access across one parcel of land to another.

Planning Commission - The Covington Municipal-Regional Planning Commission.

Plat - A map, plan, or layout indicating the location and boundaries of individual properties.

Prefabricated Dwellings - See "Dwelling – H".

Principal Structure – A structure in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed the principal structure on the lot on which the same is situated. Carports and garages, if permanently attached to the principal structure shall be deemed part of the principal structure. Awnings, porches, patios or similar attachments shall be deemed a part of the principal structure and having to meet all yard requirements.

Principal Use - The specific primary purpose for which land or a building is used.

Private Wastewater Treatment - Individual subsurface sewage disposal system (i.e. septic tanks), package treatment plants or individual aeration systems employed for the collection and treatment and/or disposal of waste water, as approved by the local Health Department.

Professional Office - The office of a physician, dentist, attorney, architect, engineer, planner, accountant, or other similar professions.

Public Uses - Public parks, schools, and administrative, cultural, and service buildings, not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

Public Wastewater System - A municipal or county, community, or utility district sewerage treatment and disposal system of a type approved by the State Department of Health and Environment.

Public Water - A municipal or county, community or utility district water treatment and distribution system of a type approved by the State Department of Health and Environment.

Recreation:

Public Recreation - A recreational facility operated by a local, state or federal agency. Example: Federal, state and local parks.

Admittance - Open to the general public.

Requirement - Must comply with all local zoning codes and applicable building codes.

Where Allowed - In an FAR Zoned District as Uses Permitted.

Private Recreation - A recreational facility operated by a nongovernmental entity. Example: But not limited to: golf courses, private clubs, civic and community clubhouses, etc.

Admittance - Can be restricted by operator.

Requirement - Must comply with all local zoning and building codes and must have a special exception granted by the Covington Regional Board of Zoning Appeals for the requested use in accordance with Section 8.060, Criteria for Review.

Where Allowed - In an FAR Zoned District as Uses Permitted by Special Exception

Commercial Recreation - A public or private recreational facility located in a C-3 Zoned District. Example: But not limited to: game rooms, dance halls, concert halls, etc.

Admittance - May be open to the general public or admittance may be restricted by operator.

Requirement - Must comply with all local zoning and building codes.

Where Allowed - In a C-3 Zoned District as Uses Permitted.

Refuse - All items constituting garbage, litter, and rubbish.

Restaurant – An eating and drinking establishment, with or without alcohol, but does not include entertainment such as live music, dancing, sports viewing and the like. The main purpose of which is eating.

Right-of-Way Line - That line surveyed or approved by appropriate governmental authority as the outer boundary of a street. Such line is identical to or contiguous with any property line abutting a street, and is often referred to as "street line".

Roadway - The actual road surface including necessary road shoulders and drainage facilities including ditches and curbs and gutters, which is used to transport motor vehicles.

Rooming House - See "Dwelling - D".

Rubbish - Useless, rejected, or abandoned waste, waste matter, trash, junk, debris, and fragments of buildings, masonry or wood.

Sanitary Landfill - An area or site utilized by a public or private entity for disposal of solid or liquid waste or refuse (including industrial waste) in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State Department of Health and Environment and these regulations.

Shelter, Fall-Out - A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fall-out, air raids, storms, or other emergencies.

Shopping Center – A group of compatible commercial establishments, planned, developed and managed as a single unit with parking provided on the property; the center must also be related in location, size and type of businesses to its' trade area.

Sign, Billboard, or Other Advertising Device - Any structure or part thereof or device attached thereto, or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or any representation used as, or which is in the nature of, an announcement, direction or advertisement. The word "sign" includes the word "billboard" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit.

Business Sign - A sign that directs attention to the business or profession conducted on the premises.

Advertising Sign - A sign which directs attention to a business commodity, services or entertainment conducted, sold, or offered elsewhere than on the premises and only incidentally on the premises if at all.

Billboard - A structure on which is portrayed information not necessarily related to the other uses permitted on the zoned lot upon which the structure is located, but not including painted walls.

Flashing Sign - Any illuminated sign, whether stationary, revolving, or rotating, which exhibits changing light or color effects, provided that the revolving or rotating signs which exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed flashing signs only if they exhibit sudden or marked changes in such light or color effects.

Ground Sign - A sign supported by a pole, uprights, or braces on the ground.

Illuminated Sign - A sign designed to give forth any artificial light or reflect such light from an artificial source.

Indirect Illuminated Sign - Any illuminated non-flashing sign whose illumination is derived entirely from an external source and is so arranged that no direct rays of light are projected from such artificial source into residences or streets.

On-Premises Sign – A sign relating to a product, service or establishment that is on the premises on which the sign is located.

Off-Premises Sign - A sign relating to a product, services, or establishment that is not on the premises on which the sign is located.

Pole Sign or Banjo Sign - A type of ground sign at least ten (10) feet above the ground supported on a single post or pole most commonly associated with gasoline service stations.

Wall or Flat Sign - Any sign erected parallel to the face or on the outside wall of any building which projects out at any angle therefrom and projects more than twelve (12) inches beyond the face of such wall.

Roof Sign - A detached sign supported upon the rood or wall of a building.

Marquee Sign - A projecting sign attached to or hung from a marquee and said marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building, building line or property line.

Temporary Sign - Temporary signs shall include any sign, banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for thirty (30) days or less.

Solar Farm – An energy generation facility, principally used to convert solar energy to electricity, for the primary purpose of wholesale or retail sales of said electricity.

Specified Anatomical Areas - Means:

A. Less than completely and opaquely covered:

1. Human Genitals;
2. Pubic Region;
3. Buttocks;
4. Female breasts below a point immediately above the top of the areola;

B. Human male genitals in a discernible turgid state, even if completely opaquely covered.

Specified Sexual Activities - Means:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy; or
3. Fondling or erotic touching of human genitals, pubic region, buttocks, or female breasts.

Single Detached Dwelling - See "Dwelling - A".

Story - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy in which the floor area with eight (8) feet or more head clearance equals fifty (50) percent of the floor area of the story next below shall be a "half-story". A basement shall be considered as a story if more than half of its height is above the average ground level from which the "height of a building" is measured or if it is used for commercial purposes.

Street - A public road, highway, or thoroughfare which constitutes, or is designed to constitute, the main access to more than one lot and which has been legally dedicated and accepted for public use.

Structure - Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground and including among other things, signs, billboards, and fences.

Subdivision – "Subdivision" means the division of a tract or parcel of land into two (2) or more lots, sites, or other division requiring new street or utility construction, or any division of less than five (5) acres for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided. (See Sections 13-3-401 and 13-4-301, Tennessee Code.)

Substantial Improvement - Any repair, reconstruction, or improvement of a structure of which the cost equals or exceeds fifty (50) percent of the assessed value of the structure, either: (1) before the improvement or repair; or (2) before the damage occurred.

For the purposes of this Ordinance, substantial improvement is considered to occur when the alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not this alteration affects the external dimensions of the structure.

The term does not, however, include, either: (1) any project for the improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions; or (2) any alteration or restoration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Tower – Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like.

Town House - See "Dwelling - F.

Toxic Materials - Materials (gaseous, liquid, solid, particulate) which are capable of causing injury to living organisms by chemical reaction or detrimental effects upon the social, economic or psychological well being of individuals even when present in relatively small amounts.

Travel Trailer - A vehicular, portable structure designed as a temporary dwelling for travel, recreation and vacation uses.

Travel Trailer Park - A plot of land designed and equipped to accommodate travel trailers for short periods of time.

Use - The purpose for which land or a building or other structure is designed, arranged or intended, or for which it is or may be occupied or maintained.

Utility Easement - The right granted by the owner of land to allow utility facilities to be constructed, maintained, or preserved. Utility easement shall include, but is not limited to, easement for storm drainage, water lines, electric power lines and natural gas pipelines.

Watercourse - Any depression serving to give direction to a flow of water, having a bed and well-defined banks, where the drainage area above the same is twenty-five (25) acres or more in extent. The flow of water need not be on a continuous basis but may be intermittent resulting from the surface runoff of precipitation.

Wind Farm: an area of land with a group of energy-producing windmills or wind turbines.

Wind Turbine: a turbine having a large vaned wheel rotated by the wind to generate electricity.

Yard - An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings from the gourd to the sky, except, as otherwise, provided in this Ordinance, provided that accessory buildings may be located in a rear yard.

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

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

Yard, Side - The required space unoccupied except as herein provided, measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard.

ARTICLE III

GENERAL PROVISIONS

SECTION

3.010 Scope
3.020 Only One (1) Principal Building on Any Residential Lot
3.030 Lot Must Abut a Public Street or Easement
3.040 Rear Yard Abutting a Public Street
3.050 Corner Lots
3.060 Future Street Lines
3.070 Reduction in Lot Area Prohibited
3.080 Obstruction to Vision at Street Intersection Prohibited
3.090 Access Control
3.100 Accessory Use Regulations
3.110 Buffer Strips
3.120 Site Plan Requirements
3.130 Solar Farm Regulations
3.140 Wind Farm Regulations
3.150 Communication Towers

3.010 SCOPE

For the purpose of this Ordinance, there shall be certain general provisions that shall apply, except as specifically noted, to the county as a whole.

3.020 ONLY ONE (1) PRINCIPAL BUILDING ON ANY RESIDENTIAL LOT

Only one (1) principal building and its customary accessory buildings may hereafter be erected on any lot in a residential district. However, tracts fifteen (15) acres or greater would be allowed to have a maximum of four (4) principal buildings on that lot provided that all the principal buildings shall be able to be subdivided in the future in accordance with all requirements in this Ordinance.

3.030 LOT MUST ABUT A PUBLIC STREET OR PERMANENT EASEMENT

No building permit or Certificate of Occupancy may be issued, nor any building erected on any lot within the planning region unless:

A. The lot fronts for a distance of at least fifty (50) feet upon a public street; except on a permanent dead-end street (cul-de-sac) where the minimum frontage may be forty (40) feet or if there is proof that the lot is a Lot of Record;

B. The lot fronts for a distance of at least fifty (50) feet upon a street shown on a subdivision plat approved by the planning commission; except on a permanent dead-end street (cul-de-sac) where the minimum frontage may be forty (40) feet;

C. The lot fronts for a continuous distance of at least fifty (50) feet upon a permanent easement with access to an existing public highway or street. A setback of fifteen (15) feet from the easement is required, unless it is anticipated that the easement will be later developed into a county road, in which case the setback shall be thirty-five (35) feet.

3.040 REAR YARD ABUTTING A PUBLIC STREET

When the rear yard of a lot abuts a public street, all structures built in the rear yard shall observe the same setback from the street right-of-way line, centerline of the street, or property line, as required for adjacent properties which front on that street. In addition,

any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street.

3.050 CORNER LOTS

The side yard setback requirements for corner lots shall be the same as the front setback requirements for the next adjacent lot fronting on the street that the side yard of the corner lot faces.

3.060 FUTURE STREET LINES

For the purpose of providing adequate space for the future widening of streets, required setbacks, or front yards shall be determined by the right-of-way as shown in the most current official Covington Municipal-Regional Major Road Plan (located in Covington City Hall).

3.070 REDUCTION IN LOT AREA PROHIBITED

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per dwelling unit, lot width, building area, or other requirements of the zoning Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

3.080 OBSTRUCTION TO VISION AT STREET INTERSECTION PROHIBITED

On a corner lot, in any district, within the area formed by the center lines of intersecting streets and a line joining points on such center lines at a distance of one hundred (100) feet from their intersection, there shall be no obstruction to vision between a height of three (3) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining walls.

3.090 ACCESS CONTROL

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

A. A point of access for vehicles onto a street shall not exceed thirty (30) feet in width. All points of access shall be so constructed as to provide for proper drainage.

B. There shall be no more than two (2) points of access to any one (1) public street for each three hundred (300) feet of lot frontage, or fraction thereof, provided, however, that lots less than one hundred (100) feet in width shall have no more than one (1) point of access to any one public street.

C. No point of access shall be allowed within thirty (30) feet of the right-of-way line of any public intersection.

D. No curbs or shoulders nor drainage ditches covered on county streets or rights-of-way shall be cut or altered for the purpose of access without written approval

of the Covington Public Works Director or if a state highway, a permit must be obtained from the Tennessee Department of Transportation.

E. When two (2) driveways are provided for one lot frontage, the clear distance between driveways shall not be less than twenty-five (25) feet.

F. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Covington Regional Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street.

3.100 ACCESSORY USE REGULATIONS

The use of land, buildings, and other structures in each of the districts established by this Ordinance are defined by listing the principal uses. In addition to such principal uses, accessory uses that are customarily incidental to the permitted principal uses are also permitted in each district. Each accessory use shall:

A. Be customarily incidental to the principal use established on the same lot.

B. Be subordinate to and serve such principal use.

C. Be subordinate in area, intent and purpose to such principal use on parcels less than fifteen (15) acres.

D. Contribute to the comfort, convenience, or necessity of users of such principal use.

E. Not include any mobile home units (single, double or triple-wides).

F. Not include any truck trailers unless all wheels, axels and stands are removed, and the unit vented.

G. Be setback a minimum of ten (10) feet from rear and side property lines.

H. Be no closer to any road than the principal structure, with the exception of reverse frontage parcels.

3.110 BUFFER STRIPS

Where a use is established in areas zoned nonresidential (C-1, C-2, C-3, I-1, I-2) which abuts at any point upon property zoned residential (FAR, R-1, R-2, R-3), the developer of said use shall provide a buffer strip as defined herein at the point of abutment. See Definitions, Article II, Section 2.020.

3.120 SITE PLAN REQUIREMENT

The purpose of this provision is to prevent undesirable site development that would unduly create inadequate circulation and unnecessary congestion; to obtain maximum convenience, safety, economy and identity in relation to adjacent sites; and to provide maximum flexibility for expansion, change in use, and adaptation to individual needs. Thus, applicant's for Building Permits must submit scale drawings, according to the particular type of development proposals, to the Covington Municipal-Regional Planning Commission in accordance with the following procedures. In addition, a fee established by the Covington Municipal-Regional Planning Commission of $50 shall be due and payable at the time of submittal along with ten (10) copies of the proposed site plan. A Site Plan Checklist is provided for reference in Appendix A, Form 1.

A. Proposals for the construction or location of one (1) or more principal structures on any commercial or industrial lot or more than one principal residential structure shall be submitted at a scale no smaller than 1"-100', and must exhibit required automobile storage areas, loading and unloading spaces, maneuvering areas, openings for ingress and egress to public streets, and landscape treatment in accordance with Article III, Section 3.110, outlined in this Ordinance.

B. Proposal for mobile home parks and shopping centers shall follow separate provisions outlined in Article IV, Sections 4.090 and 4.110, respectively of this Ordinance.

C. The above applications must be supported by any other information or data as might be deemed necessary by the Covington Municipal-Regional Planning Commission.

D. Grading and Building permits are required before any work begins for any lot, tract, subdivision, commercial development or industrial development with the exception of farming.

E. Site plan approval shall be valid for a period of one year. If substantial work has not been completed after one (1) year, the site plan shall be deemed void and applicant shall re-apply for approval.

F. Site plan denial by the Covington Municipal-Regional Planning Commission shall serve a one (1) year waiting period before re-applying, unless recommended otherwise by the Planning Commission.

G. The site plan shall include (a checklist is provided as Form 1 in the Appendix):

1. Name and address of development, owner of record and applicant.

2. Present zoning classification of the site and all abutting properties.

3. Nature of the proposed use of the site, and the Tax Map and Parcel Number.

4. Date, scale, north point and all related dimensions and bearing of the lot.

5. Courses and distances of centerlines of all streets.

6. All building restriction lines (yard setbacks and right-of-ways) and easements.

7. Acreage or square footage of the lot.

8. Sufficient grade and elevation information to demonstrate that the property will drain properly, and show the topographic contour lines at a five (5) foot interval.

9. Location of all utilities, including all outside lighting (existing or proposed).

10. All Commercial and Industrial zoned or use properties shall require a stormwater runoff analysis including before and after volumes.

Section 3.130. Solar Farm Regulations

1. Solar farms shall be a Use Permitted in the I-1 (Light Industrial) District and I-2 (Restricted Industrial) District only.

2. Solar farms shall be enclosed by perimeter fencing to restrict unauthorized access at a height of eight and a half (8.5) feet.

3. Adequate screening shall be provided. This can be accomplished by either the required perimeter fencing being constructed as a board-to-board privacy fence or by vegetative screening being placed beyond the perimeter fence to a density and height that adequately buffers the solar farm from any nearby uses.

4. Solar farms shall adhere to the setback, height, and coverage requirements of the district.

5. Solar farm structures must be set back a minimum of 500 feet from residential structures.

6. Solar farms must be located on lots of no less than 40 acres in size.

7. Solar farms must not create increased noise levels that are discernible to nearby residential uses.

8. Solar farms must not produce glare that would constitute a nuisance to occupants of neighboring properties or persons traveling neighboring roads.

9. All electrical interconnection and distribution lines within the project boundary shall be underground.

10. Solar farms which become inactive for a period exceeding one (1) year shall be removed at the owners or operators expense and the site shall be returned to its natural state. This includes the obligation to dismantle and remove from the site all electrical generating equipment, cables, panels, foundations, buildings and ancillary equipment. To the extent possible, the operator shall restore and reclaim the site to its pre-project topography and topsoil quality. Any agreement between the operator and landowner for removal to a lesser extent than set forth in this paragraph shall be required prior approval by the Planning Commission. The restoration activities must be complete within 18 months from the date the solar farm becomes inactive.

11. The applicant shall submit to the Planning Commission a decommissioning plan describing the manner in which the applicant anticipates decommissioning the project. The plan shall include a description of the manner in which the applicant will ensure that it has the financial capability to carry out the restoration requirements. The Planning Commission shall require the operator to submit an annual report describing how it is fulfilling this obligation. The Planning Commission shall decide if it is prudent to include provisions that ensure financial resources will be available for decommissioning. This shall include other methods of guaranteeing performance, such as establishing an escrow account into which the developer/operator will deposit funds in an amount to be determined on a regular basis over the life of the project and would allow The City of Covington to have access to the escrow account for the explicit purpose of decommission in the event of default. Financial provisions shall not be so onerous as to make the solar farm unfeasible.

3.140. WIND FARM REGULATIONS

Individual Wind turbines shall be situated in a location equal to their height plus 10 (ten) feet from all property lines and all structures. The use of individual wind energy devices for the purpose of providing energy is a permitted use within the Industrial (I-1 and I-2) zones. All wind farms shall be fenced and buffered. A building permit shall be required before any construction of a wind farm shall begin. Said permit shall be based upon four percent (4%) of the actual total cost of construction, including all associated equipment. A document submitted by the developer shall be on company letterhead and submitted at the time of issuance of permit to establish cost of permit. Any wind farm not in operation for a continuous period of thirty (30) months shall be considered abandoned and the parcel owner is responsible for removal of all systems, within ninety (90) days of receipt of notice. The applicant shall submit to the Planning Commission a decommissioning plan describing the manner in which the applicant anticipates decommissioning the project. The plan shall include a description of the manner in which the applicant will ensure that it has the financial capability to carry out the restoration requirements. The Planning Commission shall require the operator to submit an annual report describing how it is fulfilling this obligation. The Planning Commission shall decide if it is prudent to include provisions that ensure financial resources will be available for decommissioning. This shall include other methods of

guaranteeing performance, such as establishing an escrow account into which the developer/operator will deposit funds in an amount to be determined on a regular basis over the life of the project and would allow The City of Covington to have access to the escrow account for the explicit purpose of decommission in the event of default. Financial provisions shall not be so onerous as to make the wind farm unfeasible.

