

ZONING ORDINANCE  
OF THE  
TOWN OF ENGLEWOOD, TENNESSEE  
ORDINANCE NO. \_\_\_\_\_

This is a comprehensive Amendment to the Town of Englewood, Tennessee Zoning Ordinance, adopted December 13, 1968, regulating the location, height, bulk, number of stories, and size of buildings and other structures; the size of yards, the density of population and the uses of buildings, structures, and land for trade, industry, residence, recreation, public activities, and other purposes; creating districts for said purposes and establishing the boundaries thereof; defining certain terms used therein; and providing for the imposition of penalties for the violation of the provisions of this Ordinance.

ARTICLE I

PREAMBLE AND ENACTMENT CLAUSE

In pursuance of authority conferred by the Tennessee Code Annotated, Chapter 7, Sections 13-7-201 through 13-7-210, and for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare; to lessen congestion in the streets; to secure safety from fire, flood, 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 provisions of transportation, water, sewerage, schools, parks, and other public requirements; to promote desirable living conditions and the sustained stability of neighborhoods; to protect property against blight and depreciation; to conserve the value of buildings; to encourage the most appropriate use of land and other buildings and structures throughout the municipality; to minimize flood losses and for the purpose of securing for the citizens of the Town of Englewood, Tennessee, the eligibility for flood insurance under public law 1016, 84 Congress or subsequent related laws or regulations promulgated thereunder, the City Commission does ordain and enact into law the following articles and sections.

ARTICLE II

SHORT TITLE

This ordinance shall be known as the Zoning Ordinance of the Town of Englewood, Tennessee, and the map herein referred to which is identified by the title, Englewood, Tennessee Zoning Map, and dated shall be known as the Zoning Map of Englewood, Tennessee. The Zoning Map of Englewood, Tennessee, and all explanatory matter thereon is hereby adopted and made a part of this ordinance.

Certified by the Englewood Municipal Planning Commission

Date: \_\_\_\_\_ Chairman: \_\_\_\_\_

Approved and adopted by the City Commission of the Town of Englewood, Tennessee:

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

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

Passed Final Reading: \_\_\_\_\_

\_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_

City Recorder

## ARTICLE III

### DEFINITIONS OF CERTAIN TERMS USED HEREIN

#### SECTION

#### 3.01 SCOPE

#### 3.02 DEFINITIONS

##### 3.01 SCOPE

For the purpose of this Ordinance and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words used in the singular number include the plural and words in the plural number include the singular; the word "person" includes a firm, partnership, or corporation as well as an individual; the term "shall" is always mandatory; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

##### 3.02 DEFINITIONS

The following words, terms and phrases are hereby defined as follows and shall be interpreted as such throughout this ordinance. Terms not herein defined shall have the meaning customarily assigned to them.

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

Accessory Building. A subordinate building, the use of which is incidental to that of a main building and located on the same lot therewith.

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

Advertising. Includes any writing, printing, painting, display, emblem, drawing, sign or other device designed, used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps or other natural structures or on buildings, structures, milestones, signboards, billboards, wallboard, roofboard, frames, supports, fences or other man-made structures and any such advertising is a structure within the meaning of the word "structure" as utilized in this ordinance.

Advertising Sign or Structure. See Sign.

Alley. A public or legally established thoroughfare, other than a street, which affords a secondary means of access to abutting property.

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

Area of Special Flood Hazard. The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year.

Automobile Wrecking. The dismantling, storage, sale or dumping of used motor vehicles, trailers or parts thereof.

Automobile Wrecking, Junk and Salvage Yards. Any lot or place which is exposed to the weather and upon which more than three (3) motor vehicles of any kind, incapable of being operated and which it would not be economically feasible to make operative, are placed, located or found.

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

Base Flood. A flood having one (1) percent chance of being equaled or exceeded in any given year; i.e., the 100-year flood.

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

Board. Englewood Board of Zoning Appeals.

Boarding or Rooming House. Any dwelling in which three (3) or more persons either individually or as families are housed for rent with or without meals.

Buffer Strip (Planted Evergreen). A greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than forty (40) feet apart and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one full growing season and which shrubs will eventually grow to not less than ten (10) feet.

Building. Any structure having a roof supported by columns or by walls, including tents, lunch wagons, dining carts, manufactured (mobile) homes, dwellings and similar structures, whether stationary or movable.

Building Inspector. The Zoning and Codes Officer or his authorized representative appointed by the Englewood City Commission.

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

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

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

Camping Trailer. A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.

Clinic. See Medical Facilities.

Commercial Feed Lot. Any parcel of land on which one hundred (100) or more cattle, fowl or hogs are being kept and fed for the purpose of slaughter and sale on the commercial food market.

Commercial Mobile Structure. Any structure designed for use other than residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation, or assembly and installation, on the building site. This term includes mobile structures designed for such uses as beauty or barber shops, office units, self-service laundries, displays, exhibits, construction site offices, etc. The term does not include manufactured homes as defined in this part.

Coverage. The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

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

Day Nursery. Any place, home or institution which receives six (6) or more young children conducted for cultivating the normal aptitude for exercise, play, observation, initiation and instruction.

Development. Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

District. Any section or sections of Englewood, Tennessee, for which the regulations governing the use of land and the use, density, bulk, height and coverage of buildings and other structures are uniform.

Dwelling. A building or portion thereof, exclusive of manufactured (mobile) homes as herein defined, used for residential purposes.

Dwelling, Multiple. An attached building designed for occupancy by two or more families living independently of each other.

Dwelling, Single-Family. A detached building designed to be occupied exclusively by one family.

Dwelling Unit. One or more rooms, a single kitchen and a bath, designed as a unit for occupancy by only one family for cooking, living and sleeping purposes.

Factory Built Housing. A factory built structure designed for long term residential use. For the purpose of these regulations, factory built housing consists of three types: modular homes, mobile homes and manufactured homes. **(Added 01-14-02)**

Family. One or more persons related by blood, marriage or adoption, or a group of not to exceed five (5) persons not all related by blood or marriage, occupying the premises and living as a single, non-profit housekeeping unit as distinguished from a group occupying a board or lodging house, hotel, club or similar dwelling for group use.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas.

Flood Control Works. Any man-made construction, such as a dam levee, groin or jetty, designed to alter the flood potential of the body of water on or adjacent to which it is built.

Flood Hazard Area. Any land area susceptible to inundation by water from any source including, at a minimum, that area subject to a one (1) percent or greater chance of flooding in any given year.

Flood Hazard Boundary Map (FHBM). The official map issued by the Federal Emergency Management Agency where the Areas of Special Flood Hazard have been designated as Zone A.

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

Floodplain. Any normally dry land area that is susceptible to being inundated by water of the one (1) percent or greater chance of flooding in any given year.

Floodproofing. Structural additions, changes or adjustments to structures subject to flooding which will reduce or eliminate flood damages to water and sewer facilities, structures and contents of buildings.

Floodway. 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 (1) foot.

Floodway Fringe Areas. Areas lying outside the floodway but within the area which would be flooded by the 100-year flood/base flood.

