

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO READOPT THE COVINGTON MUNICIPAL ZONING ORDINANCE IN ITS ENTIRETY**

**WHEREAS,** Section 13-7-201 through 13-7-210 of the Tennessee Code Annotated empowered the City to enact the Covington Municipal 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 to amend said Ordinance; and,

**WHEREAS,** the Covington Municipal/Regional Planning Commission has reviewed said proposed amendments pursuant to Sections 13-7-203 and 13-7-204 of the Tennessee Code Annotated and recommends 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 13-7-201 through 13-7-210 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 Municipal Zoning Ordinance be amended as follows:

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

**COVINGTON MUNICIPAL**  
**ZONING ORDINANCE**

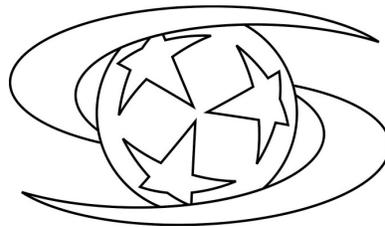
Prepared  
for the  
COVINGTON MUNICIPAL-REGIONAL PLANNING COMMISSION

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Jackson, Tennessee



As Re-adopted  
October, 2008

**REVISED**  
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## CHAPTER 1

### GENERAL PROVISIONS RELATING TO ZONING

#### AUTHORITY

An ordinance, in pursuance of the authority granted by Section 13-7-201 through 13-7-210 of the Tennessee Code Annotated, and for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare; to provide for the establishment of districts or zones within the corporate limits of Covington, 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 sizes 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; to provide methods of administration of this Ordinance and to prescribe penalties for the violation thereof.

BE IT ENACTED BY THE BOARD OF MAYOR AND ALDERMEN OF COVINGTON, TENNESSEE AS FOLLOWS:

**11-101. Title** - This Ordinance shall be known and may be cited as the Zoning Ordinance of Covington, Tennessee, and the map herein referred to which is identified by the title, "Official Zoning Map, Covington, Tennessee" and explanatory matters thereon are hereby adopted and made a part of this Ordinance. The Official Zoning Map shall be located in the City Hall and shall be identified by the signature of the Mayor attested by the City Recorder. The Official Zoning Map may be amended under the procedures set forth in Chapter 13 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.

**11-102. Purpose** - The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements. They have been made with reasonable consideration among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

## CHAPTER 2

### DEFINITIONS

#### 11-201. Definitions.

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

1. **Accessory Use or Building:** A use or building on the same lot with and of a nature customarily incidental and subordinate to the principle use or building. Swimming pools, carports, portable buildings, detached garages, satellite dish antennae (requiring yard space), and other similar uses shall be considered accessory buildings in all districts.
2. **Administrator:** Refers to the Federal Insurance Administrator, to whom the Director has delegated the administration of the program.
3. **Adult Oriented Businesses:** A commercial enterprise that exploits sex in one form or another comprising a large variety of sexually oriented businesses including movie theaters, bookstores, video rental outlets, houses of prostitution, escort agencies, massage parlors and topless/bottomless bars. Adult oriented business also refers to the materials or services that these businesses market including movies, videos, photographs, books, magazines, sexual devices as well as nude or semi-nude dancing and massages. Specific adult oriented businesses and related terms as further defined in The Covington Municipal Code.
4. **Alley:** Any public or private way set aside for public travel and less than thirty (30) feet in width.
5. **Apartments:** A residential building containing five or more dwelling units with the number of families in residence not exceeding the number of dwelling units provided.
6. **Automobile Graveyard (Automobile Junkyard):** Any lot or place which is exposed to the weather and upon which more than ten (10) motor vehicles of any kind, including motorized farm equipment, incapable of being operated, and which it would not be economically practical to make operative, are placed, located, or found. (For further information, see Section 11-320 of this Ordinance).
7. **Automobile Storage or Standing Space:** Any area reserved and suitable for automobile storage, standing or parking space. Each space shall be a minimum of 160 square feet in area. Such area shall be provided with a safe vehicular access to a public street or alley.
8. **Base Flood:** See One-Hundred Year Flood.

9. **Building (or Structure):** Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground whether stationary or movable and shall include but not be limited to tents, lunch wagons, dining cars, mobile homes, signs and billboards, walls, and fences.
10. **Country Club:** A private club for members, their families and invited guests for the purpose of social and recreational activities.
11. **Private Club or Lodge:** A building and related facilities owned and operated by a corporation, association or group of persons for social, educational, philanthropic, or recreational purposes with members regularly paying dues, but not operated for profit nor to render a service which is customarily carried on as a business.
12. **Day Care Center:** A facility operated by a person, society, agency, corporation, institution, or group that receives pay for the care of thirteen (13) or more children under seventeen (17) years of age for less than twenty-four (24) hours per day for care outside their own homes, without transfer of custody.
13. **Day Care Home, Family:** A facility operated by any person who receives pay for providing less than twenty-four (24) hour supervision and care, without transfer of custody, for five (5), six (6) or seven (7) children under seventeen (17) years of age who are not related to the operator and whose parents or guardians are not residents of the household. A home providing care for fewer than five children will not be regulated by this Ordinance.
14. **Day Care Home, Group:** A facility operated by a person, social agency, corporation, or institution or any other group which receives pay for the care of eight to twelve children under seventeen (17) years of age less than twenty-four (24) hours per day for care outside their own homes, without transfer of custody.
15. **Dwelling:** A building or portion thereof designed or used, for residential occupancy either continuously, permanently or temporarily but not including boarding or rooming houses, hotels, motels, hospitals or other accommodations for transient residence.
16. **Dwelling, Multiple Family:** Two or more Individual family living quarters within a single building or group of buildings including duplexes, triplexes, quadriplexes, apartments, condominiums and townhouses.
17. **Dwelling, Single Family:** A detached residential structure other than a mobile home, designed for and occupied by one family only.
18. **Dwelling Unit:** One (1) or more rooms designed as a unit for occupancy by one (1) family for cooking, living and sleeping purposes.
19. **Family:** One (1) or more persons occupying a premises and living as a single nonprofit housekeeping unit.
20. **Flood:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of rivers or streams or the unusual and rapid accumulation of runoff of surface waters from any source.

21. **Flood Hazard Area:** The floodplain of the flood having a one (1) percent chance of being equaled or exceeded in any given year as indicated on the Flood Hazard Boundary Maps, Covington, Tennessee, prepared by the Federal Emergency Management Agency, Flood Insurance Administration.
22. **Flood Hazard Boundary Map (FHBM):** Means an official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e., mudflow), and flood-related erosion areas having special hazards have been designated as zone A, M, and/or E.
23. **Flood Insurance Rate Map (FIRM):** Means an official map of a community, on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.
24. **Floodplain:** A relatively flat or low area adjoining a river or stream which is periodically subject to partial or complete inundation by floodwaters, or a low area subject to the unusual and rapid accumulation of runoff of surface waters from any source. For the purposes of this Ordinance, the land subject to inundation by the 100-year flood, i.e. the 100-year flood plain.
25. **Flood proofing:** Any combination of structural or non-structural additions, changes, or adjustments which reduces or eliminates flood damage to real estate, improved real property, water supply and sanitary sewer facilities, electrical systems, and structures and their contents.
26. **Floodway:** The stream channel and the portion of the adjacent floodplain which must be reserved solely for the passage of floodwaters in order to prevent an increase in upstream flood heights of more than one (1) foot above predevelopment conditions.
27. **Floodway Fringe Area:** Lands lying outside a designated floodway but within the area subject to inundation by the 100-year flood.
28. **Group Quarters:** A complex of one or more structures designed to house four or more unrelated individuals. Retirement homes, rooming and boarding houses, religious quarters, and other similar uses shall be considered Group Quarters.
29. **Height of Building:** The vertical distance from the established average sidewalk grade or street grade, or finished grade at the building line, whichever is the highest, to the highest point of the building.
30. **Hotel:** A building which (a) contains living or sleeping accommodations used primarily for transient occupancy, and (b) has individual entrances from inside the building to serve each such living or sleeping unit.
31. **Incidental Home Occupation:** An occupation or profession carried on by the members of a family residing on the premises in connection with which there is no sign used; provided, however, that such use shall not noticeably increase traffic to, or significantly alter the outside appearance of the residence involved and that not over twenty-five (25) percent of the total actual floor area is used for the home occupations.
32. **Lot:** Individual parcel of land under single ownership, of at least sufficient size to meet the requirements of this Ordinance, the boundaries of which are

established by metes and bounds or in a deed or shown on a plan or plat recorded in the office of the Tipton County Register. All lots shall front on and have access to a public street.

33. **Lot, Corner:** A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point meet at an interior angle of less than one hundred thirty-five (135) degrees.
34. **Lot Coverage:** That percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, excluding projecting roof eaves.
35. **Lot, Double Frontage:** A lot, other than a corner lot having frontage on more than one street.
36. **Lot Line:** The boundary dividing a given lot from adjacent lots or the right-of-way of a street or alley.
37. **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 Zoning Ordinance.
38. **Lot Width:** The distance across the width of a lot between side lot lines measured at a point within the depth of the lot common to the rear limits of the front yard (the building setback line).
39. **Lowest Floor:** Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable 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.
40. **Manufactured Residential Dwelling:** A structure, transportable in one or more sections, which may be built on a permanent chassis and designed to be used as a single family dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. For the purpose of these regulations the term "manufactured home" does not include "mobile home" as herein defined and as further defined in Tennessee Code Annotated Section 13-24-201.
41. **Manufacturing:** The processing and converting of raw, unfinished or finished materials or products into an article or substance of different character, or for use for a different purpose; also industries furnishing labor in the case of manufacturing or refinishing of manufactured articles.
42. **Mobile Home:** A factory-built residential structure constructed as a single, self-contained unit and mounted on a single chassis or under-carriage which includes axles, wheels, and a tongue or hitch. A mobile home is designed for transportation after fabrication on streets and highways on its own wheels or on a flat bed or other trailer for delivery to a mobile home dealer, or arriving at the

site ready for occupancy, except for minor and incidental unpacking assembly operations, location on jacks or permanent foundations, and connections to utilities. The character of a mobile home as a non-permanent dwelling shall not be changed by removal of the wheels and/or carriage or placement on a permanent foundation.

The term "mobile home" shall include further definition as provided in Tennessee Code Annotated Section 68-36-202.

43. **Mobile Home Park:** Any plat of ground upon which two (2) or more trailers, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for each accommodation.
44. **Motel:** A building or group of buildings which (a) contain living or sleeping accommodations used primarily for transient occupancy, and, (b) has individual entrances from outside the building to serve each such living or sleeping unit.
45. **New Construction:** Means structures for which the "start of construction" commenced on or after the effective date of this Ordinance.
46. **Nonconforming Use:** A use of a building or land lawful at the time of the enactment or amendment to this Ordinance that does not conform with the provisions of this Ordinance for the district in which it is located.
47. **Nonconforming Structure:** A structure which was lawful at the time of the enactment or amendment to this Ordinance that does not conform with the provisions of this Ordinance for the district in which it is located.
48. **Nonconforming Lot:** A lot of less than minimum size for the district in which it is located as defined in the Section of this Ordinance applying to said district and which was a lot of record prior to the effective date of this Ordinance.
49. **One-Hundred Year Flood:** A flood which has, on the average, a 1 percent (1%) chance of being equaled or exceeded in any given year. It is sometimes referred to as the "1-percent (1%) chance flood".
50. **Person:** An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.
51. **Portable Carports:** A roofed structure, located on a non-permanent foundation, made from non combustible material, that is open on both ends and fifty (50) percent open on bottom of each side.
52. **Principal Building:** A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be the principal building on the lot on which the same is situated.
53. **Professional Service:** Those services normally provided by the recognized professions excluding sanitariums, hospitals, convalescent and rest home services. Such services include: physicians services, dental services, medical laboratory services, dental laboratory services, medical clinics, legal services, engineering and architectural services, accounting, auditing and bookkeeping services, urban planning services.

54. **Property, personal:** Movable property not affixed to land and includes, but is not limited to, goods, wares, merchandise, and household items.
55. **Sign, Announcement:** Any outdoor sign located within the view of persons passing on a street, whether a separate structure, object or device, or attached to or painted on another structure, object, or device, bearing an advertisement or announcement relating to the premises on which such sign is located, except that the following shall in no case be considered as announcement signs: (a) any sign designed to be read solely by persons on the premises; (b) any sign less than thirty-six (36) square inches in area.
56. **Start of Construction:** For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include 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.
57. **State Coordinating Agency:** Is a reference to the Local Planning Assistance Office of the Department of Economic and Community Development of the State of Tennessee.
58. **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 used for human occupancy, between the topmost floor and the roof. A basement not used for human occupancy shall not be counted as a story.
59. **Street:** Any public or private way set aside for public travel thirty (30) feet or more in width. The word "street" shall include the words, "road," "highway," and "thoroughfare."
- A. **Street Line:** The property line which bounds the right-of-way set aside for use as a street. Where sidewalks exist and the location of the property line is questioned, the side of the sidewalk farthest from the traveled street shall be considered as the street line.
- B. **Center Line of a Street:** The center of the surfaced roadway or the surveyed center line of the street.
60. **Structure:** Anything constructed or erected, which requires location on the ground or attachment to something having location on the ground.
61. **Substantial Improvement:** Means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a

structure in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

62. **Total Floor Area:** The area of all floors of a building including finished attics, finished basements, covered porches, and carports.
63. **Townhouse:** A row of multi-story single family dwelling units, separated from one another by a continuous fire resistant vertical wall without opening from basement to floor.
64. **Use:** Any particular activity, occupation, business, or operation carried on or intended to be carried on, in a building or other structure or on a tract of land.
65. **Warehousing and storage facility, household goods:** A facility designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to such space for the purpose of storing and removing personal property; provided, however, that the term "household goods warehousing and storage facility" shall not include any facility used for residential purposes.
66. **Yard:** An open space on the same lot with a principal building, open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this Ordinance. The measurement of a yard shall be construed as the minimum horizontal distance between the lot lines and any part of the building, such as the roof overhang.
  - A. **Front Yard:** The yard extending across the entire width of the lot between the front lot line, and the nearest part of the principal building, including covered porches and attached carports.
  - B. **Rear Yard:** The yard extending across the entire width of the lot between the rear lot line, and the nearest part of the principal building, including covered porches and attached carports.
  - C. **Side Yard:** A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including covered porches and attached carports.

## CHAPTER 3

### GENERAL PROVISIONS

For the purposes of this Ordinance there shall be certain general provisions which shall apply to all of the area affected by this Ordinance.

#### **11-301. Zoning Affects Every Structure and Use.**

No structure or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, whether operated with or without compensation. However, this shall not be construed as limiting or affecting in any way or controlling the agricultural uses of land.

#### **11-302. Continuance of Nonconforming Uses and Structures.**

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 administer the elimination of nonconforming uses, buildings and structures so 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:

1. Any non-conforming industrial, commercial or business establishment shall be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the activities of the industry or business if such expansion is approved by the Board of Zoning Appeals.

Any non-conforming industrial, commercial, or business establishment shall be allowed to destroy present facilities necessary to the conduct of such industry or business if such demolition and reconstruction is approved by the Board of Zoning Appeals.

Prior to the issuance of a building or occupancy permit for any construction or alteration of a nonconforming industrial or business use, the proposed expansion, construction, demolition, or alteration shall be reviewed by the Board of Zoning Appeals for compliance with the following criteria, the terms of this Ordinance and Section 13-7-208 of the Tennessee Code Annotated. The Board of Zoning Appeals may attach such conditions to the issuance of the building permit and Certificate of Occupancy which it deems necessary and proper to insure that the intent of this section is complied with.

- A. There must be a reasonable amount of space for such expansion, construction, or alteration on the property owned by such industry or business situated within the area which is affected by the change in zoning so as to avoid nuisances to adjoining land owners.
- B. No destruction or rebuilding shall occur which shall act to change the use of the land.

- C. The provisions of this section shall apply only to land owned and in use of such affected business, and shall not operate to permit expansion of an existing industry or business through acquisition of additional land.
2. Except as provided in Section 11-302.1 of this Ordinance and Section 13-7-208 of the Tennessee Code Annotated:
- A. Any non-conforming structure may not be:
    - Extended except in conformity with this Ordinance.
    - Rebuilt or repaired after damage exceeding seventy-five (75%) percent of replacement value except in conformity with the provisions of this Ordinance.
  - B. Any non-conforming use of land may not be:
    - Changed to another non-conforming use.
    - Extended, except in conformity with this Ordinance.
  - C. Any non-conforming use or structure may not be:
    - Changed to another non-conforming use.
    - Re-established after discontinuance of one year.
  - D. Any structure used for a non-conforming use shall not be rebuilt or repaired after damage exceeding seventy-five (75%) percent of replacement cost unless the use and structure conform to the provisions of this Ordinance.
3. An existing single-wide mobile home may be replaced with another single-wide mobile home on the original site, on the original footings, if done within fifteen (15) days of the removal of the original mobile home.

**11-303. Nonconforming Lots.**

If two or more adjacent nonconforming lots fronting on the same street are in the same ownership on the date of adoption of this Ordinance, a combination of said nonconforming lots, or a portion thereof, constitutes a lot of minimum size as defined in the appropriate section of this Ordinance and no structure may be constructed thereon unless it meets the requirements thereof.

**11-304. Reduction of Lot and Yard Area Prohibited.**

No lot, yard, required open space, or off-street parking area shall be so reduced, diminished or maintained that the yards, other open space, total lot area or off-street parking area shall be smaller than described by this Ordinance.

**11-305. Required Yards Cannot be Used by Another Building.**

No part of the yard, parking space or other open space required about any building or use for the purpose of complying with the provisions of this Ordinance shall be included as part of the yard, parking space or other space required under this Ordinance for another building.

**11-306. Corner Lots.**

On corner lots there shall be two front yards which shall be designated as those yards bordering the intersecting streets; and at least one side and one rear yard. The rear yard shall be defined at the time a building permit is issued.

**11-307. Corner Visibility.**

Within any required front or side yard on any corner lot no wall, fence, sign, hedge, shrub, or obstruction to visibility shall be permitted between the heights of two and one-half (2 ½) feet and ten (10) feet above the existing street grade within fifty (50) feet to the intersection of any street lines or their extension.

**11-308. Temporary Uses Permitted.**

A temporary building or storage yard for construction materials and/or equipment and a temporary office for the sale or rental of real property, if in connection with and incidental and necessary to a real estate development, shall be permitted in any district provided that any building permit for such use shall be valid for not more than six (6) months and may not be extended more than three consecutive times.

**11-309. Erection of More Than One Principal Building on a Lot.**

In any district other than residential more than one structure housing a permitted use may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot. No more than one principal building per lot shall be permitted in any residential district.

**11-310. Obstruction to Vision at Street Intersection Prohibited.**

On a corner lot not in a B-3 (Central Business District), within the area formed by the center lines of the intersecting or intercepting streets and a line joining points on such center lines at a distance of ninety (90) feet from their intersection there shall be no obstruction to vision between a height of two and one-half (2 1/2) feet and a height of ten (10) feet above the average grade of each street at the centerline thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

**11-311. Rear Yard Abutting a Public Street.**

When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street 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.

**11-312. Street Access.**

No building shall be erected on a lot which does not abut a public street for at least fifty (50) feet.

**11-313. Access Control.**

In order to promote the safety of motorists and pedestrians and to minimize traffic congestion and conflict by reducing the points of ingress and egress to and from public thoroughfares, the following regulations shall apply:

1. No access point shall be allowed within thirty (30) feet of the right-of-way of any public intersection or within thirty (30) feet of any access point on the same property.
2. No access shall be allowed within twenty (20) feet of any access point on neighboring property, with the exception of a shared access between adjacent properties.
3. Curb cut standards, including number per lot, width and required improvements, for any ingress/egress points to Covington public roads or streets shall be regulated by the following table:

**CURB CUT STANDARDS**

<u>Length of Frontage</u>	<u>Max. Number of Cuts</u>	<u>Maximum Width of Cuts</u>
<b>Multi-family and Commercial Uses</b>		
35 to 49 feet	one (1)	24 feet – with ingress/egress situated in such a way to facilitate shared use with existing and/or future adjacent developments.
50 to 79 feet		one (1) 30 feet or 36 feet - with deceleration lane for any curb cut exceeding 30 feet in width, with ingress/egress situated in such a way to facilitate shared use with existing and/or future adjacent developments.
80 to 149 feet	two (2) if one (1)	24 feet 30 feet or 36 feet - with deceleration lane for any curb cut exceeding 30 feet in width.

150 feet +	two (2) if one (1)	30 feet 40 feet - with deceleration lane for any curb cut exceeding 30 feet in width.
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**Industrial Uses**

Up to 79 feet		one (1)      36 feet - with deceleration lane for any curb cut exceeding 30 feet in width.
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80 to 149 feet		two (2)      one at max. of 36 feet and other curb cut at max. of 30 feet - with deceleration lane for any curb cut exceeding 30 feet in width.
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if one (1)	50 feet - with deceleration lane for any curb cut exceeding 30 feet in width.
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150 to 299 feet		two (2)      one at a max. of 40 feet and other at max. of 30 feet - with deceleration lane for any curb cut exceeding 30 feet in width.
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if one (1)	50 feet - with deceleration lane for any curb cut exceeding 30 feet in width.
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300 feet or more		three (3)      36 feet - with deceleration lane for any curb cut exceeding 30 feet in width.
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if two (2)	one at max. of 50 feet and other at max. of 40 feet - with deceleration lane for any curb cut exceeding 30 feet in width.
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if one (1)	50 feet - with deceleration lane for any curb cut exceeding 30 feet in width.
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B.	Barber or Beauty Shop	Two (2) spaces per barber or beautician based on the design capacity or the structure (six (6) space minimum)
C.	Bowling Alleys	Four (4) spaces per alley
D.	Churches and Other	One (1) space per each four Places of Worship (4) seats in the main auditorium
E.	Commercial Recreation	One (1) space per three (3) Use patrons, based on the design capacity of the facility
F.	Dwellings (Single and two family)	Two (2) spaces per dwelling unit
G.	Hospitals, Sanitariums, Nursing Homes, Homes the Aged and Similar Institutional Uses	One (1) space for each four (4) beds plus one (1) space for each two (2) staff and visiting doctors
H.	Hotels, Motels, Rooming and Boarding Houses and Tourist Courts	One (1) space per guest unit and one (1) space per one hundred fifty (150) square feet of space devoted to public meeting rooms and restaurants
I.	Professional Services (Medical)	One (1) space per one hundred fifty (150) square feet of gross floor area or three (3) spaces per doctor plus one (1) space per employee
J.	Restaurants and Similar Establishments Serving Food and/or Beverages	One (1) space for each seventy-five (75) square feet of gross floor area plus one (1) space for each three (3) employees
K.	Retail Stores, Supermarkets, Department Stores or Personal Service Establishment Catering to Retail Trade	One (1) space for each two hundred fifty (250) square feet of non-storage first floor area, plus one (1) space for each three hundred (300) square feet of non-storage area above ground level

- L. Elementary/Junior High Schools One (1) space for each class room plus one (1) space for each two (2) employees or staff other than faculty
- M. High Schools Ten (10) spaces per classroom or one space per five (5) seats in auditorium or gym, whichever is larger
- N. Shopping Centers Six (6) spaces per one thousand (1000) square feet of gross leasable area
- O. Stadiums and Sports Arenas One (1) space for each four (4) seats
- P. Theaters, Auditoriums and Places of Assembly One (1) space per three (3) seats with fixed seating arrangements
- Q. Wholesale Establishments Manufacturing and Commercial Establishments not Catering to the Retail Trade Parking must be provided in an amount adequate to accommodate the number of employees in the largest shift, plus one space for each company vehicle operated from the premises.
- R. Day Care Facilities One (1) space for Family Day Care Homes, two (2) spaces for Group Day Care Homes, and three (3) spaces for Day Care Centers caring up to fifteen (15) children with an extra space for every five (5) additional child.