3.150 General Provisions

Specific Standards for Communications Towers - In addition to the requirements of the applicable district and the general requirements set forth above, a special exception shall be granted for Communications Towers when the standards established are met as part of the condition for issuing the permit in the applicable zone districts.

1. Setbacks

   A. All towers and accessory structures that are not constructed within a utility easement shall be setback from the property lines a distance equal to sixty (60) percent of the tower height to the district yard requirement, which ever is greater.

   B. In instances when a tower and accessory structures are constructed adjacent to a residential district, either immediately adjacent to such property or across a public way, the minimum setback from a residential lot line or a residential district, shall be equal to one hundred (100) percent of the tower height.

2. Shared Use

   A. The shared use of existing towers shall be required throughout the Town. The applicant's proposal for a new telecommunications tower shall not be approved unless the applicant can prove, through documentation, that the proposed equipment cannot be accommodated on an existing or approved tower located within a minimum distance of one mile of the proposed tower due to one (1) of the following reasons:

      (a) The planned equipment would exceed the structural capacity of the existing or approved tower and said tower does not have the capability to be upgraded.
      (b) The planned equipment would cause radio frequency (RF) interference with other existing or planned equipment.
      © The planned equipment would not function effectively and reasonably on an existing tower.
      (d) Geographic service requirements would prevent the co-use of an existing tower and structure.

   B. The feasibility of the shared use of any proposed tower in the future shall be addressed at the time of application. As a minimum a tower shall be designed for a co-use of a minimum of three (3) fully sectored antenna arrays unless such tower is proposed for co-use on an existing utility structure. The applicants shall provide a letter

of intent committing the tower owner and any successive owners to providing for the shared use of the tower. If a future applicant agrees in writing, to pay any reasonable rate for the shared use.

3. Type

All new towers over sixty (60) feet in height shall be of mono-pole type structure. No lattice type antennas or towers over sixty (60) feet in height shall be permitted in the City of Covington.

4. Structural Requirements

Prior to the approval of any application for a tower or the co-use of an existing tower or utility structure, the applicant shall provide written certification from a registered structural engineer that the tower is able to withstand winds of a minimum of seventy (70) miles per hour with one-half (.5) inch radial ice.

5. Screening and Landscaping

A. For all ground structures and buildings, special care shall be taken to minimize the effects on adjacent residential areas.

B. All ground structures shall be screened in a manner which consists of a minimum of an eight (8) foot wide landscaped strip around the perimeter of the security fencing. The screen shall consist of a combination of trees, shrubs, vines and ground covers that blends and enhances the appearance of the ground structures with the surrounding area. The screen shall be installed for the permanent year round protection of adjacent property by visually shielding internal activities from adjoining property to a height of eight (8) feet or the height of the proposed accessory structures, whichever is greater. The landscaping provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or physical features that meet the intent and purpose of this section.

6. Height

A. No tower shall exceed a height of one hundred and ninety-five (195) feet.

B. In instances when a tower is to be co-located upon an existing utility structure, which is defined as a power line structure or an existing water tower, the maximum tower height shall not exceed the height of the structure plus twenty (20) feet.

7. Co-Located Towers and Antennas

The co-location of towers and antennas shall only be permitted on existing and proposed telecommunications towers and public utility structures consisting of power line structures or water towers in excess of thirty-five (35) feet in height.

8. Vehicle Access Control

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

9. Lighting

A. Towers: No artificially lighted tower shall be permitted in the City of Covington. If the proposed tower is required to be lighted by the FAA (Federal Aviation Administration), then the applicant shall be required to reduce the height of the tower or move the tower to eliminate the requirement for lighting.

B. Structures: Outside lighting of structures, if required for safety and security purposes, shall be of sensory fashion in whack illumination occurs only when the site is approached. The lighting shall be arranged to minimize glare and reflection on adjacent residential properties and public streets and does not exceed 0.4 foot candles measured at the property line, easement line or abutting properties zoned for residential use.

10. Security

The cellular tower facility shall be fully secured through the installation of a security fencing/wall system of a minimum height of eight (8) feet or the height of the accessory structures, whichever is greater.

11. Removal of Obsolete Towers

A. Any tower that is no longer in use for its original communication purpose shall be removed at the owner's expense. The owner shall provide the City with a copy of the notice of intent to the FCC to cease operations and shall be given ninety (90) days from the date of the ceasing of operations to remove the tower and all accessory structures, provided another operator has not submitted a request for a tower during that time period. In the case of multiple operators sharing a single tower, this provision shall not become effective until all users cease operations.

B. Prior to the issuance of a permit for any tower, co-use of any tower or co-use of any utility structure, a surety instrument (i.e. letter of credit or bond), which shall serve to ensure prompt removal of the tower once it ceases to operate, shall be provided by all users. The amount of the surety instrument shall be determined by the Mayor of Covington and the city engineer and then approved by the Planning Commission during the site plan review process.

12. Site Plan Requirements

Prior to the issuance of a building permit, the construction of a tower or the utilization of an existing structure for telecommunications or television transmission purposes, the submission of a site plan shall be required in

accordance with the following provisions and any site plan provisions included in the regulations for the applicable zoning district.

A. If the proposed tower is a new tower not on an existing utility structure, the site plan shall show the location of the initial users accessory structure and the location of two (2) future accessory structures.

B. A letter of intent from the owner and any successive owners allowing for the shared use of the tower.

C. A letter from a professional engineer certifying that the tower's height and design complies with these regulations and applicable structural standards and, also describes the towers capacity which includes the number and type of antennas that can be accommodated.

D. A letter indicating why existing towers within one (1) mile of the proposed tower location cannot be utilized.

ARTICLE IV

SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

SECTION

4.010 Off-Street Parking Requirements
4.011 Certification of Minimum Parking Requirements
4.012 Combination of Required Parking Space
4.013 Remote Parking Space
4.014 Extension of Parking Space into a Residential District
4.015 Requirements for Design of Parking Lots
4.020 Off-Street Loading and Unloading Requirements
4.030 Temporary Use Regulations
4.040 Customary Incidental Home Occupations
4.050 Fall-Out Shelter Restrictions
4.060 Gasoline Service Station Restrictions
4.070 Standards for Signs, Billboards, and Other Advertising Structures
4.080 General Requirements for All Manufactured and "Mobile" Homes
4.090 Development Standards for Mobile Home Parks
4.100 Development Standards for Automobile Wrecking, Junk & Salvage Yards
4.110 Off Road, ATV Track or Trail Regulations
4.120 Subsurface Disposal of Toxic Materials
4.130 Development Standards for Sanitary Landfill or Hazardous Waste Facility (Disposal, Treatment, Storage)
4.140 Restrictions for Adult-Oriented Business Establishments
4.150 Standards for Telecommunication Antennas and Towers
4.160 Swimming Pool Regulations
4.170 Development Standards For Cemeteries
4.180 Private Airstrip Regulations
4.190 Development Standards for Mini-Storage Facilities

4.200 Development Standards for Golf Courses
4.210 Bed and Breakfast Regulations
4.220 Development Standards for Multi-Family Developments
4.230 Development Standards for Fences
4.240 Litter, Refuse, Garbage, Junk and Debris Control Regulations
4.250 Outdoor Firearms Training Facilities

4.010 OFF-STREET PARKING REQUIREMENTS

Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. Parking spaces may be included as part of the required yard space associated with the permitted use. One (1) vehicle space shall be two hundred (200) square feet in size (10 feet by 20 feet) and such space shall provide with vehicular access to a street or alley. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

A. **Single Detached Dwelling and Duplex** - Not less than two (2) spaces for each dwelling unit.

B. **Apartment Dwelling** - Not less than one and one-half (1-1/2) spaces per unit.

C. **Boarding Houses and Rooming Houses** - Not less than one (1) space for each one (1) room to be rented.

D. **Mobile Home Parks** - Not less than two (2) spaces for each mobile home space.

E. **Other Dwelling Units** - Not less than two (2) spaces per dwelling unit.

F. **Hotels, Motels, and Other Tourist Accommodations** - Not less than one (1) space for each room to be rented, plus one (1) additional space for each three (3) employees.

G. **Any Auditorium, Church, Stadium, or Other Place of Public Assembly** - Not less than one (1) space for each five (5) seats provided in such places of assembly. For places of public assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc. at least one (1) space for each one hundred (100) square feet of floor space devoted to that particular use shall be provided.

H. **Manufacturing, Industrial or Wholesaling Use** - Not less than one (1) space for each two (2) employees anticipated during maximum production, with a minimum of five (5) spaces provided for any establishment. For establishments maintaining space for the sale of products at retail, there shall be provided one (1) parking space for each three hundred (300) square feet of floor area devoted to retail sales.

I. **Office and Professional Buildings** - Not less than one (1) parking space for each one hundred fifty (150) square feet of office space.

J. **Retail Sales and Services Establishments** - Not less than one (1) parking space for each two hundred (200) square feet, or fraction hereof, of sales space

in general commercial districts and the rural center districts, plus one (1) parking space for each two (2) employees.

K. **Medical or Dental Clinic** - Not less than three (3) spaces per doctor, plus one (1) additional space for each two (2) employees.

L. **Roadside Service Facilities (Service Stations, Repair Shops or Similar Uses)** - Not less than five (5) spaces for grease rack or service bay, or one (1) space for each one thousand five hundred (1,500) square feet of lot area or fraction thereof, whichever is greater.

M. **Restaurants** - Not less than one (1) space per one hundred (100) square feet of floor area, plus one (1) space for each two (2) employees. For drive-in restaurants, one (1) space per one hundred (100) square feet of floor area.

N. **Hospitals** - Not less than one (1) space for each three (3) beds intended for patient use, exclusive of bassinets.

O. **Public Utility Building** – Not less than one (1) space for each employee during maximum shift.

P. **Schools** – Not less than one (1) space for each classroom, plus one (1) space for each staff member and employee other than teachers. If the school is a high school then one (1) additional space shall be required for each fifteen (15) students based on the capacity for which the building was designed. If an auditorium is provided, then see 'G' above and the number of parking spaces shall be developed based on whichever is greater.

Q. **Shopping Centers** – Five and one-half (5 1/2) parking spaces for each one thousand (1,000) square feet of gross floor area.

R. **Other** - For buildings and uses not listed, the off-street parking requirements shall be determined by the Board of Zoning Appeals.

4.011 Certification of Minimum Parking Requirements

Each application for a Building Permit shall include information as to the location and dimensions of off-street parking spaces and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Building Official to determine whether or not the requirements of this section are met.

4.012 Combination of Required Parking Space

The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

4.013 Remote Parking Space

If the off-street parking space required by this Ordinance cannot be reasonably provided on the same lot, on which the principal use is located, such space may

be provided on any land within four hundred (400) feet of the main entrance to such principal use, provided such land is in the same ownership or lease as the principal use. Such land shall be used for no other purpose so long as no other adequate provision of parking space, meeting the requirements of this Ordinance, has been made for the principal use.

4.014 Extension of Parking Space into a Residential District

Required parking space may be extended one hundred (100) feet into a residential district, provided that:

A. The parking space adjoins a commercial or industrial district.

B. The parking space has its only access to or fronts upon the same street as the property in the commercial or industrial districts for which it provides the required parking spaces.

C. The parking space is separated from abutting properties in the residential districts by a buffer strip.

4.015 Requirements for Design of Parking Lots

A. All parcels of land regardless of use devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back onto a public way to obtain egress.

B. The parking space shall be no less than two hundred (200) square feet in area (10' x 20').

C. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 3.090, of this Ordinance.

D. The parking lot shall be designed in such a manner as to provide adequate drainage, including stormwater runoff and to eliminate the possibility of stagnant pools of water.

E. The parking lot shall be paved, and appropriate signage for ingress and egress and striping for parking spaces shall be required.

4.020 OFF-STREET LOADING AND UNLOADING REQUIREMENTS

Every building or structure hereafter constructed and used for industry, business, or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public or private alley, or if there is no alley, to a public street. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

Total Usable Floor Area for Principal Building	*Spaces Required Size 10'x50' with 14 Feet Height Clearance
0 to 4,999 sq. ft.	**One (1) Space**
5,000 to 9,999 sq. ft.	**Two (2) Spaces**
10,000 to 14,999 sq. ft.	**Three (3) Spaces**

15,000 to 19,999 sq. ft.	**Four (4) Spaces**
Over 20,000 sq. ft.	**Four (4) Spaces Plus One (1) Space for Each Additional 20,000 Square Feet**

***The Board of Zoning Appeals may reduce or increase this requirement in the interest of safety or where unusual or special conditions are due consideration.**

4.030 TEMPORARY USE REGULATIONS

The following regulations are necessary to govern the operation of certain necessary or seasonal uses non-permanent in nature. Application for a Temporary Use Permit shall be made to the Building Official. Said application shall contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, set-back, sanitary facilities and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits that follow and to the regulations of any district in which such use is located.

A. **Carnival or Circus** - May obtain a Temporary Use Permit, in the FAR, C-3, I-1, I-2 District; however, such permit shall be issued for a period of not longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided.

B. **Fireworks and Christmas Tree Sales** - Shall obtain a thirty (30) day Temporary Use Permit for the retail sale of Fireworks or Christmas Trees transported to open lots in the FAR, C-1, C-2, C-3 and I-1, I-2 Districts.

C. **Temporary Buildings** - In any district, a Temporary Use Permit may be issued for contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six (6) month extensions; however, not more than two (2) extensions for a particular use shall be granted. Such use shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs sooner.

D. **Religious Tent Meeting** - In any district, a Temporary Use Permit may be issued, at no cost, for a tent or other temporary structures used to house a religious meeting. Such permits shall be issued for not more than a thirty (30) day period, and for a maximum of two (2) nonconsecutive periods in a one (1) year time span. Such activity shall be permitted only on lots where adequate off-street parking can be provided.

E. **Temporary Dwelling Unit in Cases of Special Hardships** - In any residential district, a Temporary Use Permit may be issued to place a mobile home (double-wides excluded) temporarily on a lot in which the principal structure was destroyed by fire, explosion or natural phenomenon. The purpose of such temporary placement shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent a hazard to the safety, health, or welfare of the community. An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from the Tipton County Health Department and/or the utility system approving the water supply and sewage disposal system for the temporary structure. Such a permit shall not be valid for more than six (6) months, and may be renewed for

up to six (6) months at a time, the total time for all permits not exceeding a total of eighteen (18) months, unless otherwise approved by the Board of Zoning Appeals.

F. **Historical Events, Presentation and Historical Related Activities** - In an FAR District, a Temporary Permit may be issued for historical events, presentations or historical related activities for not more than six (6) times per year. Such permit shall be in effect for a period not to exceed seven (7) consecutive days.

G. **Special Events** - Special events, but not limited to, tractor pulls, music festivals or temporary activities that would take place in an open space setting of at least three-fourths (3/4) of an acre for not more than two (2) times per year. Such permit shall be in effect for a period not to exceed ten (10) consecutive days. Permits for Special Events will be issued to nonprofit, non-taxpaying entities at no cost.

4.040 CUSTOMARY INCIDENTAL HOME OCCUPATIONS

A customary incidental home occupation is a gainful occupation or profession (including the professional office of an architect, artist, dentist, engineer, lawyer, physician and the like, barber, beauty and tailor shops) conducted by members of a family residing on the premises. Only one (1) person other than members of the household shall be employed. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings. An announcement sign of not more than six (6) square feet in area is permitted. No more than twenty-five (25) percent of the floor area of the dwelling unit is to be used to conduct the home occupation.

When questions arise regarding the legality of specific home occupations, the Board of Zoning Appeals shall determine whether said home occupation is in compliance with the district in which it is located. However, activities such as dancing instruction, band instrument instruction, except piano instruction, tea rooms, tourist homes, real estate offices, convalescent homes, mortuaries, animal clinics, retail sales incompatible with the district or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation.

A. **Accessory-Agricultural Occupations**

These provisions are established to provide supplemental occupations for residents located in a rural environment. All applications requesting approval for this type of home occupation are required to meet the provisions set forth in Section 8.060, C, and any other safeguards the Board of Zoning Appeals may deem necessary. All accessory-agricultural occupations require approval of a site plan by the Planning Commission and approval by the Board of Zoning Appeals as a Special Exception. Uses permitted as accessory-agricultural occupations shall include, but not limited to auto, truck and farm equipment repair, welding shops, wood working and cabinet shops, manufacture or processing of garments, the sale of farm supplies and equipment (excluding privately owned) and other similar uses that in the opinion of the Board of Zoning Appeals would meet the criteria of an accessory-agricultural occupation.

B. **Minor Home Occupations**

A minor home occupation is a limited activity conducted on premises to differ from its residential character. Minor home occupations shall include offices for accountants, architects, artists, engineers and the like, and other uses that will not require an increased amount of traffic to and from the residence and are required to meet the provisions set forth in Section 8.060, D. Uses such as barber or beauty shops, auto repair or any similar use shall not be considered as minor home occupations. Due to the small scale of operation, minor home occupations are not required to obtain approval for a special exception as a special exception from the Board of Zoning Appeals.

C. **Major Home Occupations**

Uses classified as major home occupations are those conducted within home that may cause an increase in the amount of neighborhood traffic. This increase in traffic may be in the form of persons served by the home occupation or by deliveries or pick-ups from the premises. An increased area for parking will be allowed for uses that are classified as major home occupations. All major home occupations are required to have a site plan approval from the Covington Municipal-Regional Planning Commission and their use approved by the Board of Zoning Appeals prior to engaging in the activity, and are required to meet the provisions set forth in Section 8.060, D. Major home occupations shall include barber and beauty shops, teaching of music and dance, small engine and appliance repair (excluding auto and other motorized vehicles), upholstery shops, dressmakers, real estate offices, and other similar uses that in the opinion of the Board of Zoning Appeals would meet the criteria of a major home occupation.

4.050 FALL-OUT SHELTER RESTRICTIONS

Fall-out shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and lot coverage regulations of the District. Areas of underground fall-out shelters extending not more than thirty (30) inches above the general ground level of the graded lot shall not be included in computations of lot coverage by all buildings. The Board of Zoning Appeals may waive side and rear yard setback requirements to permit construction of joint shelters by two or more property owners, provided, however, that side and rear yard setback requirements shall be met where property involved in the joint proposal abuts or adjoins property not included in the proposal.

4.060 GASOLINE SERVICE STATION RESTRICTIONS

The following regulations shall apply to all gasoline service stations.

A. There shall be a building setback from all street right-of-way lines for a distance of not less than thirty (30) feet, except for canopies designed to cover the gasoline pump islands.

B. Gasoline pumps shall not be located closer than thirty (30) feet to any street right-of-way line.

C. Sign requirements as established in Article IV, Section 4.070, shall be met.

4.070 STANDARDS FOR SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES

These conditions are established as a reasonable and impartial method of regulating advertising structures in order to insure light, air, and open space, to reduce hazards at intersections, and to protect property values of the entire community. The regulations for signs, billboards, and other advertising structures are enumerated below. All signs requiring a permit shall obtain a permit at a fee of $25 for the first thirty-two (32) square feet, plus $1 per square foot thereafter.

A. In Any Zoning District, the Following General Regulations Shall Apply:

1. No sign shall be erected or maintained where by reason of its position, wording, illumination, size, shape, or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal, device or, emergency vehicle.

2. No illuminated sign shall be permitted within one hundred (100) feet of property in any residential district unless the illumination of such sign is so designed that it does not shine or reflect light onto such property.

3. No billboard or ground sign shall be erected to exceed the maximum height limitation for the district in which it is located. No billboard shall exceed fifty (50) feet in height.

4. Signs may be erected or placed up to the property line but no part of the sign structure may project or overhang past said property line. However, no billboard shall be erected or placed closer than two thousand (2000) feet of any FAR, R-1, R-2 or R-3 District. In addition, billboards shall be setback a distance equal to the height of the billboard plus ten (10) feet from any property line.