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

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

Gasoline Service Station. Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil, or automobile accessories and incidental services including facilities for lubrication, car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair. **(Amended 06-11-01)**

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

Habitable Floor. Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".

Health Department. The McMinn County Office of the State Health Department.

Height of Building. The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building.

Home Occupation. A gainful occupation or profession conducted by members of a family residing on the premises and conducted entirely within the principal dwelling unit.

Hospital. See Medical Facilities.

Junk Yard or Salvage Yard. A lot, land or structure, or part thereof, used primarily for the collection, storage and sale of waste paper, rags, scrap metal or discarded material; or for the collection, dismantling, storing and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.

Loading Space. A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of a vehicle.

Lot. A piece, parcel or plot of land which may include one or more lots of record, occupied or to be occupied by one (1) principal building and its accessory buildings, including the open space required under this ordinance.

Lot Area. The total surface area of land included within lot lines.

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

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

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

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

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

Lot of Record. A lot which is part of a subdivision recorded in the Office of the County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the Office of the County Register of Deeds prior to the date of passage of the Englewood Subdivision Regulations.



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

Manufactured Home. A structure, transportable in one (1) or more sections, which in traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a 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 homes" as herein defined. A manufactured home having the same general appearance as a site built home shall be allowed on individual lots in any residential district provided the conditions of section 10.14 General Appearance and Compatibility Standards are met. **(Added 01-14-02)**

Medical Facilities.

Convalescent, Rest or Nursing Home. A health facility where persons are housed and furnished meals and continuing nursing care for compensation.

Dental Clinic or Medical Clinic. A facility for the examination and treatment of ill and afflicted human out-patients provided, however, that patients are not kept over night except under emergency conditions.

Dental Office or Doctor's Office. Same as dental or medical facilities.

Hospital. An institution providing human in-patient medical, surgical or other health care services for the sick or injured and including related facilities such as laboratories, out-patient facilities and staff offices which are an integral part of the facility.

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

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

Mobile Home. A detached single-family dwelling unit, which is constructed as a single self-contained unit and mounted on a single chassis designed to be used with or without a permanent foundation. A mobile home contains the following characteristics: **(Added 01-14-02)**

- a. Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower, bath and

kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

- b. Designed to be transported after fabrication on its own wheels, or on a flatbed or other trailer or detachable wheels.
- c. Arriving at the site where it is to be occupied as a complete dwelling including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location of foundation supports, connection to utilities, and the like.

Modular Home. A residential dwelling which is a structural unit or pre-assembled component unit including the necessary electrical, plumbing, heating, ventilating, and other service systems, manufactured off site and transported to the point of use for installation or erection, with or without other specified components, is a finished building and not designed for ready removal to another site. **(Added 01-14-02)**

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

Noxious Matter. Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms, chemical reactions, or detrimental effect on the social, economic or psychological well-being of individuals.

Off-Street Parking Space. A yard, space or area off the road right-of-way, which space shall be accessible to a road and shall be arranged and maintained for the purpose of providing standing space for vehicles while at rest or while being utilized to load or unload merchandise or other materials incidental to the occupancy.

One Hundred (100) Year Flood. Same as "base flood," i.e., a flood having a one (1) percent chance of being equaled or exceeded in any given year.

Parking Lot. An off-street facility including parking spaces along with adequate provisions for drives and aisles for maneuvering and getting access, and for entrance and exit, designed so as to be usable.

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

Planning Commission. The Englewood Municipal Planning Commission.

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

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

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

Reach. A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of a flood hazard area where flood heights are influenced by a man-made or natural obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would typically constitute a reach.

Regulatory Flood Protection Elevation. The elevation to which uses regulated by this Ordinance are required to be elevated or floodproofed.

Right-of-Way. The strip of land over which a public road is built.

Roadway. The actual road surface, including necessary road shoulders and drainage facilities including ditches and curbing and guttering, which is utilized to transport motor vehicles.

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

Sanitary Sewer. A municipal or community sewerage collection, treatment and disposal system of a type approved by the Health Department.

Setback. The required distance between the front, side or rear lot lines and the nearest portion of the principal structure.

Shelter, Fallout. A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fallout, air raids, storms or other emergencies.

Sign, Billboard or Other Advertising Device. Any structure or part thereof or device attached thereto or represent thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia or representation used as, or which is in the nature of an announcement, direction or advertisement. The

word "sign" includes the word "billboard" or any other type of advertising device, but does not include the flag, pennant or insignia of any nation, state, city or other political unit.

Special Exception. Any use which is specifically permitted if the owner can demonstrate to the satisfaction of the Board that he will meet certain enumerated safeguards or qualifying conditions.

Storm Sewers. A municipal or community collection and disposal system for the control of storm drainage.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy; or in which the floor area with eight (8) feet or more of head clearance equals fifty (50) percent or more of floor area of the story next below.

Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of the floor area of the story next below shall be a "half-story".

A basement shall be considered as a story if more than half of its height is above the average ground level from which the "height of building" is measured or if it is used for commercial purposes.

Street. Any public or private thoroughfare which affords the principal means of access to abutting property.

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

Substantial Improvement. For a structure built prior to the enactment of this Ordinance, any repair, reconstruction or improvement of a structure the cost of which equals or exceeds sixty (60) percent of the fair market value of the structure, either before the improvement or repair is started, or, if the structure has been damaged and is being restored, before the damage occurred.

For the purpose 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 either 1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely

necessary to assure safe living conditions; or, 2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Swimming Pool, Outdoor. Any pool or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half (1 1/2) feet.

Telecommunications Structure. A building, tower, or other structure and equipment used for the transmission, retransmission, broadcast, or promulgation of telephone, radio, television, or other electronic communications signal. (See Code 47 in the Standard Land Use Coding) **(Added 06-30-00)**

Townhouse. A group of single-family residential dwellings of one or more floors having or appearing to have a common wall with an adjacent similar unit or units.

Toxic Material. Materials (gaseous, liquid, solid, particulate or any other form) which are capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.

Travel Trailer. A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than two hundred twenty (220) square feet, excluding built-in equipment (such as wardrobes, closets, cabinets, kitchen units or fixtures) and bath and toilet rooms.

Travel Trailer Park. A parcel or area of land designed and equipped to accommodate travel trailers for short periods of time, not to exceed fourteen (14) days.

Usable Floor Space. Floor space for retail sale or display; includes permanent outdoor sales, but excludes outdoor motor vehicle sales areas.

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

Yard, Front. The open space, unoccupied by buildings, between the street right-of-way line and the front of the principal building.

Yard, Rear. The space, unoccupied except by a building for accessory use as herein provided, extending from the rear of the principal building to the rear lot line the full width of the lot.