7. In all developments (other than single-family residential) handicapped parking spaces shall be provided which have a minimum width of twelve (12) feet. The number of handicapped parking spaces in relation to the total number of spaces is listed below:

<u>Total Spaces in Lot</u>	<u>Required Number of Reserved Spaces</u>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4

101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of Total
Over 1000	20 plus 1 or each 100 over 1000

**11-315. Off-Street Loading Space.**

Within the business, commercial, and industrial districts as shown on the map entitled "Zoning Map of Covington, Tennessee," no land shall be used or occupied and no structure shall be erected or used for commercial or industrial purposes unless the off-street loading spaces required herein are provided.

- |    |   |  |
|----|---|--|
| 1. | Retail, service, institutional use<br>wholesale or<br>institutional use | One (1) for any such use<br>or with 10,000 sq. ft. or more of<br>floor area plus one (1) for each<br>additional 10,000 sq. ft. |
| 2. | Manufacturing<br>processing, storage<br>or distribution uses            | One (1) for any such use<br>with 20,000 sq. ft.<br>more of floor area plus one (1) for<br>each additional 20,000 sq. ft.       |

**11-316. Parking and Storage of Recreational and Commercial Equipment in Residential Districts.**

Any owner of recreational and/or commercial equipment may park or store such equipment on a single family dwelling unit lot or site subject to the following conditions and regulations.

1. Recreational or commercial equipment parked or stored as provided herein shall not have fixed connections to electricity, water, gas, or sanitary sewer facilities and at no time shall such equipment be used for living, housekeeping, or business purposes.
2. Such recreational or commercial equipment shall not exceed twenty-eight (28) feet in length overall, eight (8) feet in width, and ten (10) feet in height.
3. When such recreational or commercial equipment is parked or stored outside of a garage, carport, or other building, it must be parked or stored to the rear of the residence on said lot and must conform with all setback lines for accessory buildings for the zone in which it is located.
4. Notwithstanding the provisions of this section such recreational or commercial equipment may be parked anywhere on the premises for loading or unloading for a period not more than twenty-four (24) hours.

## **11-317. Sign Regulations.**

**Section A. Purpose.** The regulations set forth herein are established in order to promote and protect public health, safety, comfort, prosperity, welfare, and in order to accomplish the following specific purposes: to enhance the economy, business, and industry of Covington by promoting the reasonable, orderly, and effective use and display of signs; to enhance the physical appearance of the city; to protect the general public from damage and injury which might be caused by the faulty and uncontrolled construction and use of signs within the city; to protect the public use of streets and highways by reducing sign or advertising distractions that may increase traffic accidents; to project the physical and mental well being of the general public by recognizing and encouraging a sense of aesthetic appreciation for the visual environment; and to preserve the value of private property by assuring the compatibility of signs with surrounding land uses.

### **Section B. Definitions.**

**Abandoned/Obsolete Sign** - any sign which identifies or advertises a business, lessor, service, owner, product, or activity, which is no longer available at the indicated location or no longer available on the premises or for which no legal owner can be found.

**Animated sign** - A sign which uses movement or change of light to depict or to create a special effect or scene (does not include time, temperature or message signs).

**Attached Business Sign** - Any sign which is affixed directly to or otherwise inscribed or painted on a wall or parapet wall of any building or structure with the exposed face of the sign in a plane approximately parallel to the plane of such wall and extending therefrom less than twelve (12) inches.

**Awning/Canopy Sign** - A sign painted on, printed on, or attached flat against the surface of an awning or canopy projecting from and supported by the exterior wall of a building.

**Banner Sign** - A sign made of fabric or other non-rigid materials with no enclosing framework. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

**Business Identification Sign** - A freestanding sign identifying a recognized firm, business, or service.

**Canopy** - An extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.

**Code Enforcement Officer** - The city official or authorized representative charged with the responsibilities of enforcing the Ordinance.

**Construction Sign** - A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

**Directional/Informational Sign** - Any on-premise sign giving directions, instructions, or facility information, e.g., parking or exit and entrance signs, and which may contain the name or logo of an establishment but no other advertising copy.

**Flashing Sign** - Any directly or indirectly illuminated sign which contains an intermittent flashing light source. (This does not include message center or time/temperature signs.)

**Freestanding Sign** - Any sign supported by uprights or braces placed on or in the ground and not attached to any building.

**Ground Sign** - Any sign supported by the ground with little or no vertical clearance.

**Height (of a sign)** - The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

**Illegal Sign** - Any sign and/or advertising structure erected without a permit required by this Ordinance, or in violation of any of the limitations, prohibitions or requirements of this Ordinance.

**Maintenance** - For the purposes of this Ordinance, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

**Mall Grouping Signs** - Signs on one pole identifying a group of stores, businesses, or professional offices located in one development. These include office center signs and shopping center signs.

**Message Board** - A sign with changeable, removable letters to allow the user to replace or update the copy on the sign.

**Non-Commercial Opinion Sign** – A sign that does not advertise products, goods, businesses, or services and that expresses an opinion or other point of view.

**Nonconforming Sign** - (a) Any sign which was erected legally but which does not comply with subsequently enacted sign regulations and restrictions; (b) A sign which does not conform to the Sign Code requirements but for which a variance has been issued. These signs are grandfathered provided they do not violate the provisions of Section G.2.

**Off Premise Sign** - A sign not located on the property that it advertises.

**Office Center** – Two (2) or more offices having a common parking lot.

**Owner** - The fee owner of a sign, the lessee of the sign, the fee holder of the property upon which the sign is located, the lease holder of such property or the individual, person or business who has purchased the copy on a sign.

**Portable Sign** - Any sign which by its construction or nature may be or is intended to be freely moved from one location to another. When on a trailer, the removal of the wheels or undercarriage does not place the sign in another category; neither does the anchoring of the sign by means of concrete blocks, sandbags or other types of temporary anchors. Portable signs include, but are not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-Frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising.

**Projecting Sign** - Any sign, other than a flat wall sign, which is attached to and projects more than 12" from a building wall or other structure not specifically designed to support the sign.

**Public Sign** - Any temporary or permanent sign erected and maintained by the City, County, State or Federal Government for traffic direction or for the designation of or direction to any school, hospital, historical site, or public service, property or facility.

**Real Estate Sign** - Any temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.

**Residential Districts** - Any parcel in the City of Covington zoned R-1, R-1A, R-2, R-3, or R-P.

**Roof Sign** - Any sign erected, constructed or maintained wholly or partially upon or over the roof line of any building with the principal structural support on the roof or building structure.

**Shopping Center** - Two (2) or more businesses sharing a common parking lot. This shall include indoor and outdoor malls.

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

#### **Sign Area –**

1. Freestanding, Roof and Projecting Signs: The area enclosed by one (1) continuous line, connecting the extreme points or edges of the sign. The area shall be determined using the largest sign area or silhouette, but excluding the necessary supports or uprights. Two-sided signs constructed back to back shall use the square footage of one (1) side only for compliance. Three-sided signs with no more than sixty (60) degrees between the faces shall be figured using one (1) face only.
2. Attached Business, Awning and Canopy Signs: The area including all lettering, wording, and accompanying design or symbols together with any background. For a sign composed of individual letters or figures, the area is that of the smallest rectangle or other geometric shape that encompasses all the letters or symbols.

**Sign Permit** - A written permit granted by the Code Enforcement Officer for the erection, construction, enlargement, relocation or conversion of any sign for which a permit is required.

**Subdivision Identification Sign** - A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

**Time and Temperature Sign** - Electrically controlled public service time, temperature and date signs displayed on a lamp, bank or other electronic display.

**Temporary Sign** - Any sign, banner, pennant, valance or advertising display or sign constructed of light fabric, cardboard, wallboard, plywood, paper or other light materials, with or without frames, intended to be displayed for a limited period of time, i.e., garage sale, rummage, open house and similar types of signs.

**User** - The fee user of a sign, the lessee of the sign, the fee holder of the property upon which the sign is located, the lease holder of such property or the individual, person or business who has purchased the copy of a sign.

**Vehicle Mounted Sign** - Any sign painted on or attached to a vehicle relating to the business, activity, use, service or product of the owner of the vehicle, or to the sale of the vehicle and which sign is incidental to the primary use of the vehicle.

**Window Sign** - Any on-premise business sign installed in or on a window and intended to be viewed from the outside.

### **Section C. Regulations and Standards.**

1. Business Identification Signs
  - A. Shall be allowed in B-P, B-1, B-2, B-3, H-M, M-1, M-2, and M-3 zones only.
  - B. Only one sign per business shall be allowed. The sign shall be no greater than one hundred (100) sq. ft. in area per side and shall have no more than three (3) sides. In B-1 and B-2, double signs are allowed. The top sign shall be no greater than one hundred (100) sq. ft. and the lower sign shall be no greater than fifty (50) sq. ft. in area. The lower sign may be used for on-premises advertising, community service, or a message board. The bottom of the sign must be a minimum of ten (10) ft. above the ground/pavement elevation and a maximum of thirty-five (35) feet high.
  - C. Business identification signs must be located a minimum of ten (10) feet from the edge of any highway, street, or road, and a minimum of three (3) feet from the edge of any sidewalk. In no case shall a sign be located on the public right-of-way. The sign shall in no way extend out over the right-of-way. The location must not interfere with traffic or pedestrian vision or safety.
  - D. Lots fronting on two or more streets are allowed the permitted signage for each street frontage. Signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.
  - E. Ground signs are allowed, however, their location must meet the building setback requirements for the property zoning and the height must not exceed 8' above the ground elevation.
2. Attached Business Signs
  - A. Shall be allowed in all Business and Industrial districts.
  - B. Each business is limited to one attached business sign per building face. It shall be no greater in area than 25% of the face of the wall on which it is located.

- C. An awning or canopy with the business name or related information is defined to be an attached business sign. All such awnings or canopies shall be structurally sound and approved by the Building Inspector. The lowest portion shall not be less than eight (8) feet above the ground.

### 3. Off Premise Signs

- A. Off Premise signs are allowed only in B-2, and M-2 zones. The sign shall be no greater than fifty (50) square feet in area per side and shall have no more than two (2) sides. Another sign shall be allowed on the same pole. The second sign shall be no greater than twenty-five (25) square feet in area. The bottom of the sign must be a minimum of ten (10) feet above the ground/pavement elevation.
- B. Off Premise signs shall be placed a minimum of 2000 lineal feet from any other off premise sign.
- C. Off Premise signs must be located a minimum of ten (10) feet from the edge of any highway, street, or road and a minimum of five (5) feet from the edge of any sidewalk. In no case shall a sign be located on the public right-of-way or interfere with traffic or pedestrian vision or safety.
- D. Non-profit organizations may erect off-premises directional signs, provided they do not exceed size six (6) square feet in area, and further provided the sign is not located in the public right-of-way and does not interfere with traffic or pedestrian vision or safety.
- E. Off premise signs will be allowed in the B3 zoning district. The signs will only be for those businesses that are in operation in the B3 zone. Guidelines are in the Historic Zoning Commission Design Guidelines handbook. The signs will be subject to the recommendation of the Historic Zoning Commission and approval of the Code Enforcement Officer of the City. In no case shall a sign be located on the public right-of-way or interfere with traffic or pedestrian vision or safety. If the business no longer operates in the B3 zone the sign shall be removed within fourteen (14) days of the business closing.

### 4. Mall Grouping Signs

- A. Shopping Centers. A sign designating a shopping center and its tenants shall have a maximum area of one hundred thirty (130) sq. ft. plus ten (10) sq. ft. for each tenant over two, not to exceed two hundred (200) sq. ft. Signs designating individual businesses are not allowed, except attached business signs, however, businesses without an external entrance are allowed one (1) business identification sign.
- B. Office Centers. A sign designating an office center and its tenants shall have a maximum area of two hundred (200) sq. ft.
- C. Mall grouping signs must be located a minimum of ten (10) feet from the edge of any highway, street, or road and a minimum of three (3) feet from the edge of any sidewalk. In no case shall a sign be located on the public

right-of-way. The sign shall in no way extend out over the right-of-way, and shall be a minimum of ten (10) feet above ground and a maximum of thirty-five (35) feet high.

- D. Any mixture of offices and retail establishments shall be interpreted as a shopping center if there is a majority of retail establishments and shall be interpreted as an office center if there is a majority of offices and/or professional uses.

5. Residential Signs

- A. Apartment complexes, churches, and schools in residential districts may have a single identification sign not to exceed twenty-five (25) sq. ft. Lots fronting on two or more streets are allowed the permitted signage for each street frontage. Signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.
- B. Name plates are allowed in residential districts but must be limited to three (3) sq. ft. Name plates for professional services in a R-P district must be limited to twelve (12) sq. ft. in area.
- C. Special historical identification signs are allowed for houses and locations in the Historical Zoning District but must be approved by the Historical Zoning Commission.

6. Projecting Signs

Projecting signs shall not exceed twenty (20) sq. ft. in area and shall have a minimum of nine (9) ft. of clearance above the ground or sidewalk. A projecting sign must be structurally sound and approved by the Building Inspector.

7. Portable Signs

Portable signs are not allowed. All Portable signs presently located within the corporate limits shall be removed from public display prior to June 30, 1993.

8. Real Estate Signs

- A. Real estate signs are limited to one sign per road frontage, not to exceed twenty (20) sq. ft. in area in a residential zone or thirty-two (32) sq. ft. in a business or industrial zone. No real estate signs shall have a height greater than eight (8) ft.
- B. In multi-unit developments, one additional sign per unit, not to exceed ten (10) sq. ft. in area is allowed.
- C. Real estate signs are subject to the building setback requirements of the zoning in which they are located. A business with a non-conforming setback may appeal to the Code Enforcement Officer for relief. In such cases, the Code Enforcement Officer may waive the setback requirement if a suitable location is found which does not interfere with traffic or pedestrian vision or safety and complies with the overall safety and aesthetic intent of these regulations.
- D. Real estate signs do not require a permit.

9. Construction, Lighting, and Maintenance Standards

A. General Regulations

1. All signs and their locations shall comply with the provisions of the City of Covington Zoning Ordinance, the Currently Adopted Building Code, the National Electrical Code current edition, and additional standards hereinafter set forth.
2. Signs shall not be erected, constructed or maintained so as to obstruct any fire escape, required exit way, window or door opening used as a means of egress to prevent free passage from one part of a room to another part thereof or access thereto.
3. Signs shall not be attached in any form, shape or manner which will interfere with any opening required for ventilation, except that such a sign may be erected in front of and may cover transom windows when not in violation of the provisions of the Building or Fire Prevention Codes.
4. The height of the signs shall in no case exceed the height restrictions for buildings in that zoning district.
5. In no case shall existing supports, such as utility poles or traffic control sign supports, be utilized for any commercial sign.
6. All signs shall maintain clearances from overhead electrical conductors in accordance with the distances shown below (but in no case less than those required by the latest edition of the National Electrical Safety Code). Clearances shown below are the most stringent and should be used in general application. Less stringent clearances are allowed under certain exceptions, and must be approved by a representative from Covington Electric System in accordance with NESC guidelines.

Horizontal clearances required between electrical conductors and signs are as follows:

- a. Insulated and bare conductors less than 750 volts – 5.5 feet
- b. Insulated and bare conductors more than 750 volts - 10.0 feet

Vertical clearances required between electrical conductors and signs where catwalks are present are as follows:

- a. Insulated and bare conductors less than 750 volts - 11.5 feet
- b. Insulated and bare conductors more than 750 volts – 13.5 feet

Vertical clearances required between electrical conductors and signs where catwalks are not present are as follows:

- a. Insulated and bare conductors less than 750 volts – 6.0 feet
  - b. Insulated and bare conductors more than 750 volts – 8.0 feet
7. Signs shall not be suspended by chains or other devices that will allow the sign to swing, due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members or connections.
  8. Supports and braces shall be an integral part of the sign design. Angle irons, changes, or wires used for supports or braces shall be hidden from public view to the extent technically feasible.
  9. Freestanding signs shall be self-supporting structures and be permanently attached to sufficient foundations.
  10. Attached business signs must derive their principle and total support from the building to which they are attached.
  11. All signs shall be constructed to withstand wind in accordance with currently adopted building code.
  12. In no case shall the existing ground elevation be built up in order to have a taller sign.

**B. Electrical Standards**

1. Electrical service to on-premise free-standing signs shall be concealed whenever possible.
2. Electrical signs shall be marked with input amperes at full load.
3. Each illuminated and/or electrical sign shall bear thereon a label or certification visible from the ground, from the Underwriter's Laboratories, Inc., or any other approved independent electrical inspection agency qualified to make such certification or have written approval from the local Electrical Inspector.
4. No artificial light, of whatever type or nature used in conjunction with or the lighting of any sign, shall be constructed as to direct or reflect any artificial light onto any structure or to constitute a hazard to the safe and efficient operation of vehicles upon a street or highway.
5. Flashing signs, flashing or moving lights on signs, and reflective pennants are prohibited, except that both signs that exhibit time, temperature, date or other similar information and search lights permitted by the Code Enforcement Officer as an attention getting device are permitted.
6. In no case shall electrical wiring, extension cords, or any other means of power be laid on the ground or parking areas.

C. Maintenance Standards

1. Every sign, including, but not limited to those signs for which permits are required, shall be maintained in a safe, representable and good structural condition at all times, including replacement of defective parts (except when a weathered or natural surface is intended), repainting, cleaning and other acts required for the maintenance of such sign.
2. The ground area around any freestanding sign shall be kept free and clean of weeds, trash and other debris.

**Section D. Prohibited Signs.** The following types of signs are prohibited in all zoning districts in Covington.

1. Signs on public property, except for public signs in conjunction with city, state and federal government uses and temporary signs upon permission by the public authority having jurisdiction.
2. Signs erected at the intersection of any streets or alleys in such a manner as to obstruct free and clear vision; or in any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic signs, signal or device, or which makes use of the words "STOP, LOOK, DRIVE-IN", "GO SLOW", "CAUTION", or similar wording or other symbols as to interfere with, mislead or confuse traffic. No signs shall be allowed between a height of two and one-half (2.5) ft. and ten (10) ft. of the front property line in order to prevent any obstruction of vision.
3. Signs which blend with or can be confused with traffic signals.
4. Signs which contain reflective materials which present a hazard or danger to traffic or the general public.
5. Signs which are structurally unsound or which are rendered structurally sound by guy wires.
6. Signs which display thereon or advertise any obscene, indecent or immoral matter.

**Section E. Temporary Signs.** No temporary sign shall be allowed except as set forth herein and which is affixed to a building, pole or other structure and located on the same property and allowed under the provisions of this Ordinance. Temporary signs are allowed in all zoned districts as specified below. A sign permit is required for all Temporary signs except for vehicle signs, construction signs, posters, and garage sale signs.

1. Street Banners - It shall be unlawful for any person to have placed across or upon any public street, alley or place a banner, electrical or floral festoon, without first obtaining a permit. Such banner or electrical or floral festoon shall be in conjunction with an official, civic, or philanthropic, festival, or parade and shall be allowed for a period not to exceed thirty-five (35) days as determined by the Building Inspector. Street banners shall be removed within seven (7) days after the event being advertised has occurred.

2. Off-Building Advertising Banners - Shall be allowed, after obtaining a permit, for a period not to exceed fourteen (14) days per calendar quarter. They are subject to the building setback requirements of the zone in which they are located. They may be used only in Business and Industrial zones and may not exceed twenty-four (24) sq. ft. in total area. On-building banners do not require a permit, however, total signage on any face of a building must not exceed twenty-five percent (25%) of the total surface area.
3. Posters - Shall only be authorized in conjunction with an official, civic, or philanthropic event and shall be allowed only thirty-five (35) days prior to and forty-eight (48) hours after the event.
4. Vehicular Signs - Any vehicle carrying or having a sign painted on it shall be considered a sign regulated under this chapter. Such signs shall be prohibited unless displayed on a vehicle in operable condition carrying all current valid licenses, tags or plates as required by all governmental authorities. This may include valid dealer licenses, tags or plates.
5. Construction - Construction signs shall be allowed in all districts during the actual period of construction and shall be limited in size to sixty-four (64) sq. ft. and a height of ten (10) ft. The sign announcement shall be limited to the project name, sponsor or funding agent, owner, general contractor and subcontractors, architect or engineer.
6. Signs not exceeding five (5) sq. ft. in area noting garage sales provided it is an on-site sign. This sign shall be allowed to be erected no more than seven (7) days prior to and two (2) days after the event which it advertises.
7. A single campaign sign per candidate or issue on each frontage, provided that:
  - A. Signs shall be posted no earlier than ninety (90) days prior to said election and shall be removed within fourteen (14) days following said election. The owner of the property on which campaign signs are located shall be responsible for removal of such signs.
  - B. Signs are permitted on private property only and may be placed only upon approval of the property owner.
  - C. Signs shall not exceed sixteen (16) square feet in area in residential districts, and shall be limited to fifty (50) square feet in all other districts.
  - D. No such sign may be located closer than ten (10) feet from the edge of any highway, street, or road, and a minimum of three (3) feet from the edge of any sidewalk. In no case shall a sign be located on the public right-of-way. The location must not interfere with traffic or pedestrian vision or safety.
  - E. Any sign permitted by this section may be used, in lieu of other uses permitted by this paragraph, as a non-commercial opinion sign.

**Section F. Exemptions.** The following signs shall be allowed in all zoning districts of the City of Covington provided that the sign conforms to the regulations of this Ordinance. A sign permit is not required to erect exempt signs described below.

1. Signs not more than two (2) sq. ft. which identify street numbers, owner names, occupant name, and professional names, as allowed herein.
2. Official National, State, or Municipal flags properly displayed.
3. Signs, identifying merchandise, or manufacturer, offering sale if on a dispensing or vending machine, or on windows.
4. Signs wholly within buildings or windows.
5. Public signs which are signs erected by, or on the order of a public officer in the performance of his public duty, such as safety signs, danger signs, legal notices and such temporary, emergency or non-advertising signs as may be approved by the Code Enforcement Officer.
6. Historical markers as required by Local, State, or Federal authorities.
7. Signs of a primary decorative nature, clearly, incidental and customary and commonly associated with any national, local or religious holiday.
8. No trespassing or no dumping signs.
9. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed on bond or noncombustible material.
10. Public signs, or signs specifically authorized for public purposes by any law, statute or ordinance; which may be of any type, number, area, height above grade, location, illumination or animation, required by law, statute or ordinance under which the signs are erected.
11. Warning signs warning the public of the existence of danger, containing no advertising material, of a size as may be necessary to be removed upon the subsidence of danger.
12. Private property directional signs such as “no parking”, “exit”, “parking”, etc. not to exceed five (5) sq. ft.
13. Signs of historic value can be granted exemptions by the Board of Zoning Appeals. Signs in the Historic Zoning District must be granted approval by the Historic Zoning Commission prior to making application for a sign permit.

**Section G. Illegal, Nonconforming, and Unused Signs**

1. Illegal Signs
  - A. Definition: An illegal sign is any sign erected or altered after the effective date of this Ordinance not complying with the provisions thereof unless said provision was expressly waived or granted a variance.
  - B. Disposition: Any illegal sign shall be removed from the premises upon which it is located within thirty (30) days from the effective date of this Ordinance or notice of violation and shall not remain on the premises or elsewhere in the City until a sign permit is issued.