5. On the premises, outdoor advertising signs, including flashing or intermittent illumination, shall not intrude upon the public right-of-way.

6. Signs erected and overhanging any sidewalk must be placed at least ten (10) feet above the sidewalk and may extend over the sidewalk a distance equal to two-thirds (2/3) the width of the sidewalk, but in no case exceeding ten (10) feet.

7. Professional signs and signs for home occupations shall not exceed six (6) square feet in area, in FAR, R-1, R-2 and R-3 districts. Only one sign shall be allowed on any parcel for a home occupation.

8. Temporary signs and posters are subject to the following regulations:

   a. Each sign shall not exceed thirty-two (32) square feet in area, excluding banners and political election signs.

   b. The signs shall not be located closer together than five hundred (500) feet of each other with the exception "For Sale" and "For Rent" signs or political election signs.

   c. Such signs shall not be nailed to public utility poles and shall not be located in the public right-of-way, excluding banners.

   d. All such signs advertising events shall be placed/erected no sooner than thirty (30) days before the event date, and shall be removed within ten (10) days after the event date.

9. In any district, the following signs shall be permitted:

   a. For parking areas, entrance and exit signs not exceeding four (4) square feet in area and not more than one (1) sign, not more than sixteen (16) square feet in area, identifying or designating the conditions of the use of such parking area.

   b. Nonilluminated "For Sale" or "For Rent" signs not exceeding twelve (12) square feet in area.

   c. One (1) sign not more than twelve (12) square feet in area giving the names of contractors, engineers, or architects, during construction of a building.

   d. Signs established by, or by order of, any governmental agency.

   e. For special events of public interest, one (1) sign not over thirty-two (32) square feet in area.

   f. Flags or emblems of political, civic, philanthropic, educational or religious organizations.

   g. Small nonilluminated signs, not exceeding two (2) square feet in area, displayed strictly for the direction, safety, and convenience of the public, including signs which identify rest rooms, freight entrances and the like.

10. Spacing of Off Premise Signs

All off premise signs, billboards and other advertising structures must be spaced two thousand (2000) feet apart in any direction.

B. In the FAR District, the Following Regulations Shall Apply:

1. Name plates indicating name, address, house number or customary home occupations are permitted.

2. Not more than two (2) nonilluminated signs, not to exceed a total of thirty-two (32) square feet in area, advertising the sale of agricultural products produced on the premises shall be permitted.

3. Church, school, or public building bulletin boards or identification signs, not exceeding sixty-four (64) square feet in area permitted.

4. Flashing or intermittent illumination is prohibited.

5. Billboards and other advertising structures are prohibited, except certain directional signs intended to guide the general public to areas designated as possessing scenic, historical, of recreational value. However, such directional sign shall not exceed sixty-four (64) square feet in area.

6. Business signs, not to exceed one (1) square foot of surface area for each two (2) linear feet of face of building, relating to the business on the premises will be permitted.

C. In the R-1, R-2 and R-3, Residential Districts, the Following Regulations Shall Apply:

1. Nameplates indicating name, address, house number or customary home occupations are permitted.

2. For multi-family dwellings, identification signs not exceeding nine (9) square feet in area are permitted.

3. Church, school or public building bulletin boards or identification signs, not exceeding thirty-two (32) square feet in area are permitted.

4. Flashing or intermittent illumination is prohibited.

5. Billboards and other advertising structures are prohibited.

D. In the C-1, Rural Commercial District, the Following Regulations Shall Apply:

1. Nameplates indicating name, address, house number or customary home occupations are permitted.

2. Church, school, or public building identification signs or bulletin boards, not exceeding sixty-four (64) square feet in area are permitted.

3. For other permitted uses, one business sign not exceeding one (1) square foot of surface for each one (1) lineal foot of lot fronting on a public street, will be permitted. Such sign shall be mounted on the premises and shall be directly related to the activity conducted on said premises.

4. Billboards and other general advertising structures are prohibited.

E. In the C-2 and C-3, Commercial Districts, the Following Regulations Shall Apply:

1. Bulletin boards or identification signs, not exceeding sixty-four (64) square feet in area, shall be permitted for public recreation uses, community facilities, hospitals, and clinics.

2. Business signs shall be permitted subject only to the restrictions in Section 4.070, A, of this Ordinance.

3. Billboards and other outdoor advertising structures are permitted subject to the general restrictions set forth in Section 4.070 A.

F. In the I-1 and I-2, Industrial Districts, the Following Regulations Shall Apply:

1. Business signs shall be permitted which relate to the business on the premises. Such signs shall be located not closer than one-half (1/2) the required setback from all property lines.

2. Flashing or intermittent illumination is prohibited.

3. Billboards and other outdoor advertising structures are permitted subject to the general restrictions set forth in Section 4.070 A.

4.080 GENERAL REQUIREMENTS FOR ALL MANUFACTURED OR "MOBILE" HOMES

A. All types of manufactured homes must be permitted before they are moved on site. If a manufactured home is moved on site before it is permitted, the fee shall be doubled as a penalty. All types of manufactured homes shall have the same general appearance as is required for site-built homes. All types of manufactured homes shall be required to connect to public utility systems, where available.

B. All types of manufactured homes will require skirting. Skirting shall be of material suitable for exterior exposure and contact with the ground. Skirting shall be installed in accordance with the skirting manufacturer's installation instructions. Skirting shall be adequately secured to assure stability, to minimize vibration and susceptibility to wind damage, and to compensate for possible frost heave. Skirting shall not include corrugated aluminum, fiberglass or vinyl.

C. All types of manufactured homes needing repairs must have all repairs completed within sixty (60) working days of the date the home is permitted. If repairs are not completed, all permits issued by the Building Official will become void, and the manufactured home shall be removed from the property at the owner's expense.

D. All types of manufactured homes must meet all applicable codes within sixty (60) days of the date of issuance of permit. If all codes are not met, all permits issued by the Building Official will become void, and the manufactured home shall be removed from the property at the owner's expense.

E. Hitches or towing apparatus', axels and wheels shall be removed and the unit installed on a permanent foundation system in compliance with all applicable requirements of the International Building Code for manufactured homes, excluding manufactured "mobile" homes.

F. If any type of new manufactured home does not have a certification label or any type of manufactured home is used, the interior of the home must be inspected by the Building Official's Office in conjunction with the exterior inspection. The interior of the home will have to meet all applicable codes such as, but not limited to smoke detectors and ingress-egress requirements, including windows.

1. Certification label must be a permanent label affixed to each transportable section of each manufactured home for sale or lease. This label shall be separate and distinct from the data plate that the manufacturer is required to provide.

2. The label shall be approximately two (2) inches by four (4) inches in size and shall be permanently attached to the manufactured home by means of four (4) blind rivets, drive screw, or other means that render it difficult to remove without defacing the label. The label shall be etched on 0.32-inch thick aluminum plate. The label number shall be etched or stamped with a 3-letter designation that identifies the production inspection. Each label shall be marked with a six (6) digit number that the label supplier shall furnish. The labels shall be stamped with numbers sequentially.

3. <u>The label shall read as follows</u>:

   As evidenced by this Label No. ABC 000001, the manufacturer certifies to the best of the manufacturer's knowledge and belief that this manufactured home has been inspected in accordance with the requirements of the Department of Housing and Urban Development and is constructed in conformance with the Federal manufactured home construction and safety standards in effect on date of manufacture.

4. The label shall be located at the tail-light end of each transportable section of the manufactured home approximately one (1) foot up from the floor and one (1) foot in from the road side, or as near that location on a permanent part of the exterior of the manufactured home unit as practicable. The road side is the right side of the manufactured home when one views the manufactured home from the two bar end of the manufactured home.

4.090 DEVELOPMENT STANDARDS FOR MOBILE HOME PARKS

The following land development standards shall apply for all mobile home parks:

A. The mobile home park shall be located on a well-drained site, properly graded to insure rapid drainage and to avoid the possibility of stagnant pools of water. Drainage plans shall be approved by the Director of Public Works.

B. Dimensional Requirements for Parks

1. Each mobile home park shall have a front yard setback of fifty (50) feet exclusive of any required yards for each mobile home space, extending for the full width of the parcel devoted to said use.

2. Each mobile home park shall provide rear and side yards of not less than thirty and fifteen (30 - 15) feet respectively, exclusive of any required yards for each mobile home space, from the parcel boundary.

3. In instances where a side or rear yard abuts a public street, said yard shall not be less than fifty (50) feet.

4. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.

5. Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only the name and address of a park and may be lighted by indirect lighting only.

6. The site for a mobile home park shall comprise of an area of not less than ten (10) acres.

7. Direct vehicular access to the site shall be provided by an abutting improved public street of at least a "Collector" status (as shown on the Covington Municipal-Regional Major Road Plan.)

C. Dimensional Requirements for Mobile Home Spaces

Each mobile home space shall be of sufficient size that, in addition to the mobile home, the following space shall be provided:

1. Each mobile home space shall be at least thirty-six (36) feet wide and such space shall be clearly defined by permanent markers.

2. There shall be a front yard setback of ten (10) feet from all access roads within the mobile home park.

3. Mobile homes shall be harbored on each space so there shall be at least a twenty (20) foot clearance between mobile homes in all directions. No mobile home shall be located closer than twenty (20) feet from any building within the mobile home park.

4. There shall be at least two (2), off-street parking spaces for each mobile home space, which shall be on the same site as the mobile home served, and may be located in the rear or side yard of said mobile home space.

5. Each mobile home space shall be provided with a pad that shall be a minimum of twelve (12) feet by fifty (50) feet, which shall be constructed of four (4) inches of compacted gravel.

6. The mobile home park shall be developed to a density compatible with the district in which it is located; however, the minimum lot area per mobile home space with public water and sewer shall be three thousand six hundred (3,600) square feet. For double wide mobile homes, the minimum lot size shall be six thousand (6,000) square feet. In areas without public waste water service, the minimum lot area shall be seven thousand five hundred (7,500) square feet for single wide mobile homes and ten thousand (10,000) square feet for a double wide mobile home, unless a higher density is approved by the Tipton County Health Department and the Board of Zoning Appeals after appropriate soil tests have been completed and analyzed as to the capability of the soil to accommodate a septic tank and drain field.

   No mobile home park shall be permitted unless such park is served by a public water supply.

D. General Requirements

1. Roads within the mobile home park shall be paved to a width of not less than twenty-two (22) feet in accordance with the procedures and standards for minor residential streets as specified in the Covington Regional Subdivision Regulations, and the right-of-way shall only be of sufficient width to include the road surface itself and necessary drainage facilities. All roads within the mobile home park shall be private roads and shall not be accepted as public roads.

2. All mobile home spaces within the park shall abut an access road.

3. Each mobile home space shall be provided with the connection to a sanitary sewer line or to a sewer system approved by the Tipton County Health Department and Board of Zoning Appeals.

4. Mobile homes, with or without toilet facilities that cannot be connected to an approved sewer system shall not be permitted in a mobile home park.

5. Cabanas, travel trailers, and other similar enclosed structures are prohibited.

6. Mobile homes shall not be used for commercial, industrial, or other nonresidential uses including customary home occupations within the mobile home park, except that one (1) mobile home in the park may be used to house a rental office.

7. Ground anchors shall be installed at each mobile home space to permit tie-downs of mobile homes in accordance with the International Building Codes.

8. All mobile home parks shall be required to provide inground storm shelters at thirty-six (36) square feet per mobile home space. All storm shelters shall be located so that no mobile home space exceeds a distance of two hundred fifty (250) linear feet. There is no limit to the number of storm shelters required for any mobile home park.

9. At least ten (10%) percent of the total parcel of land being used for the mobile home park shall be designated for open space and recreation in a centralized location. This area shall not be used for the placement of mobile homes or parking.

E. Plans and Schedules Required

The following information shall be shown on the required site plan drawn to a scale of no smaller than one hundred (100) feet to one (1) inch:

1. The location and legal description of the proposed mobile home park, including the total acreage involved.

2. The location and size of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.

3. The proposed use of buildings shown on the site plan.

4. The location and size of all mobile home spaces.

5. The location of all points of entry and exit for motor vehicles and internal circulation pattern.

6. The location of all off-street parking facilities.

7. The location of park and recreation areas.

8. The name and address of the applicant, and name of the park.

9. North point, graphic scale, date, vicinity map, and names of the owners of record of all adjoining land.

10. Such other architectural, engineering, and topographic data as may be required to permit the Tipton County Health Department, the Building Official, Director of Public Works, and the Board of Zoning Appeals to determine if the provisions of these regulations are being complied with, shall be submitted with the site plan.

11. A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.

12. All mobile home parks existing at the date of the passage of this Ordinance that do not conform to the provisions of this Ordiannce shall be governed in accordance with the provision of Section 6.020, of this Ordinance.

F. Application for Mobile Home Park Development

An application for a permit to develop and construct a mobile home park shall be filed in accordance with this Ordinance, and shall be accompanied by all site plans, schedules, and other information herein required. Said application shall be processed in the following manner.

1. The written application, plans, and schedules, herein required, and a statement of approval of the proposed sewage disposal system from the Tipton County Health Department will be submitted to the Covington Building Official, and the Covington Municipal-Regional Planning Commission for site plan approval. The Covington Municipal-Regional Planning Commission shall duly review these materials and shall co-ordinate the review with the appropriate utility districts.

2. The Covington Building Offiical shall, after review, recommend approval or disapproval of the proposed mobile home park to the Board of Zoning Appeals, which then may authorize the issuance of a permit for construction of the park as approved, or state the conditions under which approval for construction may be granted.

3. An annual fee to operate a mobile home park shall be based on the number of mobile home pads approved. A permit will be issued upon receipt of the annual fee, and shall be posted on the property. Any addition of mobile home pads shall require approval in the same fashion, as did the original plan. The annual fee shall be twenty-five ($25) dollars, plus an additional five ($5) dollars per space approved whether occupied or not.

4. Under no circumstance shall any portion of the mobile home park as a park be subdivided into individual lots, and when any ownership of the mobile home park changes, notification shall be presented to the Covington Planning and Building Department.

5. Any newly placed mobile home in the park shall be permitted as required in Section 8.030 of this Ordinance.

4.100 DEVELOPMENT STANDARDS FOR AUTOMOBILE WRECKING, JUNK AND SALVAGE YARDS

Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property value by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses, such as those outlined above, will have properly minimized their objectionable characteristics:

A. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

B. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than three hundred (300) feet from any established residential zone, and shall be located on a minimum of twenty-five (25) acres.

C. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height. Storage between the road or street and such fence, screen, or wall is expressly prohibited. Any fence, screen, or wall for concealment shall be maintained in good condition. Such enclosed storage area shall be located no closer than three hundred (300) feet from any road or street right-of-way or property line. In addition, a buffer strip as regulated in Article III, Section 3.110 shall be required surrounding the enclosed storage area.

D. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.

E. **Off-Street Parking** - As regulated in Article IV, Section 4.010.

F. **Ingress and Egress** - The number of vehicular access driveways permitted on any single street frontage shall be limited to one (1) driveway where the parcel to be used, has a maximum road or street frontage of one hundred (100) feet or less.

G. **Application for Automobile Wrecking, Junk or Salvage Yard Permit** - No person shall own or maintain an automobile wrecking, junk, or salvage yards within The Covington Planning Region, or enlarge or expand the existing land surface area beyond what was previously permitted upon application pursuant to these regulations, until said person has secured a permit from the Covington Board of Zoning Appeals. An application for said permit shall be filed in accordance with Article VII, Section 8.060, of this Ordinance, and shall be accompanied by a detailed site plan, indicating exact dimensions of area to be used, a schedule for construction, and any other information herein required. Said application shall be submitted along with any plans and schedules. The Board shall vote to approve or disapprove the application in accordance with Section 8.060.

4.110 OFF ROAD, ATV TRACK OR TRAIL REGULATIONS

The following uses are subject to review and approval by both the Board of Zoning Appeals for a special exception, and the Planning Commission for a site plan, subject to the minimum conditions required herein are met.

A. A site plan of the proposed track and all accessory structures, such as parking, garages, pit areas, storage areas, concession stands, camping and other areas incidental to the track operation shall be presented at the time of proposal.

B. No racetrack site shall be less than 50 acres. The track or trail itself shall be appropriate for the size and type of vehicles involved. Layout and design of tracks or trails shall be consistent with the parcel size.

C. Public water shall be available on-site in order to provide for public and participant safety or first aid.

D. No racetrack shall be located closer than two thousand (2,000) feet from any residence (including the owner's residence), school, church, daycare, or cemetery. Nor shall any racetrack be located any closer than five hundred (500) feet of the property line

E. All racetrack lighting shall be situated in such a manner that under no circumstances shall the lighting be directed toward a public road or reflected toward any residential property.

F. Spectator and participant waiting areas shall be buffered from the racing course.

G. Screening shall be required between the track and residential property. Such screening may be a strip of densely planted shrubs or trees which may be expected to form a year-round dense screen within three (3) years; may be a berm; or may be a wall, barrier or uniformly painted fence at least ten (10) feet in height as measured from the finished grade. Such wall, barrier or fence may be opaque or perforated, and all screening shall be maintained in good condition at all times.

H. The site plan shall show all roads, drives, easements, residences, schools, churches, daycares or cemeteries bordering the site.

I. All racetracks shall be required to provide a parking requirement of one (1) space for every four (4) seats, or one (1) space for every one hundred (100) square feet of spectator area, whichever is greater.

J. Concessions incidental to the track operations shall operate only in conjunction with racing activities.

K. Hours of operation shall be limited to 10:00 AM – 10:00 PM for noise producing activities and all lighting for the track shall be off by 11:00 PM.

L. The noise level at the perimeter of the property shall be no more than an average of 70 dbA, measured at one (1) minute intervals over a fifteen (15) minute period during normal business hours.

M. All racetracks in operation shall be reviewed for compliance every two (2) years by appearing before the Board of Zoning Appeals.

N. And any other requirements which, in the opinion of the Board of Zoning Appeals or the Planning Commission, would be required to protect the safety and general welfare of the surrounding area.

4.120 SUBSURFACE DISPOSAL OF TOXIC MATERIALS

The subsurface disposal of toxic materials as defined herein is prohibited in all zoning areas.

4.130 DEVELOPMENT STANDARDS FOR SANITARY LANDFILL OR HAZARDOUS WASTE FACILITY (DISPOSAL, TREATMENT, STORAGE)

The following land development standards shall apply to all sanitary landfills, "or hazardous waste water facility (disposal, treatment, storage)".

A. No sanitary landfill, "or hazardous waste facility (disposal, treatment, storage)", shall be located within six (6) miles upstream of an existing public water supply source.

B. The Covington Public Works Department must certify that existing access roads to a proposed landfill, "or hazardous waste facility (disposal, treatment, storage", site are capable of supporting the size and volume of traffic generated by the operation of the landfill and will have no adverse impact on the traveling public using these access roads. Beyond other considerations, a paved access road shall be considered a minimum requirement.

C. No sanitary landfill, "or hazardous waste facility (disposal, treatment, storage)", shall generate undue odors, fumes, smoke, land erosion, water or air pollution, and shall not create a public or private nuisance of any kind which would tend to endanger, contaminate, or cause harmful exposure.

D. No sanitary landfill, "or hazardous waste facility (disposal treatment, storage)", shall be located on property where a spring or springs emanate from under the proposed landfill site. For the purpose of this Ordinance, a known tributary of a stream of water shall be any depression having a bed and well-defined banks, where the drainage area above the same is fifty (50) acres or more in extent, and the flow of water need not be on a continuous basis, but may be intermittent resulting from the surface runoff of precipitation.