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

ARTICLE IV

ESTABLISHMENT OF DISTRICTS

SECTION

- 4.01 CLASSIFICATION OF DISTRICTS
- 4.02 ZONING MAP
- 4.03 ZONING DISTRICT BOUNDARIES
- 4.04. SPECIFIC DISTRICT REGULATIONS

4.01 CLASSIFICATION OF DISTRICTS

For the purpose of this Ordinance, the following zoning districts are hereby established in the Town of Englewood, Tennessee:

DISTRICT ABBREVIATION	ZONING DISTRICT
R-1	Low Density Residential
R-2	Medium Density Residential
R-3	High Density Residential
C-1	Central Business District
C-2	General Commercial District
I-1	Industrial District
FHD	Flood Hazard District (Overlay Zone)

4.02 ZONING MAP

The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map entitled, "Official Zoning Map of Englewood, Tennessee". The zoning map or zoning map amendment shall be dated with the effective date of the ordinance that adopts the zoning map or zoning map amendment and shall be maintained in the office of the City Recorder, Town of Englewood and shall be available for inspection by the public at all reasonable times, as long as this Ordinance remains in effect.

4.03 ZONING DISTRICT BOUNDARIES

Unless otherwise indicated on the zoning map or zoning map amendment, the district boundaries are lot lines, center lines of streets or alleys, the Town of Englewood, Tennessee corporate limits as they exist at the time of the enactment of this zoning ordinance. The exact location of the Flood Hazard District is shown on the zoning map and was taken from the Federal Emergency Management Agency map entitled, "Flood Hazard Boundary Map, Englewood, Tennessee, Community No. 470271A", dated July 2, 1976, and all subsequent updates.

Where the property on one side of a street between two intersecting streets is in a business or industrial district and

the property on the intersecting street, except the corner or corners, is in a residential district, the business or industrial use shall be limited to the property facing or fronting the street zoned for business throughout the block, and any property in the rear thereof facing or fronting the intersecting street, even though it appears to be in a business or industrial district, shall be governed by the use prevailing on the intersecting street. It is the purpose of this Ordinance to limit business and industrial uses to the property facing or fronting the street zoned for business or industry and to forbid business or industrial uses facing or fronting the street zoned for residential uses. In all cases of ambiguity due to the actual layout of the property or other circumstances, the Board of Zoning Appeals shall have authority to determine on which street the business or industrial use shall face or front so that the spirit of the Ordinance shall be observed.

#### 4.04 SPECIFIC DISTRICT REGULATIONS

The following regulations shall apply in the zoning districts established in Section 4.01 of this Ordinance.



ARTICLE V

APPLICATION OF REGULATIONS

SECTION

- 5.01 USE
- 5.02 HEIGHT AND DENSITY
- 5.03 LOT AREA AND REDUCTION OF LOT SIZE
- 5.04 YARDS
- 5.05 ONE (1) PRINCIPAL BUILDING ON A LOT
- 5.06 PUBLIC STREET FRONTAGE
- 5.07 REQUIREMENT OF BUFFER STRIP

5.01 USE

No building or structure shall hereafter be erected and no existing building or structure or part thereof shall be reconstructed, moved, or altered; nor shall any land, structure, or building be used except in conformity with the regulations herein specified for the district in which it is located.

5.02 HEIGHT AND DENSITY

No building or structure shall hereafter be erected, constructed, reconstructed, or altered to:

1. Exceed the height limits;
2. House a greater number of families or occupy a smaller lot area per family than provided for in this Ordinance; or,
3. Have a narrower or smaller front or side yards than are herein required.

5.03 LOT AREA AND REDUCTION OF LOT SIZE

No lot, even though it may consist of one or more adjacent lots in the same ownership at the time of passage of this Ordinance, shall be reduced in size so that the lot width, or size of yards, or lot area per family, or any other requirement of this Ordinance, is not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

5.04 YARDS

No part of a yard or the off-street parking or loading space required for any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of the yard or off-street parking or loading space required for another building, except in the C-1 Central Business District.

5.05 ONE (1) PRINCIPAL BUILDING ON A LOT

Only one (1) principal building and its customary accessory buildings may hereafter be erected on any one lot. (Refer to Section 10.07A.)

5.06 PUBLIC STREET FRONTAGE

No building shall be erected on a lot which does not abut for at least twenty-five (25) feet on a public street.

5.07 REQUIREMENT OF BUFFER STRIP

Where a use is established in areas zoned C-1, C-2, or I-1 which abut at any point upon property in areas zoned R-1, R-2, or R-3, the developer of said use shall provide a buffer strip as defined herein at the point of abutment.

ARTICLE VI

USE PROVISIONS FOR RESIDENTIAL DISTRICTS

SECTION

- 6.01 R-1 LOW DENSITY RESIDENTIAL DISTRICT
- 6.02 R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT
- 6.03 R-3 HIGH DENSITY RESIDENTIAL DISTRICT

6.01 R-1 LOW DENSITY RESIDENTIAL DISTRICT

This residential district is intended to have relatively low population densities and to be used for single-family residences. Additional permitted uses include uses and facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

A. Uses Permitted

- 1. Single-family dwellings modular units, but not including manufactured (mobile) homes.
- 2. Nurseries, gardens and non-commercial greenhouses provided that no greenhouse shall have a heating plant within ten (10) feet of any side or rear lot line nor be larger in size than fifty (50) percent of the first floor square footage of the primary structure.
- 3. Churches or similar places of worship, but not including temporary mission or revival tents, provided that:
  - a. There is a planted evergreen buffer strip at least ten (10) feet wide along the property lines except the lines bordering on streets; and
  - b. The building is located not less than thirty-five (35) feet from any property lines.
- 4. Customary accessory buildings, including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than five (5) feet to any lot line. **(Amended 01-14-02)**

5. Municipal, county, state, or federal buildings.
6. Public and semi-public recreational facilities and grounds.
7. Schools offering general education courses.
8. Substations such as electric, telephone, or gas if essential for service to the zoning district in which it is proposed they be located provided that:
  - a. Structures are located and placed not less than fifty (50) feet from any property line;
  - b. Structures are enclosed by a woven-wire fence at least eight (8) feet high;
  - c. No vehicle or equipment are stored on the premises; and
  - d. The lot is suitably landscaped including a planted buffer strip at least ten (10) feet wide along the front and side of property lines.

B. Uses Permitted on Review

In the R-1 Low Density Residential District the following uses may be permitted subject to review and approval of the Board of Zoning Appeals in accordance with the provisions of Section 12.07:

1. Public golf courses, parks, country clubs, and swimming pools.
2. Home occupations as regulated in Section 10.06.
3. Lodge halls, civic organizations, and private clubs, except a club whose chief activity is customarily carried on as a business.
4. Telecommunication structures as regulated in Section 10.15 of this ordinance. **(Added 06-11-01)**

C. Special Exceptions

In the R-1 Low Density Residential District the following use and its accessory uses may be permitted subject to the approval of the Englewood Board of Zoning Appeals in accordance with the provisions of Section 12.07.

*Family Day Care Center:* To accommodate seven (7) children or less provided there is at least one hundred seventy-five (175) square feet of outdoor play area for each child and the play area is enclosed by a fence at least five (5) feet high that will contain children.

D. Dimensional Regulations

All uses permitted in the R-1 Low Density Residential District shall comply with the following setback requirements except as provided in Section 11.06.