2. Nonconforming Signs - With the exception of portable signs, any sign that has been erected, constructed or placed in its location and that is being used as of the effective date of this ordinance, shall be conclusively presumed to have been so erected, constructed or placed and used in compliance with the codes and ordinances of the City of Covington pertaining to signs that were in effect immediately prior to such date.
  - A. Any sign that is non-conforming because it fails to comply with the provisions of this ordinance may not be repaired, restored or reconstructed provided that such work alters structurally, extends, or enlarges, in whole or in part, unless such sign as so altered, extended or enlarged shall conform with the provisions of this Ordinance and a proper permit is obtained.
  - B. No owner, user, or other person shall alter any non-conforming sign (including alterations in the colors, letters, words, numbers, objects or symbols appearing thereon excluding message boards), unless such sign as so altered shall conform with the provisions of this ordinance. The violation of any one or more of the following regulations shall constitute a forfeiture of the right to continue to use and maintain a non-conforming sign. Consequently, this sign will now be defined as an illegal sign.
    1. A non-conforming sign shall not be replaced with another non-conforming sign.
    2. A non-conforming sign shall not have any changes in the words, logo or symbols which are a part of a message unless the sign is a freestanding message board, non-portable.
    3. A non-conforming sign shall not be structurally altered so as to prolong the life of the sign, increased in size, or shape, or type, or design.
    4. A non-conforming sign shall not be re-established after damage or destruction if the estimated expense of construction exceeds twenty-five percent (25%) of the value of the original structure.
    5. A non-conforming sign shall not be re-established after the activity or name of the business or ownership shall be changed requiring a change in the sign name or advertisement itself.
  - C. All signs which are nonconforming because of: the use of animated parts; the use of flashing, blinking, intermittent or exposed lighting; signs which constitute a traffic hazard, block or restrict the visibility of motorists or pedestrians; otherwise constitute an immediate hazard to the general health, safety and welfare of the public of the City, shall be brought into conformity within one hundred twenty (120) days of the effective date of this Ordinance. If such signs are not removed within the aforementioned one hundred twenty (120) day period, written notification of the obligation to remove such signs shall be furnished by the Code Enforcement Officer and delivered to the sign owner/user/property owner by certified mail and the owner/user/property owner shall thereafter be required to remove said sign from the premises within five (5) days of the receipt of notification from the Code Enforcement Officer. Failure to remove such signs within

the time periods herein provided shall constitute a violation of this Ordinance.

- D. Disposition: It shall be the duty of the sign owner/user and property owner to remove any nonconforming sign in accordance with the requirements of this Section.
- E. A request for a variance or interpretation of this Ordinance, as it pertains to the non-conformity and which is filed within thirty (30) days of the effective date of this Ordinance shall stay further administrative actions pertaining to said sign until such time as the variance or request for interpretation is acted upon.

### 3. Unused (Abandoned) Signs

A. Definition: An unused or abandoned sign is a sign which meets any of the following criteria:

- 1. A sign which identifies an establishment, goods or services which are no longer provided on the premises where the sign is located.
- 2. A sign which identifies a time, event or purpose which has passed or no longer applies.
- 3. This also applies to sign structures with or without a sign.

B. Disposition:

- 1. Any sign which is defined under paragraph a(1) of this subsection and which condition exists for a period of one (1) month and which sign is otherwise nonconforming shall be removed by the owner/user/property owner within five (5) days of the end of the (1) one month or thirty (30) day period.
- 2. Any sign which is defined under paragraph a(1) of this subsection which remains in such condition for a period of one (1) month and which sign is otherwise conforming shall have its copy vacated within thirty (30) days from when the stated circumstances commenced. If the copy remains vacant for a period of six (6) months or more from the date the stated circumstances commenced, the sign structure shall be removed by the owner/user/property owner. Removal shall be within five (5) days following the expiration of the aforementioned six (6) month period.
- 3. Any sign defined under subparagraph a(2) shall be removed by the owner/user/property owner within three (3) days from the time the event or purpose has passed or no longer applies.

4. Removal:

- a. When Required: Any illegal, nonconforming or unused sign which is not removed from the premises by the owner/user/property owner within the time frames prescribed in this Section shall be subject to removal by the Code

Enforcement Officer or his designee in accordance with the provisions and procedures detailed in this subsection. Any illegal, nonconforming or unused sign which is not removed from the premises by the owner/user/property owner within the time frames prescribed herein shall also be considered a violation of the provisions of this Ordinance and shall be subject to the maximum penalties allowed by law. Each day such violation shall continue shall constitute a separate offence.

- b. **Removal by Authorities:** Upon failure of owner/user/property owner to comply with the specified time requirements as set forth in this Section, the Code Enforcement Officer is hereby authorized to cause such illegal, nonconforming or unused sign to be removed and any expense incurred thereto shall be paid by the owner, agent or person having the beneficial use of the building, structure or premises upon which the sign is located. In the event that said removal or alteration expense remains unpaid for more than thirty (30) days after said removal or alteration is performed and expense incurred by the City and a bill for same was mailed to the permittee or owner by first-class, certified or registered mail said unpaid charge shall constitute a lien upon the real estate, and the City attorney is hereby authorized, in accordance with law, to file a notice of lien in the office of the County Clerk to foreclose this lien, and to sue the owner of the real estate or sign permittee, or their agents, in a civil action to recover the money due for the foregoing service, plus all its costs as hereinafter more fully described, together with reasonable attorney's fees to be fixed by the court. Any such judgment shall be enforced in accordance with law. Included in the expenses recoverable by the City, shall be the costs of filing the notice of lien, foreclosing said lien and all litigation costs, together with all office and legal expenses incurred in connection with collection of the amount due hereunder.

Any sign removed by the Code Enforcement Officer, pursuant to the provisions herein contained, shall become the property of the City and may be disposed of in any manner deemed appropriate by the City.

- c. **Failure to Remove:** A failure to remove any illegal, nonconforming or unused sign and subsequent failure by the Code Enforcement Officer to duly notify the owner/user/property owner of the provisions of this Section shall not be deemed to constitute a waiver of any violations of this Ordinance, nor shall such inaction be deemed to constitute a determination that any such sign is legal, in conformity with this Ordinance or to be given any special status. If, through administrative neglect or inaction, any owner/user/property owner is not notified of the requirements of this Ordinance within the time frames herein set forth, but is later so notified, said owner/user/property

owner shall take action to either correct the illegality, nonconformity or nonuse or shall cause the sign to be removed within twenty (20) days of such notification.

**Section H. Appeals to the Board of Zoning Appeals.**

1. Right to Appeal

- A. Except for instances relating to signs located or proposed to be located on public property, which is within the jurisdiction of the City Board, any person who has been ordered by the Code Enforcement Officer for the removal of any sign, or any person whose application for a permit for a sign has been refused, may appeal to the Board of Zoning Appeals by serving written notice to the Code Enforcement Officer. Such appeals to the Board of Zoning Appeals shall be on forms provided by the Code Enforcement Officer and upon filing of a notice of appeal, the Code Enforcement Officer shall take no further action with regard to the sign involved until the final decision of the Board of Zoning Appeals has been rendered, unless the Code Enforcement Officer finds by reason of condition, location or nature of the sign involved presents an immediate and serious danger to the public, in which case he shall proceed immediately as provided herein.
- B. Variances. The Board of Zoning Appeals may grant variances concerning the height and setback of signs, the period for removal of nonconforming signs, the maximum sign area, the maximum number of signs, the removal of prohibited signs, and such others as provided for herein only if the following determinations have been made:
  - 1. The appeal falls within the jurisdiction of the Board.
  - 2. That all parties directly in interest have been notified of the proceedings.
  - 3. That the granting of the appeal would not have the effect of applying sign standards from a less restrictive zone.
  - 4. That the property cannot be reasonably used in conformity with the provisions of this Ordinance.
  - 5. That the difficulty complained of is unique to the property in question and is not common to all properties similarly situated.

**Section I. Permits.** No sign shall be erected, altered, or relocated without a building permit acquired subject to the following:

- 1. The permit application shall contain the location of the sign structure, the name and address of the sign owner and sign erection, a drawing showing the design, location, materials and colors of the sign.
- 2. Required electrical permits shall be obtained prior to submission for a building permit.

3. Fees for permanent signs shall be in accordance with the current rate schedule. Fees for temporary signs shall be the minimum permit fee.
4. A building permit for a sign shall become null and void if the sign has not been completed within six (6) months of the date of the permit or the sign varies in any respect from the approved design and location.
5. Normal sign maintenance to prolong the life of the sign shall not require a permit.

**11-318. Location of Accessory Use or Building.**

No accessory use or building shall be erected in any front yard or required side yard, and no separate accessory use or building shall cover more than thirty (30) percent of any required rear yard, and shall be erected within five (5) feet from all lot lines. Canopies, as accessory structures to business uses, may be allowed in a front or side yard upon approval by the Board of Zoning Appeals and upon site plan review and approval by the Planning Commission. In the case of such site plan review, the Planning Commission may add such requirements as it deems necessary to promote the purpose and intent of the Zoning Ordinance. All structures must be separated by a minimum distance of ten (10) feet for fire separation. In addition, all satellite dish antennae must comply with the following:

1. Such antennae may not exceed the highest ridgeline of the primary structure on the property.
2. All installers of satellite dish antennae must obtain a building permit prior to the installation of such antennae.
3. In cases where the strict enforcement of this Section would impose an undue practical hardship relative to the location of satellite dish antennae, the Board of Zoning Appeals shall review such cases and may issue the minimum locational variance required in keeping with the intent of this Section.

**11-319. Manufactured Residential Dwellings.**

Manufactured residential dwellings, as defined in Chapter 2 of this Ordinance, and as further defined in Tennessee Code Annotated Section 13-24-201, where allowed as a permitted use by this Ordinance shall meet the following conditions:

1. The manufactured residential dwelling shall have the same general appearance as required for site-built homes.
2. The unit must be installed on a permanent foundation system in compliance with all applicable requirements of the currently adopted building code.
3. The home must be covered with an exterior material customarily used on conventional dwelling. The exterior covering material shall extend to the ground except that, when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not exceed below the top of the foundation. Suitable exterior materials include but shall not be limited to clapboards, simulated clapboards, such as conventional or metal material, but excluding smooth, ribbed or corrugated metal or plastic panels.
4. The hitches or towing apparatus, axles and wheels must be removed.

5. The roof must be pitched so there is at least a two inch vertical rise for each twelve (12) inches of horizontal run. The roof must consist of material that is customarily used for conventional dwellings including but not limited to approved wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum, corrugated fiberglass or metal roof.
6. All such units shall be required to connect to a public utility system which includes gas, electric, water and sewer in compliance with the currently adopted building code and National Electrical Code.
7. These provisions shall not apply to manufactured homes in an approved mobile home park.

**11-320. Automobile Graveyards.**

It is the intent of this Ordinance to prohibit the establishment of new automobile graveyards, as defined in Chapter 2. Such uses already established prior to enactment of this Ordinance shall be subject to the following conditions:

1. "Automobile graveyard" or "Automobile junkyard" is not to be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal product is scrap iron, steel or nonferrous scrap for sale for remelting purposes only.
2. If the automobile graveyard is not operated as a business by anyone, is not used for any purpose whatsoever, and no one claims ownership of the automobile graveyard, then the owner or owners of the land on which such automobile graveyard is located shall be responsible for the removal of such automobile graveyard.
3. Any person violating any provision of this part shall, in addition to any other remedies available at law, be fined in accordance with ordinances established by the Board of Mayor and Aldermen of the City of Covington.

**11-321. Family Day Care Homes, Group Day Care Homes, and Day Care Centers as Accessory Uses to Churches.**

In any district where a church is established as a permitted use or a use permitted on appeal, family day care homes, group day care homes, and day care centers, as defined by the Municipal Zoning Ordinance, may be approved by the Board of Zoning Appeals as an accessory use to said church, provided that the family day care home, group day care home, or day care center is operated and maintained by said church, on the church premises and further provided the following conditions are met, as determined by the Board of Zoning Appeals:

1. All dimensional regulations of the district shall apply.
2. A fence play area shall be provided. The size of the play area and the height of the fence shall be in accordance with current state standards.

3. Along the site boundary of the facility, buffering, screening, and landscaping must be provided to adequately protect any abutting residential property.
4. All outdoor play activities shall be conducted within the fenced play area. The fenced play area shall not be located within any required front yard.
5. The facilities' operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.
6. Off-street parking shall be provided at the rate of one (1) space for Family Day Care Homes, two (2) spaces for Group Day Care Homes, and three (3) spaces for Day Care Centers caring for up to fifteen (15) children with an extra space for every five (5) children accommodated above fifteen, plus the specific required space(s) for the district in which the facility is located.
7. In order that the Board of Zoning Appeals may make an accurate determination of the character of the proposed use, the applicant shall submit an accurately and legibly drawn site plan showing existing and proposed buildings, fences, landscaping, parking and access facilities.

**11-322. 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 or 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 City. 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:

1. 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.
  2. The planned equipment would cause radio frequency (RF) interference with other existing or planned equipment.
  3. The planned equipment would not function effectively and reasonably on an existing tower.
  4. 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 the 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 a sensory fashion in which 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 tower's 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.

### **11-323. External Illumination Standards.**

- 1. The lighting of a structure or parking area shall not cast light beyond property boundaries. When necessary, cutoff devices should be used to avoid casting of unwanted light on adjacent properties. When lighted parking areas are located adjacent to residential developments or zones, a screen or buffer is recommended to minimize the casting of excessive light or vehicle headlight illumination on adjacent areas.
- 2. The use of building-mounted lighting shall not be used to illuminate a parking area.

3. High-pressure sodium or metal halide lighting fixtures are the recommended lighting types. Low-pressure sodium lighting fixtures should not be used for exterior lighting applications.
4. The use of creative lighting, such as uplighting, downlighting, accent lighting and façade lighting should be used to prevent glare, with the fixtures being aimed away from the pedestrian or motorist.
5. The recommended positioning of all lighting fixtures is “downward and inward,” as to direct and confine light to the property containing the lighting source.
6. Lighting levels should be as even as possible, with lighting intensity not to exceed 0.5 foot candles in business and industrial districts, and with lighting intensity not to exceed 0.4 foot candles in residential districts or in developments adjacent to a residential district or use.

#### **11-324. Site Plan Submittal Requirements.**

Unless specified under the general or district provisions presented herewith, a site plan meeting the design, content and presentation standards identified in this section is required for all new construction, exempting minor building additions, signs and single family dwellings. For the purposes of this section, a minor building addition shall be defined as any expansion of an existing building constituting additional square footage under continuous roof by an accumulative amount during a five-year period of less than twenty (20%) percent of the square footage under roof of said structure prior to expansion and which does not contribute to the necessity for additional parking nor eliminate any existing parking that is required by the use. Where there is only a change of the use or occupancy of property, the Code Enforcement Officer may issue a Certificate of Occupancy without review by the Planning Commission where the Code Enforcement Officer determines that the parking and development standards applicable to the use or property are currently being met.

1. Before a permit is issued, a site plan of the proposed development shall be reviewed and approved by the Planning Commission. The Planning Commission shall have the authority to impose conditions regarding the location of the building on the site, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area, the compatibility of the proposed use, and existing nearby uses.
2. In order that the Planning Commission may make an accurate determination of the character of the proposed use and its compliance with ordinance standards, the applicant shall submit an accurately drawn site plan at a scale to legibly reflect the project design, illustrating the proposed development including but not limited to the following:
  - A. A survey, certified by a registered land surveyor or engineer showing property lines and dimensions, the gross land area of the site; existing and proposed utilities; easements, streets, and roadways; rail rights-of-

way; and public rights-of-way crossing and adjacent to the subject property;

- B. Location, size, arrangement and use of proposed buildings and existing buildings which will remain including height in stories and feet, gross floor area in square feet for individual buildings and total for all buildings; and the front street elevations of all buildings;
- C. Location, dimensions, and number of all vehicular and pedestrian circulation elements, including driveways, entrances, driving aisles, shared easements, access points, including those that are shared with adjacent lots, sidewalks, and parking spaces;
- D. Topographic contours at five (5) foot intervals reflecting existing topography and any proposed regrading of the site. In addition, the site plan shall identify any significant natural, topographical or physical features of the site including, at least, water courses and trees over 8" in diameter;
- E. Profiles and typical cross-sections of all on-site vehicular circulation elements, including entranceways, driveways, shared easements, access points, including those that are shared with adjacent lots, and driving aisles;
- F. Existing and proposed surface and subsurface drainage facilities;
- G. Location, size and arrangement of all outdoor signs and lighting;
- H. Landscaping, location and height of fences or screen plantings and the type or kind of building materials or plantings to be used for fencing or screening.

**11-325. Building Orientation.**

In all Residential Districts, front Building facades shall extend parallel to the front property line common to a public right of way of the lot or parcel on which it is to be built, placed or otherwise situated. Frontage for irregularly shaped lots shall be administratively determined by the Building Inspector, subject to challenge to and interpretation by the Board of Zoning Appeals.

**11-326. Adult Oriented Businesses.**

For the purposes of this Ordinance, Adult Oriented Businesses as defined in Chapter 2 of this Ordinance and as further defined in The Covington Municipal Code, shall be permitted only in the districts and under such conditions where specifically permitted by the district provisions contained herein.

**11-327.        PROVISIONS GOVERNING RESIDENTIAL-MOBILE HOME PARKS**

Within the areas designated **R-3 District**, as shown on the Municipal Zoning Map of Covington, Tennessee, the following regulations shall apply:

**Intent** - The intent of the following provisions is to provide high-density residential area for mobile home parks. It is further the intent of these regulations to attempt to ensure a quality of life that is safe for the residents of the mobile home park and does not create an impact on adjacent districts.

Individual mobile homes are not to be subdivided or partitioned in anyway from the original park. As listed in this Article, provisions governing each individual mobile home in the park apply in addition to provisions governing the entire mobile home park.

Provisions Governing Mobile Home Park Developments – Single-family mobile homes in mobile home parks shall be allowed in designated districts as provided for in Section 11-503 R-3 (High Density Residential) of this Ordinance, and further provided that a site plan has been submitted to and approved by the Covington Municipal-Regional Planning Commission and further provided that the mobile home park is developed in conformance with the following minimum requirements and provisions.

1.     Mobile Home Plat – Each mobile home park development will have a plat of land for each mobile home with a minimum size of four-thousand five hundred (4,500) square feet and each plot shall front on a street which is part of the mobile home park street system.
  
2.     Mobile Home Parks Screening – There will be screening along the front, side and rear lot lines. The screening on the outside of the fence will either be a five (5) foot wide green strip with evergreen plants at least five (5) foot tall and a fence of a minimum height of six (6) foot. The fence will be designed to totally block visibility of the development even when the viewer is moving.
  
3.     Mobile Homes (Pads)
  - A.     All mobile homes permitted under this section shall be set upon masonry bocks or steel piers, which are constructed upon a concrete footing. And each mobile home shall be anchored with approved anchors as required by Tennessee Code Annotated, Section 68-45-103.
  
  - B.     All mobile homes moved into any mobile home park existing or new, after the effective data of this Ordinance shall be underskirted to prevent the accumulation of refuse and rodents.
  
4.     Required Lot Area, Lot Width, Yards and Setbacks
  - A.     Minimum Lot Area

1. Mobile home parks – Two (2) acres with fifteen (15%) percent of the park area set aside for recreation and open space requirements. No portion of the required square footage for the mobile home dwelling shall be counted toward the fifteen (15%) percent open space requirement.
  2. Single-family mobile homes – four thousand five hundred (4,500) square feet for each individual mobile home space.
- B. Minimum Lot Width at Building Line
1. Mobile home parks – sixty (60) feet for the overall development (periphery)
  2. Single-family mobile home – fifty (50) feet per mobile home space.
- C. Minimum Required Front Yard
1. Mobile Home parks – twenty-five (25) feet for the overall development
  2. Single-family mobile homes – twenty (20) feet for the interior front yard
- D. Minimum Required Side Yard on Each Side of Lot
1. Mobile home parks – twenty-five (25) feet for the overall development
  2. Single-family mobile homes – ten (10) feet for the interior side yard
- E. Yards on Corner Lots
1. On corner lots there shall be a minimum required front yard abutting each of the intersecting streets. The remaining yards shall be considered side yards.
- F. Minimum Required Rear Yard
1. Mobile home parks – twenty-five (25)- feet for the overall development
  2. Single-family mobile homes – ten (10) feet for the interior front yard

5. Parking Requirements
  - A. Single-family mobile homes – Two (2) parking space per mobile home space
  - B. Mobile Home Park Office – One (1) parking space for each two-hundred (200) square feet of gross floor space in the building. There shall be a minimum of two (2) spaces with one (1) handicap space. The spaces shall comply with the minimum size requirements of the Covington Municipal Zoning Ordinance.
6. Street System
  - A. The internal street system shall consist of paved private drives with a paved surface a minimum of twenty-two (22) feet wide measured from the edge of the paved surface to the edge of the paved surface.
  - B. The construction standards for the private drives are: The sub-grade shall consist of six (6) inches of compacted chert or gravel topped with asphalt primer as per the subdivision regulation standards.
  - C. The road design shall be approved by the fire department before final approval.
  - D. All lots within the mobile home park shall be accessed by internal private drives.
7. Water Line Requirements – Water lines shall be a minimum six (6) inch water main looped for adequate water pressure for fire protection with fire hydrants every five hundred feet and shall be approved by the fire, water and sewer departments.
8. Sewer Line Requirements – Sewer lines shall be minimum four (4) inch sewer pipe, with four (4) inch force mains where applicable, designed according to the standards required in the subdivision regulations and shall be approved by the water and sewer department.
9. Paved Parking Requirements – Each mobile home space shall provide a minimum of four hundred (400) sq. feet of paved parking area.
10. Drainage Plan Requirements – A drainage plan must be approved by the City Engineer

11. Recreational facilities

- A. For all mobile home parks and including phased developments, recreational space and facilities shall be provided and approved as part of the approval process established in this section.
- B. The recreational space shall constitute ten percent of the required minimum lot area as set forth in this section and shall be landscaped, lighted, and furnished. The Planning Commission shall have the authority to modify this proposed recreational space and facilities so as to reasonably serve the anticipated residents.

12. Location of Accessory Buildings – one accessory building not to exceed one hundred and fifty (150) square feet may be located with each mobile home but shall be located at least ten (10) feet from the principal building. In addition, the accessory building shall conform to the following standards.

- A. No accessory building shall be utilized for human occupation.
- B. No accessory building shall extend beyond the required front yard or the front line of the principal building.
- C. No accessory building shall extend into the required side yard. Accessory buildings may extend into the rear yard, but shall be located a distance from the rear property line equal to the height of the structure.
- D. No accessory building shall exceed twenty (20) feet in height.

13. Regulations for Establishment of Mobile Home Parks

- A. The applicant desiring to establish a mobile home park will submit a site plan of the proposed development. The Planning Commission shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the requested use. These may include but shall not be limited to setbacks, screening, lighting, parking location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing buildings, the authority to specify building materials, colors or similar considerations.
- B. Prior to the issuance of a building permit for the construction of mobile home parks, the developer shall submit a site plan to the Planning Commission for review and approval. The site plan shall include the following:
  - 1. Drawn to a scale not smaller than one (1) inch equals 100 feet;

2. Name and owner of record;
3. Proposed park name;
4. North point and graphic scale and date;
5. Vicinity map showing location and acreage of mobile home park;
6. Exact boundary lines of the tract by bearing and distance;
7. Names of adjoining property owners;
8. Existing streets; utilities, easements, and water courses adjacent to the tract;
9. The location of the mobile home Park and the boundaries of the mobile home plots will be indicated.
10. Proposed design including streets, proposed street names, lot line with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land for purposes other than mobile home spaces;
11. Provisions for water supply, sewage and drainage; and
12. The following certificates: (1) owner's certification (2) Planning Commission approval signed by the secretary (3) certification of county health officer.
13. Recreational space and an enumeration of facilities.
14. Certification by the Secretary of the Planning Commission as to the conformity of the site plan to the provisions of this Ordinance.