E. No sanitary landfill, "or hazardous waste facility (disposal, treatment, storage)", shall be located on property with limestone, bedrock and fissures, cracks, and openings in the ground.

F. No sanitary landfill, "or hazardous waste facility (disposal, treatment, storage)", shall be located in the proximity of either natural gas transmission pipelines or hazardous chemical pipelines.

G. No sanitary landfill, "or hazardous waste facility (disposal, treatment, storage)", shall be located in an area where the Covington Land Use and Transporation Plan of the Covington Municipal-Regional Planning Commission provides for:

1. residential development, or

2. development for future traffic needs.

H. No sanitary landfill, "or hazardous waste facility (disposal, treatment, storage)", shall be located in the drainage shed or water shed of a known tributary of a stream of water which supplies water to any water authority or water district, or which supplies water to any local, state, or federally established wildlife preservation area.

I. Before any proposal for the location of a public or private sanitary landfill or hazardous waste facility is considered by the Planning Commission, a site plan shall be submitted, and all required Federal, State and Local permits shall have been previously obtained for the proposed operation.

4.140 RESTRICTIONS FOR ADULT-ORIENTED BUSINESS ESTABLISHMENTS

The following requirements are for the location and operation of certain adult-oriented businesses, as defined in Article II, "Definitions".

A. No adult-oriented establishment shall be operated or maintained in the county within two thousand (2,000) feet, measured from property line to property line of a school, church, public recreation facility, day care facility, playground, or park.

B. No adult-oriented establishment shall be operated or maintained in the county within two thousand (2,000) feet, measured from intended property line to the property line boundary of a residential zone (FAR, R-1, R-2, R-3) or a lot devoted to residential use.

C. No adult-oriented business establishment shall be operated or maintained in the county within two thousand (2,000) feet, measured from property line to property line of another adult-oriented business establishment.

4.150 STANDARDS FOR TELECOMMUNICATION ANTENNAS AND TOWERS

Purpose; Goals: The purpose of this ordinance is to establish general guidelines for the siting of towers and antennas. The goals are to:

- Encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the community.
- Encourage strongly the joint use of new and existing tower sites.
- Encourage users of the towers and antennas to locate them to the extent possible, in areas where the adverse impact on the community is minimal.
- Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas.
- To enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.

A. Authority

1. District Height Limitations

   The requirements set forth in this ordinance shall govern the location of towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas.

2. Public Property

   Antennas or towers located on property owned, leased or otherwise controlled by the governing authority shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antennas or the governing authority has approved the tower.

3. Amateur Radio: Receive--Only Antennas

   This ordinance shall not govern any tower, or the installation of any antennas, that is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.

4. Pre-Existing Towers and Antennas

   Any tower or antenna on for which a permit has been properly issued prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance. Any such towers or antennas shall be referred to in this ordinance as "pre-existing towers" or "pre-existing antennas". Any antennas to be added to an existing tower will have to comply with any and all regulations set forth in this ordinance.

B. Requirements

1. Towers shall be located where there shall be no interference with any type of electronic reception in nearby residential areas.

2. There shall be sufficient radius of unimproved land around the tower to ensure its collapse will be contained within that unoccupied area. The radius shall be determined by measuring the proposed height of the tower and adding any additional height required accommodating all proposed antennas and other appurtenances, plus an additional ten (10) feet. Applicant shall provide proof of ownership, lease or permanent easement rights for the designated collapse area for any guyed towers, and area designed for monopole towers minus the collapse area.

3. Lot area used for site of tower shall be a ratio of length not to exceed width of lot more than four (4) times.

4. There shall be maneuverable room for maintenance vehicles on the property.

5. Site area shall be entirely enclosed by a chain link fence of not less than six (6) feet in height with a self-latching gate and three (3) rows of barbed wire above perimeter of entire fenced area. Gate shall be pad locked at all times when tower is not being maintained. Maintenance shall be the responsibility of the leasee of the property on which the tower resides.

6. Grounds immediately surrounding tower site and ground inside fenced area shall be maintained at all times. Site is to be maintained in compliance with the current Covington Regional Zoning laws.

7. On the exterior side of chained link fence, landscaping shall be required of shrubs not less than two (2) feet in height not to exceed eight (8) feet in height and shall be trimmed at all times to prevent an interference which may occur.

8. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.

9. On site buildings shall be used for storage of necessary on site equipment only and shall be built of concrete block.

10. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.

11. Road or easement to the tower site shall be maintained by the owner of the tower or the owner of the property and shall be maintained by said party until notice is given to the Planning and Zoning Department that said tower is no longer in use. This road or easement shall be a private road that is used as access to the tower and shall never under any circumstances become a county accepted or maintained road. If several users share the tower, the expense of the road shall be the responsibility of the leasee of the property on which the tower resides.

12. All tower users are required to obtain a permit from the Planning and Zoning Department, Building Official's Office, after approval from all necessary Boards have been granted. All inspections are to be called for by the user and/or their contractor. All inspections are to be approved before any tower or antenna can be used. Inspection procedures can be obtained in the Planning and Zoning Department.

13. Lighting of towers is prohibited, unless required by the Federal Aviation Administration (FAA) and/or the Federal Communications Commission (FCC). When lighting is required by the FAA, the lighting shall be in the form of Dual Lighting, which consists of red lights for nighttime and high or medium intensity flashing white lights for daytime and twilight, as stated in Chapter 4, Section 42.d of FAA requirements.

14. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the Federal government with the authority to regulate towers and antennas. If such governments and regulations are changed, then the owners of the tower and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owners' expense.

15. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment compatible. An inventory and map of all existing towers, public and private airports, heliports and landing strips within one (1) mile of the proposed site shall be submitted with application for special exception request. The inventory shall include information on the location, height and design of each tower and/or type of aircraft facilities.

16. Written evidence that the applicant has explored and exhausted all attempts to locate or co-locate its antenna on all existing towers or structures within a radius of one (1) mile of the proposed site shall be submitted to the Planning and Zoning Department at the time of application for a special exception request. New towers may be permitted if the applicant demonstrates to the Board of Zoning Appeals that no existing tower or structure can accommodate the applicant's proposed antenna, because of the following conditions:

    a. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.

    b. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.

    c. Existing towers or structures are not of sufficient structural strength to support the applicant's proposed antenna and related equipment.

    d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing tower.

    e. Any claim by the applicant that fees, costs or contractual provisions required sharing an existing tower or structure, or to adapt an existing tower or structure for sharing, are unreasonable.

    f. The applicant shows that there are other limiting factors that render existing towers and structures unsuitable.

17. Any antenna or tower not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such antenna or tower shall remove tower or antenna within ninety (90) days of receipt of notice from the Building Official. If said tower is not removed within the ninety (90) day period, penalties and costs shall be imposed by the Building Official and prior approval by the Board of Zoning Appeals shall be rescinded.

18. Approval by the Board of Zoning Appeals shall be valid for a period not to exceed twelve (12) months. If start of construction of the actual tower has not begun within twelve (12) months, approval shall expire and the applicant will be required to resubmit plans.

19. A building permit shall be required before any construction of a tower or antenna shall begin. Said permit shall be based on two (2) percent of the actual cost of the construction of tower or antenna, including all associated equipment. A document submitted by the developer shall be notarized and submitted at the time of issuance of permit enabling planning and zoning staff to establish cost of permit.

20. All proposed towers shall prepare the site plan in the anticipation for future co-location of additional antennas on the tower, including equipment pads and all other related activities to the use of the leased property.

C. Site Plan Requirements

A site plan of the purposed tower site shall be submitted to the Covington Municipal-Regional Planning Commission, after review from the Covington Board of Zoning Appeals, and shall include the following information, but shall not be limited to:

1. Name, address, telephone number, and contact person of the proposed user.
2. Name, address, telephone number, and contact person of construction drawings.
3. Name, address and telephone number of property owner.
4. Name, address and telephone number of construction tower contractor.
5. Legal description of proposed property to be used for tower site.
6. Vicinity map of proposed area in conjunction with the county.
7. Access to the proposed site and description.
8. Type of tower proposed, tower height and area of collapsing.
9. Surrounding property owners' names and all buildings on purposed site.
10. Any public utilities shown and all public utility easements described.
11. Scale of plat.
12. Existing public roads and right-of-ways.
13. Excavation, grading, concrete and structural steel notes, if any.
14. Staking, erosion and sediment control plans.
15. Radio frequency coverage.
16. Setbacks.
17. Parking, landscaping, buffer strips, if required, and adjacent uses.
18. If a buffer is required, appropriate licensed professionals shall seal all documentation of the site plan.
19. Required fall zone shall be shown.
20. Site Plan shall remain on file in the Planning, Zoning and Codes Department.

21. Any and all other information deemed by the governing authority to be necessary to assess compliance with this ordinance.

22. List the current estimated cost of construction of the tower or antenna, including all associated equipment.

23. Any and all other information deemed by the governing authority to be necessary to assess compliance with this ordinance.

D. Uses Permitted

1. Installing an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower or other free standing nonresidential structure) that is fifty (50) feet in height or greater, so long as said additional antenna adds no more than twenty (20) feet to the height of said existing structure.

2. Installing an antenna on any existing tower of any height, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower and said existing tower is not a pre-existing tower, provided however, that such specific permitted use shall not include the placement of additional buildings or other supporting equipment used in connection with said antenna.

E. Setbacks and Separation

The following setbacks and separation requirements shall apply to all towers and antennas for which a special use permit is required; provided however, that the governing authority may reduce the standard setbacks and separation requirements, if the goals of this Ordinance would be better served, thereby.

1. Tower guy and accessory facilities must satisfy the minimum zoning district setback requirements.

2. In zoning districts, other than industrial zoning districts, towers over seventy (70) feet in height shall not be located within one-half (1/2) of a mile from any existing tower that is over seventy (70) feet in height.

4.160 SWIMMING POOL REGULATIONS

The following regulations shall apply to all swimming pools:

1. No swimming pool or part thereof, excluding aprons, walks, shall protrude into any required front yard nor any closer to any road than the primary structure in the residential districts. Swimming pools shall be setback a minimum of ten (10) feet from any side or rear yard and from any other structure, primary or accessory, on the parcel.

2. The swimming pool area shall be completely fenced or walled so as to prevent uncontrolled access by children and pets from the street or adjacent properties. Said fence or wall shall not be less than four (4) feet in height, and openings in the fence shall not permit the passage of a four (4) inch diameter sphere. The fence or wall shall be equipped with self-closing and self-latching gates. Fences shall forever be maintained in good condition so as that the openings shall not permit the passage of a four (4) inch diameter sphere at any time.

3. Private swimming pools are permitted in residential and commercial districts provided that the pool is intended, and is to be used solely for the enjoyment of the occupants and their guests of the property on which it is located.

4. A permit fee of $50 shall be required for residential swimming pools, and a permit fee of $100 shall be required for commercial swimming pools.

4.170 DEVELOPMENT STANDARDS FOR CEMETERIES

The following standards shall be imposed upon the development and construction of cemeteries in Covington's Planning Region.

1. The site proposed for a cemetery shall not interfere with the development of a system of collector streets and larger scale streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare.

2. Any new commercial cemetery shall be located on a site containing not less than five (5) acres.

3. All structures, including monuments, mausoleums or maintenance buildings, shall be setback twenty-five (25) feet from any property line or street right-of-way.

4. All graves or burial lots shall be setback twenty-five (25) feet from any property line or street right-of-way.

5. All required yards shall be landscaped and maintained in good order in accordance with state and local regulations.

4.180 PRIVATE AIRSTRIP REGULATIONS

The following use, private landing strips for fixed-wing single engine aircraft, is subject to review and approval by both the Board of Zoning Appeals for a special exception in the FAR District and the site plan by the Planning Commission, subject to the minimum requirements listed herein:

A. A site plan of the proposed landing strip shall be presented at the time of the proposal.

B. The landing strip shall be appropriate for the size and type of aircraft involved, and shall be constructed according to the manufacture's specifications for the type of aircraft involved.

C. Airstrip runways are to be located no closer than one thousand (1000) feet from the centerline of the runway to the closest dwelling unit, excluding the owner of the property, and that said centerline be located no less than two thousand (2000) feet from any church, school or places of public assembly.

D. All landing strips shall be situated in such a manner that under no circumstances shall an approach or departure be over a residence, excluding the owners, provided that the residence be located a minimum of 400 (four hundred) feet beyond the end or side of the required landing strip length.

E. The site plan shall show all roads bordering the subject property, and the location and type of all adjacent utility lines.

F. Any other requirements which in the opinion of the Planning Commission or Board of Zoning Appeals would be required to protect the safety and welfare of the surrounding area.

4.190 DEVELOPMENT STANDARDS FOR MINI-STORAGE FACILITIES

Mini-storage facilities as defined in Article II, Section 2.020 are groupings of structures divided into individual units which shall not exceed ten (10) feet by forty (40) feet in size and for the sole purpose of providing non-commercial, small area storage for the general public, and shall be subject to the following standards:

A. Such use shall have direct access to an Arterial status road as shown on the Covington Municipal-Regional Major Road Plan.

B. Off-Street parking requirements shall be of one (1) space for each employee during maximum shift, plus one (1) space for each 100 square feet of business office space.

C. Interior driveways between storage facilities shall be a minimum of forty (40) feet in width.

D. On any property line adjacent to a residential zoned property, the facility shall be required to construct a fence, screen, or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height with a buffer strip as stated in Article III, Section 3.110.

E. Signs are permitted as permitted in Article IV, Section 4.070.

4.200 DEVELOPMENT STANDARDS FOR GOLF COURSES

A site plan shall be approved by the Planning Commission prior to any permits for such use shall be issued, which shall include as a minimum, the following:

A. A survey of the entire property drawn to a scale of not less than 1" = 200'.

B. Topographic lines at 2' intervals.

C. Show all drainage structures, drainage areas and water retention areas, and provide a stormwater drainage analysis showing less than a ten percent (10%) increase leaving the property, existing and proposed utilities, and all associated residential development.

D. Show all structures and their proposed uses, including parking lots.

Approval of the site plan by the Planning Commission shall be based on the following standards and requirements:

A. The minimum acreage required for development of a 9-hole course shall be 60 acres; the minimum acreage required for development of an 18-hole course shall be 100 acres.

B. The minimum number of off-street parking spaces required for a 9-hole course shall be 50; the minimum number of off-street parking spaces for an 18-hole course shall be 100.

C. Shall require access from a Collector or Arterial status road according to the Covington Municipal-Regional Major Road Plan, and shall have sufficient access to public water.

D. Commercial uses developed as accessories to the operation of the golf facility, such as a clubhouse, restaurant or other similar use, may be allowed provided the use shall be subordinate to the operation of the facility and the use shall be housed internal to the development. Commercial facilities shall not be approved unless proven that they are necessary to the main golfing facility. The intent is to prohibit free-standing commercial development.

4.210 BED AND BREAKFAST REGULATIONS

A site plan shall be approved by the Board of Zoning Appeals, along with any conditions attached by the Board of Zoning Appeals in order to preserve and protect the character of the neighborhood, prior to any permits for such use shall be issued, which shall include as a minimum, the following:

A. The bed and breakfast operation shall be located and conducted within the principal structure only.

B. Employees shall be residents of the dwelling unit in which the proposed use is located, and shall employ no more than two (2) paid assistants.

C. No more than five (5) beds shall be for rent at any one time at any one establishment.

D. Off-street parking facilities shall be provided at a rate of one (1) space for each bed for rent, not including standard requirements as stated in Article IV, Section 4.010.

E. The residential character and appearance of the home shall not be changed by the establishment of the operation.

4.220 Design Standards for Multi-Family Residential Development

The R-2 and R-3 districts are provided as a means of stiuating higher density or multi-family residential quarters in areas of the community where they can most efficiently and economically be provided city services and access to existing public transportation systems. Multi-Family Residential Development including duplexes, tripleses and quadruplexes as defined in Chapter 2 of this Ordinance shall comply with the provisions and standards contained herein and shall require the submission of a certified site plan pursuant to the requirements of 11-324 herein. The following limits on the maximum allowable number of dwelling units per site within the district indicated is hereby established:

R-2: 4 UNITS
R-3: High density multi-family, no limit

The provisions of this section are derived with the intent of assuring a quality setting and environment for multi-family housing. Such provisions are further designed to discourage over-crowing and excessive concentrations of the population.

Special provisions applicable to the B-3 District

The applicability and extent of these standards within the B-3 Central Business District may be tempered or allayed by the Planning Commission so as to provide compatibility with irreversible spatial relationships and/or compliment historic development patterns and limitations common to the Central Business District. Such temperament or altered application of these regulations shall be presented to the Board of Zoning Appeals for the Board's confirmation, certification or other disposition following review, acceptance and a recommendation by the Planning Commission.

Land area, open space and suitability of the land

Land suitable to the siting of multi-family housing shall be free of flood hazards and possess soil qualities necessary to adequate bearing capacities and stability to resist erosion and excessive settling.

Required land area per district shall be derived from a base density at the following rates:

R-2: 4,000 square feet per dwelling unit
R-3: 4,000 square feet per dwelling unit
R-P: 4,000 square feet per dwelling unit
B-3: as recommended by the Planning Commission and certified by the Board of Zoning Appeals

right-of-way, as reflected on the Covington Major Road Plan, a minimum distance within the districts indicated as follows:

R-2: 60 feet
R-3: 100 feet
R-P: 60 feet
B-3: as recommended by the Planning Commission and certified by the Board of Zoning Appeals.

Site Yard Standards
In the instance of rental units within a development, a perimeter yard area shall be provided along along all exterior boundaries of the development site. Such perimeter yard shall be provided at a depth of 10 feet plus one half foot per each dwelling unit proposed not to exceed 30 feet and may be a part of the base density but shall not be a part of the required open space.

In the instance of individually conveyed units within multi-family developments, a perimeter yard area shall be provided along all exterior boundaries of the entire development site in addition to other yard areas of each interior lot. Such perimeter yard shall be provided at a depth of 10 feet plus one half foot per each proposed dwelling unit within the entire development not to exceed 30 feet and may be a party of the base density but shall not be a part of the required open space. Such perimeter yard shall reside under common ownership and maintenance responsibility of a duly established Home Owners' Association.

Not withstanding prescribed landscaping, screening, security fencing, entrance features, entrance drives the length of which shall not exceed the depth of the perimeter yard, grounds lighting, infrastructure fixtures and natural vegetation, the site perimeter yard area shall be an open sare with no encroachments permitted including parking areas, drives and recreational fixtures and structures.

Access Control
Access points to a public right-of-way shall be provided but limited to no more than and no less than one, except that developments of 32 units or more shall be provided two points of access.

Entrance Drives and Travel Ways
All access entrance drives and on-site vehicular circulation systems shall accommodate 2-way traffic and meet the minimum public street geometric and construction standares specified in the Covington Municipal Subdivision Regulations.

Parking
Adequate parking, meeting the standards of the American's Disabilities Act., for the residence and guests of the development shall be provided at a rate of two and one half spaces per dwelling unit plus one handicapped space per building. Parking spaces not otherwise required and designated as hendicapped spaces shall be designed to provide an area 9 feet by 20 feet when abutting adjoining spaces and 9 feet by 18 feet when overhanging a sidewalk. All travel ways between spaces shall be 24 feet in width. Parking areas may be situated in areas between buildings but not in required yard areas.

Sidewalks

Sidewalks, meeting the standards of the Americna's Disabilities Act, shall be provided throughout the development so as to provide adequate pedestrian circulation between buildings, parking areas and o n-site amenities. Sidewalks shall be designed 6 feet in width when adjoining parking areas and 4 feet in width otherwise.

Underground Utilities
All on-site utilities including electric, cable and phone service shall be installed underground and meet design, construction and installation standards specified in the Covington Municipal Subdivision Regulations.