1. Front Yard:

The minimum depth of the front yard shall be twenty-five (25) feet.

2. Rear Yard:

The minimum depth of the rear yard shall be twenty (20) feet from the principal structure and ten (10) feet for any permitted accessory structures.

3. Side Yard: **(Amended 7/19/10)**

The side yard shall be a minimum of fifteen (15) feet for one- and two-story structures, plus five (5) additional feet of side yard for each additional story over two.

4. Side Yard on Corner Lots:

a. Corner lots fifty (50) feet wide:

The minimum depth of the side yard that abuts the street shall be ten (10) feet.

b. Corner lots sixty (60) feet wide:

The minimum depth of the side yard that abuts the street shall be fifteen (15) feet.

c. Corner lots seventy (70) feet wide:

The minimum depth of the side yard that abuts the street shall be twenty (20) feet.

d. Corner lots seventy-five (75) or more feet wide;

The minimum depth of the side yard that abuts the street shall be twenty-five (25) feet.

5. Land Area:

No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than fifteen thousand (15,000) square feet in area except where sanitary sewer service is available, in which case the minimum lot area shall be eight thousand (8,000) square feet. However, where there is an existing lot of record of less than fifteen thousand (15,000) square feet at the time of adoption of this Ordinance, this lot may be utilized for the construction of one (1) single-family dwelling providing the lot in question has a public water supply and sanitary sewer service providing that said lot of record is not less than eight thousand (8,000) square feet in area.

6. Lot Width: **(Amended 10/11/10)**

No lot shall be less than seventy-five (75) feet wide at the building setback line.

7. Height Requirements:

No building shall exceed two and one-half ( 2 1/2) stories or thirty-five (35) feet in height except as provided in Section 11.04.

8. Required Street Frontage and Orientation of Principal Structures **(Added 10/11/10)**

All principal structures shall be positioned on the lot so that the front façade and front door face a dedicated local street for which an E911 address can be given. On corner lots, one of the streets shall be designated as the front street, and the principal structure shall face this street or shall be angled toward the intersection of both streets. Under no condition shall the back of the principal structure face or angle toward a street or be visible from the street providing access except as provided above for corner lots. For corner lots, the front yard is considered to be the area running parallel with adjacent streets, which would require front yard building setbacks on at least two sides of a corner lot. In no case shall an accessory structure be located in the front yard or closer to any street than the principal structure. Accessory structures shall be located to the side or rear of the principal structure and are subject to all building setbacks.

E. Parking Space Requirements

As regulated in Section 10.03.

F. Access Control

As regulated in Section 10.01.

G. Uses Prohibited

In the R-1 Low Density Residential District all uses, except those uses specifically permitted, permitted by special exception by the Board of Zoning Appeals, or as regulated in Section 11.03 are prohibited.

6.02 R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

This residential district is intended to promote and encourage the establishment and maintenance of a suitable environment for urban residences in areas which by location and character are appropriate for occupancy by medium density, single- and two-family dwellings. An important purpose of this district is to create adequate standards of residential development in order to prevent overcrowded and unhealthy conditions. The intensity of land use should not be so great as to cause congestion of buildings or traffic or overload existing sanitary facilities. Densities should be limited to provide adequate light, air, and usable open space for occupants of dwellings and adequate space for all related facilities.

A. Uses Permitted

1. Any use permitted in the R-1 Low Density Residential District shall be permitted in the R-2 Medium Density Residential District.
2. Two-family dwellings.
3. Cemeteries.
4. Customary incidental home occupations including the professional office of an architect, artist, dentist, engineer, lawyer, physician and the like, barber, beauty and tailor shops, or the accommodation of not more than two (2) boarders, provided there is no external evidence of such occupation except an announcement sign not more than two (2) square feet in area.

B. Uses Permitted on Review

In the R-2 Medium Density Residential District the following uses and their accessory uses may be permitted subject to review and approval by the Board

of Zoning Appeals in accordance with the provisions of Section 12.07:

Any use permitted on review in the R-1 Low Density Residential District shall also be permitted on review in the R-2 Medium Density Residential District.

C. Special Exceptions

In the R-2 Medium Density Residential District the following uses and its accessory uses may be permitted subject to the approval of the Board of Zoning Appeals in accordance with the provisions of Section 12.07:

Any use permitted on special exception in the R-1 Low Density Residential District shall also be permitted on review in the R-2 Medium Density Residential District.

D. Dimensional Regulations

All uses permitted in the R-2 Medium Density Residential District shall comply with the following setback requirements except as provided in Section 11.06.

1. Front Yard:

The minimum depth of the front yard shall be twenty-five (25) feet.

2. Rear Yard:

The minimum depth of the rear yard shall be twenty (20) feet.

3. Side Yard: **(Amended 7/19/10)**

The side yard shall be a minimum of fifteen (15) feet for one- and two-story structures, plus five (5) additional feet of side yard for each additional story over two.

4. Side Yard on Corner Lots:

a. Corner lots fifty (50) feet wide:

The minimum depth of the side yard that abuts the street shall be ten (10) feet.

b. Corner lots sixty (60) feet wide:

The minimum depth of the side yard that abuts the street shall be fifteen (15) feet.



c. Corner lots seventy (70) feet wide:

The minimum depth of the side yard that abuts the street shall be twenty (20) feet.

d. Corner lots seventy-five (75) or more feet wide:

The minimum depth of the side yard that abuts the street shall be twenty-five (25) feet.

5. Land Area:

No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than fifteen thousand (15,000) square feet in area except where sanitary sewer service is available, in which case the minimum lot area shall be eight thousand (8,000) square feet. However, where there is an existing lot of record of less than fifteen thousand (15,000) square feet at the time of adoption of this Ordinance, this lot may be utilized for the construction of one (1) single-family dwelling providing the lot in question has a public water supply and sanitary sewer service providing that said lot of record is not less than eight thousand (8,000) square feet in area. On lots or parcels of land where two-family dwellings are constructed the following area requirements shall apply:

<u>Number of Dwelling Units</u>	<u>With Public Water and Sanitary Sewers</u>	<u>With Public Water and Without Sanitary Sewers</u>
2 units	12,500 sq. ft.	22,500 sq. ft.

6. Lot Width: **(Amended 10/11/10)**

No lot shall be less than seventy-five (75) feet wide at the building setback line.

7. Height Requirements:

No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height except as provided in Section 11.04.

8. Required Street Frontage and Orientation of Principal Structures **(Added 10/11/10)**

All principal structures shall be positioned on the lot so that the front façade and front door face a dedicated local street for which an E911 address can be given. On corner lots, one of the streets shall be designated as the front street, and the principal structure shall face this street or shall be angled toward the intersection of both streets. Under no condition shall the back of the principal structure face or angle toward a street or be visible from the street providing access except as provided above for corner lots. For corner lots, the front yard is considered to be the area running parallel with adjacent streets, which would require front yard building setbacks on at least two sides of a corner lot. In no case shall an accessory structure be located in the front yard or closer to any street than the principal structure. Accessory structures shall be located to the side or rear of the principal structure and are subject to all building setbacks.