### **CERTIFICATE OF COMPLIANCE**

I hereby certify that the site plan shown hereon has been found to comply with the Municipal Zoning Ordinance for Covington Tennessee.

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Secretary, Planning Commission

A. The Planning Commission may require modification of the site plan with respect to the following items to ensure that the proposed project is compatible with and does not adversely affect the adjacent properties:

1. Relocation of drives and parking area.
2. Require increased lot and/or setbacks.
3. Require screening
4. Alter building locations.

A. In addition, the Planning Commission shall have the power to impose greater requirements than those set forth in this section or to impose conditions on the location and design of access points or other features as maybe required to protect the neighborhood from traffic congestion or other undesirable conditions, which may include but not be limited to: the arrangement of structures, parking or the other facilities; required screening, vegetative buffers, or fencing; the location and content of required recreational facilities; and the provision of landscaping.

B. The Planning Commission shall not have the power to regulate the architectural style of buildings or other similar features not directly related to the public health, safety and welfare. The Planning Commission shall state in writing the reasons for denial of any properly submitted site plan.

C. Any site plan not acted upon within sixty (60) days from submittal shall be deemed approved.

D. A surety instrument shall be provided in lieu of the completion of improvements.

#### 14. Licenses and License Fees

A. No mobile home may be located in the City of Covington unless the same shall be in an approved and duly licensed Mobile Home Park.

B. It shall be unlawful for any person to maintain or operate within the corporate limits of the City of Covington any mobile home park unless such person shall first obtain a license for that park.

C. Licenses shall not be transferred.

- D. License shall be renewed annually.
  - E. The Board of Mayor and Aldermen of the City of Covington shall establish the annual license fee for each mobile home park.
  - F. The license shall be conspicuously posted in the office of, or on the premises of the mobile home park at all times.
15. Application for Mobile homes – Applications for mobile home parks license shall be filed with the Building Inspector and upon approval by the Planning Commission, the business license issued by the Recorder/Treasurer. Applications shall be in writing signed by the applicant and shall contain the following:
- A. Name and address of applicant
  - B. Location and legal description of mobile home park
  - C. A valid state permit issued by the Tennessee Department of Environment and Conservation.
  - D. A complete plan shall be clearly and legibly drawn to a scale of one hundred (100) feet to one (1) inch. The plan shall show buildings, and structures, streets, existing roadways, utilities, and the location of pads and individual mobile home spaces.
  - E. Such further information as may be requested by the Building Inspector to enable him to determine if the proposed park would comply with legal requirements.
  - F. The application and all accompanying plans and specification shall be filed in triplicate. The Building Inspector and the Health Officer shall investigate the applicant and inspect the proposed plans and specifications.
- If the proposed mobile home park will be in compliance with all provisions of this Ordinance, the Building Inspector shall approve the application and upon completion of park according to the plans, a license shall be issued by the Recorder/Treasurer.
16. Revocation of License – The Building Inspector shall make annual inspections of the park to ensure compliance with this Ordinance. In case of non-compliance with any provisions of this Ordinance, the Health Officer and/or Building Inspector shall serve warning to the licensee. Thereafter, upon failure to the licensee to remove said violation, the Health Officer and Building Inspector shall have the authority for the revocation of the license. The license may be reissued

if the circumstances leading to revocation have been remedied and the park can be maintained and operated in full compliance with the law.

17. Register of Mobile Homes – It shall be the duty of the licensee to keep a register containing a record of all mobile home owners located within the park. The register shall contain the following information:
  - A. The make, model and year of all mobile homes
  - B. Owner and lease of each mobile home
  - C. The dates of arrival and departure of each mobile home or recreational vehicle. The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three (3) years following the date of registration.
  - D. The register of mobile homes shall be reported annually to the tax assessor's office.
18. Non-conforming mobile home parks – All additions or improvements to an existing non-conforming mobile home park shall be conforming to these regulations.

**11-328. Bed and Breakfast Standards.**

- A. Bed and Breakfast establishments are permitted as a use on appeal in the R-1, R-2, R-3,. R-P and B-3 Zoning districts. The following standards apply to a Bed and Breakfast establishment:
- B. Permits – no Building Permit or Certificate of Occupancy for such use shall be issued without written approval of the Board of Zoning Appeals.
- C. Location – The Bed and Breakfast operation shall be located and conducted in the principal building only.
- D. Owner Occupied – The principals engaged in the bed and breakfast operation shall be the property owners, who are the permanent residents of the dwelling unit in which the operation is located. Non-resident employees may be engaged in the operation.
- E. Number of Rental Units – No more than three (3) sleeping quarters of the dwelling unit shall be used for guest lodging in the Bed and Breakfast establishment. This would not apply to the other parts of the dwelling unit,

which may be incidentally used by guests such as bathrooms, kitchens and living room areas not being used as sleeping quarters by guests.

- F. Length of Stay – Lodging of guests at the Bed and Breakfast establishment shall be limited to no more than fourteen (14) continuous days during any one (1) stay.
- G. Site Plan – An accurately drawn plan shall be presented to the Board of Zoning Appeals at least fourteen (14) days prior to the meeting. The site plan shall show the location of the principal building, off-street automobile parking, relationship to adjoining properties and surrounding land use, existing zoning of the proposed site, any other information as may be required by the Covington Board of Zoning Appeals.
- H. Appearance- The establishment of Bed and Breakfast operations shall not change the residential character and appearance of the home.
- J. Advertising – One freestanding sign of no more than four (4) square feet placed no higher than six feet above ground level, and with no direct lighting, shall be permitted to identify the Bed and Breakfast establishment. Signs must conform to the appearance and be in keeping with the residential character of the surrounding neighborhood.
- K. Parking – Off-street parking facilities shall be provided at the rate of at least one (1) space per sleeping quarter (room) for rent in addition to at least two (2) spaces for the household parking. All parking will also comply with Article 11-314, Off-Street Automobile Storage of the Covington Municipal Zoning Ordinance.
- L. All applicable Federal, State, and Municipal codes including but not limited to, fire, building, and electrical codes shall be complied with as a condition of approval by the Board of Zoning Appeals.
- M. The Board of Zoning Appeals may also attach other conditions on the use of the structure or site, which will be necessary to carry out the intent of the Zoning Ordinance.

## 11-329. PROVISIONS GOVERNING RECREATIONAL VEHICLE PARKS

Travel trailer and recreational vehicle parks are permitted in the B-2 District provided the following requirements are met:

1. Not Permanent. Provided such travel trailer is neither temporarily nor permanently occupied as a living unit while in storage.
2. Access. No travel trailer park or recreational vehicle park shall be located except with direct access to a state or federal numbered highway or other designated arterial street. No entrance or exit from a travel trailer park shall be through a residential district, or require movement of traffic from the park through a residential district.
3. Site Condition. Condition of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants.
4. Location. Travel Trailer Parks and Recreational Vehicle Park shall be located in B-2 districts; furthermore, it shall be unlawful for any travel trailer to be occupied or serviced outside of any approved travel trailer park. This provision shall not apply to the storage of travel trailers. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.
5. Minimum Site Area and Maximum Number of Spaces.
  - A. Each parcel of land to be used for travel trailer park or recreational vehicle park shall have a minimum site area of two (2) acres.
  - B. There shall be no more than ten (10) spaces per acre of land within the travel trailer park or recreational vehicle park.
6. Spaces for Occupancy and Lengths of Stay. Spaces in travel trailer parks or recreational vehicle parks may be used by travel trailers including campers, recreation vehicles, or equivalent facilities constructed in or on automotive vehicles. Spaces shall be rented by the day or week only, and the occupant of such space shall not remain in the same trailer park more than thirty (30) days.
7. Standards for Travel Trailer and Recreational Vehicle Spaces
  - A. Minimum Size
    1. All spaces shall have a minimum area of 1,800 square feet with a minimum width of twenty (20) feet and a minimum length of sixty (60) feet.
    2. Each space shall be designed so that any two travel units will have a minimum separating distance of ten (10) feet.
  - B. Access. Each travel trailer recreational vehicle space shall abut at least one street within the boundaries of the travel trailer park and access to each space shall be only from an internal street.

C. Setback Requirements. No part of a travel trailer or recreational vehicle placed on a space shall be closer than five (5) feet to any space line and ten (10) feet to any street line within the park.

D. Width of Streets.

1. Streets in a travel trailer park shall be private and shall have a minimum paved width as follows:

One-Way-with no on-street parking – 12 feet

One-Way –with parallel parking on one side only – 18 feet

One-Way-with parallel parking on both sides – 26 feet

Two-way-with no on-street parking – 20 feet

Two-Way-with parallel parking on one side only –28 feet

Two-Way-with parallel parking on both sides- 36 feet

E. Street Surfacing.

1. All streets shall be paved.
2. Street paving specifications shall be submitted by the developer for approval by the Building Inspector.

F. Parking

1. Each travel trailer or recreational vehicle park shall have off-street parking pads for both travel trailer or RV and a towing or towed vehicle.
2. The pads shall either be paved or constructed of other stabilized material.

## 8. Required Utilities

A. All travel trailer and recreational vehicle parks shall be served by a public water system and shall comply with all applicable rules and regulations of the Tennessee Department of Public Health regarding water supply, plumbing, sewage disposal, refuse storage, collection and disposal, insect and rodent control, electric power, liquefied petroleum (LP) gas, fire protection, and service buildings.

B. The following additional requirements apply to Refuse Storage, Collection and Disposal. Each travel trailer and recreational vehicle park space shall have at least one (1) fly tight, watertight, rodent-proof container of a capacity of not less than four (4) gallons and not more than thirty (30) gallons; however, this requirement may be waived when individual spaces are located within two hundred (200) feet of a covered trash receptacle (e.g. dumpster) serving the entire park.

9. Service and Administrative Buildings. Service and administrative building which serve the immediate needs of the travel trailer and/or recreational vehicle park may be permitted as follows:

There may be one combined management office and service building to provide space for rental of individual park spaces, and storage space for park supplies, maintenance materials, and equipment. The combined management office and service buildings shall have not more than 1,000 square feet of floor area and shall only serve the occupants of the park.

10. Landscaping and Screening. Around the perimeter of a travel trailer or recreational vehicle park, fences, walls, or screening shall be provided to protect occupants from undesirable views, or to protect occupants of adjoining residential districts as follows:

- A. Where a park adjoins a public street along boundaries a suitably landscaped yard at least twenty-five (25) feet in depth shall be provided along such streets.

- B. Where a park adjoins another residential district without an intervening street or alley, a suitably landscaped yard at least twenty (20) feet in depth shall be provided adjacent to such boundaries.

- C. Where a park adjoins non-residential districts without an intervening street or alley, a suitably landscaped yard at least ten (10) feet in depth shall be provided adjacent to such boundaries.

1. Greater depth area or approved landscaping and screening may be required in any perimeter boundary.

11. Open Space and Recreation Requirements

- A. A minimum of five (5%) percent of the total land area of a travel trailer or recreational vehicle park shall be devoted to common open space and may be used for common recreational activities.

- B. The following standards apply to open space used for recreation purposes:

1. Approved recreational areas shall be exclusive of travel trailer spaces, buffer strips, street right-of-way, and storage areas.

2. Recreational areas shall be easily accessible to all park users and management.

3. Although the required space for recreational uses may be met through more than one recreation site, the minimum size of any such area shall be 2,000 square feet.

12. Permit for Travel Trailer Park or Recreational Vehicle Park

No place of site within the Planning Region shall be established or maintained as a travel or recreational vehicle park unless a valid permit has been issued for a such a park by the Building Inspector.

13. Inspections by Building Inspector. In order to safeguard the health and safety of the occupants of travel trailer and recreational vehicle parks and of the general public, the Building Inspector shall make inspections as necessary to determine the condition of such parks. The Building Inspector shall also have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Section.

Minimum lot area and yard requirements.

- |    |  |   |
|----|--|---|
| A. | Lot area   | Two (2) acres or greater as required by the County Environmentalist |
| B. | Lot width  | One hundred twenty-five (125) feet                                  |
| C. | Yard setbacks:                                       |   |
|    | 1. Front yard  | Fifty (50) feet   |
|    | 2. Rear yard   | Thirty-five (35) feet   |
|    | 3. Side yard   | Twenty (20) feet  |
|    | 4. Maximum Height                                    | Two (2) stories or twenty five (25) feet                            |
|    | 5. Maximum Lot Coverage                              | Twenty (20%) percent  |
|    | 6. Parking   |   |
|    | a. Dwellings – two (2) spaces for each dwelling unit |   |
|    | b. Other uses as determined by the BZA               |   |

**11-330. Provisions Governing Portable Carports.**

Portable Carports shall not exceed ten (10) feet in height and must have an area less than 400 square feet. Portable Carports are permitted in Side Yards and Rear Yards in the R-2, R-3, and R-P zoning districts. Portable Carports are permitted in the Rear Yard only in the R-1 zoning district. Portable Carports are under no circumstances allowed in the H-D, Historical District. Portable Carports shall be excluded from all Front Yards unless otherwise allowed by the Board of Zoning Appeals. The BZA may allow Portable Carports in the Front Yard only in the R-2, R-3, and R-P district. The setbacks of each district shall not apply to Portable Carports.

## CHAPTER 4

### ESTABLISHMENT OF DISTRICTS

#### **11-401. Classification of Districts.**

For the purpose of this Ordinance, Covington, Tennessee is hereby divided into thirteen (13) districts, designated as follows:

R-1	Low Density Residential
R-1A	Moderate Density Residential
R-2	Medium Density Residential
R-3	High Density Residential
R-P	Residential-Professional
H-M	Hospital Medical
H-D	Historical District
B-1	Neighborhood Business
B-2	Highway Oriented Business
B-3	Central Business District
B-P	Business-Professional
M-1	Industrial Park
M-2	Industrial
M-3	Artisan-Industrial
F-1	Flood Plain District

#### **11-402. Boundaries of Districts.**

1. The boundaries of districts in Section 11-401 of this Chapter are hereby established as shown on the Official Zoning Map entitled "Zoning Map of Covington, Tennessee," which is a part of this Ordinance and which is on file in the City Hall.
2. Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets or alleys, railroad rights-of-way, or the corporate limit lines as they existed at the time of the enactment of this Ordinance. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.
3. Where a district boundary divides a lot, as existing at the time this Ordinance takes effect, and the major portion of said lot is in the less restricted district, the regulations relative to that district may be extended twenty (20) feet into the more restricted district within said lot.
4. The Flood Plain District and Historical District are overlay districts whose boundaries overlap other district boundaries for special control.

## CHAPTER 5

### PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

#### **11-501. R-1 (Low Density Residential) Districts.**

Within the R-1 (Low Density Residential) Districts, as shown on the Zoning Map of Covington, Tennessee, the following regulations shall apply (Note: Uses Permitted and Uses Permitted on Appeal are based on land use codes of the Standard Land Use Coding Manual, January 1965, prepared by the Urban Renewal Administration, Housing and Home Finance Agency, and the Bureau of Public Roads. Instances where the Standard Land Use Coding Manual does not sufficiently classify a land use, the Code Enforcement Officer may consult other similar classification indexes.)

##### 1. Uses Permitted

- A. Single Family Dwellings.
- B. Manufactured residential dwellings as defined in Chapter 2 and subject to the provisions of Chapter 3, Section 11-319 of this Ordinance.
- C. Accessory Buildings or Uses customarily incidental to any permitted use.
- D. Real Estate Signs advertising the sale, rental, or leasing of only the premises on which they are maintained, provided that they are not over four (4) square feet in area, and at least fifteen (15) feet from all lot lines.
- E. Portable Carports as defined in Chapter 2 and subject to the provisions of Chapter 3 Section 11-330 of this Ordinance.

##### 2. Uses Permitted on Appeal

Within the R-1 Residential Districts, the uses listed below will be permitted by the Board of Zoning Appeals provided that the use requested is to be located on a route designated as either an arterial street or a collector street on the recorded Covington Major Road Plan, and that requirements set forth in this Section and Sections 11-313, 11-314 and Chapter 12 of this Ordinance are met:

- A. Cemeteries;
- B. Religious Activities;
- C. Welfare and Charitable Services;
- D. Nursery, Primary, Secondary, University, College, Junior College, Professional Education Services;
- E. Group Quarters;
- F. Cultural Activities;
- G. Governmental Services;
- H. Utilities;

- I. Golf Courses;
- J. Civic, Social, and Fraternal Associations;
- K. Accessory Buildings or uses customarily incidental to the permitted use;
- L. Customary general farming uses, gardens and buildings incidental thereto, but not including animal or poultry farms or kennels.
- M. Customary incidental home occupations subject to the conditions of this Section and provided that:
  - 1. the proposed use shall be located and conducted in the principal building only;
  - 2. the principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
  - 3. not more than fifteen (15) percent of the total floor area in dwelling unit shall be devoted to the proposed use;
  - 4. proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
  - 5. no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
  - 6. the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
  - 7. the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located;
  - 8. the provisions of this Section shall not be used under any circumstances to permit barber shops or beauty shops that contain more than one chair or serve more than one patron at a time.
- N. Family Day Care Homes; provided, however, a permit for such use shall not be issued until a site plan is submitted to the Board of Zoning Appeals for review, and further subject to the following minimum standards:
  - 1. All dimensional regulations of the district shall apply.
  - 2. A fence play area shall be provided. The size of the play area and the height of the fence shall be in accordance with current state standards.

3. Along the site boundary of the facility, buffering, screening, and landscaping must be provided to adequately protect any abutting residential property.
  4. All outdoor play activities shall be conducted within the fenced play area. The fenced play area shall not be located within any required front yard.
  5. The facilities' operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.
  6. Off-street parking shall be provided at the rate of one (1) space for Family Day Care Homes, two (2) spaces for Group Day Care Homes, and three (3) spaces for Day Care Centers caring for up to fifteen (15) children with an extra space for every five (5) children accommodated above fifteen (15), plus the specific required space(s) for the district in which the facility is located.
  7. In order that the Board of Zoning Appeals may make an accurate determination of the character of the proposed use, the applicant shall submit an accurately and legibly drawn site plan showing existing and proposed buildings, fences, landscaping, parking and access facilities.
- O. Bed and Breakfast Establishments provided the following standards are met:
1. Permits – no building permit or certificate of occupancy for such use shall be issued without written approval of the Board of Zoning Appeals.
  2. Location – The Bed and Breakfast operation shall be located and conducted in the principal building only.
  3. Owner Occupied – The principals engaged in the bed and breakfast operation shall be the property owners, who are the permanent residents of the dwelling unit in which the operation is located. Non-resident employees may be engaged in the operation.
  4. Number of Rental Units – No more than three (3) sleeping quarters of the dwelling unit shall be used for guest lodging in the Bed and Breakfast establishment. This would not apply to the other parts of the dwelling unit, which may be incidentally used by guests such as bathrooms, kitchens and living room areas not being used as sleeping quarters by guests.

5. Length of Stay – Lodging of guests at the Bed and Breakfast establishment shall be limited to no more than fourteen (14) continuous days during any one (1) stay.
6. Site Plan – An accurately drawn plan shall be presented to the Board of Zoning Appeals at least ten (10) days prior to the meeting. The site plan shall show the location of the principal building, off-street automobile parking, relationship to adjoining properties and surrounding land use, existing zoning of the proposed site, any other information as may be required by the Covington Board of Zoning Appeals.
7. Appearance- The establishment of a Bed and Breakfast operations shall not change the residential character and appearance of the home.
8. Advertising – One freestanding sign of no more than four (4) square feet, placed no higher than six (6) feet above ground level, and with no direct lighting, shall be permitted to identify the Bed and Breakfast establishment. Signs must conform to the appearance and be in keeping with the residential character of the surrounding neighborhood.
9. Parking – Off-street parking facilities shall be provided at the rate of at least one (1) space per sleeping quarter (room) for rent in addition to at least two (2) spaces for the household parking. All parking will also comply with Article 11-314, Off-Street Automobile Storage of the Covington Municipal Zoning Ordinance.
10. All applicable Federal, State, and Municipal codes including but not limited to, fire, building, and electrical codes shall be complied with as a condition of approval by the Board of Zoning Appeals.

The Board of Zoning Appeals may also attach other conditions on the use of the structure or site, which will be necessary to carry out the intent of the Zoning Ordinance.

The Board of Zoning Appeals may attach such conditions to any permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the neighborhood in which the proposed use is located. This power shall include the power to require greater setbacks and yard spaces than required by other provisions of this ordinance.

3. Uses Prohibited

Any use not specifically permitted or permitted on appeals in this section is prohibited.

4. Location of Accessory Buildings

- A. No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30%) percent of any required rear yard, and shall be at least ten (10) feet from all lot lines and from any other building on the same lot.
- B. Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

5. Regulations Controlling Lot Area, Lot Width, Yards, Building Coverage, Building Height

The principal building shall be located so as to comply with the following requirements:

A. Minimum Lot Area

- 1. Single family dwellings 12,000 square feet
- 2. Places of worship 40,000 square feet or 200 square feet of lot area per auditorium seat, whichever is greater.
- 3. Schools Five (5) acres for the first 200 students plus one acre for each additional 200 students or fraction of 200 students for which the facility is designed.
- 4. All Other Uses As required by the Board of Zoning Appeals.

B. Minimum Lot Width

- 1. Single family dwellings 100 feet
- 2. Places of Worship 200 feet
- 3. Schools 300 feet
- 4. All Other Uses As required by the Board of Zoning Appeals.

- C. Minimum Required Front Yard
  - 1. Single family dwellings 30 feet
  - 2. Places of worship 40 feet
  - 3. Schools 40 feet
  - 4. All Other Uses As required by the Board of Zoning Appeals.
- D. Minimum Required Rear Yard
  - All Uses 30 feet
- E. Minimum Required Side Yard
  - All Uses 15 feet
- F. Maximum Lot Coverage by All Buildings
  - 1. Single family dwellings and accessories 30%
  - 2. All Other Uses 25%
- G. Maximum Permitted Height of Structures
 

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

6. External Illumination

External illumination subject to Section 11-323 of this Ordinance.

**11-502      R-1A (Moderate Density Residential) Districts.**

Within the R-1A (Moderate Density Residential) Districts, as shown on the Zoning Map of Covington, Tennessee, the following regulations shall apply (Note: Uses permitted and Uses Permitted on Appeal are based on land use codes of the Standard Land Use Coding Manual, January 1965, prepared by the Urban Renewal Administration, Housing and Home Finance Agency, and the Bureau of Public Roads. Instances where the Standard Land Use Coding Manual does not sufficiently classify a land use, the Code Enforcement Officer may consult other similar classification indexes.)

1.      Uses Permitted

- A.      Single Family Dwellings
- B.      Manufactured residential dwellings as defined in Chapter 2 and subject to the provisions of Chapter 3, Section 11-319 of this Ordinance.
- C.      Accessory Buildings or Uses customarily incidental to any permitted use.
- D.      Real Estate Signs advertising the sale, rental, or leasing of only the premises on which they are maintained, provided that they are not over four (4) square feet in area, and at least fifteen (15) feet from all lot lines.