Site Lighting
Adequate on-site yard and circulation lighting shall be specified and installed in accordance with recommendations of the City of Covington.

Storm Water Management
On-site storm water management shall be provided in the form of runoff retention or detention to the extent that post-development ddischarge shall not exceed pre-development discharge.

Landscaping and Screening
Landscaping or fencing may be specified by the Planning Commission upon Site Plan Review. A continuous length, exclusive of access driven, of landscape biffering shall be provided along the outside length of the perimeter site yard area for a depth of 25% of the perimeter site yard depth. Such landscaping shall be so selected and spaced to provide an opaque buffer of at least 8 feet in height. All required yard areas shall be sodded and all other open areas of the site shall be seeded as as recommended or specified by the Planning Commission.

Building Yard Standards and Standards of Design

Building Height and Density
The development shall be so designed such that no more than 8 dwelling units shall be permitted within any one building. Such building shall be further limited to a height of two stories not more than 35 feet in height.

Building Yard Standards
Each building and all appurtenances including porches, patios, steps, mechanical components, balconies, over-hangs and eaves shall constitute a rectangular building envelope within which all construction components and operational fixtures, shall be contained.

Front, side and rear building yard areas shall be provided extending from the building envelope. In the instance of individually conveyed units including condomeniums, townhouses and other zero-lot-line type development, along common party walls where applicable, the side and/or rear yard requirements contained herein may be conceded by recommendation of the Planning Commission and certification by theBoard of Zoning Appeals.

Not withstanding entrance walks, the length of which shall not exceed the depth of the building yard areas, lamp posts, infrastructure fixtures and natural or landscaped vegetation, the building yard areas shall be an open area with no encroachments permitted including parking areas, drives and recreational fixztures and structures.

All such yard areas shall have an equal depth equivalent to the number of ground level units per building times 100, divided by one and one-third percent of (o.01333 x) the ground floor interior building area, that dimension plus one half foot for each foot of calculated site perimeter yard depth:

$\frac{\text{\#ground units X 100}}{\text{.01333 x bldg. Area}}$ = ½ foot x perimeter yard depth = Building yard depth

Distance Between Buildings
A minimum distance of 30 feet shall be provided between building yards.

Landscaping
Landscaping or fencing may be specified by the Planning Commission upon Site Plan Review. In addition to perimeter buffering, landscape screening shall be p rovided around parking areas and between building. Such screening shall include trees of an adequate diameter and height to produce shade around parking areas and buildings. All required yard areas shall be sodded and all other open areas of the site shall be seeded as recommended or specified by the Planning Commission.

4.230 DEVELOPMENT STANDARDS FOR FENCES

No fence shall be placed within any county road right-of-way or utility easement nor shall any fence be constructed so as to block or obstruct the view of traffic at any intersection or egress onto any county road.

4.240 LITTER, REFUSE, GARBAGE, JUNK AND DEBRIS CONTROL REGULATIONS

The following requirements shall apply to all zoning districts for the purpose of controlling the storage, placement, collection of junk, garbage, litter, refuse, rubbish or discarded material. These regulations are promulgated under authority of *Tennessee Code Annotated*, Section 5-1-115.

A. No owner, occupant or resident of any real property (land and/or building) shall permit or allow garbage, litter, rubbish, refuse or any combination of the preceding elements to accumulate upon or in such real property, or a vacant dilapidated building or structure so as to endanger the health, safety or welfare of other citizens.

B. The owner, occupant or resident of real property, where refuse accumulates or has accumulated in violation of these regulations, shall take appropriate measures to gather up or otherwise collect and remove the refuse.

C. Removal of the refuse in accordance with these regulations shall include the transfer of the refuse to an appropriate and lawful landfill or dumpsite, whether public or private.

D. If the Enforcing Officer determines that a violation of these regulations exists, the Enforcing Officer shall provide notice to the owner of record of the property upon which the conditions creating the violation is located to remedy the condition immediately within ten (10) days. The notice shall be by personal service on the owner or by mailing by United States mail (certified, return

receipt requested) to the owner of record at the last known address. If the whereabouts of such person(s) is unknown and the same cannot be ascertained by the Enforcing Officer in the exercise of reasonable diligence, the Enforcing Officer shall serve notice by publishing the same in a newspaper of general circulation in the county once each week for three consecutive weeks. The above notices, whether by mail or published in a newspaper, shall contain, but not be limited to, the following items:

1. A brief statement identifying these regulations.

2. The person, office, address and telephone number of the department or person giving notice.

3. The cost estimate for remedying the noted conditions, which shall be in conformity with standards of cost in the county.

4. A brief statement informing the recipient of the notice that an appeal to the Covington Board of Zoning Appeals may be requested, said request to be received by the Building Official in writing within ten (10) days of receipt of the notice to the owner or date of the last publication of said notice. Appeals before the Board shall conform to Section 8.070 of the Covington Regional Zoning Ordinance.

5. The place where the recipient of the notice can return a copy of the notice indicating a request for a hearing.

6. A brief description of the property including the property's location utilizing a street address, if available, street name, and tax map and parcel numerical designations.

E. Failure to Comply

1. If a person fails or refuses to remedy the condition within ten (10) days after receiving the notice, the appropriate department or person shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards and the cost thereof assessed against the owner of the property. The cost shall be a lien upon the property in favor of the county. These costs shall be placed upon the tax rolls of the county as a lien upon the property and shall be collected in the same manner as the county's taxes are collected, when the county causes a notice there of to be filled in the office of the register of deeds of the county in which the property lies, second only to liens of the state, county and municipality for taxes, any lien of the county for special assessments and any valid lien, right or interest in such property duly recorded prior to the filing of such notice. Such notice shall identify the owner of record of the real property, contain the property address, describe the property sufficiently to identify it and recite the amount of the obligation secured by the lien.

2. If the person who is the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, stream, sewerage or other minerals, the ten (10) day period above shall be twenty (20) days, excluding Saturdays, Sundays and legal holidays.

F. Appeals

The property owner may request a hearing to the Board as permitted in Section A.5.d. Such hearing shall be held at the next meeting of the Board of Zoning Appeals after the request is made unless a later date is agreed to by the owner. Failure to make the demand for a hearing within the time limit specified shall constitute a waiver of the right to a hearing. Following the hearing, the Board may modify, dismiss or confirm the notice. Any person aggrieved by an order or act of the board, agency or commission under the provisions of this subsection may seek judicial review of the order or act. The decision of the court may be appealed according to the Tennessee Rules of Appellate Procedure. During these reviews, the time period established above shall be stayed during the pendency of a hearing.

G. Exceptions

No provision of these regulations shall be construed as applying to any business being operated pursuant to *Tennessee Code Annotated*, Section 68-31-101, et seq.

H. Other Procedures

Any proceedings, other than those listed herein, also shall conform to the provisions of *Tennessee Code Annotated*, Section 39-14-504.

4.250 Outdoor Firearms Training Facilities

Outdoor firearms training facilities, excluding skeet shooting. The purpose of these facilities is to safely train individuals in the handling of fire arms in an urban setting with minimal impact to adjacent properties.

1) Such facilities shall be located on a tract with a minimum area of 20 acres
2) The property line of the firearm training facility shall be a minimum of one thousand yards from the boundary of any residentially zoned district.
3) Such facilities shall have a rear setback minimum of two hundred (200') feet from the property line to the exterior base of the berm.
4) In addition, such facilities shall have a side setback minimum of one hundred (100') feet from the property line to the exterior base of the berm. A berm shall be present at least twenty (20') feet in height at the rear of the berm, at least eight (8" feet in height at the sides of the berm, and four (4') feet wide at the top of the berm.
5) Any man-made berm must be designed and certified, by an engineer licensed by the State of Tennessee, as adequate.
6) The down range area shall be fenced and display with warning signs of the activity within.
7) The hours of operation shall be limited to daylight hours.
8) Decibel levels measured at the property lines shall be limited during hours of operation to seventy five -(75) dB.

9) The developer/owner of a firearm training facility shall provide documentation that all State and Local regulations have been met.

10) The developer/owner shall provide two (2)-parking spaces per firing point or firing lane, plus one (1) additional space for each employee.

11) A site plan shall be required and include but not limited to:

Survey of the entire property, drawn to scale by a licensed surveyor
Adjacent property owners
Topographic contours in 5-ft intervals
All drainage structures, areas, water retention areas
Existing and proposed utilities
All structures and their use
Parking areas
Firing area layout
All fencing and buffering specifications

12) In addition to the site plan, the developer/owner shall submit a safety plan and a sound abatement plan. The Board of Zoning Appeals may require additional fencing, buffering, baffles, or may deny the request if the site plan does not or cannot meet the above mentioned purposes, standards and requirements, or if other significant health and safety issues are present.

A notice shall be published of such request together with a notice of the time set for a public hearing by the Board of Zoning Appeals. Said notice shall be published one (1) time in a newspaper of general circulation in the City of Covington, Tennessee. In addition, a sign shall be placed in a conspicuous centrally located point on the property no further than five (5) feet from the right-of-way. Said hearing by the Board of Zoning Appeals shall take place not sooner than fifteen (15) days after the publication of such notice and placement of a sign.

ARTICLE V

ZONING DISTRICTS

SECTION

5.010 Classification of Districts
5.020 Zoning Map
5.030 Covington Planning Region and Urban Growth Boundary
5.040 Zoning District Boundaries
5.050 Specific District Regulations
5.051 FAR, Forestry, Agriculture, Residential District
5.052 R-1, Single-Family Residential District
5.053 R-2, Multi-Family Residential District
5.054 R-3, Residential-Mobile Home District
5.055 C-1, Rural Commercial District
5.056 C-2, Light Commercial District
5.057 C-3, Highway Commercial District
5.058 I-1, Light Industrial District
5.059 I-2, Restricted Industrial District
5.060 A-1 Airport Overlay District
5.070 P-D Planned Residential Overlay District

5.010 CLASSIFICATION OF DISTRICTS

For the purpose of this Ordinance, the following zoning districts are hereby established in the Covington Planning Region:

Abbreviation	Zoning District
FAR	Forestry, Agriculture, Residential District
R-1	Single-Family Residential District
R-2	Multi-Family Residential District
R-3	Residential-Mobile Home District
C-1	Rural Commercial District
C-2	Light Commercial District
C-3	Highway Commercial District
I-1	Light Industrial District
I-2	Restricted Industrial District
A-1	Airport Overlay District
P-D	Planned Residential Overlay District
F	*Flood Overlay District

***Refer to Article VII, Floodplain Overlay District.**

5.020 COVINGTON REGIONAL ZONING MAP

The location and boundaries of the zoning districts by this Ordinance are bounded and defined as shown on the map entitled the Official Zoning Map of the Covington Planning Region. 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 zoning map and zoning map amendments shall be maintained in the office of the Covington Building Official and shall be available for inspection by the public at all reasonable times, as long as this Ordinance remains in effect.

5.030 COVINGTON PLANNING REGION AND URBAN GROWTH BOUNDARY

The location and boundaries of the growth boundary map as developed in the Tipton County Growth Plan mandated by Public Chapter 1101 are shown in the adopted document. The map shows four distinct types of boundaries: current corporate limits, urban growth boundaries, planned growth areas and rural areas. Covington's responsibility of these designations is contiguous with the urban growth boundary for the City of Covington. Certified prints of the adopted growth boundary map, report and any subsequent revisions shall be maintained in the office of the Tipton County Building Inspector and shall be available for inspection by the public at all reasonable times, as long as either this Ordinance or Public Chapter 1101 remains in effect, whichever is shorter.

5.040 ZONING DISTRICT BOUNDARIES

Unless, otherwise, indicated on the zoning map amendment, the district boundaries are lot lines, centerline of roads, or the Covington Regional boundary lines as they exist at the time of enactment of the Zoning Ordinance. Questions concerning the exact locations of district boundaries shall be first determined by the legal description accompanying the Zoning Map Amendment, and then second, by the Covington 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 regulations for either portion of the lot shall not exceed five hundred (500) feet beyond the district line into the remaining portion of the lot.

5.050 SPECIFIC DISTRICT REGULATIONS

The following regulations shall apply in the ten (10) zoning districts established in Section 5.010, of this Ordinance:

5.051 FAR, FORESTRY, AGRICULTURE, RESIDENTIAL DISTRICT

A. District Description

This district is intended to be utilized in areas used primarily for agriculture, forestry and low-density residential development, where development of a suburban density is undesirable or unfeasible. In addition, a primary objective of the FAR District is to prevent undesirable urban sprawl and to exclude land uses, which demand a level of urban services that are impossible or uneconomical to provide. The following regulations shall apply in the FAR District, as defined on the City of Covington Regional Zoning Map.

In the FAR District, there shall be no new roads built for the sole purpose of creating a division of land, unless otherwise approved as a variance through the Board of Zoning Appeals.

B. Uses Permitted

In the FAR, Forestry, Agriculture, Residential District, the following uses and their accessory uses are permitted.

1. Forestry and Agricultural services, except solid or liquid waste disposal.
2. Detached single-family dwellings.
3. Single-Wide Mobile Home.
4. Agricultural processing, except cotton ginning.
5. Crop and animal raising.
6. Group home for physically or mentally handicapped persons (minor).
7. Fisheries and related services.
8. Church or other places of assembly.
9. Utility facilities necessary for the provision of public services.
10. Publicly owned recreational facilities.
11. Public schools, libraries, and fire stations.

12. Public and informational signs as regulated in Article IV, Section 4.070.

13. Animal husbandry services, veterinarian services, animal hospital services and poultry hatchery services.

14. One roadside stand for the sale of agricultural and forestry products, provided that such stand does not exceed an area of six hundred (600) square feet and that is located not closer than thirty-five feet from the edge of the roadway.

15. Family Burial Grounds as defined in Article II, Section 2.020.

16. Customary home occupation as regulated in Article IV, Section 4.040.

C. Uses Permitted as Special Exceptions

In the FAR, Forestry, Agriculture, 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 in accordance with Article VIII, Section 8.060.

1. Riding stable and kennels.

2. Marinas.

3. Travel trailer parks.

4. The surface and subsurface mining or quarrying of natural mineral resources and/or the storage of natural mineral resources.

5. Private schools, colleges, and libraries.

6. Governmental buildings and community centers.

7. Cemeteries.

8. Airports and private airstrips.

9. Wireless Communication towers.

10. Bed and Breakfast Operations.

11. Family and Group Day Care Homes.

12. Golf Courses as regulated in Article IV, Section 4.200.

D. Uses Prohibited

In the FAR, Forestry, Agriculture, Residential District, all uses except those uses or their accessory uses specifically permitted upon approval as a special exception by the Board are prohibited.

E. Dimensional Regulations

All uses permitted in the FAR, Forestry, Agriculture, Residential District, shall comply with the following requirements, except as provided in Article VI.

1. **Minimum Lot Size**

Minimum Area per Dwelling Unit	1 Acre
Minimum Lot Width at Building Setback Line	150 feet

2. **Minimum Yard Requirements**

Front Yard Setback (Arterial Roads)	60 feet
Front Yard Setback (All Other Roads)	35 feet
Side Yard Setback	15 feet
Rear Yard Setback	30 feet

3. **Maximum Lot Coverage**

The area occupied by all structures, including accessory structures, shall not exceed fifteen (15) percent of the total area of any lot.

4. **Height Requirements**

No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Article VI, Section 6.030.

5. **Parking Space Requirements**

As regulated in Article IV, Section 4.010.

6. **Landscaping**

The front yard, excluding necessary driveways, shall be landscaped and not used for the storage of tractor-trailer trailers (attached or not) for a period exceeding seventy-two (72) hours nor automobile storage.

7. **Accessory Structures**

a. With the exception of signs, accessory structures shall not be erected in any required front yard.

b. Accessory structures shall be located at least ten (10) feet from any side and/or rear lot line, and from any other building on the same lot.

5.052 R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT

A. District Description

The R-1, Single-Family Residential District, is intended to provide areas that are suitable for low-density single-family residential development. This district is particularly suitable for areas adjacent to or near urban areas, where an adequate public water supply and public wastewater service is available. The following regulations shall apply in the R, Residential District, as defined on the City of Covington Regional Zoning Map.

B. Uses Permitted

In the R, Residential District, the following uses and their accessory uses are permitted:

1. Detached single-family dwellings, excluding single-wide mobile homes.

2. Group home for physically or mentally handicapped persons (minor)

3. Customary home occupation (minor only) as regulated in Article IV, Section 4.040.

4. Forestry and Agricultural uses, on parcels of five (5.0) acres or greater, as defined in Article II, Section 2.020.

5. Churches and Other Places of Assembly.

C. Uses Permitted as Special Exception

In the R-1, Single-Family Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VIII, Section 8.060.

1. Educational institutions.

2. Public recreation facilities.

3. Utility and public facilities necessary for the provision of public services.

4. Cemeteries.

5. Governmental office buildings and community centers.

6. Day Care Home.

D. Uses Prohibited

In the R-1, Single-Family Residential District, all uses except those uses or their accessory uses specifically permitted upon approval as a special exception by the Board are prohibited.

E. Dimensional Regulations

All uses permitted in the R-1, Single-Family Residential District, shall comply with the following requirements, except as provided in Article VI.

1. **Minimum Lot Size**

Minimum Area per Dwelling Unit	30,000 Sq. Ft.
Minimum Lot Width at Building Setback Line	100 feet

2. **Minimum Yard Requirements**

Front Yard Setback (Arterial Roads)	50 feet
Front Yard Setback (All Other Roads)	35 feet
Side Yard Setback	15 feet
Rear Yard Setback	30 feet

3. Maximum Lot Coverage

The area occupied by all structures, including accessory structures, shall not exceed thirty (30) percent of the total area of any lot.

4. **Height Requirements**

   No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Article VI, Section 6.030.

5. **Parking Space Requirements**

   As regulated in Article IV, Section 4.010.

6. **Landscaping**

   The front yard, excluding necessary driveways, shall be landscaped and not used for the storage of tractor-trailer trailers (attached or not) for a period exceeding seventy-two (72) hours nor automobile storage.

7. **Accessory Structures**

   a. With the exception of signs, accessory structures shall not be erected in any required front yard.

   b. Accessory structures shall be located at least ten (10) feet from any side and/or rear lot line, and from any other building on the same lot.

5.053 R-2, MULTI-FAMILY RESIDENTIAL DISTRICT

A. District Description

The R-2, Multi-Family Residential District, is intended to provide areas that are suitable for moderate-density single and multi family residential development. This District is particularly suitable for areas adjacent to or near urban areas, where a public water supply with a minimum six (6) inch line with required fire hydrants and public wastewater service is available. The principal uses of land range from single family detached residential to duplex residential to apartment uses. The following regulations shall apply in the R-2, Multi-family Residential District, as defined on the City of Covington Regional Zoning Map.

B. Uses Permitted

In the R-2, Multi-Family Residential District, the following uses and their accessory uses are permitted following site plan approval (multi-family only):

1. Detached Single Family Dwelling, excluding single-wide mobile homes
2. Duplex Dwelling (Site Plan Approval Required, See Article III, Section 3.120)
3. Apartment Dwelling (Site Plan Approval Required, See Article III, Section 3.120)
4. Group Home for physically or mentally handicapped persons.
5. Customary Home Occupation (minor only) as regulated in Article IV, Section 4.040.
6. Churches and Other Places of Assembly.

C. Uses Permitted as Special Exceptions

In the R-2, Multi-Family Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VIII, Section 8.060.

1. Education Institutions
2. Public recreation facilities
3. Utility and public facilities necessary for the provision of public services
4. Cemeteries
5. Governmental office buildings and community centers

D. Uses Prohibited

In the R-2, Multi-Family Residential District, all uses except those uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board are prohibited.