E. Parking Space Requirements

As regulated in Section 10.03.

F. Access Control

As regulated in Section 10.01.

G. Uses Prohibited

In the R-2 Medium Density Residential District all uses, except those uses specifically permitted, permitted by special exception by the Board of Zoning Appeals or as regulated in Section 11.03 are prohibited.

6.03 R-3 HIGH DENSITY RESIDENTIAL DISTRICT

This section provides for residences at high densities including multi-family dwellings, manufactured (mobile) home parks and general types of residential development. It is the intent of this Ordinance that the R-3 High Density Residential District contain sound development and be a desirable place in which to live.

A. Uses Permitted

Within the R-3 High Density Residential District of Englewood, Tennessee, the following uses shall be permitted:

1. Any use permitted in the R-1 Low Density Residential District or the R-2 Medium Density Residential District shall also be permitted in the R-3 High Density Residential District.
2. Multi-family dwellings.
3. Boarding and rooming houses.
4. Manufactured (mobile) home parks and travel trailer parks provided they meet the provisions of Section 10.12 and Section 10.14 of this Ordinance.
5. Manufactured (mobile) home subdivisions provided the provisions of the Englewood Subdivision Regulations are met.
6. Residential townhouse developments.

B. Uses Permitted on Review

In the R-3 High Density Residential District the following uses and their accessory uses may be permitted subject to review and approval by the Englewood Board of Zoning Appeals in accordance with the provisions of Section 12.07:

Any use permitted on review in the R-1 Low Density Residential or the R-2 Medium Density Residential Districts shall also be permitted on review in the R-3 High Density Residential District.

C. Special Exceptions

In the R-3 High Density Residential District the following uses and its accessory uses may be permitted subject to the approval of the Board of Zoning Appeals in accordance with the provisions of Section 12.07:

Any use permitted by special exception in the R-1 Low Density Residential District or the R-2 Medium Density Residential District shall also be permitted on review in the R-3 High Density Residential District.

D. Dimensional Regulations

All uses permitted in the R-3 High Density Residential District shall comply with the following setback requirements except as provided in Section 11.06.

1. Front Yard:

The minimum depth of the front yard shall be twenty-five (25) feet.

2. Rear Yard:

The minimum depth of the rear yard shall be twenty (20) feet.

3. Side Yard: **(Amended 7/19/10)**

The side yard shall be a minimum of fifteen (15) feet for one- and two-story structures, plus five (5) additional feet of side yard for each additional story over two.

4. Side Yard on Corner Lots:

a. Corner lots fifty (50) feet wide:

The minimum depth of the side yard that abuts the street shall be ten (10) feet.

b. Corner lots sixty (60) feet wide:

The minimum depth of the side yard that abuts the street shall be fifteen (15) feet.

c. Corner lots seventy (70) feet wide:

The minimum depth of the side yard that abuts the street shall be twenty (20) feet.

d. Corner lots seventy-five (75) or more feet wide:

The minimum depth of the side yard that abuts the street shall be twenty-five (25) feet.

5. Land Area:

No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than fifteen thousand (15,000) square feet in area except where sanitary sewer service is available, in which case the minimum lot area shall be eight thousand (8,000) square feet. However, where there is an existing lot of record of less than fifteen thousand (15,000) square feet at the time of adoption of this Ordinance, this lot may be utilized for the construction of one (1) single-family dwelling providing the lot in question has a public water supply and sanitary sewer service

providing that said lot of record is not less than eight thousand (8,000) square feet in area.

6. Lot Width: **(Amended 10/11/10)**

No lot shall be less than seventy-five (75) feet wide at the building setback line.

7. Height Requirements:

No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height except as provided in Section 11.04.

8. Required Street Frontage and Orientation of Principal Structures **(Added 10/11/10)**

All principal structures shall be positioned on the lot so that the front façade and front door face a dedicated local street for which an E911 address can be given. On corner lots, one of the streets shall be designated as the front street, and the principal structure shall face this street or shall be angled toward the intersection of both streets. Under no condition shall the back of the principal structure face or angle toward a street or be visible from the street providing access except as provided above for corner lots. For corner lots, the front yard is considered to be the area running parallel with adjacent streets, which would require front yard building setbacks on at least two sides of a corner lot. In no case shall an accessory structure be located in the front yard or closer to any street than the principal structure. Accessory structures shall be located to the side or rear of the principal structure and are subject to all building setbacks.

E. Parking Space Requirements

As regulated in Section 10.03.

F. Access Control

As regulated in Section 10.01.

G. Uses Prohibited

In the R-3 High Density Residential District all uses, except those uses specifically permitted, permitted by special exception by the Board of Zoning Appeals or as regulated in Section 11.03 are prohibited.

ARTICLE VII

USE PROVISIONS FOR BUSINESS DISTRICTS

SECTION

7.01 C-1 CENTRAL BUSINESS DISTRICT

7.02 C-2 GENERAL COMMERCIAL DISTRICT

Business districts are established to provide locations for the convenient exchange of goods and services in a reasonable and orderly manner; to protect the character and establish a pattern of desirable commercial development; to conserve the value of property; and, to exclude those uses that are incompatible with designated uses for the districts.

7.01 C-1 CENTRAL BUSINESS DISTRICT

The C-1 Central Business District zone is established to protect present business and commercial uses, encourage the eventual elimination of uses inappropriate to the function of the central business area, and encourage intensive development of this zone as the shopping and business center of the Town of Englewood, Tennessee and its surrounding trade area.

A. Uses Permitted

1. Any retail business or service including those which are making products sold at retail on the premises providing such manufacturing is incidental to the retail business or service, occupies less than forty (40) percent of the floor area and employs not more than five (5) employees.
2. Automobile sales rooms.
3. Taxi cab stands.
4. Clubs and lodges.
5. Hotels, offices.
6. Funeral parlors.
7. Banks.
8. Insurance agencies.
9. Motels.
10. Newspaper and printing shops.
11. Off-street parking lots.

12. Professional offices for doctors, lawyers, dentists, architects, artists, engineers, real estate agents, and the like.
13. Public uses and structures.
14. Public utility structures.
15. Radio and television stations.
16. Restaurants, bars, grills, and similar eating and/or drinking establishments, excluding drive-ins.
17. Schools, colleges, and churches.
18. Signs and billboards as regulated in Section 10.11.
19. Walk-in movie houses.

B. Uses Permitted on Review

In the C-1 Central Business District any use and its accessory use not listed above may be permitted subject to review and approval of the Board of Zoning Appeals in accordance with the provisions of Section 12.07.

1. Telecommunication structures as regulated in Section 10.15 of this ordinance. **(Added 06-11-01)**

C. Dimensional Regulations

All uses permitted in the C-1 Central Business District shall comply with the following setback requirements except as provided in Section 11.06.

1. Front Yard:

No front yard shall be required in the C-1 Central Business District; however, a concrete sidewalk of not less than five (5) feet wide is required the full width of the structure.

2. Rear Yard:

Where a commercial building is to be serviced from the rear there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than thirty (30) feet in depth. The depth of a rear yard which abuts a residential district shall be not less than twenty-five (25) feet. In all other cases no rear yard shall be required.