2.      Uses Permitted on Appeal

Within the R-1A Residential Districts, the uses listed below will be permitted by the Board of Zoning Appeals provided that the use requested is to be located on a route designated as either an arterial street or a collector street on the recorded Covington Major Road Plan, and that requirements set forth in this Section and Sections 11-313, 11-314 and Chapter 12 of this Ordinance are met:

- A.      Cemeteries;
- B.      Religious Activities;
- C.      Welfare and Charitable Services;
- D.      Nursery, Primary, Secondary, University, College, Junior College, Professional Education Services;
- E.      Group Quarters;
- F.      Cultural Activities;
- G.      Governmental Services;
- H.      Utilities;
- I.      Golf Courses;
- J.      Civic, Social, and Fraternal Associations;
- K.      Accessory Buildings or uses customarily incidental to the permitted use;

- L. Customary general farming uses, gardens and buildings incidental thereto, but not including animal or poultry farms or kennels.
- M. Customary incidental home occupations subject to the conditions of this Section and provided that:
  - 1. the proposed use shall be located and conducted in the principal building only;
  - 2. The principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
  - 3. not more than fifteen (15) percent of the total floor area in dwelling unit shall be devoted to the proposed use;
  - 4. proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
  - 5. no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
  - 6. the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
  - 7. the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located;
  - 8. the provisions of this Section shall not be used under any circumstances to permit barber shops or beauty shops that contain more than one chair or serve more than one patron at a time;
- N. Family Day Care Homes: provided, however, a permit for such use shall not be issued until a site plan is submitted to the Board of Zoning Appeals for review, and further subject to the following minimum standards;
  - 1. All dimensional regulations of the district shall apply.
  - 2. A fence play area shall be provided. The size of the play area and the height of the fence shall be in accordance with current state standards.
  - 3. Along the site boundary of the facility, buffering, screening, and landscaping must be provided to adequately protect any abutting residential property.
  - 4. All outdoor play activities shall be conducted within the fenced play area. The fenced play area shall not be located within any required front yard.

5. The facilities operation and maintenance shall meet the requirements of the Tennessee Department of Human Services;
  6. Off-street parking shall be provided at the rate of one (1) space for Family Day Care Homes, two (2) spaces for Group Day Care Homes, and three (3) spaces for Day Care Centers caring for up to fifteen (15) children with an extra space for every five (5) children accommodated above fifteen (15), plus the specific required space(s) for the district in which the facility is located.
  7. In order that the Board of Zoning Appeals may make an accurate determination of the character of the proposed use, the applicant shall submit an accurately and legible drawn site plan showing existing and proposed buildings, fences, landscaping, parking and access facilities.
- O. Cluster Lot Development as defined herein and further subject to the following additional standards and procedures:
1. All lots less than 8,000 square feet in size shall be served by a private drive providing access to the rear of the lot. Service drives shall be designed to the extent possible to provide access to minor streets and not onto collector or major roadways
  2. All cluster lot developments shall create a chartered homeowners association.
  3. All cluster lot developments shall provide for restrictive covenants that among other provisions require that all lot owners shall become and remain members of the homeowners association, provide an eleemosynary fund for maintenance of common facilities and areas, and require payments to said fund by members of the association.
  4. Demonstrated proof of incorporation of the homeowners association and the adoption and recording of restrictive covenants shall be submitted to the Planning Commission prior to approval of the Final Plat of development.
  5. A statement shall be affixed to the final plat conveying ownership of all common facilities and areas including private drives to an incorporated homeowners association for ownership and maintenance. The City of Covington shall have no responsibility in this regard.
  6. Building front yard setbacks may be modified by the Planning Commission in cases where the prevailing setbacks of existing residential structures warrant either a greater or a lesser setback to maintain a consistent character of development within a neighborhood.
  7. The principal entrance to a Cluster Lot development shall be designed to have a distinct, identifiable entry which may include low

walls, private light poles and fixtures, an identification sign, and landscaping among other possible design elements.

The Board of Zoning Appeals may attach such conditions to any permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the neighborhood in which the proposed use is located. This power shall include the power to require greater setbacks and yard spaces than required by other provisions of this Ordinance.

3. Uses Prohibited

Any use not permitted or permissible on appeals in the section is prohibited.

4. Procedures

- A. Single family dwellings using the Cluster Lot development authority in this district shall be subject to site plan review under the provisions of Section 11-502 of this Ordinance.
- B. Before a permit is issued for any non-residential permitted use listed in 11-502.1, above, a site plan of the proposed development shall be reviewed and approved by the Planning Commission. The Planning Commission shall have the power to impose conditions regarding the location of the buildings on the site, the location and design of parking and access facilities, fencing and screening, and other features affecting the character of the area and the compatibility of the proposed use to existing nearby uses.
- C. In order that the Planning Commission may make an accurate determination of the character of the proposed use and its compliance with ordinance standards, the applicant shall submit an accurately and legibly drawn site plan, at a scale of not less than one-hundred (100) feet to one (1) inch, illustrating the proposed development including but not limited to, the following:
  - 1. A survey, certified by a registered land surveyor or engineer showing property lines and dimensions; the gross land area of the site; existing and proposed utilities; easements, streets and roadways; rail rights-of-way; and public rights-of-way crossing and adjacent to the subject property;
  - 2. Location, size, and arrangement of proposed lots;
  - 3. Location, dimensions, and number of vehicular and pedestrian circulation elements, including public streets, private drives, sidewalks, and parking spaces;
  - 4. Any proposed regarding of the site and any significant natural, topographical or physical features of the site including at least, water course and trees;
  - 5. Existing and proposed surface and subsurface drainage facilities.

- 6. Location, size and arrangement of all outdoor signs and lighting;
  - 7. Landscaping and the location and height of fences or screen plantings and the type or kind of building materials, or plantings to be used for fencing or screening;
  - 8. The names, address, and telephone number of the applicant and owner, if different from applicant.
- D. Provided, however, the Code Enforcement Officer may issue a permit without the necessity of fulfilling the requirements of paragraphs b. and c. above for the following types of developments:
- 1. construction of signs;
  - 2. installation of temporary construction trailers.
- E. For the type of development in d. above to be exempt from the requirements of paragraphs b. and c. of 11-502.4, the property developed in paragraph d. above:
- 1. complies with all yard requirements
- F. Requirements for issuance of a permit by the Building Official shall be provided for in Chapter 11.
- G. Certificate of Occupancy: Where there is any change of use or occupancy of property, the Building Official may issue a Certificate of Occupancy without review by the Planning Commission where the Building Official determines that all the development requirements of the use or property are currently being met.
5. Location of Accessory Buildings
- A. No accessory building shall be erected in any required front or side yard. Accessory building shall not cover more than thirty (30) percent of any required rear yard, and shall be five (5) feet from all lot lines and ten (10) feet from any other buildings on the same lot.
  - B. Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.
6. Regulations Controlling Lot Area, Lot Width, Yards, Building Coverage, Building Height
- The principal building shall be located so as to comply with the following requirements:
- A. Minimum Required Lot Area
    - 1. Single family dwellings 8000 sq. ft. or 6,500 sq. ft  
for cluster lot development

	2.	Places of Worship	40,000 sq. ft. or 200 sq. ft. of lot area per auditorium seat, whichever is greater.
	3.	Schools	Five (5) acres for the first 200 students one acre for each plus additional 200 students or fraction of 200 students for which the facility is designed.
	4.	All Other Uses	As required by the Board of Zoning Appeals.
B.		Minimum Lot Width	
	1.	Single family dwellings	70 ft. or 50 ft. for cluster lot development
	2.	Places of Worship	200 feet
	3.	Schools	200 feet
	4.	All Other Uses	As required by the Board of Zoning Appeals
C.		Minimum Required Front Yard	
	1.	Single family dwellings	30 feet - 15 feet for cluster lot development
	2.	Places of Worship	40 feet
	3.	Schools	40 feet
	4.	All Other Uses	As required by the Board of Zoning Appeals
D.		Minimum Required Rear Yard	
	1.	All uses principal structures	30 feet
	2.	All uses attached garages	15 feet
	3.	All cluster development	5 ft. for attached garages
E.		Minimum Required Side Yard	
	1.	All Uses	5 feet
F.		Maximum Lot Coverage by All Buildings	
	1.	Single family dwellings and Accessories	30%
	2.	All Other Uses	25%

G. Maximum Permitted Height of Structures

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

7. External Illumination

External illumination subject to Section 11-323 of this Ordinance.

**11-503. R-2 (Medium Density Residential) Districts.**

Within the R-2 (Medium Density Residential) Districts, as shown on the Zoning Map of Covington, Tennessee, the following regulations shall apply (Note: Uses Permitted and Uses Permitted on Appeal are based on land use codes of the Standard Land Use Coding Manual, January 1965, prepared by the Urban Renewal Administration, Housing and Home Finance Agency, and the Bureau of Public Roads. Instances where the Standard Land Use Coding Manual does not sufficiently classify a land use, the Code Enforcement Officer may consult other similar classification indexes):

1. Uses Permitted

- A. Single Family Dwellings
- B. Manufactured residential dwellings as defined in Chapter 2 and subject to the provisions of Chapter 3, Section 11-319 of this Ordinance.
- C. Accessory Buildings or uses customarily incidental to any permitted use.
- D. Real Estate Signs advertising the sale, rental, or lease of only the premises on which they are maintained, provided that they are not over four (4) square feet in area, and at least fifteen (15) feet from all lot lines.
- E. Portable Carports as defined in Chapter 2 and subject to the provisions of Chapter 3 Section 11-330 of this Ordinance.

2. Uses Permitted on Appeal

Within the R-2 Residential District, the uses listed below will be permitted by the Board of Zoning Appeals provided that the use requested is to be located on a route designated as either an arterial street or a collector street on the recorded Covington Major Road Plan, and that requirements set forth in this Section and Sections 11-313, 11-314 and Chapter 12 of this Ordinance are met:

- A. Cemeteries;
- B. Religious Activities;
- C. Welfare and Charitable Services;
- D. Nursery, Primary, Secondary, University, College, Junior College, Professional Education Services;
- E. Group Quarters;
- F. Cultural Activities;
- G. Governmental Services;
- H. Utilities;

- I. Mobile Home Parks subject to the provisions of the Covington Mobile Home Park Ordinance;
- J. Accessory Buildings or uses customarily incidental to any permitted use;
- K. Customary general farming uses, gardens and buildings incidental thereto, but not including animal or poultry farms or kennels;
- L. Customary Incidental Home Occupations subject to the conditions of this Section and provided that:
  - 1. the proposed use shall be located and conducted in the principal building only;
  - 2. the principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
  - 3. not more than fifteen (15%) percent of the total floor area in dwelling unit shall be devoted to the proposed use;
  - 4. proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
  - 5. no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
  - 6. the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
  - 7. the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located;
  - 8. the provisions of this Section shall not be used under any circumstances to permit barber shops or beauty shops that contain more than one chair or serve more than one patron at a time.
- M. Family Day Care Homes; provided, however, a permit for such use shall not be issued until a site plan is submitted to the Board of Zoning Appeals for review, and further subject to the following minimum standards:
  - 1. All dimensional regulations of the district shall apply.
  - 2. A fence play area shall be provided. The size of the play area and the height of the fence shall be in accordance with current state standards.

3. Along the site boundary of the facility, buffering, screening, and landscaping must be provided to adequately protect any abutting residential property.
4. All outdoor play activities shall be conducted within the fenced play area. The fenced play area shall not be located within any required front yard.
5. The facilities' operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.
6. Off-street parking shall be provided at the rate of one (1) space for Family Day Care Homes, two (2) spaces for Group Day Care Homes, and three (3) spaces for Day Care Centers caring for up to fifteen (15) children with an extra space for every five (5) children accommodated above fifteen (15), plus the specific required space(s) for the district in which the facility is located.
7. In order that the Board of Zoning Appeals may make an accurate determination of the character of the proposed use, the applicant shall submit an accurately and legibly drawn site plan showing existing and proposed buildings, fences, landscaping, parking and access facilities.

The Board of Zoning Appeals may attach such conditions to any permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the neighborhood in which the proposed use is located. This power shall include the power to require greater setbacks and yard spaces than required by other provisions of this Ordinance.

### 3. Uses Prohibited

Any use not specifically permitted or permissible on appeal in this Section is prohibited.

### 4. Location of Accessory Buildings

- A. No accessory building shall be erected in the required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from all lot lines and at least ten (10) feet from any other building on the same lot.
- B. Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

5. Regulations Controlling Lot Area, Lot Width, Yards, Building Coverage and Building Height

The principal building shall be located so as to comply with the following requirements:

A. Minimum Required Lot Area

- |    |                         |  |
|----|-------------------------|--|
| 1. | Single-family dwellings | 8,400 square feet  |
| 2. | Places of Worship       | 20,000 sq. feet or 200 sq. feet of lot area per auditorium seat, whichever is greater.   |
| 3. | Schools                 | Five (5) acres for the first 200 students plus one (1) acre for each additional 200 students or fraction of 200 students for which the facility is designed. |
| 4. | All Other Uses          | As required by the Board of Zoning Appeals.  |

B. Minimum Lot Width

- |    |                         |   |
|----|-------------------------|---|
| 1. | Single family dwellings | 70 feet                                     |
| 2. | Places of worship       | 150 feet                                    |
| 3. | Schools                 | 300 feet                                    |
| 4. | All Other Uses          | As required by the Board of Zoning Appeals. |

C. Minimum Required Front Yard

All Uses 30 feet

D. Minimum Required Rear Yard

All Uses 20 feet

E. Minimum Required Side Yard

All Uses 10 feet

F. Maximum Lot Coverage By All Buildings

- |    |                         |     |
|----|-------------------------|-----|
| 1. | Single family dwellings | 35% |
| 2. | All Other Uses          | 30% |

G. Maximum Permitted Height of Structures

No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet or fraction thereof of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet however.

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

6. External Illumination

External Illumination subject to Section 11-323 of this Ordinance.

## **11-504. R-3 (High Density Residential) Districts.**

Within the R-3 (High Density Residential) Districts, as shown on the Zoning Map of Covington, Tennessee, the following regulations shall apply (Note: Uses Permitted and Uses Permitted on Appeal are based on land use codes of Standard Land Use Coding Manual, January 1965, prepared by the Urban Renewal Administration, Housing and Home Finance Agency, and the Bureau of Public Roads. Instances where the Standard Land Use Coding Manual does not sufficiently classify a land use, the Code Enforcement Officer may consult other similar classification indexes)

### 1. Uses Permitted

- A. Single Family Dwellings
- B. Manufactured residential dwellings as defined in Chapter 2 and subject to the provisions of Chapter 3, Section 11-319 of this Ordinance.
- C. Multi-Family Dwellings subject to provisions and regulated by design standards contained in Section 11-602 and Site Plan requirements contained in Section 11-324 of this Ordinance.
- D. Mobile Home Parks subject to the provisions of Chapter 3 GENERAL PROVISIONS, section 11-326 of this Zoning Ordinance.
- E. Accessory Buildings or uses customarily incidental to any permitted use.
- F. Real Estate Signs advertising the sale, rental, or lease of only the premises on which they are maintained, provided that they are not over four (4) square feet in area, and at least fifteen (15) feet from all lot lines.
- G. Portable Carports as defined in Chapter 2 and subject to the provisions of Chapter 3 Section 11-330 of this Ordinance.

### 2. Uses Permitted on Appeal

Within the R-3 Residential Districts, the uses listed below will be permitted by the Board of Zoning Appeals provided that the use requested is to be located on a route designated as either an arterial street or a collector street on the recorded Covington Major Road Plan, and that requirements set forth in this Section and Sections 11-313, 11-314 and Chapter 12 of this Ordinance are met:

- A. Cemeteries;
- B. Religious Activities;
- C. Welfare and Charitable Services;
- D. Nursery, Primary, Secondary, University, College, Junior College, Professional Education Services;
- E. Group Quarters;
- F. Cultural Activities;

- G. Governmental Services;
- H. Utilities
- I. Accessory Buildings or uses customarily incidental to any permitted use;
- J. Customary general farming uses, gardens and buildings incidental thereto, but not including animal or poultry farms or kennels;
- K. Customary incidental home occupations subject to the conditions of this Section and provided that:
  - 1. the proposed use shall be located and conducted in the principal building only;
  - 2. the principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
  - 3. not more than fifteen (15) percent of the total floor area in dwelling unit shall be devoted to the proposed use;
  - 4. proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
  - 5. no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
  - 6. the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
  - 7. the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located;
  - 8. the provisions of this Section shall not be used under any circumstances to permit barber shops or beauty shops that contain more than one chair or serve more than one patron at a time.
- L. Family Day Care Homes; provided, however, a permit for such use shall not be issued until a site plan is submitted to the Board of Zoning Appeals for review, and further subject to the following minimum standards:
  - 1. All dimensional regulations of the district shall apply.
  - 2. A fence play area shall be provided. The size of the play area and the height of the fence shall be in accordance with current state standards.

3. Along the site boundary of the facility, buffering, screening, and landscaping must be provided to adequately protect any abutting residential property.
4. All outdoor play activities shall be conducted within the fenced play area. The fenced play area shall not be located within any required front yard.
5. The facilities' operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.
6. Off-street parking shall be provided at the rate of one (1) space for Family Day Care Homes, two (2) spaces for Group Day Care Homes, and three (3) spaces for Day Care Centers caring for up to fifteen (15) children with an extra space for every five (5) children accommodated above fifteen (15), plus the specific required space(s) for the district in which the facility is located.
7. In order that the Board of Zoning Appeals may make an accurate determination of the character of the proposed use, the applicant shall submit an accurately and legibly drawn site plan showing existing and proposed buildings, fences, landscaping, parking and access facilities.

The Board of Zoning Appeals may attach such conditions to any permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the neighborhood in which the proposed use is located. This power shall include the power to require greater setbacks and yard spaces than required by other provisions of this Ordinance.

### 3. Uses Prohibited

Any use not specifically permitted or permissible on appeals in this Section is prohibited.

### 4. Location of Accessory Buildings

- A. No accessory building shall be erected in the required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from all lot lines and at least ten (10) feet from any other building on the same lot.
- B. Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

5. Regulations Controlling Lot Area, Lot Width, Yards, Building Coverage and Building Height

The principal building shall be located so as to comply with the following requirements:

A. Minimum Required Lot Area

- |    |                         |  |
|----|-------------------------|--|
| 1. | Single family dwellings | 6,000 sq. ft.  |
| 2. | Places of worship       | 20,000 sq. ft. or 200 sq. ft. of lot area per auditorium seat, whichever is greater.   |
| 3. | Schools                 | Five (5) acres for the first 200 students plus one acre for each additional 200 students or fraction of 200 students for which the facility is designed. |
| 4. | All Other Uses          | As required by the Board of Zoning Appeals.  |

B. Minimum Lot Width

- |    |                         |  |
|----|-------------------------|--|
| 1. | Single family dwellings | 70 feet                                    |
| 2. | Places of worship       | 100 feet                                   |
| 3. | Schools                 | 300 feet                                   |
| 4. | All Other Uses          | As required by the Board of Zoning Appeals |

C. Minimum Required Front Yard

All Uses 20 feet

D. Minimum Required Rear Yard

All Uses 15 feet

E. Minimum Required Side Yard

All Uses 10 feet

F. Maximum Lot Coverage By All Buildings

- |    |                         |     |
|----|-------------------------|-----|
| 1. | Single family dwellings | 40% |
| 2. | Apartments              | 40% |
| 3. | Townhouses              | 50% |

4. All Other Uses 35%

G. Maximum Permitted Height of Structures

No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet or fraction thereof of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet however.

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

6. External Illumination

External illumination subject to Section 11-323 of this Ordinance.

## CHAPTER 6

### PROVISIONS GOVERNING SPECIAL USE DISTRICTS

#### **11-601. R-P (Residential-Professional) Districts.**

Within the R-P (Residential-Professional) Districts, as shown on the Zoning Map of Covington, Tennessee, the following regulations shall apply (Note: Uses Permitted and Uses Permitted on Appeal are based on land use codes of the Standard Land Use Coding Manual, January 1965, prepared by the Urban Renewal Administration, Housing and Home Finance Agency, and the Bureau of Public Roads. Instances where the Standard Land Use Coding Manual does not sufficiently classify a land use, the Code Enforcement Officer may consult other similar classification indexes):

##### 1. Uses Permitted

- A. Single Family Dwellings
- B. Manufactured residential dwellings as defined in Chapter 2 and subject to the provisions of Chapter 3, Section 11-319 of this Ordinance.
- C. Finance, Insurance and Real Estate Services excluding banking and bank-related functions and credit services.
- D. Professional services excluding sanitariums, convalescent, and rest home services.
- E. Accessory Buildings or uses customarily incidental to any permitted use.
- F. Real Estate Signs advertising the sale, rental, or lease of only the premises on which they are maintained, provided that they are not over four (4) square feet in area, and at least fifteen (15) feet from all lot lines.
- G. Portable Carports as defined in Chapter 2 and subject to the provisions of Chapter 3 Section 11-330 of this Ordinance.

##### 2. Uses Permitted on Appeal

Within the R-P Districts, the uses listed below will be permitted by the Board of Zoning Appeals provided that the use requested is to be located on a route designated as either an arterial street or a collector street on the recorded Covington Major Road Plan, and that requirements set forth in this Section and Sections 11-313, 11-314 and Chapter 12 of this Ordinance are met:

- A. Cemeteries;
- B. Religious Activities;
- C. Welfare and Charitable Services;
- D. Nursery, Primary, Secondary, University, College, Junior College, Professional Education Services;

- E Group Quarters;
- F Cultural Activities;
- G Governmental Services;
- H Utilities;
- I Customary general farming uses, gardens and buildings incidental thereto, but not including animal or poultry farms or kennels.
- J Customary incidental home occupations subject to the conditions of this Section and provided that:
  - 1. the proposed use shall be located and conducted in the principal building only;
  - 2. the principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
  - 3. not more than fifteen (15) percent of the total floor area in dwelling unit shall be devoted to the proposed use;
  - 4. proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
  - 5. no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
  - 6. the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
  - 7. the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located;
  - 8. the provisions of this Section shall not be used under any circumstances to permit barber shops or beauty shops that contain more than one chair or serve more than one patron at a time.
- K Accessory Buildings or Uses customarily incidental to the permitted use.
- L Family Day Care Homes, Group Day Care Homes, Day Care Centers; provided, however, a permit for such use shall not be issued until a site plan is submitted to the Board of Zoning Appeals for review, and further subject to the following minimum standards:
  - 1. All dimensional regulations of the district shall apply.

2. A fence play area shall be provided. The size of the play area and the height of the fence shall be in accordance with current state standards.
3. Along the site boundary of the facility, buffering, screening, and landscaping must be provided to adequately protect any abutting residential property.
4. All outdoor play activities shall be conducted within the fenced play area. The fenced play area shall not be located within any required front yard.
5. The facilities' operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.
6. Off-street parking shall be provided at the rate of one (1) space for Family Day Care Homes, two (2) spaces for Group Day Care Homes, and three (3) spaces for Day Care Centers caring for up to fifteen (15) children with an extra space for every five (5) children accommodated above fifteen (15), plus the specific required space(s) for the district in which the facility is located.
7. In order that the Board of Zoning Appeals may make an accurate determination of the character of the proposed use, the applicant shall submit an accurately and legibly drawn site plan showing existing and proposed buildings, fences, landscaping, parking and access facilities.

The Board of Zoning Appeals may attach such conditions to any permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the neighborhood in which the proposed use is located. This power shall include the power to require greater setbacks and yard spaces than required by other provisions of this Ordinance.

3. Uses Prohibited

Any use not specifically permitted or permissible on appeal in this Section is prohibited.

4. Location of Accessory Buildings

- A. No accessory building shall be erected in the required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from all lot lines and at least ten (10) feet from any other building on the same lot.
- B. Accessory buildings or corner lots shall conform with front yard setbacks for both intersecting streets.