E. Dimensional Regulations

All uses permitted in the R-2, Multi-Family Residential District, shall comply with the following requirements, except as provided in Article VI.

1. **Minimum Lot Size**

Minimum Area per Dwelling Unit	**See Chart Next Page
Minimum Lot Width at Building Setback Line	100 feet

2. **Minimum Yard Requirements**

Front Yard Setback (Arterial Roads)	50 feet
Front Yard Setback (All Other Roads)	35 feet
Side Yard Setback	15 feet
Rear Yard Setback	30 feet

3. **Maximum Lot Coverage**

The area occupied by all structures, including accessory structures, shall not exceed forty (40) percent of the total area of any lot.

4. **Height Requirements**

No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Article VI, Section 6.030.

5. **Parking Space Requirements**

As regulated in Article IV, Section 4.010.

6. **Landscaping**

The front yard, excluding necessary driveways, shall be landscaped and not used for the storage of tractor-trailer trailers (attached or not) for a period exceeding seventy-two (72) hours nor automobile storage.

7. **Accessory Structures**

a. With the exception of signs, accessory structures shall not be erected in any required front yard.

b. Accessory structures shall be located at least ten (10) feet from any side and/or rear lot line, and from any other building on the same lot.

8. Multi-Family Residential

Number of Dwelling Units	With Public Water & Sanitary Sewers	With Public Water, but Without Public Wastewater*
1	15,000 Sq. Ft.	20,000 Sq. Ft.

NOTES:

***The Board of Zoning Appeals may increase the lot size requirement if a soils analysis of percolation tests as required by the Tipton County Environmentalist indicate a potential problem with subsurface sewage disposal.**

***Dwelling units not served by public water nor sanitary sewers are subject to the approval by the Tipton County Environmentalist.**

5.054 R-3, RESIDENTIAL MOBILE-HOME DISTRICT

A. District Description

The R-3, Residential Mobile-Home District, is intended to allow a mixture of single-family residential development with individual mobile homes and mobile home parks. These areas are suitable for low to moderate density development in the form of mobile home subdivisions and mobile home parks. This district is particularly suitable for areas adjacent or near urban areas, where an adequate public water supply and public wastewater service is available. These designated areas shall be served by public water and public sewer, and shall provide appropriate safeguards to guarantee a high quality of life to its residents. The following regulations shall apply in the R-3, Residential Mobile-Home District, as defined on the City of Covington Regional Zoning Map.

B. Uses Permitted

In the R-3, Residential Mobile-Home District, the following use and their accessory uses are permitted.

1. Detached Single-Family Dwellings
2. Mobile Home Parks Subject to the Provisions of Article IV, Section 4.090.
3. Customary Home Occupations as Regulated in Article IV, Section 4.040.
4. Churches and Other Places of Assembly.

C. Uses Permitted as Special Exceptions

In the R-3, Residential Mobile-Home District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VIII, Section 8.060.

1. Educational Institutions
2. Public Recreational Facilities
3. Utility Facilities Necessary for the Provision of Public Services
4. Cemeteries
5. Governmental Office Buildings and Community Centers

D. Uses Prohibited

In the R-3, Residential Mobile-Home District, all uses except those uses or their accessory uses specifically permitted upon approval as a special exception by the Board are prohibited.

E. Dimensional Regulations

All uses permitted in the R-3, Residential Mobile-Home District, shall comply with the following requirements, except as provided in Article VI.

1. **Minimum Lot Size**

Minimum Area per Dwelling Unit (with public sewer) 10,000 Sq. Ft.
Minimum Area per Dwelling Unit (without public sewer) 1 Acre

Minimum Lot Width at Building Setback Line	80 feet
Mobile Home Parks	10 Acres

2. **Minimum Yard Requirements**

Front Yard Setback (Arterial Roads)	50 feet
Front Yard Setback (All Other Roads)	35 feet
Side Yard Setback	15 feet
Rear Yard Setback	30 feet

3. **Maximum Lot Coverage**

The area occupied by all structures, including accessory structures, shall not exceed fifty (50) percent of the total area of any lot.

4. **Height Requirements**

No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Article VI, Section 6.030.

5. **Parking Space Requirements**

As regulated in Article IV, Section 4.010.

6. **Landscaping**

The front yard, excluding necessary driveways, shall be landscaped and not used for the storage of tractor-trailer trailers (attached or not) for a period exceeding seventy-two (72) hours nor automobile storage.

7. **Accessory Structures**

a. With the exception of signs, accessory structures shall not be erected in any required front yard.

b. Accessory structures shall be located at least ten (10) feet from any side and/or rear lot line, and from any other building on the same lot.

5.055 C-1, RURAL COMMERCIAL DISTRICT

A. District Description

The C-1, Rural Commercial District, recognizes the need to provide for areas within the Covington Planning Region where residents of the more isolated agricultural and rural residential districts and residents located beyond the limits of service can receive certain merchandising and technical service. In the Planning Region, several small rural commercial centers exist, primarily to provide such convenience goods and services to residents of the surrounding areas. These centers serve a necessary economic function and the mixed land uses that characterize these centers are not particularly detrimental. It is designed to allow for change and growth within these areas, but also prevent this mixture of land uses from unnecessarily spreading into the adjacent countryside. The rural commercial district will be permitted in the Rural Areas as designated by the Covington Regional Growth Boundary Plan on other than arterial or collector status roads, but are highly encouraged at natural commercial locations, such as crossroads, or other areas with a commercial history. The following regulations shall apply in the C-1, Rural Commercial District, as defined on the City of Covington Regional Zoning Map.

B. Uses Permitted

In the C-1, Rural Commercial District, the following uses and their accessory uses are permitted upon review and approval of a site plan by the Planning Commission:

1. Agriculturally oriented commercial
2. Educational institutions
3. Utility facilities necessary for the provision of public services
4. Churches and other places of assembly
5. Governmental buildings and community centers
6. Medical facilities
7. Individual retail stores, professional and services offices such as real estate offices, beauty and barber shops.
8. Service stations, food marts and automobile repair establishments, subject to the provisions of Article IV, Section 4.060.
9. Customary home occupations as regulated in Article IV, Section 4.040.
10. Communication Towers - As regulated in the General Provisions, section 11-2216.

C. Uses Permitted as Special Exceptions

In the C-1, Rural Commercial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VIII, Section 8.060.

1. Livestock sales centers and feed lots necessary for their operation.

2. Travel trailer parks.

3. Kennels or animal hospitals.

4. Light / small scale manufacturing uses not specifically listed.

5. Cemeteries.

6. Day Care Centers

D. **Uses Prohibited**

In the C-1, Rural Commercial District, all uses, except those uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board, are prohibited.

E. **Dimensional Regulations**

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

1. Minimum Lot Size

Minimum Lot Width at Building Setback Line 100 feet

a. **Commercial** - No lot or parcel of land shall be reduced in size to produce separate lots, for commercial uses, of less than twenty thousand (20,000) square feet where public water is available. Where no public water is available commercial lots shall be a minimum of one (1) acre in area and the proposed sewage disposal system must be approved by the Tipton County Environmentalist.

b. **Manufacturing** - No lot or parcel of land shall be reduced in size to provide separate lots for manufacturing uses of less than five (5) acres in area where public water is available and where the method of sewage disposal has been approved by the Tipton County Environmentalist. Where no public water is available, manufacturing uses shall not be permitted in the C-1, Rural Commercial District.

Minimum Yard Requirements

Front Yard Setback (Arterial Roads)	50 feet
Front Yard Setback (All Other Roads)	30 feet
Side Yard Setback	5 feet*
Rear Yard Setback	5 feet**.

*Except where a side yard abuts a residential district, in which case the side yard shall not be less than twenty (20) feet.

**Except where a rear yard abuts a residential district or where a building is to be serviced from the rear, in either case the rear yard shall not be less than thirty (30) feet.

2. **Maximum Lot Coverage**

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

3. **Height Requirement**

No building shall exceed four (4) stories or fifty (50) feet in height, except as provided in Article VI, Section 6.030.

4. **Parking Space Requirements**

As regulated in Article IV, Section 4.010.

6. **Landscaping And Buffering**

The front yard, excluding necessary driveways, shall be landscaped and not used for automobile storage, as regulated in Article III, Section 3.110.

7. **Accessory Structures**

a. With the exception of signs, accessory structures shall not be erected in any required front yard.

b. Accessory structures shall be located at least ten (10) feet from any side and/or rear lot line, and from any other building on the same lot.

8. **Loading and Unloading Requirements**

As regulated in Article IV, Section 4.020.

5.056 C-2, LIGHT COMMERCIAL DISTRICT

A. District Description

The C-2, Light Commercial District, has a primary purpose to establish areas of light commercial activity in the Covington Planning Region adjacent to or near residential areas. The C-2, Light Commercial District, is composed of those uses determined to be necessary for the everyday needs of citizens, and will be so arranged so as to be a convenience to residents, not a nuisance. Access to public water is preferred. The areas of C-2, Light Commercial, will be compact, and will be adjacent to, but not internal to, major subdivisions as defined by the Covington Regional Subdivision Regulations. The C-2, Light Commercial District, will be permitted on arterial or collector status roads only. The district is intended as a complement to residential areas, and will put necessary services within easy reach of citizens, while leaving heavier commercial activities at more appropriate locations.

B. Uses Permitted

In the C-2, Light Commercial District, the following uses and their accessory uses are permitted upon review and approval of a site plan by the Planning Commission:

1. Uses permitted in the C-1 District

2. Retail Trade

   a. Building materials, hardware, and farm equipment

   b. General merchandise

   c. Food

   d. Automotive, marine craft, aircraft, and accessories

   e. Apparel and accessories

   f. Furniture, home furnishings and equipment

   g. Restaurants without alcohol

   h. Drug, antiques, books, sporting goods, garden supplies, jewelry, fuel and ice

3. Churches and mortuaries

4. Professional and business services, such as architects, engineers, accountants and the like

5. Gasoline service stations subject to the provisions of Article IV, Section 4.060

6. Commercial recreation uses

7. Signs and billboards as regulated in Article IV, Section 4.070

8. Finance, insurance and real estate services

9. Personal services, such as dry cleaning and laundromats

10. Repair services

11. Contract construction services

12. Governmental services

13. Educational services

14. Transportation, communication and utility services except airports and solid or liquid waste disposal

15. Shopping centers

16. Medical Facilities

17. Communication Towers

C. **Uses Permitted As Special Exceptions**

In the C-2, Light Commercial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VIII, Section 8.060.

1. Any business or service which, in the opinion of the Board of Zoning Appeals, is of the same general character as the above permitted uses, and subject to such conditions and safeguards as the Board may specify to preserve the character of the district.

2. Travel trailer parks and overnight campgrounds.

3. Mini-storage facilities.

4. Restaurants including alcohol.

D. **Uses Prohibited**

In the C-2, Light Commercial District, all uses, except uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board are prohibited.

E. **Dimensional Regulations**

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

1. **Minimum Lot Size**

Minimum Lot Area (With Public Water)	20,000 Sq. Ft.
Minimum Lot Area (Without Public Water)	1 Acre
Minimum Lot Width at Building Setback Line	100 feet

2. **Minimum Yard Requirements**

Front Yard Setback (Arterial Roads)	50 feet
Front Yard Setback (All Other Roads)	30 feet
Side Yard Setback	5 feet*
Rear Yard Setback	5 feet**

*Except where a side yard abuts a residential district, in which case the side yard shall not be less than twenty (20) feet.

**Except where a rear yard abuts a residential district or where a building is to be serviced from the rear, in either case the rear yard shall not be less than thirty (30) feet.

3. **Maximum Lot Coverage**

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

4. **Height Requirement**

No building shall exceed four (4) stories or fifty (50) feet in height, except as provided in Article VI, Section 6.030.

5. **Parking Space Requirements**

As regulated in Article IV, Section 4.010.

6. **Landscaping And Buffering**

The front yard, excluding necessary driveways, shall be landscaped and not used for automobile storage, as regulated in Article III, Section 3.110.

7. **Accessory Structures**

a. With the exception of signs, accessory structures shall not be erected in any required front yard.

b. Accessory structures shall be located at least five (5) feet from any side and/or rear lot line, and from any other building on the same lot.

8. **Loading and Unloading Requirements**

As regulated in Article IV, Section 4.020.

5.057 C-3, HIGHWAY COMMERCIAL DISTRICT

A. District Description

The C-3, Highway Commercial District, is established to provide area in which the principal use of land is devoted to general and highway commercial activities along the arterial roads in the Covington Planning Region. Regulations are designed to preserve the traffic carrying capacity of the streets and roads in the Covington Planning Region and to provide for necessary off-street parking and loading. The following regulations shall apply in the C-3, Highway Commercial District, as defined on the City of Covington Regional Zoning Map.

B. Uses Permitted

In the C-3, Highway Commercial District, the following uses and their accessory uses are permitted upon review and approval of a site plan by the Planning Commission:

1. Uses Permitted in the C-1 and C-2 Districts
2. Restaurants, Night Clubs including alcohol, except adult-oriented establishments.
3. Commercial Entertainment Facilities open to the public, except adult oriented establishments.
4. Medical Facilities
5. Hotels, motels and tourist courts
6. Wholesale Trade
    a. Motor vehicles and automotive equipment
    b. Drugs, chemicals and allied products
    c. Dry goods and apparel
    d. Groceries and related products
    e. Farm products
    f. Electrical goods
    g. Hardware, plumbing, heating equipment and supplies
    h. Machinery, equipment, and supplies
    i. Mini-storage facilities
    j. Communication Towers----

C. **Uses Permitted As Special Exceptions**

In the C-3, Highway Commercial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VIII, Section 8.060.

1. Any business or service that in the opinion of the Board of Zoning Appeals, is of the same general character as the above permitted uses, and subject to such conditions and safeguards as the Board may specify to preserve the character of the district.

2. Travel trailer parks and overnight campgrounds.

D. **Uses Prohibited**

In the C-3, Highway Commercial District, all uses, except uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board are prohibited.

E. **Dimensional Regulations**

All uses in the C-3, Highway Commercial District, shall comply with the following requirements, except as provided in Article VI.

1. Minimum Lot Size

Minimum Lot Area	(With Public Water)	20,000 Sq. Ft.
Minimum Lot Area	(Without Public Water)	1 Acre
Minimum Lot Width at Building Setback Line		100 feet

2. Minimum Yard Requirements

Front Yard Setback	(Arterial Roads)	50 feet
Front Yard Setback	(All Other Roads)	30 feet
Side Yard Setback		5 feet*
Rear Yard Setback		5 feet**.

*Except where a side yard abuts a residential district, in which case the side yard shall not be less than twenty (20) feet.

**Except where a rear yard abuts a residential district or where a building is to be serviced from the rear, in either case the rear yard shall not be less than thirty (30) feet.

3. **Maximum Lot Coverage**

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

4. **Height Requirement**

No building shall exceed four (4) stories or fifty (50) feet in height, except as provided in Article VI, Section 6.030.

5. **Parking Space Requirements**

   As regulated in Article IV, Section 4.010.

6. **Landscaping And Buffering**

   The front yard, excluding necessary driveways, shall be landscaped and not used for automobile storage, as regulated in Article III, Section 3.110.

7. **Accessory Structures**

   a. With the exception of signs, accessory structures shall not be erected in any required front yard.

   b. Accessory structures shall be located at least five (5) feet from any side and/or rear lot line, and from any other building on the same lot.

8. **Loading and Unloading Requirements**

   As regulated in Article IV, Section 4.020.1.

5.058 I-1, LIGHT INDUSTRIAL DISTRICT

A. District Description

This district is intended to allow a restricted range of low-impact industrial uses, as well as certain wholesale and retail trade and services, in areas suitable for such development. It provides small towns and rural areas with the opportunity to expand and grow through thoughtful planning without placing an undue burden on the surrounding area. These regulations are designed with consideration given to potential future growth through availability or reasonable ease of access to public water capable of providing fire protection and the presence of a paved County road; with a view of encouraging restricted growth in rural areas while maintaining an environment safe from public nuisance or harmful exposure; and with a view of promoting growth while retaining the rural characteristics of each district.

B. Uses Permitted

Within the Light Industrial (I-1) districts, the following uses are permitted, subject to review and approval of the site plan by the Planning Commission. The site plan must conform with Article III, Section 3.120 of this Ordinance:

1. Wholesale Trade limited to:

    a. Motor vehicles and automotive equipment - wholesale, except auto junk yards.
    b. Drugs, chemicals and allied products - wholesale.
    c. Dry goods and apparel - wholesale.
    d. Groceries and related products - wholesale.
    e. Electrical goods - wholesale.
    f. Machinery, equipment and supplies - wholesale.
    g. Other wholesale trade, NEC* limited to:

        i. Tobacco and tobacco products - wholesale.
        ii. Beer, wine, and distilled alcoholic beverages - wholesale.
        iii. Paper and paper products - wholesale.
        iv. Furniture and home furnishings - wholesale.
        v. Lumber and construction materials - wholesale.
        vi. Other wholesale trade, NEC.*

2. Retail Trade limited to:

    a. Building materials, hardware and farm equipment limited to:

i. Lumber and building materials, retail
ii. Hardware and farm equipment, retail.

3. Business Services - limited to:

a. Dwelling and Other Building Services
b. Warehousing and storage services - limited to:

i. Household Goods Warehousing and Storage

c. Other business services - limited to:

i. Research, development and testing
ii. Equipment rental and leasing services
iii. Automobile and truck rental services

3. Contract, construction services

5. Commercial Feed Lots (As defined in Article II)

6. Off Road, ATV Tracks or Trails

7. Governmental and Public Institutional Uses, except for solid waste disposal

8. Philanthropic Uses

9. Agricultural Related Activities, except for:

i. cotton ginning and processing

10. Manufacturing limited to:

a. Apparel and other finished products made from fabrics, leather and similar materials - manufacturing, except for:

i. leather tanning and finishing
ii. Fur goods

b. Lumber and Wood Products (except furniture) - manufacturing, limited to:

i. wooden containers - manufacturing

c. Furniture and fixtures - manufacturing
d. Printing, publishing and allied industries

11. Railroad, rapid rail transit and street railway transportation.

12. Motor Vehicle Transportation

13. Aircraft transportation

14. Marine craft transportation

15. Highway and street right-of-way

16. Automobile parking

17. Communication

18. Other transportation, communication and utilities, NEC*

19. Signs, as permitted in Article IV, Section 4.070.

20. Airports

21. Solar Farms, subject to provisions of Section 3.130 of this Ordinance

22. Wind Farms, subject to provisions of Section 3.140 of this Ordinance

23. Accessory uses and structures customarily incidental to any permitted use.

*NEC = Not Elsewhere Coded

C. Uses Permitted as Special Exceptions

In the I-1, Light Industrial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VIII, Section 8.060.

1. Industrial uses which use moving water, such as rivers, as a primary source for production, including non-governmental electric power generating facilities.

D. Uses Prohibited

In the I-1, Light Industrial District, all uses, except those or their accessory uses specifically permitted or permitted upon appeal as a special exception by the Board are prohibited.

E. Dimensional Regulations

All uses in the I-1, Light Industrial District, shall comply with the following requirements, except as provided in Article VI.

1. Minimum Lot Size

Minimum Lot Area	1 Acre
Minimum Lot Area for Off Road, ATV Tracks	25 Acres
Minimum Lot Width at Building Setback Line	150 Feet

2. Minimum Yard Requirements

Front Yard Setback (Arterial Roads)	100 Feet
Front Yard Setback (All Other Roads)	75 Feet
Side Yard Setback	20 Feet*
Rear Yard Setback	30 Feet*

*Except where a side or rear yard abuts a residential district, in which case the side or rear yard shall not be less than fifty (50) feet.