3. Side Yard: **(Amended 7/19/10)**

No side yard shall be required except that a fifteen (15) foot buffer strip shall be required on any side which abuts a residential district or a five (5) foot wide sidewalk the length of the structure shall be required on any side which abuts a public street.

4. Height Requirement:

No building shall exceed three (3) stories or forty (40) feet except as provided in Section 11.04.

D. Parking Space Requirements

As regulated in Section 10.03.

E. Off-Street Loading and Unloading Requirements

As regulated in Section 10.04.

F. Access Control

As regulated in Section 10.01.

G. Uses Prohibited

In the C-1 Central Business District all uses, except those uses specifically permitted, permitted by special exception by the Board of Zoning Appeals, or as regulated in Section 11.03, are prohibited.

7.02 C-2 GENERAL COMMERCIAL DISTRICT

The C-2 General Commercial District is established to provide areas for those amusement, specialized sales, travel accommodations, and activities which depend on visibility from or proximity to, automobiles or traffic, serve regional travelers, cater to local residents in vehicles, or provide services essential to the movement of vehicles in major ways. It is intended that such areas have properties with lot sizes, yards, performance and development standards sufficient to insure that activities performed on any one lot will not unduly impede the flow of traffic, will not adversely affect activities of adjoining zones, and will not infringe on the efficiency of activities or customer attractiveness on adjacent lots. It is further intended to exclude those uses which are not necessary for service to traffic, which are not dependent on traffic, and which could reasonably be located elsewhere without contributing to congestion on the major roads.



A. Uses Permitted

1. Any use permitted in the C-1 Central Business District, except industry, other than that which is incidental to a retail business or service.
2. Any retail business or service directly related to serving the needs of highway traffic provided they shall front on a major thoroughfare.
3. Any retail business or service customarily serving residential neighborhoods.
4. Agricultural implement, sales, service, and repair.
5. Automobile parts sales.
6. Bakery shops, doughnut shops and the like, provided products are sold retail on the premises.
7. Bowling alleys.
8. Bus terminals provided they shall front on a major thoroughfare.
9. Drive-in theaters, restaurants, and outdoor theaters provided they shall front on a major thoroughfare.
10. Gasoline service stations provided that all structures, including underground storage tanks, are placed not less than thirty (30) feet from any property line and that such use shall front on a major thoroughfare. Points of access and egress shall be located not less than twenty (20) feet from the intersection of a street right-of-way.
11. Hobby, antique, and souvenir shops.
12. Motels.
13. Sales and service of boats manufactured, (mobile) homes, and travel trailers.
14. Used car lots.
15. Wholesale and storage business including building and material yards.
16. Veterinarian hospitals and kennels.
17. Laundry and dry cleaning establishments.

B. Uses Permitted on Review

In the C-2 General Commercial District the following uses and their accessory uses may be permitted subject to review and approval of the Board of Zoning Appeals in accordance with the provisions of Section 12.07.

1. Truck stops.
2. Amusement parks, amphitheatres, ball parks or stadiums, fairgrounds, and group picnic grounds.
3. Auto, go-cart, or similar race track or drag strip.
4. Rifle or other gun firing range or shooting course and archery ranges.
5. Zoos.
6. Airports.
7. Telecommunication structures as regulated in Section 10.15 of this ordinance. **(Added 06-11-01)**

C. Special Exceptions

In the C-2 General Commercial District the following use and its accessory use may be permitted subject to the approval of the Englewood Board of Zoning Appeals in accordance with the provisions of Section 12.07:

Cemeteries

D. Dimensional Requirements

The following requirements shall apply to all uses permitted in the C-2 General Commercial District.

1. Lot Area:
  - a. For those areas served by a sanitary sewer system, there shall be a minimum lot area of not less than ten thousand (10,000) square feet.
  - b. For those areas not served by a sanitary sewer system, the lot area requirements shall be determined by the Planning Commission based on recommendations of the Health Department, but in no case shall be less than fifteen thousand (15,000) square feet.

2. Front Yard:

The depth of the front yard shall be thirty-five (35) feet from any edge of the right-of-way.

3. Side Yard:

The width of any side yard which abuts a residential district shall be not less than twenty-five (25) feet. In all other cases each side yard shall be not less than fifteen (15) feet.

4. Rear Yard:

Each lot shall have a rear yard of not less than ten (10) feet; where a commercial building is serviced from the rear there shall be provided a rear yard of not less than thirty (30) feet; the depth of a rear yard which abuts a residential district shall be not less than twenty-five (25) feet.

5. Lot Width:

Each lot shall have a width of not less than seventy-five (75) feet at the building setback line.

6. Height Restrictions:

No building or structure shall exceed three (3) stories or forty (40) feet except as provided in Section 11.04.

E. Parking Space Requirements

As regulated in Section 10.03.

F. Off-Street Loading and Unloading Requirements

As regulated in Section 10.04.

G. Access Control

As regulated in Section 10.01.

H. Uses Prohibited

In the C-2 General Commercial District all uses, except those uses specifically permitted, permitted upon review and approval of the Board of Zoning Appeals, permitted by special exception by the Board of Zoning

Appeals, or as regulated in Section 11.03, are prohibited.

ARTICLE VIII

USE PROVISIONS FOR INDUSTRIAL DISTRICT

SECTION

8.01 I-1 INDUSTRIAL DISTRICT

8.01 I-1 INDUSTRIAL DISTRICT

The I-1 Industrial District is established to provide areas for firms engaged in the manufacture and distribution of goods; to discourage uses incompatible to manufacturing; and to protect the surrounding higher land uses and also to protect the industries in the district.

A. Uses Permitted

1. Industries provided that any industry that may cause injurious or obnoxious noise, vibration, smoke, gas fumes, odor, dust, fire hazard, or other objectional conditions shall be required to show that the proposed location, construction, and operation will not injure present or prospective industrial development in the district or surrounding districts.
2. Agricultural equipment sales and repair.
3. Automobile sales rooms and repair garages.
4. Baking establishments.
5. Bottling and distribution plants.
6. Bulk storage plants.
7. Electronics firms.
8. Gasoline service stations.
9. Heavy equipment sales and service.
10. Newspaper and printing plants.
11. Off-street parking lots.
12. Professional offices for architects, artists, engineers, and similar professional service.
13. Public uses and structures.
14. Public utility structures.

15. Signs and billboards as regulated in Section 10.11.
16. Stockyards and livestock sales.
17. Truck terminals.
18. Wholesale and storage businesses including building material yards.

B. Uses Permitted on Review

Any use which conforms to the intent of this district shall be permitted on review and approval of the Board of Zoning Appeals as regulated in Section 12.07.

1. Telecommunication structures as regulated in Section 10.15 of this ordinance. **(Added 06-11-01)**
2. Adult Oriented Establishments as defined and regulated in Englewood Ordinance Number 031102.38. **(Added 12/9/02)**

C. Dimensional Regulations

All uses permitted in the I-1 Industrial District shall comply with the following setback requirements except as provided in Section 11.06.