5. Procedures

- A. Single-Family Dwellings subject to the provisions contained in Chapter 11 of this Ordinance.
- B. Before a permit is issued for any permissible use listed in 11-601, 1. or use permitted on appeal in 11-601, 2. above that is other than a single family dwelling, a site plan of the proposed development shall be reviewed and approved by the planning Commission pursuant to Section 11-324 of this Ordinance. The Planning Commission shall have the power to impose conditions regarding the location of the buildings on the site, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use with existing nearby uses.
- C. For the type of development identified in b. above to be exempt from the site plan requirements specified therein, such development must comply with the following:
  - 1. Such development cannot increase the need for additional parking nor eliminate any parking that exists that is required by the use; and,
  - 2. Such development must comply with all yard standards and requirements of the use and district as specified.
- D. Requirements for issuance of a permit by the Code Enforcement Officer shall be as provided for in Chapter 11.
- E. Certificate of Occupancy: Where there is any change of use or occupancy of property, the Code Enforcement Officer may issue a certificate of occupancy without review by the Planning Commission where the Code Enforcement Officer determines that all the development requirements of the use or property are currently being met.

6. Regulations Controlling Lot Area, Lot Width, Yards, Building Coverage and Building Height

The principal building shall be located so as to comply with the following requirements:

- A. Minimum Required Lot Area
  - 1. Single family dwellings 6,000 sq. ft.
  - 2. Places of worship 20,000 sq. ft. or 200 sq. ft. of lot area per auditorium seat, whichever is greater.
  - 3. Schools Five (5) acres for the first 200 students plus one (1) acre for each additional

		200 students or fraction of 200 students for which the facility is designed.
	4. All Other Uses	As required by the Board of Zoning Appeals.
B.	Minimum Lot Width	
	1. Single family dwellings	70 feet
	2. Places of worship	150 feet
	3. Schools	300 feet
	4. All Other Uses	As required by the Board of Zoning Appeals
C.	Minimum Required Front Yard	
	All Uses	25 feet
D.	Minimum Required Rear Yard	
	All Uses	20 feet
E.	Minimum Required Side Yard	
	All Uses	10 feet
F.	Maximum Lot Coverage By All Buildings	
	1. Single family dwellings	35%
	2. All Other Uses	30%

G. Maximum permitted height of structures

No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet or fraction thereof of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet however.

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

7. External Illumination

External illumination subject to Section 11-323 of this Ordinance.

## **11-602. Design Standards for Multi-Family Residential Development.**

The R-3 and B-3 districts are provided as a means of situating 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, triplexes 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-3: high density multi-family, no limit*  
*B-3: 4 units*

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-crowding 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.

Group Quarters Development. Within the areas designated R-3 and B-3 Districts on the Zoning Map of Covington, Tennessee, the following regulations shall apply for site plan review of residential housing projects consisting of four (4) or more dwelling units on a single, undivided lot of more than one-half (1/2) acre.

### **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-3: 6,400 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-3: 200 feet, 3 units or less 100 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 all exterior boundaries of the development site. Such perimeter yard shall be provided at a depth of ten (10) feet plus one half (1/2) foot per each dwelling unit with a minimum of thirty (30) feet which 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 ten (10) feet plus one half (1/2) foot per each proposed dwelling unit within the entire development and may be a part 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.

Notwithstanding 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 area with no encroachments permitted including parking areas, drives and recreational fixtures and structures.

### **Access Control**

A minimum of two (2) access points shall be provided.

### **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 standards specified in the Covington Municipal Subdivision Regulations.

### **Parking**

Adequate parking, meeting the standards of the American's Disabilities Act, for the residents and guests of the development shall be provided at a rate of two and one half (2 1/2) spaces per dwelling unit plus one (1) handicapped space per building. Parking

spaces not otherwise required and designated as handicapped spaces shall be designed to provide an area nine (9) feet by twenty (20) feet when abutting adjoining spaces and nine (9) feet by eighteen (18) feet when overhanging a sidewalk. All travel ways between spaces shall be twenty-four (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 American's Disabilities Act, shall be provided throughout the development so as to provide adequate pedestrian circulation between buildings, parking areas and on site amenities. Side walks shall be designed six (6) feet in width when adjoining parking areas and four (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 discharge shall not exceed pre-development discharge. Such detention or retention shall be so designed to address rainfall intensities specified for the ten (10) year return frequency event. Such design shall be reviewed and approved by the City of Covington's contract engineer prior to site plan approval by the Planning Commission.

### **Landscaping and Screening**

Landscaping or fencing may be specified by the Planning Commission upon Site Plan Review. A continuous length, exclusive of access drives, of landscape buffering shall be provided along the outside length of the perimeter site yard area for a depth of twenty-five (25%) percent of the perimeter site yard depth. Such landscaping shall be so selected and spaced to provide an opaque buffer of at least eight (8) feet in height. 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.

## **Building Yard Standards and Standards of Design**

### **Building Height and Density**

The development shall be so designed such that no more than eight (8) dwelling units shall be permitted within any one (1) building. Such building shall be further limited to a height of two (2) stories not more than thirty-five (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 condominiums, townhouses and other zero-lot-line type developments, 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 the Board of Zoning Appeals.

Notwithstanding 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 fixtures 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 (0.01333 X) the ground floor interior building area, that dimension plus one half foot for each foot of calculated site perimeter yard depth:

$$\left( \frac{\# \text{ ground units X100}}{.01333 \text{ X bldg. area}} \right) + \frac{1}{2} \text{ foot X perimeter yard depth} = \text{Building yard depth}$$

### **Distance Between Buildings**

A minimum distance of one hundred forty-eight (148) 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 provided around parking areas and between buildings. 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.

**11-603. H-M (Hospital-Medical) Districts.**

Within the H-M (Hospital-Medical) Districts, as shown on the Zoning Map of Covington, Tennessee, the following regulations shall apply (Note: Uses Permitted and Uses Permitted on Appeal are based on land use codes of the Standard Land Use Coding Manual, January 1965, prepared by the Urban Renewal Administration, Housing and Home Finance Agency, and the Bureau of Public Roads. Instances where the Standard Land Use Coding Manual does not sufficiently classify a land use, the Code Enforcement Officer may consult other similar classification indexes):

1. Uses Permitted

- A. Medical and other health services
- B. Drug and proprietary retail sales
- C. Residence halls or dormitories applied to the permitted uses of this district.
- D. Restaurants, cafeterias, gift shops, magazine stands will be permitted provided they are operated as an accessory use to and located within a permitted use of this district and further provided that any advertising of such sales shall be confined to the interior of the building and shall not be visible from the outside of such buildings.

2. Uses Permitted on Appeal

None

3. Uses Prohibited

Any use not specifically permitted in this Section is prohibited.

4. Procedure

- A. Before a permit is issued for any permitted use listed in 11-603, 1. above, a site plan of the proposed development shall be reviewed and approved by the Planning Commission pursuant to Section 11-324 of this Ordinance. The Planning Commission shall have the power to impose conditions regarding the location of the buildings on the site, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use and existing nearby uses.
- B. Provided, however, the Building Official may issue a permit without the necessity of fulfilling the requirements of paragraph a. above for the following types of developments:
  - 1. Construction of canopies;
  - 2. Construction of signs;
  - 3. Construction of accessory buildings;

4. Minor additions to an existing building. For the purposes of this section, a minor addition to an existing building shall be defined as any expansion of square footage under roof by accumulative amount during a five (5) year period of less than twenty (20%) percent of the square footage under roof of said structure prior to expansion, or any addition of 5,000 square feet or less, regardless of the size of the original structure; and
  5. Installation of underground tanks.
- C. For the type of development in a. above to be exempt from the site plan requirements contained therein, such development must comply with the following:
1. Such development cannot increase the need for additional parking nor eliminate any parking that exists that is required by the use; and,
  2. Must comply with all yard requirements and design standards of the use and district.

Requirements for issuance of a permit by the Code Enforcement Officer shall be provided for in Chapter 11.

- D. Certificate of Occupancy:  
Where there is any change of use of occupancy of property, the Building Official may issue a Certificate of Occupancy without review by the Planning Commission where the Building Official determines that all the development requirements of the use or property are currently being met.

5. External Illumination

External Illumination subject to Section 11-323 of this Ordinance.

**11-604. H-D (Historical) District.**

The Historical District shall be superimposed on existing districts to designate areas, sites, and structures of sufficient historical and cultural significance to warrant public protection. It is the intent and purpose to encourage the preservation of structures, sites and areas that have historical significance. In order to achieve this, significance characteristics shall be presented that:

- A. are associated with events that have made a significant contribution to the patterns of history; or
- B. are associated with the lives of persons significant in the past; or
- C. embody the distinctive characteristics of a type, period, or method of construction, or that represent a significant and distinguished entity; or
- D. have yielded, or may be likely to yield, archaeological information.

1. Uses Permitted

- A. The uses normally permitted in the existing district in which the site, structure or area is located.
- B. Museums associated with the historical significance of the area.

2. Uses Permitted on Appeal

- A. The uses normally permitted in the existing district in which the site, structure, or area is located.
- B. Offices for non-profit organizations; offices for doctors and dentists whose practice is basically by appointment only, real estate offices; law offices; architectural and interior design offices.

3. Uses Prohibited

Any other use or structure not specifically permitted or permissible on appeal.

4. Procedure

- A. No building permit for construction, major alteration or rehabilitation, moving, or demolition to be carried on within the H-D District shall be issued by the Building Inspector until it is submitted to and receives approval in writing by the Historical Zoning Commission.
- B. Administration shall be by the office of the Building Inspector and the Historic Zoning Commission and all items regulated within the H-D District shall be submitted to the Historic Zoning Commission (through the office of the Building Inspector) for its review.
- C. Applications for building permits within the H-D District shall be made to the office of the Building Inspector and all such applications shall be referred directly to the Historic Zoning Commission. The Historic Zoning

Commission shall have broad powers to request detailed construction plans and related data pertinent to thorough review of any application.

- D. Upon receiving an application for a building permit, the Historic Zoning Commission shall, within thirty (30) days following the availability of sufficient data, issue to the office of the Building Inspector a letter stating its approval with or without attached conditions or disapproval with the grounds for disapproval stated in writing.
  - E. The office of the Building Inspector shall additionally review applications for building permits (which have received written approval from the Historic Zoning Commission) in the same manner review is made of building permit applications outside of the H-D District, and final issuance or rejection shall conditionally be based upon the adopted building codes of the City. The fee charged for building permits within the H-D District shall conform to existing fee schedules for building permits in any other zoning district within the City.
5. Appointment of Historic Zoning Commission. The Historic Zoning Commission shall consist of five (5) members and shall be appointed by the Mayor and confirmed by a majority vote of the City Board. The appointments to membership on the Commission shall be so arranged that the term of one (1) member will expire each year, and their successors shall be appointed in like manner for terms of five (5) years. All members shall serve without compensation. The Historic Zoning Commission shall consist of a representative of a local patriotic or historical organization; an architect; if available, a member of the local Planning Commission, at the time of his appointment; and the remainder shall come from the community in general.
6. Approval By Historic Zoning Commission. After a structure or site or area has been designated as having historical and cultural significance as evidence by rezoning, all applications for building and/or occupancy permits for construction, alteration, repair, moving or demolition, or changes in use of building or land to be carried on within the historic districts shall be referred by the Building Inspector to the Historic Zoning Commission who shall have the following powers:
- A. To request detailed construction plans and related data pertinent to thorough review of any proposal before the Commission.
  - B. The Historic Zoning Commission shall, within thirty (30) days following availability of sufficient data, direct the granting of a building permit with or without conditions or direct the refusal of a building permit providing the grounds for refusal are stated in writing.
  - C. Upon review of the application for a building permit, the Historic Zoning Commission shall give prime consideration to:
    - 1. the historic architectural value of present structures;
    - 2. the relationship of exterior architectural features of such structures to the rest of the structures of the surrounding area;

3. the general compatibility of exterior design, arrangement, texture and materials proposed to be used;
4. any other factor, including aesthetic, which is deemed pertinent.

7. External Illumination

External illumination subject to Section 11-323 of this Ordinance.

## CHAPTER 7

### PROVISIONS GOVERNING BUSINESS DISTRICTS

#### **11-701. B-1 (Neighborhood Business) Districts.**

Within the B-1 (Neighborhood Business) Districts, as shown on the Zoning Map of Covington, Tennessee, the following regulations shall apply (Note: Uses Permitted and Uses Permitted on Appeal are based on land use codes of the Standard Land Use Coding Manual, January 1965, prepared by the Urban Renewal Administration, Housing and Home Finance Agency, and the Bureau of Public Roads. Instances where the Standard Land Use Coding Manual does not sufficiently classify a land use, the Code Enforcement Officer may consult other similar classification indexes):

##### 1. Uses Permitted

##### A. Retail Trade, limited to:

1. Food
2. Gasoline service stations
3. Hardware stores
4. Eating places
5. Other retail trade, NEC, excluding farm and garden supplies, fuel and ice.

##### B. Services

1. Finance, insurance and real estate services
2. Personal services excluding funeral and crematory services
3. Cemeteries
4. Repair services limited to Other Repair Services, NEC
5. Professional services excluding sanitariums, convalescent, and rest home services, medical and dental laboratory services.
6. Governmental services excluding correctional institutions, military bases and reservations.
7. Educational services limited to nursery, primary education
8. Taxicab Transportation
9. Miscellaneous Services

##### C. Cultural Activities

##### D. Religious Activities

- E. Parks
- F. Single-Family Dwellings
- G. Signs as permitted in Section 11-317
- H. Any accessory use or building customarily incidental to the permitted uses

2. Uses Permitted on Appeal

- A. Family Day Care Homes, Group Day Care Homes, Day Care Centers; provided, however, a permit for such use shall not be issued until a site plan is submitted to the Board of Zoning Appeals for review, and further subject to the following minimum standards:
  - 1. All dimensional regulations of the district shall apply.
  - 2. A fence play area shall be provided. The size of the play area and the height of the fence shall be in accordance with current state standards.
  - 3. Along the site boundary of the facility, buffering, screening, and landscaping must be provided to adequately protect any abutting residential property.
  - 4. All outdoor play activities shall be conducted within the fenced play area. The fenced play area shall not be located within any required front yard.
  - 5. The facilities' operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.
  - 6. Off-street parking shall be provided at the rate of one (1) space for Family Day Care Homes, two (2) spaces for Group Day Care Homes, and three (3) spaces for Day Care Centers caring for up to fifteen (15) children with an extra space for every five (5) children accommodated above fifteen (15), plus the specific required space(s) for the district in which the facility is located.
  - 7. In order that the Board of Zoning Appeals may make an accurate determination of the character of the proposed use, the applicant shall submit an accurately and legibly drawn site plan showing existing and proposed buildings, fences, landscaping, parking and access facilities.

3. Uses Prohibited

Any use not specifically permitted in this Section is prohibited.

4. Regulations Controlling Lot Area, Lot Width, Yards, Building Coverage and Height

The principal building shall be located so as to comply with the following requirements:

A. Minimum Required Lot Area.

- |    |                |  |
|----|----------------|--|
| 1. | Churches       | 15,000 sq. ft. or 200 sq. ft. of lot area per auditorium seat whichever is greater |
| 2. | All Other Uses | 12,000 sq. ft.   |

B. Minimum Required Lot Width at the Building Line.

- |    |                           |          |
|----|---------------------------|----------|
| 1. | Gasoline service stations | 120 feet |
| 2. | Churches                  | 100 feet |
| 3. | All Other Uses            | 100 feet |

C. Minimum Required Front Yard

- |    |                           |         |
|----|---------------------------|---------|
| 1. | Gasoline service stations | 25 feet |
| 2. | Churches                  | 30 feet |
| 3. | All Other Uses            | 25 feet |

D. Minimum Required Rear Yard

- |    |          |         |
|----|----------|---------|
| 1. | All Uses | 20 feet |
|----|----------|---------|

E. Minimum Required Side Yard on Each Side of Lot

- |    |   |  |
|----|---|--|
| 1. | Churches  | 15 feet  |
| 2. | All Other Uses  | None required, however, if buildings do not have common or adjoining walls there shall be a side yard of at least five (5) feet. |
| 3. | On lots adjacent to a residential district, all buildings shall be located so as to comply with the side requirements of the adjacent residential district. |  |

- F. Installations essential to the business operation may be required to set back a greater distance from the street or alley so that any service rendered by the business will not obstruct any public way.
- G. Maximum permitted height of structures
  - 1. No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet however.
  - 2. On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.
  - 3. No accessory building shall exceed two (2) stories in height.

5. Procedures

- A. Before a permit is issued for any permitted use listed in 11-701, 1., or use permitted on appeal in 11-701, 2., above, a site plan of the proposed development shall be reviewed and approved by the Planning Commission pursuant to Section 11-324 of this Ordinance. The Planning Commission shall have the power to impose conditions regarding the location of the buildings on the site, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use to existing nearby uses.
- B. Provided, however, the Building Official may issue a permit without the necessity of fulfilling the requirements of paragraph a. above for the following types of developments:
  - 1. Construction of canopies;
  - 2. Construction of signs;
  - 3. Construction of accessory buildings;
  - 4. Minor additions to an existing building. For the purposes of this Section, a minor addition to an existing building shall be defined as any expansion of square footage under roof by accumulative amount during a five (5) year period of less than twenty percent (20%) of the square footage under roof of said structure prior to expansion, or any addition of 5,000 square feet or less, regardless of the size of the original structure; and
  - 5. Installation of underground tanks.

C. For the type of development identified above to be exempt from the site plan requirements of Section 11-324, such development must meet the following criteria:

1. Such development cannot increase the need for additional parking nor eliminate any parking that exists that is required by the use; and,
2. Such development must comply with all applicable yard requirements of the district.
3. Requirements for issuance of a permit by the Code Enforcement Officer shall be provided for in Chapter 11.
4. Certificate of Occupancy: Where there is any change of use or occupancy of property, the Building Official may issue a Certificate of Occupancy without review by the Planning Commission where the Building Official determines that all the development requirements of the use or property are currently being met.

6. External Illumination

External illumination subject to Section 11-323 of this Ordinance.

**11-702. B-2 (Highway-Oriented Business) Districts.**

Within the B-2 (Highway-Oriented Business) Districts, as shown on the Zoning Map of Covington, Tennessee, the following regulations shall apply (Note: Uses Permitted and Uses Permitted on Appeal are based on land use codes of the Standard Land Use Coding Manual, January 1965, prepared by the Urban Renewal Administration, Housing and Home Finance Agency, and the Bureau of Public Roads. Instances where the Standard Land Use Coding Manual does not sufficiently classify a land use, the Code Enforcement Officer may consult other similar classification indexes.):

1. Uses Permitted

A. Wholesale Trade

1. Motor vehicles and automotive equipment
2. Drugs, chemicals, and allied products
3. Dry goods and apparel
4. Groceries and related products
5. Farm products (raw materials)
6. Electrical goods
7. Hardware, plumbing, heating equipment and supplies
8. Machinery, equipment, and supplies
9. Other wholesale trade excluding petroleum bulk stations and terminals, scrap and waste materials

B. Retail Trade

1. Building materials, hardware, and farm equipment
2. General merchandise
3. Food
4. Automotive, marine craft, aircraft and accessories
5. Apparel and Accessories
6. Furniture, home furnishing, and equipment
7. Eating and drinking

8. Other retail trade, NEC

C. Services

1. Finance, insurance and real estate services

2. Personal services

3. Business services excluding warehousing and storage services except for household goods warehousing and storage as defined in Section 11-201 of this Ordinance.

4. Repair services

5. Professional services

6. Contract and construction services

7. Governmental services

8. Educational services

9. Miscellaneous services

D. Cultural Activities

E. Public Assembly

F. Amusements

G. Recreational Activities

H. Parks

I. Veterinarian and animal hospital services

J. Transient Lodging

K. Signs as permitted in Section 11-317

L. Communication Towers

M. Any accessory use or building customarily incidental to the permitted uses

2. Uses Permitted on Appeal

A. Manufacturing Uses

Following review and approval of the site plan by the Planning Commission, the Board of Zoning Appeals may approve the following uses after a public hearing is held:

1. Apparel and other finished products made from fabrics and similar materials - manufacturing (except leather tanning and finishing).
2. Office, computing, and accounting machines - manufacturing.
3. Service industry machines - manufacturing.
4. Other machinery manufacturing (except electrical), NEC.\*
5. Household appliances - manufacturing.
6. Electric lighting and wiring equipment - manufacturing.
7. Radio and television receiving sets (except communication types) - manufacturing.
8. Communication equipment - manufacturing.
9. Electronic components and accessories - manufacturing.
10. Other electrical machinery, equipment, and supplies manufacturing, NEC\*.
11. Coating, engraving, and allied services.
12. Professional scientific and controlling instruments; photographic and optical goods; watches and clocks - manufacturing.
13. Miscellaneous manufacturing, NEC\* (except tobacco - manufacturing).
14. Brooms and brushes - manufacturing.
15. Lamp shades - manufacturing.
16. Signs and advertising displays - manufacturing.
17. Umbrellas, parasols, and canes - manufacturing.
18. Other miscellaneous manufacturing, NEC\*.

(\*NEC = Not Elsewhere Coded)

- B. Family Day Care Homes, Group Day Care Homes, Day Care Centers; provided, however, a permit for such use shall not be issued until a site

plan is submitted to the Board of Zoning Appeals for review, and further subject to the following minimum standards:

- 1. All dimensional regulations of the district shall apply.
- 2. A fence play area shall be provided. The size of the play area and the height of the fence shall be in accordance with current state standards.
- 3. Along the site boundary of the facility, buffering, screening, and landscaping must be provided to adequately protect any abutting residential property.
- 4. All outdoor play activities shall be conducted within the fenced play area. The fenced play area shall not be located within any required front yard.
- 5. The facilities' operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.
- 6. Off-street parking shall be provided at the rate of one (1) space for Family Day Care Homes, two (2) spaces for Group Day Care Homes, and three (3) spaces for Day Care Centers caring for up to fifteen (15) children with an extra space for every five (5) children accommodated above fifteen (15), plus the specific required space(s) for the district in which the facility is located.
- 7. In order that the Board of Zoning Appeals may make an accurate determination of the character of the proposed use, the applicant shall submit an accurately and legibly drawn site plan showing existing and proposed buildings, fences, landscaping, parking and access facilities.

3. Uses Prohibited

Any use not specifically permitted in this Section is prohibited.

4. Regulations Controlling Lot Area, Lot Width, Yards, Building Coverage and Height

The principal building shall be located so as to comply with the following requirements:

A. Minimum Required Lot Area.

- 1. Churches 15,000 sq. ft. or 200 sq. ft. of lot area per auditorium seat whichever is greater
- 2. All Other Uses 10,000 sq. ft.

B. Minimum Required Lot Width at the Building Line.

- |    |                           |          |
|----|---------------------------|----------|
| 1. | Gasoline service stations | 120 feet |
| 2. | Churches                  | 100 feet |
| 3. | All Other Uses            | 80 feet  |

C. Minimum Required Front Yard

- |    |                           |         |
|----|---------------------------|---------|
| 1. | Gasoline service stations | 25 feet |
| 2. | Churches                  | 30 feet |
| 3. | All Other Uses            | 25 feet |

D. Minimum Required Rear Yard

- |    |          |         |
|----|----------|---------|
| 1. | All Uses | 20 feet |
|----|----------|---------|

E. Minimum Required Side Yard on Each Side of Lot

- |    |   |  |
|----|---|--|
| 1. | Churches  | 15 feet  |
| 2. | All Other Uses  | None required, however, if buildings do not have common or adjoining walls there shall be a side yard of at least five (5) feet. |
| 3. | On lots adjacent to a residential district, all buildings shall be located so as to comply with the side requirements of the adjacent residential district. |  |

F. Installations essential to the business operation may be required to set back a greater distance from the street or alley so that any service rendered by the business will not obstruct any public way.

G. Maximum Permitted Height of Structures

1. No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet however.
2. On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.
3. No accessory building shall exceed two (2) stories in height.

- H. Household Goods Warehousing and Storage facilities shall provide a minimum spacing between buildings of twenty-five (25) feet, with a minimum spacing between buildings and any property line of twenty-five (25) feet. Fencing shall be erected around the perimeter of the site and shall be composed of chain-link, a minimum of eight (8) feet in height.