3. Maximum Lot Coverage

On any lot or parcel of land the area occupied by all buildings including accessory buildings, shall not exceed seventy-five (75) percent of the total area of such lot or parcel.

4. Height Requirement

No building shall exceed four (4) stories or fifty (50) feet in height, except as provided in Article VI, Section 6.030.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Loading and Unloading Requirements

As regulated in Article IV, Section 4.020.

7. Accessory Structures

a. With the exception of signs, accessory structures shall not be erected in any required front yard.

b. Accessory structures shall be located at least ten (10) feet from any side and/or rear lot line, and from any other building on the same lot.

8. Landscaping and Buffering

As regulated in Article III, Section 3.110.

5.059 I-2, Restricted Industrial District

A. District Description

This District shall be utilized to place industrial uses, including those understood to be of a hazardous or obnoxious nature, which are deemed necessary or desirable for the economic development of the Covington Planning Region and the City of Covington. Areas zoned I-2 will not conflict with existing or planned residential or commercial areas, and grouping of like uses together is encouraged. Access, such as the presence of at least an arterial-class road, and utilities, including public water capable of providing fire protection and public sewer, if available, that are adequate to support the permitted uses are important considerations in establishing I-2 districts. Because of the nature and intent of this district, these regulations shall limit the permitted use categories.

B. Uses Permitted

Within the Restricted Industrial (I-2) Districts, the following uses are permitted, subject to review and approval of the site plan by the Planning Commission. The site plan must conform with Article III, Section 3.120 of this Ordinance:

1. Uses Permitted in the I-1 District

2. Wholesale Trade

3. Retail Trade limited to:

    a. Building materials, hardware and farm equipment:
    b. Other retail trade, limited to:

        i. Farm and garden supplies;
        ii. Beer, wine, and distilled alcoholic beverages.

4. Manufacturing - limited to:

    a. Food and Kindred products - manufacturing, except for meat products - manufacturing
    b. Lumber and wood products (except furniture)
    c. Printing, publishing and allied industries - manufacturing
    d. Paper and allied products - manufacturing, limited to:

        i. converted paper/paperboard products - manufacturing
        ii. paperboard containers and boxes - manufacturing
        iii. building paper and building board - manufacturing

except for:

i. pulp - manufacturing

e. Chemicals and allied products - manufacturing, limited to:

i. plastics materials and synthetic resins, synthetic rubber, synthetic and other manmade fibers (except glass) - manufacturing
ii. drug - manufacturing

f. Rubber and miscellaneous plastic products - manufacturing, limited to:

i. miscellaneous plastic products - manufacturing

g. Stone, clay and glass products, manufacturing
h. Primary metal industries - manufacturing
i. Fabricated metal products - manufacturing, except for:

i. ordinance and accessories

j. Professional, scientific and controlling instruments; photographic and optical goods; watches and clocks - manufacturing
k. Miscellaneous manufacturing, except for:

i. fur dressing and dyeing

5. Utilities limited to:

a. Electric utilities
b. Gas Utilities, limited to:

i. Gas pipeline right-of-way
ii. Gas pressure control stations

c. Water utilities and irrigation
d. Other transportation, communication and utilities, NEC*

6. Solar Farms, subject to provisions of Section 3.130 of this Ordinance.

7. Wind Farms, subject to provisions of Section 3.140 of this Ordinance.

8. Accessory uses and structures customarily incidental to any permitted use.

C. Uses Permitted as Special Exceptions

Following review and approval of the site plan by the Planning Commission, the Board of Appeals may approve the following uses after a public hearing is held. The site plan must conform with Article III, Section 3.120 of this Ordinance.

1. Lots or yards for salvage operations as defined in Article II, and subject to the provisions of Article IV, Section 4.100.

2. Utilities limited to:

   a. Gas utility uses limited to:

      i. Natural or manufactured gas storage and distribution points.
      ii. Other gas utilities, NEC*.

   b. Sewerage disposal uses
   c. Solid Waste disposal, treatment or storage
   d. Hazardous Waste disposal, treatment or storage
   e. Sanitary landfills, commercial or public as regulated in Article IV, Section 4.130

3. Manufacturing, limited to:

   a. Food and Kindred products - manufacturing limited to: meat products - manufacturing

4. Commercial feed lots (As defined in Article II).

5. Agricultural processing, limited to:

   i. cotton ginning and processing

6. Adult Oriented Businesses

7. Non-Governmental electric power generating facilities

8. Accessory uses and structures customarily incidental to the above permitted use.

*NEC = Not Elsewhere Coded

D. Uses Prohibited

In the I-2, Restricted Industrial District, all uses, except those to their accessory uses specifically permitted or permitted upon appeal as a special exception by the Board are prohibited.

E. Dimensional Regulations

All uses in the I-2, Restricted Industrial District, shall comply with the following requirements, except as provided in Article VI.

1. Minimum Lot Size

Minimum Lot Area	1 Acre
Minimum Lot Area for Salvage Yards	25 Acres
Minimum Lot Width at Building Setback Line	150 Feet

2. Minimum Yard Requirements

Front Yard Setback (Arterial Roads)	100 Feet
Front Yard Setback (All Other Roads)	75 Feet
Side Yard Setback	20 Feet*
Rear Yard Setback	30 Feet*

*Except where a side or rear yard abuts a residential district, in which case the side or rear yard shall not be less than fifty (50) feet.

3. Maximum Lot Coverage

On any lot or parcel of land the area occupied by all buildings including accessory building, shall not exceed seventy-five (75) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed four (4) stories or fifty (50) feet in height, except as provided in Article VI, Section 6.030.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Loading and Unloading Requirements

As regulated in Article IV, Section 4.020.

7. Accessory Structures

a. With the exception of signs, accessory structures shall not be erected in any required front yard.

b. Accessory structures shall be located at least ten (10) feet from any side and/or rear lot line, and from any other building on the same lot.

8. Landscaping And Buffering

As regulated in Article III, Section 3.110.

5.060 A-1, Airport Overlay District

A. District Description

The following provisions shall apply to the area designated on the Official Covington Regional Zoning Map as the Airport Overlay District. The Airport Overlay District serves as an overlay district, which will not change the underlying zoning classification but will add additional restrictions on the affected properties. Within the area designated as the Airport Overlay District, there are established five (5) sub-zones.

B. Zones

In order to carry out the provisions of this section, there are hereby created and established certain sub-zones which include all of the land lying within the Airport Overlay District; The primary surface, non-percision instrument approach zones, transition zones, horizontal zone and conical zone. These areas and zones are shown on the Covington Municipal Airport Zoning Map consisting of one sheet, prepared by the Tennessee Bureau of Aeronautics and dated December 1971, which is attached to this Ordinance of which it is a part. The various zones are hereby established and defined as follows:

1. Primary Surface Zone - is established as an imaginary surface 500 feet wide, longitudinally centered on the runway and extends in length 200 feet beyond each end of the asphalt-paved runway.

2. Non-Percision Instrument Approach Zone - is established at each end of the runway of the Covington Municipal Airport for non-percision instrument approach zone which shall have a width of 500 feet at a distance of 200 feet beyond each end of the runway, then widening uniformly to a width of 2,000 feet at a distance of 5,200 feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.

3. Transition Zones - are established adjacent to the runway and approach zones. Transition zones are symmetrically located on either side of the runway and have variable widths. Transition zones extend outward from the primary surface zones, for the length of the runway plus 200 feet on each end, and are parallel and level with the runway centerline. The transition zones along the runway slope upward and outward one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the horizontal zone. Also, transition zones are established adjacent to the approach zones for a partial length of the approach zones and have variable widths. Such transition zones flare symmetrically with either side of the runway approach zones from the base of such zones and slope upward and outward at the rate of one (1) foot vertically for each seven (7) feet horizontally to the points where they intersect the surface of the horizontal zone.

4. Horizontal Zone - is established, being the area defined by: two semi-circles, each having a radius point located 200 feet beyond the runway ends and on the runway centerline extended, the radius of each semi-circles. The horizontal zone does not include the non-percision instrument approach zones and the transition zones.

5. Conical Zone - is established as the area that commences at the periphery of the horizontal zone and extends outward a distance of 4,000 feet, one (1) foot vertically for each twenty (20) feet horizontally. The conical zone does not include the non-instrument approach zones and transition zones.

C. Height Limitations

Except as otherwise provided in the Ordinance, no structure or tree shall be erected, altered, allowed to grow or maintained in any zone created by this section to a height in excess of the height limit established for each zone. The height limitations are computed from the established airport elevation and are hereby established for each of the zones in question.

1. Non-Precision Instrument Approach Zones - One (1) foot in height for each thirty-four (34) feet in horizontal distance beginning at a point 200 feet from and at the elevation of the end of the non-precision instrument runway and extending to a point 5,200 feet from the end of the runway.

2. Transition Zone - One (1) foot in height for each seven (7) feet in horizontal distance beginning at a point 250 feet normal to and at the elevation of the centerline of the runway extending 200 feet beyond each and extending to a maximum height of 150 feet above the established airport elevation which is 278 feet above mean sea level. In addition, there are established height limits of one (1) foot vertical height for each seven (7) feet horizontal distance measured from the edges of all approach zones, extending upward and outward to the points where they intersect the horizontal or conical surface.

3. Horizontal Zone - One hundred fifty (150) feet above the airport elevation or a maximum of 428 feet above mean sea level.

4. Conical Zone - One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zone extending to a height of 350 feet above the airport elevation.

Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail. Nothing in this Ordinance shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to forty-five (45) feet above the surface of the land.

D. Use Restrictions

Notwithstanding any other provision of this Ordinance, no use may be made of land within any airport approach surface zone, horizontal surface zone or transitional surface zone, in such a manner as to create electrical interference with radio communication between the airport and the aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, taking off or maneuvering of aircraft. Except as otherwise provided in this section, it shall be unlawful to put land located within an airport approach zone, horizontal surface zone, conical surface zone or transitional surface zone to any use hereby forbidden in such zone.

The land uses forbidden in the various airport approach zones, horizontal surface zones, conical surface zone or transitional surface zone are as follows: Churches and other places of worship, club houses and other meeting places or studios, libraries, schools, colleges, hospitals, sanitariums, or other public, semi-public or private educational, health or welfare institution or facility; and any governmental office or building, the facilities of which involve the concentration of people. In addition, residential uses are prohibited in the airport approach surface zone and the transitional surface zone.

E. Non-Conforming Uses

The regulations prescribed in Sections E and F of this section shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date, to otherwise interfere with the continuance of any non-conforming use. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure the construction of alteration of which was begun prior to the effective date of this section, and is diligently prosecuted and completed within two years.

F. Variances

Any person desiring to erect any structure or increase the height of any structure, or permit the growth of any tree, or use his/her property, not in accordance with the regulations prescribed in the section may apply for a variance. Such variance shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this section.

G. Permits

1. Future Uses - No material change shall be made in the use of land, and no structure or tree shall be erected, altered, planted to otherwise established, in any airport approach surface zone, horizontal surface zone, conical surface zone or transitional surface zone, unless a permit has been applied for and granted. Each application shall indicate the purpose for which the permit is desired, with sufficient information to determine whether the resulting use, structure or tree would conform to the prescribed regulations.

2. Existing Uses - Before any existing use, structure or tree may be placed, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted within any airport approach surface zone, horizontal surface zone, conical surface zone or transitional surface zone, a permit must be secured authorizing such replacement, change or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure or tree to be made or become higher or a greater hazard to air navigation, than t is when the application for a permit is made. Except as indicated, all applications for a permit for replacement, change or repair of an existing use, structure or tree shall be granted.

H. Hazard Marking and Lighting

Any permit or variance granted under Article V, Section 5.060.F and G, may if such action is deemed advisable to effectuate the purposes of this section and reasonable in the circumstances be so conditioned as to require the owner of the structure or tree in question to permit the Covington Board of Mayor and Aldermen at its own expense, to install, operate, and maintain markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

I. Appeals

Appeals to any decision based in whole or part upon the provisions of this section may be taken to the Board of Zoning Appeals as provided by Article VIII, Section 8.070 of this Ordinance as authorized in accordance with 13-7-304 through 13-7-305, of the ***Tennessee Code Annotated.***

J. Enforcement

The provisions of this section shall be enforced by the Building Official's Office as provided for in Article VIII, Section 8.020 of this Ordinance.

K. Amendments

Amendments may be made to the Airport Overlay District boundaries and regulations in accordance with the procedures set forth in Article VIII, Section 8.090 of this Ordinance. In addition, no amendment to the Airport Overlay District boundaries and regulations shall become effective unless it first be submitted to and approved by the Tennessee Bureau of Aeronautics or subsequent state agency charged with fostering civil aeronautics.

5.070 DEVELOPMENT STANDARDS FOR PLANNED RESIDENTIAL DEVELOPMENTS

A. The purpose of this type of development is to permit greater flexibility for creative subdivision design to achieve superior scenic quality and recreational opportunities near homes by providing for residential developments which incorporate permanent common open space and permissible planned structural amenities accessible to all residential lots. Planned Residential Developments may be designed within any residentially zoned property (FAR, R-1, R-2, R-3).

B. Procedure for Approval

1. Initial Sketch and Consultation

Before preparing a formal proposal for planned residential developments, the applicant shall submit ten (10) copies of a sketch of the proposed development to the planning commission as a basis for reaching general agreement on major aspects for the project. The sketch shall be at a scale no smaller than 1" = 200' and shall include but not be limited to:

a. Boundaries and acreage of total site;

b. Number and building types of dwelling units;

c. Arrangement of streets, structures, and lots;

d. Access to existing streets;

e. Common open space tracts and prospective uses;

f. Any planned common-use activity areas, such as swimming pools, tennis courts, etc., or special areas deemed worthy of conservation per se;

g. Location and size of water and sewer lines.

2. Plat Approval Procedure

Proposals for planned residential developments shall be subject to the Covington Regional Subdivision Regulations, shall be prepared and reviewed under the plat approval procedures of that document, and shall be in accordance with the provisions of this section.

C. Development Requirements

1. Maximum Density

Maximum building area (excluding land for street right-of-way and any planned structural amenities) shall consist of seventy-five (75) percent of the total residentially zoned acreage available.

2. Minimum Lot Size, Width or Yard Requirements

None.

3. Structural Location Requirements

Minimum distance between structure and public street right-of-way line:

Arterial Street	**50 ft.**
Collector Street	**35 ft.**
Minor Street	**35 ft.**
Minimum Spacing Between Structures	**20 ft.**

4. Utilities

The development shall be serviced with public sewer and water on trunk lines not less than eight (8) inches and six (6) inches, respectively, and shall include fire hydrants for adequate protection, as defined in the Covington Regional Subdivision Regulations.

D. Specific Standards And Criteria For Planned Residential Developments

In addition to the standards and criteria set forth above, planned residential developments shall comply with the standards and criteria set forth hereinafter:

1. Design and Preservation of Common Open Space

Common open space may be provided as a condition to the approval of a planned residential development. No open area may be delineated or accepted as common open space under the provisions of this section unless it meets the following standards:

a. Common open space must be usable for recreational purposes or must provide visual, aesthetic and environmental amenities. The uses authorized for the common open space must be appropriate to the scale and character of the planned residential development, considering its size, density, expected population, topography, and the number and type of dwellings to be provided.

b. Common open space must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. Any buildings, structures and improvements to be located in the common open space must be appropriate to the uses that are authorized, and must conserve and enhance the amenities of the common open space having regard to its topography and the intended function of the common open space.

c. The development phasing sequence which is part of the outline plan must coordinate the improvement of the common open space, the construction of the building, structures and improvements in the common open space, the construction of public improvements and the construction of residential dwellings in a planned residential development, but in no event shall occupancy permits for any phase of the final development plan be issued unless and until the open space which is part of that phase has been dedicated or conveyed and improved.

d. No common open space of a planned residential development shall be conveyed or dedicated by the developer or any other person to any public body, homeowners association or other responsible party unless the Covington Muncipal-Regional Planning Commission has determined that the character and quality of the tract to be conveyed makes it suitable for the purpose for which it is intended. The Planning Commission may give consideration to the size and character of the dwellings to be constructed within the planned residential development, the topography and existing trees, the ground cover, and other natural features, the manner in which the open space is to be improved and maintained for recreational or amenity purposes, and the existence of public parks or other public recreational facilities in the vicinity.

e. All land shown on the outline plan as common open space must be either:

(1) Conveyed to a public body, if said public body agrees to accept conveyance and to maintain the common open space and any buildings, structures or improvements which have been placed on it; or

(2) Conveyed to a homeowners association or some party responsible for maintaining common buildings, areas and land within the planned residential development. The common open space must be conveyed subject to covenants. The Planning Commission shall approve only those provisions of the covenants which restrict the common open space to the uses specified on the outline plan and which provide for the maintenance of the common open space in a manner which assures its maintenance for its intended purpose.

2. Accessibility of Site

All proposed streets and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned residential development, but may be designed so as to discourage outside through traffic from traversing the development. The location of the entrance points of the streets and driveways upon existing public roadways shall be subject to the approval of the City of Covington Public Works Department.

3. Off-street Parking

Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs and/or hedges and screening walls.

4. Pedestrian Circulation

The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.

5. Privacy

The planned residential development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the planned residential development. Protection and enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms and landscaped barriers. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low-rise buildings.

E. Legal Requirements for Operation and Maintenance

Common open space, at the option of the developer, may be retained or deeded to a homeowner's association approved by the Planning Commission or may be conveyed to the public body, if the public body agrees to accept the conveyance as stated above in Subsection D.1.e. When the developer retains such tracts, the Planning Commission must approve plans for improvement and maintenance of these tracts. Restrictive deed covenants shall be made to assure perpetual use of the tracts for common open space purposes, including common use of any planned structural amenities by lot owners within the development. When such tracts are to be deeded to a homeowner's association, the developer shall provide:

1. The legal framework for a homeowner's association consisting of articles of incorporation and by-laws that guarantee as a minimum:

a. That the homeowner's association will be responsible for liability insurance, local taxes, maintenance of recreational and other facilities pertaining to the common open space.

b. That when more than fifty (50) percent of the lots within the subdivision area sold, there shall be a special meeting of the homeowner's association within sixty (60) days.

2. Deeds to individual lots within the subdivision shall convey mandatory membership in the homeowner's association, and include, as a minimum, the following homeowner's association agreements:

a. A pro-rata share of the cost of the homeowner's association operation shall rest with the homeowners.

b. Permanent unrestricted rights to utilize land and facilities owned by the association shall rest with the homeowners.

c. Assessments levied by the association can become a lien on personal property, if not paid, and

d. The association shall have authority to adjust assessments to meet changing needs.

ARTICLE VI

EXCEPTIONS AND MODIFICATIONS

SECTION

6.010 Scope
6.020 Nonconforming Uses
6.030 Exceptions to Height Limitations
6.040 Lots of Record
6.050 Exception to Front Setback Requirements
6.060 Agricultural Use of Land
6.070 Growth Plan

6.010 SCOPE

Article VI, of this Ordinance, is devoted to providing for the necessary exceptions and modifications to the specific zoning district provision and the supplementary provisions provided in Article IV and Article V.

6.020 NONCONFORMING USE

It is the intent of this Ordinance to recognize that the elimination, as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of this Ordinance is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions

of this Ordinance. It is also the intent of this Ordinance to so administer the elimination of nonconforming uses, buildings, and structures as to avoid an unreasonable invasion of established private property rights. Lawful nonconforming uses, buildings, and structures existing at the time of the passage of this Ordinance or any amendment thereto shall be allowed to remain subject to the following provisions.

A. An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same or higher classification provided, however, that establishment of another nonconforming use of the same or higher classification shall be subject to the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect the area.