1. Front Yard:

The minimum depth of the front yard shall be thirty (30) feet.

2. Rear Yard:

The minimum depth of the rear yard shall be thirty (30) feet. No yard shall be required for that portion of a lot which fronts on a railroad or rail spur line.

3. Side Yard:

The minimum depth of the side yard shall be twenty (20) feet, except that side yards for industrial lots adjacent to residential districts shall be a minimum of fifty (50) feet. No yard shall be required for that portion of a lot which fronts on a railroad or rail spur line.

4. Land Area:

Where public water and sewer service are available there shall be required a minimum land area of two (2) acres. In areas where only public water is available there shall be a minimum of five (5) acres. No industrial land use shall be permitted in areas where a public water supply is not available except where the Planning Commission has determined that such use does not require a supply of potable water in its manufacturing operation. In such instances, the Planning Commission shall grant written approval of the use and shall establish a minimum land area which shall not be less than five (5) acres.

5. Maximum Lot Coverage:

No maximum lot coverage shall be imposed in the I-1 Industrial District.

6. Lot Width:

No lot shall be less than one hundred fifty (150) feet wide at the building setback line.

7. Height Requirement:

No building or structure shall exceed three (3) stories or forty (40) feet in height except as provided in Section 11.04.

D. Parking Space Requirements

As regulated in Section 10.03.

E. Off-Street Loading and Unloading Requirements

As regulated in Section 10.04.

F. Access Control

As regulated in Section 10.01.

G. Uses Prohibited

In the I-1 Industrial District all uses, except those uses specifically permitted, permitted by special exception by the Board of Zoning Appeals or as regulated in Section 11.03 are prohibited.

ARTICLE X

SUPPLEMENTARY PROVISIONS APPLYING TO ALL DISTRICTS

SECTION

- 10.01 ACCESS CONTROL
- 10.02 ACCESSORY USE REGULATIONS
- 10.03 OFF-STREET PARKING REGULATIONS
- 10.04 OFF-STREET LOADING AND UNLOADING REQUIREMENTS
- 10.05 TEMPORARY USE REGULATIONS
- 10.06 CUSTOMARY HOME OCCUPATIONS
- 10.07 GENERAL LOT RESTRICTIONS
- 10.08 VISION AT STREET INTERSECTIONS
- 10.09 GASOLINE SERVICE STATION RESTRICTIONS
- 10.10 SWIMMING POOL RESTRICTIONS
- 10.11 SIGNS AND OTHER ADVERTISING STRUCTURES **(Amended 9/8/08)**
- 10.12 MANUFACTURED (MOBILE) HOME PARKS
- 10.13 MANUFACTURED (MOBILE) HOME SUBDIVISIONS
- 10.14 GENERAL APPEARANCE AND COMPATIBILITY STANDARDS
- 10.15 TELECOMMUNICATIONS STRUCTURES **(Amended 06-11-01)**

10.01 ACCESS CONTROL

In order to expedite the movement of traffic, to promote the safety of the motorist and pedestrian, and to minimize traffic congestion and conflict, it is necessary to reduce the points of vehicular contact. Therefore, to effectively control vehicular access onto the streets of Englewood, Tennessee, it is necessary to classify such streets as follows: arterials, collectors, and local streets. The classification of each street shall be as shown on the Major Road Plan of Englewood, Tennessee, which is kept at City Hall. **(Amended 01-14-02)**

The following are general access regulations applying to all classifications of streets.

1. Maximum width of all access points:

The maximum width of all access points shall be thirty (30) feet measured at the property line except when the development requiring access generates high overall or high peak traffic volumes, in which case the Englewood Municipal Planning Commission may approve a wider channelized access point to allow various turning movements for greater traffic control and safety.

2. Temporary access ways:

Temporary access ways may be granted by the planning commission at locations other than those specified for permanent access where it is expedient for the purpose of staged development.



Temporary access ways shall be closed when permanent access to the property is completed.

3. Off-street parking lanes entirely independent of public streets.

No off-street vehicular storage or parking area shall be allowed where the arrangement requires that vehicles back directly into a public street right-of-way.

4. Access for lots fronting on more than one street:

In all commercial developments where a lot abuts more than one street, the Planning Commission may require that the access be from the street of lower classification when necessary to lessen serious congestion on the major street.

5. Gasoline service stations:

Gasoline service stations shall be allowed two (2) access points onto the same street to allow proper circulation past gasoline pumps.

#### 10.02 ACCESSORY USE REGULATIONS

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

1. Be customarily incidental to the principal use established on the same lot;
2. Be subordinate to and serve such principal use;
3. Be subordinate in area, intent, and purpose to such principal use; and,
4. Contribute to the comfort, convenience, or necessity of users of such principal use.

#### 10.03 OFF-STREET PARKING REGULATIONS

##### A. Spaces Required

Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) passenger vehicle space shall be determined as two hundred (200) square feet of parking space and such shall be provided

with vehicular access to a street or alley. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

1. Dwellings:

Not less than one (1) space for each family dwelling unit.

2. Boarding houses and rooming houses:

Not less than one (1) space for each two (2) rooms occupied by boarders or roomers.

3. Tourist accommodations, motel or hotel:

Not less than one (1) space for each room offered for tourist accommodation.

4. Any auditorium, stadium or other place of public assembly:

Not less than one (1) space for every five (5) seats provided in such places of assembly. For places of public assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc., at least one (1) space for each one hundred (100) square feet of floor space devoted to that particular use shall be provided.

5. Churches:

Not less than one (1) space for every twenty (20) seats provided in such places of assembly.

6. Manufacturing or other industrial use:

Not less than one (1) space for every three (3) persons employed on a single shift with a minimum of five (5) spaces provided for any establishment.

7. Commercial building or use:

One (1) space for each one hundred seventy-five (175) square feet of usable floor space in commercial districts. Usable floor space is to be determined by the Local Planning Office staff based on the nature of the business.

8. Medical or dental clinics and hospitals:

Four (4) spaces per doctor, plus one (1) additional space per employee.

9. Service stations:

Five (5) spaces for each grease rack or similar facility, plus one (1) for each gasoline pump.

10. Offices:

One (1) space for each two hundred (200) square feet of office space.

11. Restaurants:

One (1) space per one hundred fifty (150) square feet of usable floor area, plus one (1) space for every two (2) employees. For drive-in restaurants, one (1) space per fifty (50) square feet of usable floor area.

12. Apartments and any other planned unit development:

One (1) space for each family dwelling unit. In addition there shall be paved guest parking provided at a ratio of one (1) space per two (2) units.

B. Certification of Minimum Parking Requirements

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

C. Combination of Required Parking Space

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

D. Remote Parking Space

If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within five hundred (500) feet of the main entrance to such principal use provided such land is in the same ownership as the principal use. Such land shall be used for no other purpose so

long as no other adequate provision of parking space meeting the requirements of this ordinance has been made for the principal use.

E. Requirements for Design of Parking Lots

1. Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
2. Each parking space shall be no less than two hundred (200) square feet in area.
3. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 10.01.
4. The parking lots shall be drained to eliminate surface water.