5. Procedures

- A. Before a permit is issued for any permitted use listed in 11-702., 1., or use permitted on appeal in 11-702., 2. above, a site plan of the proposed development shall be reviewed and approved by the Planning Commission pursuant to Section 11-324 of this Ordinance. The Planning Commission shall have the power to impose conditions regarding the location of the buildings on the site, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use to existing nearby uses.
- B. Provided, however, the Building Official may issue a permit without the necessity of fulfilling the requirements of paragraph a. above for the following types of developments:
  - 1. Construction of canopies;
  - 2. Construction of signs;
  - 3. Construction of accessory buildings;
  - 4. Minor additions to an existing building. For the purposes of this section, a minor addition to an existing building shall be defined as any expansion of square footage under roof by accumulative amount during a five-year period of less than twenty (20%) percent of the square footage under roof of said structure prior to expansion, or any addition of 5,000 square feet or less, regardless of the size of the original structure; and
  - 5. Installation of underground tanks.
- C. For the type of development identified above to be exempt from the site plan requirements of Section 11-324, such development must meet the following criteria:
  - 1. Such development cannot increase the need for additional parking nor eliminate any parking that exists that is required by the use; and,
  - 2. Such development must comply with all applicable yard requirements of the district.
  - 3. Requirements for issuance of a permit by the Building Official shall be provided for in Chapter 11.

4. Certificate of Occupancy: Where there is any change of use or occupancy of property, the Building Official may issue a Certificate of Occupancy without review by the Planning Commission where the Building Official determines that all the development requirements of the use or property are currently being met.

6. External Illumination

External illumination subject to Section 11-323 of this Ordinance.

**11-703. B-3 (Central Business) Districts.**

Within the B-3 (Central Business) Districts, as shown on the Zoning Map of Covington, Tennessee, the following regulations shall apply (Note: Uses Permitted and Uses Permitted on Appeal are based on land use codes of the Standard Land Use Coding Manual, January 1965, prepared by the Urban Renewal Administration, Housing and Home Finance Agency, and the Bureau of Public Roads. Instances where the Standard Land Use Coding Manual does not sufficiently classify a land use, the Code Enforcement Officer may consult other similar classification indexes.):

1. Uses Permitted

A. Multi-Family Dwellings limited to four (4) or less units subject to provisions and regulated by design standards contained in Section 11-602 and Site Plan review requirements contained in Section 11-324 of this Ordinance and provided the following conditions are met:

1. If the provision of on-site parking is not possible or practical, such uses may utilize public parking facilities provided compliance with all traffic laws and regulations and access control provisions are met.
2. Any dwelling unit to be developed shall not be less than 750 square feet in area.
3. The character of the building as a business structure shall not be changed by the addition of a residential use.
4. Detailed architectural plans prepared by a licensed architect certified by the State of Tennessee shall be presented to the Planning Commission to ensure compliance with all pertinent state and local codes and that the provisions of this Ordinance are met. Recommendations shall be provided by the Staff Planner, Building Official, Fire Chief, or an authorized representative prior to review and site plan approval by the Planning Commission.

B. Retail Trade

1. Building materials, hardware, and farm equipment
2. General merchandise
3. Food
4. Tires, batteries, and accessories
5. Gasoline Service Stations
6. Apparel and accessories
7. Furniture, home furnishings and equipment

- 8. Eating and drinking places
- 9. Other retail trade excluding hay, grains, and feeds
- C. Services
  - 1. Finance, insurance and real estate services
  - 2. Personal services excluding funeral and crematory services; cemeteries
  - 3. Business services excluding warehousing and storage services
  - 4. Repair services excluding automobile wash and repair services
  - 5. Professional services excluding sanitariums, convalescent, and rest home services
  - 6. Governmental services excluding military bases and reservations
  - 7. Educational services
  - 8. Miscellaneous services
- D. Cultural Activities
- E. Public Assembly excluding sports assembly
- F. Amusements
- G. Recreational Activities excluding golf courses, riding stables
- H. Parks
- I. Transient Lodging
- J. Signs as permitted in Section 11-317
- K. Any accessory use or building customarily incidental to the permitted uses
- 2. Uses Permitted on Appeal
  - A. Communication Towers
- 3. Uses Prohibited

Any use not specifically permitted in this Section is prohibited including installation of above or underground storage vessels accommodating the storage of flammable or combustible fluids.

#### 4. Procedures

- A. Before a permit is issued for any permitted use listed in 11-703., 1., or use permitted on appeal in 11-703., 2. above, a site plan of the proposed development shall be reviewed and approved by the Planning Commission pursuant to Section 11-324 of this Ordinance. The Planning Commission shall have the power to impose conditions regarding the location of the buildings on the site, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use to existing nearby uses.
- B. Provided, however, the Building Official may issue a permit without the necessity of fulfilling the requirements of paragraphs a. and b. above for the following types of developments:
1. Construction of canopies;
  2. Construction of signs;
  3. Construction of accessory buildings;
  4. Minor additions to an existing building. For the purposes of this section, a minor addition to an existing building shall be defined as any expansion of square footage under roof by accumulative amount during a five (5) year period of less than twenty (20%) percent of the square footage under roof of said structure prior to expansion, or any addition of 5,000 square feet or less, regardless of the size of the original structure; and
  5. Installation of underground tanks.
  6. For the type of development identified in above to be exempt from the site plan requirements of Section 11-324, such development must meet the following criteria:
    - a. Such development cannot eliminate any parking that exists that is required by the use; and,
    - b. Such development must comply with all applicable yard requirements of the district.
    - c. Requirements for issuance of a permit by the Code Enforcement Officer shall be provided for in Chapter 11.
    - d. Certificate of Occupancy: Where there is any change of use or occupancy of property, the Building Official may issue a Certificate of Occupancy without review by the Planning Commission where the Building Official determines that all the development requirements of the use or property are currently being met.

5. Regulations Controlling Lot Area, Lot Width, Yards, Building Coverage and Height

The principal building shall be located so as to comply with the following requirements:

- A. Residential uses As specified in Section 11-602 with modifications recommended by the Planning Commission and certified by the Board of Zoning Appeals.
- B. All Other Uses No minimum requirement
- C. Maximum Permitted Height of Structures

No commercial or office building shall exceed eighty (80) feet in height, except that free standing poles, spires, towers, antennae, and similar structures not designed or suitable for human occupancy, may exceed the height provisions of this section provided they comply with the provisions of all other codes and ordinances. Residential structures shall be limited to two (2) stories not more than thirty-five (35) feet in height.

6. Operating Standards

All permitted uses shall be carried on in such a manner as to produce no offensive noise, dirt, odor, glare or heat outside the property lines of the lot occupied by such use.

7. External Illumination

External illumination subject to Section 11-323 of this Ordinance.

**11-704. B-P (Business/Professional) District.**

Within the B-P (Business-Professional) Districts as shown on the Zoning Map of Covington, Tennessee, the following regulations shall apply. (Note: Uses Permitted are based on land use codes of the Standard Land Use Coding Manual, January 1965, prepared by the Urban Renewal Administration, Housing and Home Finance Agency, and the Bureau of Public Roads. Instances where the Standard Land Use Coding Manual does not sufficiently classify a land use, the Code Enforcement Officer may consult other similar classification indexes.):

Purpose and Intent

These districts are designed to provide adequate space in appropriate locations suitable for accommodating medical, dental and similar services, as well as professional and business offices. In addition, limited commercial trade and service uses are permitted if necessary to serve the frequent and recurring needs of persons working in this district. Bulk limitations are designed to provide maximum compatibility with less intensive land use in adjacent residential districts and with more intensive land use in adjacent business districts.

1. Uses Permitted

A. Finance, Insurance, Real Estate Services

(Includes: Banking, bank-related functions  
Credit Services,  
Security and commodity brokers, dealers  
Insurance carriers, agents, brokers, services  
Real Estate and related services  
Holding, investment services)

B. Business Services

(Limited to: Advertising services  
Consumer credit services  
Duplicating, mailing, steno services  
News syndicate services  
Employment services  
Other business services except auto  
and truck rental services)

C. Professional Services

(Includes: Medical and other health services  
Legal services  
Engineering, architectural, research,  
accounting and planning services)

D. Government Services

(Includes: Executive, legislative, judicial functions  
Protective functions  
Postal services)

Not included: Prisons and military bases)

E. Educational Services

(Includes: Nursery, primary, secondary, university, college, and special training schools  
Not included: Driving schools)

F. Miscellaneous Services

(Includes: Religious activities, Welfare, and Charitable Services)

G. Restaurants, cafeterias, gift shops, magazines stands will be permitted provided they are operated as an accessory use to and located within a permitted use of this district and further provided that any advertising of such sales shall be confined to the interior of the building and shall not be visible from the outside of such buildings.

2. Uses Permitted on Appeal

A. Family Day Care Homes, Group Day Care Homes, Day Care Centers; provided, however, a permit for such use shall not be issued until a site plan is submitted to the Board of Zoning Appeals for review, and further subject to the following minimum standards:

1. All dimensional regulations of the district shall apply.
2. A fence play area shall be provided. The size of the play area and the height of the fence shall be in accordance with current state standards.
3. Along the site boundary of the facility, buffering, screening, and landscaping must be provided to adequately protect any abutting residential property.
4. All outdoor play activities shall be conducted within the fenced play area. The fenced play area shall not be located within any required front yard.
5. The facilities' operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.
6. Off-street parking shall be provided at the rate of one (1) space for Family Day Care Homes, two (2) spaces for Group Day Care Homes, and three (3) spaces for Day Care Centers caring for up to fifteen (15) children with an extra space for every five (5) children accommodated above fifteen (15), plus the specific required space(s) for the district in which the facility is located.

7. In order that the Board of Zoning Appeals may make an accurate determination of the character of the proposed use, the applicant shall submit an accurately and legibly drawn site plan showing existing and proposed buildings, fences, landscaping, parking and access facilities.

3. Uses Prohibited

Any use not specifically permitted in this section is prohibited.

4. Procedure

- A. Before a permit is issued for any permitted use listed in 11-704., 1. or 11-704, 2. above, a site plan of the proposed development shall be reviewed and approved by the Planning Commission pursuant to Section 11-324 of this Ordinance. The Planning Commission shall have the power to impose conditions regarding the location of the building on the site, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use and existing nearby uses.
- B. Provided, however, the Building Official may issue a permit without the necessity of fulfilling the site plan review requirements of paragraphs a. above for the following types of developments:
  1. construction of canopies;
  2. construction of signs;
  3. construction of accessory buildings;
  4. minor additions to an existing building. For the purposes of this section, a minor addition to an existing building shall be defined as any expansion of square footage under roof by accumulative amount during a five-year period of less than twenty (20%) percent of the square footage under roof of said structure prior to expansion; and
  5. installation of underground tanks.
- C. For the type of development in b. above to be exempt from the requirements of paragraphs a., the property developed in paragraph b. above:
  1. cannot increase the need for additional parking nor eliminate any parking that exists that is required by the use; and,
  2. must comply with all applicable yard requirements.
- D. Requirements for issuance of a permit by the Building Official shall be provided for in Chapter 11.

- E. Certificate of Occupancy: Where there is any change of use or occupancy of property, the Building Official may issue a Certificate of Occupancy without review by the Planning Commission where the Building Official determines that all the development requirements of the use or property are currently being met.

5. Regulations Controlling Lot Area, Lot Width, Yards, Building Coverage and Building Height

The principal building shall be located so as to comply with the following requirements:

A. Minimum Required Lot Area

- 1. Hospitals 5 acres
- 2. All Other Uses 20,000 sq. ft.

B. Minimum Required Lot Width at Building Line

- 1. All Uses 80 feet

C. Minimum Required Front Yard

- 1. All Uses 40 feet

D. Minimum Required Rear Yard

- 1. All Uses 30 feet

E. Minimum Required Side Yard on Each Side of Lot

- 1. All Uses None required, however, if buildings do not have common or adjoining walls there shall be a side yard of at least five (5) feet.
- 2. On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirements of the adjacent residential district on the side adjoining the residential district.

F. Maximum Permitted Height of Structures

- 1. No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet; not to exceed sixty-five (65) feet however.

2. On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.
3. No accessory building shall exceed two (2) stories in height.

6. External Illumination

External illumination subject to Section 11-323 of this Ordinance.

## CHAPTER 8

### PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

#### **11-801. M-1 (Industrial Park) Districts.**

Within the M-1 (Industrial Park) Districts, as shown on the Zoning Map of Covington, Tennessee, the following regulations shall apply (Note: Uses Permitted and Uses Permitted on Appeal are based on land use codes of Standard Land Use Coding Manual, January 1965, prepared by the Urban Renewal Administration, Housing and Home Finance Agency, and the Bureau of Public Roads. Instances where the Standard Land Use Coding Manual does not sufficiently classify a land use, the Code Enforcement Officer may consult other similar classification indexes.):

##### 1. Uses Permitted

- A. Manufacturing
- B. Motor Freight Transportation
- C. Utilities (except solid waste disposal)
- D. Warehousing and storage services (except stockyards)
- E. Research, development, and testing services
- F. Wholesale Trade (except automobile graveyards or automobile junkyards and scrap and waste material sales)
- G. Laundering, dry cleaning, dyeing services
- H. Dwellings and Other Building Services
- I. Contract construction services
- J. Governmental Services
- K. Communication Towers
- L. Accessory uses customarily incidental to any permitted uses.

##### 2. Uses Permitted on Appeal

Following public notice and hearing and subject to appropriate conditions and safe-guards, the Board of Zoning Appeals may permit:

- a. Gasoline, oil or other flammable materials storage above ground in excess of five hundred (500) gallons; ice plant; animal hospitals; any other use which, in the opinion of the Board of Zoning Appeals, is similar in character to above permitted uses and will not be detrimental to the district in which it is located, subject to such conditions and safeguards as may be required by the Board of Zoning Appeals.

- b. Adult Oriented Businesses as defined in Chapter 2 of this Ordinance and as further defined in The Covington Municipal Code, may be permitted provided that no Zoning Compliance Permit or Certificate of Occupancy for such uses shall be issued without written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and further provided that the Board of Zoning Appeals may not approve such use unless conditions specified in the Sexually Oriented Business Regulations contained in the Covington Municipal Code are complied with.

3. Uses Prohibited

Any use not specifically permitted in this Section is prohibited.

4. Procedure

- a. Before a permit is issued for any permitted use a site plan of the proposed development shall be reviewed and approved by the Planning Commission. The Planning Commission shall have the power to impose conditions regarding the location of the buildings on the site, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use of existing nearby uses.
- b. In order that the Planning Commission may make an accurate determination of the character of the proposed use and its compliance with ordinance standards, the applicant shall submit an accurately and legibly drawn site plan, fourteen (14) days prior to the regular meeting, at a scale of not less than one-hundred (100) feet to one (1) inch, illustrating the proposed development including but not limited to, the following:
  - 1. a survey, certified by a registered land surveyor or engineer showing property lines and dimensions; the gross land area of the site; existing and proposed utilities; easements, streets, and roadways, rail rights-of-way; and public rights-of-way crossing and adjacent to the subject property;
  - 2. location, size and arrangement of the proposed building and existing buildings which will remain including height in stories and feet, gross floor area in square feet for individual buildings and total for all buildings; and the front (street) elevation of all buildings;
  - 3. the proposed use of buildings;
  - 4. location; dimensions, and number of all vehicular and pedestrian circulation elements, including driveways, entrances, driving aisles, sidewalks, and parking spaces;

5. any proposed regrading of the site and any significant natural, topographical or physical features of the site including, at least, water courses and trees;
  6. existing and proposed surface and subsurface drainage facilities;
  7. location, size and arrangement of all outdoor signs and lighting,
  8. landscaping and the location and height of fences or screen plantings and the type or kind of building materials or planting to be used for fencing or screening.
- c. Provided, however, the Building Official may issue a permit without the necessity of fulfilling the requirements of paragraphs a. and b. above for the following types of developments:
1. construction of canopies;
  2. construction of signs;
  3. construction of accessory buildings;
  4. minor additions to an existing building. For the purposes of this section, a minor addition to an existing building shall be defined as any expansion of square footage under roof by accumulative amount during a five-year period of less than twenty percent (20%) of the square footage under roof of said structure prior to expansion; and
  5. installation of underground tanks.
- d. For the type of development in c. above to be exempt from the requirements of paragraphs a. and b., the property developed in paragraph c. above:
1. cannot increase the need for additional parking nor eliminate any parking that exists that is required by the use; and,
  2. complies with all yard requirements.
- e. Requirements for issuance of a permit by the Code Enforcement Officer shall be provided for in Chapter 11.
- f. Certificate of Occupancy: Where there is any change of use or occupancy of property, the Building Official may issue a Certificate of Occupancy without review by the Planning Commission where the Building Official determines that all the development requirements of the use or property are currently being met.

5. Regulations Controlling Lot Area, Yards and Building Height

The principal building shall be located so as to comply with the following requirements:

- a. Minimum Required Lot Area
  - 1. All Uses 2 acres
- b. Minimum Required Front Yard
  - 1. All Uses 50 feet
- c. Minimum Required Rear Yard
  - 1. All Uses 50 feet
- d. Minimum Required Side Yard
  - 1. All Uses 50 feet
- e. Notwithstanding the above provision, no yard will be required for that part of a lot which fronts on a railroad siding.
- f. Maximum Permitted Height of Structures
  - 1. No building shall exceed four (4) stories or forty (40) feet in height.
  - 2. Free standing poles, spires, towers, antennae, and similar structures may exceed the height provisions provided they comply with the provisions of all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.
- g. Household Goods Warehousing and Storage facilities shall provide a minimum spacing between buildings of twenty-five (25) feet, with a minimum spacing between buildings and any property line of twenty-five (25) feet. Fencing shall be erected around the perimeter of the site and shall be composed of chain-link, a minimum of eight (8) feet in height.

6. External Illumination

External illumination subject to Section 11-323 of this Ordinance.

## **11-802. M-2 (Industrial) Districts.**

Within the M-2 (Industrial) Districts, as shown on the Zoning Map of Covington, Tennessee, the following regulations shall apply (Note: Uses Permitted and Uses Permitted on Appeal are based on land use codes of the Standard Land Use Coding Manual, January 1965, prepared by the Urban Renewal Administration, Housing and Home Finance Agency, and the Bureau of Public Roads. Instances where the Standard Land Use Coding Manual does not sufficiently classify a land use, the Code Enforcement Officer may consult other similar classification indexes.):

### 1. Uses Permitted

- A. Manufacturing
- B. Motor Freight Transportation
- C. Wholesale Trade (except automobile graveyards or automobile junkyards)
- D. Laundering, dry cleaning, dyeing services
- E. Dwelling and other Building Services
- F. Contract Construction Services
- G. Research, development, and testing services
- H. Stockyards
- I. Communication
- J. Utilities (except solid waste disposal)
- K. Other transportation, communication, and utilities
- L. Warehousing and storage services (limited to household goods warehousing and storage, general warehousing and storage)
- M. Veterinarian, animal hospital services
- N. Governmental Services
- O. Communication Towers
- P. Accessory Uses customarily incidental to any permitted use.

### 2. Uses Permitted on Appeal

None

### 3. Uses Prohibited

Any use not specifically permitted in this Section is prohibited.

4. Procedure

- A. Before a permit is issued for any permitted use listed above, a site plan of the proposed development shall be reviewed and approved by the Planning Commission. The Planning Commission shall have the power to impose conditions regarding the location of the buildings on the site, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use to existing nearby uses.
- B. In order that the Planning Commission may make an accurate determination of the character of the proposed use and its compliance with ordinance standards, the applicant shall submit an accurately and legible drawn site plan, fourteen (14) days prior to the regular meeting, at a scale of not less than one-hundred (100) feet to one (1) inch, illustrating the proposed development including but not limited to, the following:
1. A survey, certified by a registered land surveyor or engineer showing property lines and dimensions; the gross land area of the site; existing and proposed utilities; easements, streets, and roadways; rail rights-of-way and public rights-of-way crossing and adjacent to the subject property;
  2. location, size, and arrangement of proposed buildings and existing buildings which will remain including height in stories and feet, gross floor area in square feet for individual buildings and total for all buildings, and the front (street) elevation of all buildings;
  3. the proposed use of buildings;
  4. location; dimensions, and number of all vehicular and pedestrian circulation elements, including driveways, entrances, driving aisles, sidewalks, and parking spaces;
  5. any proposed regrading of the site and any significant natural, topographical or physical features of the site including, at least, water courses and trees;
  6. existing and proposed surface and subsurface drainage facilities;
  7. location, size and arrangement of all outdoor signs and lighting;
  8. landscaping and the location and height of fences or screen plantings and the type or kind of building materials or planting to be used for fencing or screening;
- C. Provided, however, the Building Official may issue a permit without the necessity of fulfilling the requirements of paragraphs a. and b. above for the following types of developments:
1. construction of canopies;
  2. construction of signs;

3. construction of accessory buildings;
  4. minor additions to an existing building. For the purposes of this section, a minor addition to an existing building shall be defined as any expansion of square footage under roof by accumulative amount during a five-year period of less than twenty percent (20%) of the square footage under roof of said structure prior to expansion; and
  5. installation of underground tanks.
- D. For the type of development in c. above to be exempt from the requirements of paragraphs a. and b., the property developed in paragraph c. above:
1. cannot increase the need for additional parking nor eliminate any parking that exists that is required by the use; and,
  2. complies with all yard requirements.
- E. Requirements for issuance of a permit by the Code Enforcement Officer shall be provided for in Chapter 11.
- F. Certificate of Occupancy: Where there is any change of use or occupancy of property, the Building Official may issue a Certificate of Occupancy without review by the Planning Commission where the Building Official determines that all the development requirements of the use or property are currently being met.

5. Regulations Controlling Lot Area, Yards, and Building Height

The principal building shall be located so as to comply with the following requirements:

- A. Minimum Required Lot Area
1. Uses Permitted 20,000 sq. ft.
  2. Uses Permitted on Appeal 30,000 sq. ft.
- B. Minimum Required Front Yard
1. Uses Permitted 35 feet
  2. Uses Permitted on Appeal 50 feet
- C. Minimum Required Rear Yard
1. Uses Permitted 25 feet
  2. Uses Permitted on Appeal 35 feet

- D. Minimum Required Side Yard
  - 1. Uses Permitted 25 feet
  - 2. Uses Permitted on Appeal 35 feet
- E. Notwithstanding the above provision, no yard will be required for that part of a lot which abuts on a railroad siding.
- F. Maximum Permitted Height of Structures.
  - 1. No building shall exceed four (4) stories or forty (40) feet in height.
  - 2. Freestanding poles, spires, towers, antennae, and similar structures may exceed the height provisions provided they comply with the provisions of all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.
- G. Household Goods Warehousing and Storage facilities shall provide a minimum spacing between buildings of twenty-five (25) feet, with a minimum spacing between buildings and any property line of twenty-five (25) feet. Fencing shall be erected around the perimeter of the site and shall be composed of chain-link, a minimum of eight (8) feet in height.

6. External Illumination

External illumination subject to Section 11-323 of this Ordinance.