B. A nonconforming use of land shall be restricted to the area occupied by such use as of the effective date of this Ordinance. A nonconforming use of a building or buildings shall not be enlarged to additional land after the effective date of this Ordinance.

C. When a nonconforming use of any structure or land, excepting nonconforming mobile homes or mobile home parks, has been discontinued for a period of one (1) year, it shall not be re-established or changed to any use not in conformity with the provisions of this Ordinance. Immediately upon the removal of a nonconforming mobile home or discontinuance of a nonconforming mobile home park the nonconformity of such structure and use of the land shall lapse.

D. Any nonconforming building or nonconforming use which is damaged by fire, flood, wind, or other act of God may be reconstructed and used as before, if it be done within six (6) months of such damage, unless damaged to the extent of more than seventy-five (75%) percent of its fair market value according to the current tax records kept in the Tipton County Office of the Assessor of Property immediately prior to damage, in which case any repair or reconstruction shall be in conformity with the provisions of this Ordinance.

E. A nonconforming building or building housing a nonconforming use shall not be structurally altered except in conformance with the provisions of this Ordinance. These provisions shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.

6.030 EXCEPTIONS TO HEIGHT LIMITATIONS

The height limitations of this Ordinance shall not apply to church spires, solar collectors, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, transmission towers, windmills, chimneys, smokestacks, conveyors, flag poles, radio towers, masts and aerials, and agricultural related buildings except those designated for human occupation as in residences or offices.

6.040 LOTS OF RECORD

The following provisions shall apply to all existing lots of record:

A. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this Ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this Ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from

the terms of this Ordinance. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as possible in the opinion of the Board of Zoning Appeals.

B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this Ordinance, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.

C. Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located

6.050 EXCEPTIONS TO FRONT SETBACK REQUIREMENTS

The front setback requirement of this Ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than twenty (20) feet from the street right-of-way.

6.060 AGRICULTURAL USE OF LAND

This Ordinance shall not be construed as authorizing the requirement of Development Permits nor providing for any regulation of the erection, construction, or reconstruction of any building or other structure on lands now devoted to agricultural uses or which may hereafter be used for agricultural, except on agricultural lands adjacent or in proximity to state federal aid highways, public airports, or public parks, provided however, such buildings or structure is incidental to the agricultural enterprise. Nor shall this Ordinance be construed as limiting or affecting in any way or controlling the agricultural uses of land.

ARTICLE VII

FLOODPLAIN ZONING DISTRICT

SECTION

7.010 Statutory Authorization, Findings of Fact, Purpose and Objectives
7.020 Definitions
7.030 General Provisions
7.040 Administration
7.050 Provisions for Flood Hazard Reduction
7.060 Variance Procedures

7.010. 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 and 13-7-301 through 13-7-306, 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 Covington, Tennessee, Mayor and Aldermen ordain as follows:

B. Findings of Fact

1. The City of Covington, 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 Covington's Planning Region are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

3. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

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 floodprone areas;

6. To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;

7. To ensure that potential homebuyers are notified that property is in a floodprone area;

8. To maintain eligibility for participation in the NFIP.

7.020. DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application given its stated purpose and objectives.

"Accessory Structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this Ordinance, shall conform to the following:

1. Accessory structures shall only be used for parking of vehicles and storage.

2. Accessory structures shall be designed to have low flood damage potential.

3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

4. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

5. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

"Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this Ordinance or a request for a variance.

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Flood-related Erosion Hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

"Area of Special Flood Hazard" see **"Special Flood Hazard Area"**.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance flood.

"Basement" means any portion of a building having its floor subgrade (below ground level) on all sides.

"Building" see **"Structure"**.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

"Elevated Building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

"Emergency Flood Insurance Program" or **"Emergency Program"** means the program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

"Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the Program.

"Exception" means a waiver from the provisions of this Ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Ordinance.

"Existing Construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

"Existing Structures" see **"Existing Construction"**.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Elevation Determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

"Floodplain" or **"Floodprone Area"** means any land area susceptible to being inundated by water from any source (see definition of "flooding").

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

"Flood-related Erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

"Flood-related Erosion Area" or **"Flood-related Erosion Prone Area"** means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

"Flood-related Erosion Area Management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

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

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

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

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

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on the City of Covington, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

    a. By the approved Tennessee program as determined by the Secretary of the Interior or

    b. Directly by the Secretary of the Interior.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Recreational Vehicle" means a vehicle which is:

1. Built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light duty truck;

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

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

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

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

"State Coordinating Agency" the Tennessee Department of Economic and Community Development, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

"Structure" for purposes of this Ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Substantially Improved Existing Manufactured Home Parks or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

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

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

7.030. GENERAL PROVISIONS

A. Application

This Ordinance shall apply to all areas within the City of Covington Planning Region.

B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the Tipton County, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers

47167C0050F, 47167C0075F, 47167C0155F, 47167C0160F, 47167C0165F, 47167C0170F, 47167C0180F, 47167C0185F, and 47167C190F dated December 19, 2006, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

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 Covington, Tennessee and Tipton County, 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 Covington, Tennessee from taking such other lawful actions to prevent or remedy any violation.

7.040. ADMINISTRATION

A. Designation of Ordinance Administrator

The Code Enforcement Official 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 non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.

   c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Article V, Sections A and B.

   d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

   Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land

surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

C. Duties and Responsibilities of the Administrator

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

1. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.

2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

3. Notify adjacent communities and the Tennessee Department of Economic and Community Development, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.

5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Article IV, Section B.

7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Article IV, Section B.

8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Section B.

9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.

10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of Covington, 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.

7.050. 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, Section B;

13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;

14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

B. Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Article V, Section A, are required:

1. Residential Structures

In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

2. Non-Residential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Article IV, Section B.

3. Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.

   1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

   2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;

   3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Article V, Section B.

4. Standards for Manufactured Homes and Recreational Vehicles

a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

   1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or

   2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article II).

c. Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of Article V, Sections A and B.

d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:

1) Be on the site for fewer than 180 consecutive days;

2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;

3) The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Article V, Section E).

C. Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must

remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

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

2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B.

D. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

1. No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B.

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

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations

(see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Article V, Sections A and B.

2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.

3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Article IV, Section B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Article V, Section B.

4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City of Covington, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B. Within approximate A Zones, require that those subsections of Article V Section B dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

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

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

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number

specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Article V, Section B.

2. All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Ordinance and shall provide such certification to the Administrator as set forth above and as required in accordance with Article IV, Section B.

3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

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

Located within the Areas of Special Flood Hazard established in Article III, Section B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Article IV and Article V shall apply.

H. Standards for Unmapped Streams

Located within the City of Covington Planning Region, 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.

7.060. VARIANCE PROCEDURES

A. Regional Board of Zoning Appeals

1. Authority

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

2. Procedure

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

3. Appeals: How Taken

An appeal to the Regional 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 Regional 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 for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Regional Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Regional 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 15 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 Regional 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:

1) The City of Covington, Tennessee Regional Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

2) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.

3) In passing upon such applications, the Regional 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.

4) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Regional Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.

5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

B. Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Article VI, Section A.

2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.

3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as $25 for $100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.

4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

ARTICLE VIII

ADMINISTRATION AND ENFORCEMENT

SECTION

8.010 Administration of the Ordinance
8.020 The Enforcement Officer
8.030 Building Permits
8.040 Temporary Use Permits
8.050 Certificate of Occupancy
8.060 Procedure for Authorizing Special Exceptions
8.070 Covington Regional Board of Zoning Appeals
8.080 Variances
8.090 Amendments to the Ordinance
8.100 Penalties
8.110 Remedies
8.120 Separability
8.130 Interpretation
8.140 Effective Date

8.010 ADMINISTRATION OF THE ORDINANCE

Except as otherwise provided, no structure or land shall after the effective date of this Ordinance be used, and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory.

8.020 THE ENFORCEMENT OFFICER

The provisions of this Ordinance shall be administered and enforced by the Building Official's Office. In the performance of administering and enforcing this Ordinance, the office shall:

A. Issue all Building Permits and maintain all records thereof.

B. Issue all Certificates of Occupancy and maintain all records thereof.

C. Issue and renew, where applicable, all Temporary Use Permits and maintain all records thereof.

D. Maintain and keep current zoning maps and records of all amendments.

E. Receive, file and forward to the Board of Zoning Appeals all applications for variances or other matters on which the Board is required to act under the provisions of this Ordinance.

F. Conduct inspections as required in this Ordinance and such other inspections as are necessary to insure compliance with the various other general provisions of this Ordinance. The Building Official shall possess the right to enter upon any premises for the purpose of making inspections of building or premises necessary to carry out his authorized duties.

G. Enforcement of the Zoning Codes and Regulations.

8.030 BUILDING PERMITS

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or substantial improvement or repair of any structure or to change the use of a building or structure, or to commence the filling of land without a permit therefore, issued by the Building Official's Office.

No Building Permit shall be issued by the Building Official's Office, except in conformity with the provisions of this Ordinance, unless there is received a written order from the Board of Zoning Appeals in the form of an administrative review, Special Exceptions, or variance as provided by this Ordinance.

A. Application

Application for a Building Permit shall be made in writing to the Building Official's Office on forms provided for that purpose, See Form 1 in Appendix A. All applications for Building Permits shall be accompanied by a plan or a plat in duplicate, drawn to scale, and showing the following:

1. The actual shape, location, and dimensions of the lot to be built upon.

2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot and the elevation of the building site in relation to mean sea level of the proposed lowest floor if said building site is located in a floodplain, as defined in the Covington Regional Floodplain Zoning Ordinance.

3. The existing and intended use of all such buildings or other structures.

4. Location and design of off-street parking areas and off-street loading areas, and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

B. Fee

The Covington Municipal-Regional Commission shall establish a schedule of fees and a collection procedure for Building Permits. The schedule of fees shall be posted in the Building Official's Office. Only the County Commission may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application.

C. Issuance of Permit

If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this Ordinance the Building Official shall issue a Building Permit (See Form 2 in Appendix A) for such excavation or construction. If an application for a Building Permit is not approved, the Building Official shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving of any provisions of this Ordinance.

D. Construction Progress

Any Building Permit issued becomes invalid if work is not started within six (6) months from the date of issue, or if work ceases for any six (6) month period of time from the date of issue.

8.040 TEMPORARY USE PERMITS

It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the Building Official's Office, as provided for in Article IV, Section 4.030, of this Ordinance. Application for a Temporary Use Permit shall be made in writing to the Building Official on the form provided for that purpose. A fee established by the Covington Board of Mayor and Aldermen of $50 shall be charged to cover review, inspection and processing of each application. Such schedule shall be posted in the Building Official's Office. Until the appropriate fee has been paid in full, no action shall be taken on any application.

8.050 CERTIFICATE OF OCCUPANCY

No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the Building Official shall have issued a Certificate of Occupancy stating that such land, structure, or part thereof, is found to be in conformity with the provisions of this Ordinance. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Official to make a final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with provisions of this Ordinance, or, if such certificate is refused, to state the refusal in writing with the cause for such refusal. No Certificate of Occupancy shall be issued for a residence or business (commercial or industrial) that does not have street address numbers visible from the road.

8.060 PROCEDURE FOR AUTHORIZING SPECIAL EXCEPTIONS

The following procedure is established to provide procedures for review of a proposed use by the Board of Zoning Appeals. The procedure shall be the same whether review is required by this Ordinance or whether a review is requested by the Building Official's Office to determine whether a proposed use is potentially noxious, toxic, dangerous, offensive or determined to be a public nuisance.

A. Application

An application shall be filed with the Board of Zoning Appeals along with a fee of $100 to cover costs for review, inspection and processing. Such application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet and any other material pertinent to the request that the Board may require. If the Use has already been approved, and the applicant is requesting an addition to the Use on the same parcel size that was originally presented, then only site plan approval by the Covington Municipal-Regional Planning Commission is required, as regulated in Article III, Section 3.120

B. Criteria for Review

Prior to the issuance of a Special Exception, the Board shall make written findings certifying compliance with the specific rules governing individual Special Exceptions and that satisfactory provision and arrangement has been made concerning the following where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

2. Off-street parking and loading areas where required, with particular attention to the items in Item 1, above, and the economic, noise, glare or odor effects of the Special Exceptions on adjoining properties and properties generally in the district.

3. Proof of residency at the location where the special exception is proposed.

C. Special Conditions for Accessory-Agricultural Occupations

1. Property must be located in an FAR District and meet minimum lot size and dimensional requirements for the district.

2. No proposed use shall occupy more than one (1) accessory building with total square footage not to exceed three thousand (3,000) square feet.

3. Accessory buildings may not be altered so that the character of agricultural function is not maintained.

4. Any site within one hundred (100) feet of any residential structure on any adjoining lot shall maintain a twenty-five (25) foot buffer between the residential structure.

5. Provide an adequate parking area in compliance with Section 4.010, of this Ordinance.

6. Any proposed sign shall be limited to one (1) ground, graphic sign, and no more than five (5) feet in height and twenty (20) square feet in area and must be setback a minimum of ten (10) feet from the right-of-way.

7. No outside storage of goods or materials shall be visible from any public road. Uses involving the storage, transfer or disposal of hazardous materials shall not be permitted.

8. All automobiles or trucks parked on the site are required to have a current registration and license plates.

D. Customary Incidental Home Occupations (Major)

1. The proposed use shall be located and conducted within the principal or assessory building only.

2. Employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located, with a maximum of one (1) paid assistant.

3. Not more than twenty-five (25%) of the total floor area in a dwelling unit shall be designated for the proposed use.

4. The proposed use shall not be the primary or incidental storage facility for a business conducted elsewhere.

5. No activity, materials, goods or equipment indicative of the proposed use shall be visible from any public street or alley, nor located outside the principal or assessory building.

6. The proposed use shall not be advertised by the use of signs on the lot that exceed six (6) square feet in area and no more than four (4) feet in height.

7. The proposed use shall not generate noise, odor, fumes, smoke, nor be determined a public nuisance that would tend to depreciate the character of the neighborhood in which the proposed use is located.

8.070 COVINGTON REGIONAL BOARD OF ZONING APPEALS

A Covington Regional Board of Zoning Appeals is hereby established in accordance with 13-7-304 of the ***Tennessee Code Annotated***. The Board of Zoning Appeals shall consist of five (5) members appointed by the Covington Board of Mayor and Aldermen. The Board members shall be appointed to five (5) year terms; however, the initial appointments shall be arranged so that the term of one (1) member will expire each year.

A. Procedure

Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board may determine. Such Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records of applications and action taken thereon which shall be public records.

B. Appeals to the Board

An appeal to the Covington Regional Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any government office, department, board, or bureau affected by any decision of the Building Official's Office based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Building Official's Office shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall fix a reasonable time of the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

C. Stay of Proceeding

An appeal stays all legal proceedings in furtherance of the action appealed from unless the Building Official's Office certifies to the Board of Zoning Appeals, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause imminent peril to life or property. In such instance, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction on application, on notice to the Building Official's Office, and on due cause shown.

D. Appeal to the Court

Any person or persons or any board, taxpayer, department, or bureau of the County aggrieved by any decision of the Board may seek review by a court of competent jurisdiction of such decision in a manner provided by the Laws of the State of Tennessee.

E. Powers of the Board

The Board of Zoning Appeals shall have the following powers:

1. Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirements, permit, decision, determination or refusal made by the Building Official or other administrative official in the carrying out or enforcement of any provision of this Ordinance, including the interpretation of the location of district boundaries shown on the City of Covington Regional Zoning Map.

2. Special Exceptions

To hear and decide applications for special exceptions as specified in this Ordinance, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass. If work has not commenced within one (1) year of the approval of the special exception, the special exception becomes void and the applicant shall be required to resubmit all materials for approval.

3. Variances

To hear and decide applications for variance from the terms of this Ordinance.

8.080 VARIANCES

The purpose of this variances is to modify the strict application of the specific requirements of this Ordinance in the case of exceptionally irregular, narrow, shallow, or street lots, or other exceptionally physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. Variances shall be granted from zoning restrictions such as heights, setback and lot density where such variances are reasonable and necessary to assure unobstructed access to direct sunlight. Variances shall not be granted which would cause an unreasonable obstruction of direct sunlight to adjacent property if there is a reasonable probability of utilization of passive or active solar radiation on said adjacent property. The variance shall be used only where necessary to overcome some obstacle that is preventing an owner from using his property under this Ordinance.

A. Application

After written denial of a permit, a property owner may make application for a variance, using any form that might be made available by the Board of Zoning Appeals.

B. Fee

A fee as established by the Covington Board of Mayor and Aldermen of $200 shall be charged to cover review, inspection and processing of each application for a variance, except that the fee shall be waived for a governmental agency.

C. Hearings

Upon receipt of an application and fee, the Board shall hold a hearing to decide whether a variance to the Ordinance provisions is, in fact, necessary to relieve unnecessary hardships that act to deprive the property owner of the reasonable use of his land. The Board shall consider and decide all applications for variances within thirty (30) days of such hearings and in accordance with the standards provided below.

D. Standards for Variances

In granting a variance, the Board shall ascertain that the following criteria are met:

1. Variances shall be granted only where special circumstances or conditions, fully described in the finding of the Board, do not apply generally in the district.

2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.

3. For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.

4. The granting of any variance shall be in harmony with the general purposes and intent of this Ordinance and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.

5. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the persons applying for the variance.

8.090 AMENDMENTS TO THE ORDINANCE

The regulations, restrictions, and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed by the Covington Board of Mayor and Aldermen; but in accordance with Tennessee enabling legislation.

Any member of the Planning Commission or Board of Mayor and Aldermen, may introduce such legislation, or any official, board, or any other person may present a petition to the Planning Commission or Board of Mayor and Aldermen requesting an amendment or amendments to this Ordinance. These amendments must be in relation to the Covington Land Use and Transportation Plan and the general welfare of the community.

No change or departure from the text or maps as certified by the Planning Commission shall be made, unless such change or departure be first submitted to the Planning Commission and approved by it, or, if disapproved, receive the favorable vote of a majority of the entire membership of the Covington Board of Mayor and Aldermen.

No amendment to this Ordinance shall become effective unless it shall have been proposed by or shall have first been submitted to the Covington Municipal-Regional Planning Commission for review and recommendation. If the Planning Commission disapproves the amendment it shall require the favorable vote of a majority of the Covington Board of Mayor and Aldermen to become effective.

Before finally adopting any such amendment, the Covington Board of Mayor and Alderment shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation.

A. Fee

A fee established by the Covington Board of Mayor and Aldermen of $200 shall be due and payable at the time of filing of petition and shall be posted with request to amend the zoning Ordinance. The fee is to be used by the City of Covington to defray costs resulting from such petition and any subsequent amendment of the zoning Ordinance except that the fee shall be waived for a governmental agency.

8.100 PENALTIES

Any persons violating any provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten (10) dollars nor more than fifty (50) dollars for each offense. Each day such violations continue shall constitute a separate offense.

8.110 REMEDIES

In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used, in violation of this Ordinance, the Building Official or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

8.120 SEPARABILITY

Should any section, clause, or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

8.130 INTERPRETATION

Whenever the conditions of this Ordinance require more restrictive standards than are required in or under any other statute, the requirements of this Ordinance shall govern. Whenever the conditions of any other statute require more restrictive standards than are required by this Ordinance, the conditions of such statute shall govern.

8.140 EFFECTIVE DATE

This Ordinance shall take effect from and after the effective date of its passage and publication as required by law, the public welfare requiring it.

SECTION 2. BE IT FURTHER ORDAINED, that this Ordinance shall become effective upon final reading and publication in a newspaper of general circulation, the public welfare so requiring it.

Passed First Reading	Mayor
Passed Second Reading	City Recorder
Passed Third Reading	