**11-803. M-3 (Artisan Industrial) District.**

Within the M-3 Artisan Industrial Districts, as shown on the Zoning map of Covington, Tennessee, the following regulations shall apply (Note: Uses Permitted and Uses Permitted on appeal are based on the land use codes of Standard Land Use Coding Manual, January, 1965, prepared by the Urban Renewal Administration, Housing and Home Finance Agency, and the Bureau of Public Roads. Instances where the Standard Land Use Coding Manual does not sufficiently classify a land use, the Code Enforcement Officer may consult other similar classification indexes.):

1. Uses Permitted

- A. Manufacturing (Except Paper and allied Products-manufacturing and Petroleum refining and related industries-manufacturing)
- B. Retail Trade. (Except Retail Trade-eating and drinking and Retail Trade-food)
- C. Personal Services
- D. Cultural Activities
- E. Religious Activities
- F. Governmental Services
- G. Wholesale Trade (except automobile graveyards or automobile junkyards and scrap and waste material sales)
- H. Contract Construction Services
- I. Warehousing and Storage Services. (Except Stockyards)
- J. Radio and television broadcasting studios, only (combined systems)
- K. Research, Development, and testing services
- L. Public Assembly excluding sports assembly

2. Uses Permitted on Appeal

None

3. Uses Prohibited

Any use not specifically permitted in this Section is prohibited

#### 4. Procedure

- A. Before a permit is issued for any permitted use listed above, a site plan of the proposed development shall be reviewed and approved by the Planning Commission. The Planning Commission shall have the power to impose conditions regarding the location of the buildings on the site, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use to existing nearby uses.
- B. In order that the Planning Commission may make an accurate determination of the character of the proposed use and its compliance with ordinance standards, the applicant shall submit an accurately and legible drawn site plan, fourteen (14) days prior to the regular meeting, at a scale of not less than one-hundred (100) feet to one (1) inch, illustrating the proposed development including but not limited to, the following:
1. A survey, certified by a registered land surveyor or engineer showing property lines and dimensions; the gross land area of the site; existing and proposed utilities; easements, streets, and roadways; rail rights-of-way and public rights-of-way crossing and adjacent to the subject property.
  2. location, size, and arrangement of proposed buildings and existing buildings which will remain including height in stories and feet, gross floor area in square feet for individual buildings and total for all buildings, and the front (street) elevation of all buildings:
  3. the proposed use of buildings
  4. location; dimensions, and number of all vehicular and pedestrian circulation elements, including driveways, entrances, driving aisles, sidewalks, and parking spaces;
  5. any proposed regrading of the site and any significant natural, topographical or physical features of the site including, at least, water courses and trees;
  6. existing and proposed surface and subsurface drainage facilities;
  7. location, size and arrangement of all outdoor signs and lighting;
  8. landscaping and the location and height of fences or screen plantings and the type or kind of building materials or planting to be used for fencing or screening.
- C. Provided, however, the Code Enforcement Officer may issue a permit without the necessity of fulfilling the requirements of paragraphs a. and b. above for the following types of developments:
1. construction of canopies;
  2. construction of signs;

3. construction of accessory buildings;
  4. minor additions to an existing building. For the purposes of this section, a minor addition to an existing building shall be defined as any expansion of square footage under roof by accumulative amount during a five (5) year period of less than twenty (20%) percent of the square footage under roof of said structure prior to expansion; and
  5. installation of underground tanks.
- D. For the type of development in c. above to be exempt from the requirements of paragraphs a. and b., the property developed in paragraph c. above:
1. cannot increase the need for additional parking nor eliminate any parking that exists that is required by the use; and,
  2. complies with all yard requirements.
- E. Requirements for issuance of a permit by the Building Official shall be provided for in Chapter 11.
- F. Certificate of Occupancy: Where there is any change of use or occupancy of property, the Building Official may issue a Certificate of Occupancy without review by the Planning Commission where the Building Official determines that all the development requirements of the use or property are currently being met.

5. Regulations Controlling Lot Area, Yards and Building Height

The principal building shall be located so as to comply with the following requirements:

- A. Minimum Required Lot Area:
- |             |                |
|-------------|----------------|
| 1. All Uses | 10,000 sq. ft. |
|-------------|----------------|
- B. Minimum Required Front Yard
- |             |         |
|-------------|---------|
| 1. All Uses | 20 feet |
|-------------|---------|
- C. Minimum Required Rear Yard
- |             |         |
|-------------|---------|
| 1. All Uses | 20 feet |
|-------------|---------|
- D. Minimum Required Side Yard
- |             |   |
|-------------|---|
| 1. All Uses | None required, however if buildings do not have common or adjoining walls |
|-------------|---|

there shall be a side yard  
of at least five (5) feet.

- E. Notwithstanding the above position, no yard will be required for that part of a lot which fronts on a railroad siding
- F. Maximum Permitted Height of Structures.
  - 1. No building shall exceed four (4) stories or forty (40) feet in height.
  - 2. Freestanding poles, spires, towers, antennae, and similar structures may exceed the height restrictions provided they comply with the requirements of all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.
- G. Household Goods Warehousing and Storage facilities shall provide a minimum spacing between buildings of twenty-five (25) feet, with a minimum spacing between buildings and any property line of twenty-five (25) feet. Fencing shall be erected around the perimeter of the site and shall be composed of chain-link, a minimum of eight (8) feet in height.

6. External Illumination

External Illumination subject to Section 11-323 of the Ordinance.

## CHAPTER 9

### PROVISIONS GOVERNING AREAS OF SPECIAL FLOOD HAZARD

#### 11-901. ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

##### Section A. Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-101 through 13-7-115, 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 Covington, Tennessee Mayor and Board of Aldermen, does ordain as follows:

##### Section B. Findings of Fact

1. The Covington Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-04 Edition).
2. Areas of the City of Covington are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed or otherwise unprotected from flood damage.

##### Section C. Statement of Purpose

It is the purpose of this Ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, 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 flood waters;
4. Control filling, grading, dredging and other development which may increase flood damage or erosion, and;

5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section D. Objectives

The objectives of this Ordinance are:

1. To protect human life, health, 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 floodable areas;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize blight in flood areas;
5. To ensure that potential home buyers are notified that property is in a floodable area; and
8. To maintain eligibility for participation in the National Flood Insurance Program.

## 11-902. 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 it's most reasonable application.

"Accessory Structure" shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

1. Accessory structures shall not be used for human habitation.
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 which may result in damage to other structures.
5. Service facilities such as electrical and heating equipment shall be elevated or flood proofed.

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

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

"Appeal" means a request for a review of the Building Official's interpretation of any provision of this Ordinance or a request for a variance.

"Area of shallow flooding" means a designated A0 or V0 Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from 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.

"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" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

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

"Building", for purposes of this section, means any structure built for support, shelter, or enclosure for any occupancy or storage.

"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 permanent storage of materials.

"Elevated building" means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

"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" any structure for which the "start of construction" commenced before the effective date of this Ordinance.

"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, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.

"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 Administrator 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) and/or flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Map and the water surface elevation of the base flood.

"Floodplain" or "flood-prone Area" means any land area susceptible to being inundated by water from any source (see definition of "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 proofing" 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, structures and their contents.

"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.

"Flood proofing" means any combination of structural and nonstructural additions, changes, or adjustments to estate or improved real property, water and sanitary facilities, 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 an abnormal tidal surge, 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 flood plain 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 one foot.

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

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

"Functionally dependent facility" means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - A. By an approved state program as determined by the Secretary of the Interior, or
  - B. Directly by the Secretary of the Interior in states without approved programs.

"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 basement). An unfinished or flood resistant enclosure, usable 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", for purposes of this section, means a building, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

"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 the Agency.

"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 purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

"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.

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

"New Construction" any structure for which the "start of construction" commenced after the effective date of this Ordinance. The term also 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 these floodplain management regulations.

"North American Vertical Datum (NAVD)" as corrected in 1988 is 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.

"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; and
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 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" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include 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 building. 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" (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office designated by the Governor of the State or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program in that state.

"Structure", for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

"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 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during one (1) year, in which the cumulative cost equals or exceeds fifty percent of the market value of the building. The market value of the building should be (1) the appraised value of the building prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the building prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions.

"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 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

"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, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

## **11.903      GENERAL PROVISIONS**

### **Section A.    Application**

This Ordinance shall apply to all areas of special flood hazard within the incorporated area of Covington, Tennessee.

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

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Rate Maps 47167C0160F, 47167C0165F, 47167C0170F, 47167C0180F, 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.

### **Section C.    Requirement for Development Permit**

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

### **Section D.    Compliance**

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

### **Section E.    Abrogation and Greater Restrictions**

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

### **Section F.    Interpretation**

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

### **Section G.    Warning and Disclaimer of Liability**

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. 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 or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

Section H. Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Covington from taking such other lawful actions as is necessary to prevent or remedy any violation.

## **11-904.      ADMINISTRATION**

### **Section A.   Designation of Building Official**

The Building Official is hereby appointed to administer and implement the provisions of this Ordinance.

### **Section B.   Permit Procedures**

Application for a Development Permit shall be made to the Building Official on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. 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.
- B.      Elevation in relation to mean sea level to which any non-residential building will be flood-proofed.
- C.      Design certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Article 5. Section B.2.
- D.      Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

#### **2.      Construction Stage**

Within unnumbered A zones where flood elevation data are not available, the Administrator shall record the elevation of the lowest floor on the development permit. 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.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or flood proofing level upon the completion of the lowest floor or flood proofing. Within unnumbered A zones, where 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.

Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a registered land surveyor and certified by same. When flood proofing is utilized for a non-residential building said

certification shall be prepared by or under the direct supervision of, a professional engineer or architect and certified by same.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project

### Section C. Duties and Responsibilities of the Building Official

Duties of the Building Official shall include, but not be limited to:

1. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied.
2. Advise permitted that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.
3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Office prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
5. 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 or substantially improved buildings, in accordance with Article IV. Section B.
6. Record the actual elevation; in relation to mean sea level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been flood-proofed, in accordance with Article IV. Section B.
7. When flood-proofing is utilized for a particular building, the Building Official shall obtain certification from a registered professional engineer or architect, in accordance with Article IV. Section B.
8. 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) the Administrator shall 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.

9. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Administrator shall 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 Community FIRM meet the requirements of this Ordinance.

Within unnumbered A zones on panels 47167C0000E (35075) of the FIRM, where base flood elevation, 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 or flood proofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article II of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Article IV. Section B.

10. All records pertaining to the provisions of this Ordinance shall be maintained in the office of the Administrator and shall be open for public inspection of permits issued

#### Section D. Variance Procedures

1. The Covington 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 (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continue designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
3. In passing upon such applications, the 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 lands to the injury of others;
  - B. the danger to life and property due to flooding or erosion damage;
  - C. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - 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 facility;
  - F. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

- G. the compatibility of the proposed use with existing and anticipated development;
- H. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- I. the safety of access to the property in times of flood for ordinary and emergency vehicles;
- J. 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, and;
- K. costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- L. Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.
- M. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

6. Conditions for Variances

- A. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
- B. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship; and (iii) 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.
- C. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the building is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- D. The Building Official shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

## **11-905. PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **Section A. General Standards**

In all areas of special flood hazard the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state 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 or 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; and,
9. Any alteration, repair, reconstruction or improvements to a building which 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 which is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

### **Section B. Specific Standards**

These provisions shall apply to all areas of special flood hazard as provided herein:

1. Residential Construction. Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated 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 and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of Article V. Section B.

Within unnumbered 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 or flood proofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade begin defined in Article II of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Article IV. Section B.

2. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building when BFE data is available, shall have the lowest floor, including basement, elevated or flood proofed no lower than one (1) foot above the level of the base flood elevation.

Within unnumbered 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 or flood proofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade begin defined in Article II of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Article IV. Section B.

Buildings located in all A-zones may be flood proofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A 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. Elevated Building. All new construction or substantial improvements to existing buildings of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation 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 professional engineer or architect or meet the following minimum criteria.

1. Provide a minimum of two openings having a total new area of not less than one square inch for every square foot of enclosed area subject to flooding;
2. The bottom of all openings shall be no higher than one foot above grade; and
3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both direction.

- B. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
- C. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Article V. Section B. of this Ordinance.

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 of 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, including elevations and anchoring.
- B. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
  - 1. When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one (1) foot above the level of the base flood elevation; or,
  - 2. Absent base flood elevation the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three (3) feet in height above the highest adjacent grade.
    - a. Any manufactured home, which has incurred “substantial damage” as the result of a flood or that has substantially improved, must meet the standards of Article V. Section B. 4 of this Ordinance.
    - b. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
    - c. All recreational vehicles placed on identified flood hazard sites 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.
      - 3. The recreational vehicle must meet all the requirements for new construction, including the

anchoring and elevation requirements of this section above if on the site for longer than 180 consecutive days.

5. Standards for Subdivisions

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

- A. All subdivision proposals shall be consistent with the need to minimize flood damage.
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water system systems located and constructed to minimize or eliminate flood damage.
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- D. Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty lots and/or five acres in area.

**Section C. Standards for Areas of Special Flood Hazard (AE) with Established Base Flood Elevation But Without Floodways Designated**

Located within the Areas of Special Flood Hazard 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 developments 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, when combined with all other existing and anticipated development, shall not result in any increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.
- 2. New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of Article V.

**Section D. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated**

Located within the Areas of Special Flood Hazard 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 structures or substantial improvements shall be located within areas of special flood had, unless certification by a 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 or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article V. Section B.

#### **Section E. Standards for Streams without Established Base Flood-Elevations or Floodways (A Zones)**

Located within the Areas of Special Flood Hazard established in Article III, where streams exist, but no base flood data has been provided (A Zones) or where a Floodway has not be delineated, the following provisions shall apply:

1. When base flood elevation data or floodway data have not been provided in accordance with Article III, then the Administrator shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State or other source, in order to administer the provisions of Article V. only if data is not available from these sources, then the following provisions (2 & 3) shall apply:
2. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by 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.
3. In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement)elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilities the unimpeded movements of floodwaters shall be provided in accordance with the standards of Article V, Section B, and "Elevated Buildings".

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

Located within the Areas of Special Flood Hazard 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 to three feet (1'-3') where a clearly

defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions 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 the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number specified, the lowest floor, including basement, shall be elevated, at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Article V, Section B, and "Elevated Buildings".
2. All new construction and substantial improvements of nonresidential buildings may be flood-proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood-proofed to at least one (1') foot above the specified FIRM flood level, 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, the lowest floor, including basement, shall be flood proofed to at least three (3) feet above the highest adjacent grade. A 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 Article IV, Section B.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.
4. The Administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

### **Section G. Standards For Areas Protected by Flood Protection System (A-99 Zones)**

Located within the areas of special flood hazard established in Article III. Are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of Article IV. And Article V. Section A. shall apply.

### **Section H. Standards for Unmapped Streams**

Located within the City of Covington, Tennessee and its 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. In areas adjacent to such unmapped streams, no encroachments including fill material or 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 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 new elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood proofed to elevations established in accordance with Article IV.

**11-906. Variance Procedures.**

The provisions of this section shall apply exclusively to areas of Special Flood Hazard within the City of Covington, Tennessee and its Planning Region.

**Section A. Board of Zoning Appeals**

1. The Covington 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 (see definition) 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 to preserve the historic character and design of the structure.
3. In passing upon such applications, the 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 facility;
  - 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, and;
  - 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, and water systems, and streets and bridges.
4. Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Floodplain Review may attach such conditions to the

granting of variances as it deems necessary to effectuate the purposes of this Ordinance.

5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

#### **Section B. Conditions for Variances**

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.
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 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 level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.
4. The Building Official shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

## CHAPTER 10

### EXCEPTIONS AND MODIFICATIONS

**11-1001. Lot of Record.** Where the owner of a lot 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 special exception from the terms of this Ordinance, in accordance with Section 11-1304. Permission to use such lot as a building site may be granted, however, providing that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the Board of Zoning Appeals.

1. **Adjoining Substandard Lots of Record:**

Where two or more substandard 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.

**11-1002. Yards.** The front yard requirements of this Ordinance for dwellings shall not apply to any lot where the average depth of existing front yards 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 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. In residential districts, however, the front yard shall in no case be less than fifteen (15) feet.

## CHAPTER 11

### ENFORCEMENT

**11-1101. Enforcing Officer.** The provisions of this Ordinance shall be administered and enforced by a Building Official appointed by the Board of Mayor and Aldermen who shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

**11-1102. Building Permits and Certificates of Occupancy.**

1. Building Permit Required. It shall be unlawful to commence the excavation for the construction of any building, including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings, until the Building Official has issued a building permit for such work.
2. Issuance of Building Permit. In applying to the Building Official for a building permit, the applicant shall indicate the shape, size, height and location on the lot of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the Building Official for determining whether the provisions of this Ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this Ordinance and other ordinances of the City of Covington, Tennessee then in force, the Building Official shall issue a building permit for such excavation or construction. If a building permit is refused, the Building Official shall state such refusal in writing with the cause.
  - A. The issuance of a permit shall in no case be construed as waiving any provision of this Ordinance.
  - B. A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made from that date. Should the project not be completed from the date of the initial permit issuance the project will be considered a new project and require a new building permit and additional fees.
3. Certificate of Occupancy. No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Building Official shall have issued a Certificate of Occupancy stating that such land, building or part thereof and the proposed use thereof are found to be in conformity with the provisions of this Ordinance. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Official to make a final inspection thereof and to issue a Certificate of Occupancy if the land, building or part thereof and the proposed use thereof are found to conform with the provisions of this Ordinance; or, if such certificate is refused, to state such refusal in writing with the cause.
4. Records. A complete record of such application, sketches, and plans shall be maintained in the office of the Building Official, and City Hall.

**11-1103. Penalties.** Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars (\$2.00) or more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense.

**11-1104. Remedies.** In case any building or structure is erected, constructed, reconstructed, 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 damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the occupancy or use of such building, structure or land.

## CHAPTER 12

### BOARD OF ZONING APPEALS

**11-1201. Creation and Appointment.** A Board of Zoning Appeals is hereby established in accordance with Section 13-7-205, Tennessee Code Annotated. The Board of Zoning Appeals shall consist of three (3) members, one of whom shall be a member of the Covington Municipal-Regional Planning Commission. They shall be appointed by the Mayor of the city, and confirmed by a majority vote of the Board of Mayor and Aldermen. The term of membership shall be three (3) years except that the initial individual appointments to the Board shall be terms of one (1), two (2), three (3), years respectively. Vacancies shall be filled for any unexpired term by appointment by the Mayor and confirmation by the Board of Mayor and Aldermen.

**11-1202. Procedure.** Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the board may determine. All meetings of the board shall be open to the public. The board shall adopt rules of procedure and shall keep records of applications and action thereon, which shall be a public record.

**11-1203. Appeals.** An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by any decision of the Building Inspector based in whole or in part upon the provisions of this Ordinance. The Board of Zoning Appeals shall act only on appeals from decisions of the Building Inspector. Such appeal shall be taken by filing with the Building Inspector. Such appeal shall be taken by filing with the Building Inspector a "Notice of Appeal to the Board of Zoning Appeals." Forms for appeal are provided for this purpose by the office of the city Building Inspector. Duplicate copies shall be prepared; one copy shall be filed with the city recorder as a permanent public record, and the other copy forwarded to the Board of Zoning Appeals for their action along with all papers constituting the record upon which the action appealed was taken. The appeal form must be accompanied by a small scale vicinity map, showing the location of the property with respect to existing streets, street numbers and size of lots, nature of adjacent property uses, and other important features within and contiguous to the property. The names of the owners of all lots within three hundred (300) feet in all directions from the property shall also be shown. The board shall fix a reasonable time for the hearing of the appeal and give seven (7) days public notice thereof as well as due notice to the parties of interest, and shall decide the same within a reasonable time. Upon the hearing, any person or party may appeal in person or by agent or by attorney.

**11-1204. Powers.** 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, requirement, permit, decision, determination or refusal made by the Building Official or other administrative official in the carrying out or enforcement of any provisions of this Ordinance and for interpretation of the Zoning Map and Ordinance.

2. Special Exceptions:

To hear and decide applications for special exceptions as specified in this Ordinance and for decision on any special questions upon which the Board of Zoning Appeals is specifically authorized to pass by this Ordinance.

- A. Lot of Record: To authorize the use of a lot of record which fails to meet the requirements of this Ordinance, setting forth conditions and limitations for its use as closely as possible with the intents and purposes of this Ordinance.
- B. Front Yards: To specify the variation permitted in front yards where existing front yards on developed property on either side of the undeveloped lot would make impractical a strict application of the setback requirements.
- C. Non-conforming Uses: To review applications for expansion and construction of additional facilities for any non-conforming industrial or business use which was permitted and being conducted prior to the adoption of this Ordinance or subsequent change in zoning to determine if there is a reasonable amount of space for such expansion on the property owned by such business or industry so as to avoid nuisances to adjoining landowners and to comply with Section 11-302 of this Ordinance.
- D. Uses Permitted on Appeal: To hear and decide upon requests for uses permitted upon appeal based upon the criteria established in this Ordinance.

3. Variance:

To hear and decide applications for variance from the terms of this Ordinance, but only where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, which at the time of the adoption of this Ordinance was a lot of record; or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property, the strict application of the provisions of this Ordinance would result in practical difficulties to, or undue hardship upon, the owner of such property, provided that such relief may be granted without substantially impairing the intent and purpose of this Ordinance. In granting a variance, the board, as it may deem advisable in furtherance of the purpose of this Ordinance, may attach thereto conditions regarding the location, character and other features of the proposed building, structure or use. Before any variance is granted it shall be shown that circumstances are attached to the property which do not generally apply to the other property in the neighborhood.

## CHAPTER 13

### AMENDMENT

**11-1301. Zoning Amendment Petition.** The Board of Mayor and Aldermen of Covington, Tennessee may amend the regulations, restrictions, boundaries, or any provision of this Ordinance. Any member of the Board of Mayor and Aldermen may introduce such amendment, or any official board or any other person may present a petition to the Board of Mayor and Aldermen requesting an amendment or amendments to this Ordinance.

**11-1302. Procedure.** Petitions requesting an amendment to this Ordinance shall be prepared in duplicate on a form provided for this purpose which may be obtained from the office of the City Recorder. The petition shall set forth reasons for requesting the amendment and explain how such change will better protect and enhance the public health, safety and welfare. The petition shall be addressed to the Board of Mayor and Aldermen and shall be filed with the city recorder; one copy of which shall be duly recorded and filed as a permanent record, and the other copy to be forwarded to the Board of Mayor and Aldermen for action by the Planning Commission. In all cases where a petition for amendment is made by a property owner or other interested party, a fee as set by the Board of Mayor and Aldermen shall be paid by the applicant to the City of Covington.

**11-1303. Approval of Planning Commission.** No amendment shall become effective unless it is first submitted to and approved by the Planning Commission, or, if disapproved, shall receive a majority vote of the entire membership of the Board of Aldermen. All meetings of the Planning Commission shall be open to the public. The Planning Commission may set such rules as it deems necessary for orderly procedure in the hearing of petitions. Within thirty (30) days of receipt of a petition from the Board of Mayor and Aldermen, the Planning Commission shall advise the petitioner of the date upon which they act. The Planning Commission will notify the petitioner of its decision in writing, including therein the reasons for the action taken. Action on a petition must be taken within six (6) months of the date the petition is received by the Planning Commission from the Board of Mayor and Aldermen. After the Planning Commission has acted upon a petition to change the zoning classification of a particular piece of property, additional petitions to change the zoning classification of the same piece of property must not be introduced for another six (6) months period.

**11-1304. Public Hearing on Proposed Amendment.** Before enacting any amendment to this Zoning Ordinance, the Board of Mayor and Aldermen shall publish a notice of such request for an amendment together with the notice of time set for hearing by the Board of Mayor and Aldermen on the requested change. Said notice shall be published in some newspaper of general circulation in Covington, Tennessee. Said hearing by the Board of Mayor and Aldermen shall take place no sooner than fifteen (15) days after date of publication of such notice.

CHAPTER 14

LEGAL STATUS PROVISIONS

**11-1401. Conflict with Other Ordinances.** All ordinances and parts of ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed.

**11-1402. Validity.** If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any courts of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this Ordinance which is not of itself invalid or unconstitutional.

**11-1403. Effective Date.** This Ordinance shall take effect and be in force from and after its adoption, the public welfare demanding 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