10.04 OFF-STREET LOADING AND UNLOADING REQUIREMENTS

Every building or structure hereafter constructed and used for industry, or business, or trade in all districts shall provide space for the loading and unloading of vehicles off the street or public alley. This space shall not be considered as part of the space requirements for off-street automobile storage.

The Board of Zoning Appeals may hereafter reduce or increase these requirements in the interest of safety where unusual or special conditions are due consideration.

10.05 TEMPORARY USE REGULATIONS

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

1. Carnival or circus:

May obtain a Temporary Use Permit in the C-2 General Commercial District; however, such permit shall be issued for a period of not longer than fifteen (15) days.

2. Christmas tree sales:

May obtain a thirty (30) day Temporary Use Permit for the display of Christmas trees on open lots in any district except the FHD Flood Hazard District.

3. Temporary Buildings:

In any district, except the FHD Flood Hazard District, a Temporary Use Permit may be issued for a contractor's project. Such permit shall not be valid for more than one (1) year but may be renewed for six-month extensions; however, not more than three (3) extensions shall be granted to a particular use. Such use shall be removed upon completion of the construction project or upon expiration of the Temporary Use permit, whichever occurs sooner.

4. Temporary real estate sales office:

In any district, a Temporary Use Permit may be issued for a temporary real estate sales office in any new subdivision which has been approved by the Planning Commission under the Englewood Subdivision Regulations. Such office shall contain no living accommodations. The permit will be valid for one (1) year but may be granted two (2) six-month extensions. Such office shall be removed upon completion of the development of the subdivision or upon expiration of the Temporary Use Permit, whichever occurs sooner.

5. Religious tent meetings:

In the C-2 General Commercial District a Temporary Use Permit shall be issued for a tent or other temporary structure to house a religious meeting. Such permit shall be issued for not more than a thirty (30) day period.

6. Seasonal sale of farm produce:

In the C-2 General Commercial District a Temporary Use Permit may be issued for the sale of farm produce grown on the premises. Structure utilized for such sales shall be removed when not in use. The permit shall be issued for a five (5) month period. All structures must be set back from the roadway a minimum of thirty-five (35) feet.

7. Miscellaneous assemblies:

In any district, except the FHD Flood Hazard District, a Temporary Use Permit may be issued for any assembly such as an outdoor music concert, political rally, etc. Such permit shall be issued for not more than a seven (7) day period.

8. Temporary dwelling units in case of medical hardships: **(Added 5/13/02)**

In any district, a temporary use permit may be issued to place a mobile home (double-wides excluded) on a lot which already contains a residential structure, provided that the purpose of such placement temporarily shall be to make it possible for a resident of either structure to provide assistance to a person who requires daily assistance due to physical or mental disability, and provided further that such temporary structures does not represent a hazard to the safety, health, or welfare of the community.

An applicant for a temporary use permit as provided under this subsection must produce a written statement from a physician certifying that the specific disability requires assistance from someone else in close proximity as evidence of such disability, and a written statement from the Health Department approving the sewage disposal system of the proposed temporary structure, unless the temporary dwelling unit is connected to the Englewood sanitary sewerage system.

Such permit may be initially issued for eighteen (18) months. A permit may be renewed for six (6) months at a time, subject to producing a new statement from a physician certifying that the assistance is still required due to the disabling condition. A temporary permit shall be revoked and the structure shall be removed immediately upon expiration of the permit or upon a change in the conditions under which such permit was issued. The person requiring assistance due to the stated disabling condition may be a resident of either temporary or permanent structure. The temporary residence shall be treated as an accessory structure.

9. Temporary dwelling unit in cases of other special hardships: **(Added 5/13/02)**

g. In any district, a temporary use permit may be issued to place a mobile home (double-wides excluded) temporarily on a lot which already contains a residential structure where the Englewood Board of Zoning Appeals finds that special circumstances or conditions, fully described in the findings of the board, exist; such that the use of a temporary residential structure is necessary in order to prevent an exceptional hardship on the applicant; such as the repair of the principle residence damaged by fire; provided that such temporary structure does not represent a hazard to safety, health, or welfare of the community.

An applicant for a temporary use permit as provided under this subsection must produce evidence of connection to the Englewood sanitary sewer system or a written statement from the County Health Department approving the sewage disposal system of the temporary structure. Such a permit may be initially issued for nine (9) months. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of twenty-one (21) months. The temporary structure shall be treated as an accessory structure.

#### 10.06 CUSTOMARY HOME OCCUPATIONS

A customary home occupation is a gainful occupation or profession conducted by members of a family residing on the premises and conducted entirely within the dwelling unit. In connection with a home occupation no stock in trade shall be displayed outside the dwelling and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings. When questions arise regarding the legality of specific home occupations the Board of Zoning Appeals shall determine whether said home occupation is in compliance with the district in which said home occupation is located. However, activities such as dancing instruction, band instrument instruction (except piano instruction), tea rooms, tourist homes, convalescent homes, mortuaries, animal clinics, retail sales business, or any other activity deemed by the Board to be incompatible with the district or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation.

## 10.07 GENERAL LOT RESTRICTIONS

The following general lot restrictions shall be complied with in all districts.

### A. One (1) Principal Structure for Each Lot

1. Only one (1) principal building and its customary accessory building may be erected on any lot. This provision does not prohibit planned unit development complexes as permitted in the R-3 High Density Residential District as regulated by the Southern Building Code and this ordinance.
2. No building shall be erected on a lot which does not abut at least one (1) street for its entire frontage. No building shall be erected on a lot with less than a twenty-five (25) foot frontage.

### B. Reductions in Lot Area Prohibited

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

### C. Rear Yard Abuts 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 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.

## 10.08 VISION AT STREET INTERSECTIONS

On a corner lot in any 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 seventy-five (75) feet from their intersections, there shall be no obstruction to vision between the 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 center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall, nor the provisions of the C-1 Central Business District zone.



#### 10.09 GASOLINE SERVICE STATION RESTRICTIONS

The following regulations shall apply to all gasoline service stations.

1. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands.
2. Gasoline pumps shall not be located closer than twenty-five (25) feet to any street right-of-way line.
3. Sign requirements as established in Section 10.11 shall be met.

#### 10.10 SWIMMING POOL RESTRICTIONS

The following regulations shall apply to all swimming pools.

1. No swimming pool or part thereof, excluding aprons and walks, shall protrude into any required front yard in the R-1 Low Density Residential District, the R-2 Medium Density Residential District, and the R-3 High Density Residential District.
2. The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or from adjacent properties. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition.
3. Private swimming pools are permitted in the R-1 Low Density Residential District, R-2 Medium Density Residential District, and the R-3 High Density Residential District provided that the pool is intended and is to be used solely for the enjoyment of the occupants and their guests of the property on which it is located.

#### 10.11 Signs and Other Advertising Structures **(Amended 9/8/08)**

These conditions are established as a reasonable and impartial method of regulating the location, size, placement, and certain features of advertising structures in order to insure light, air, and open space, to reduce hazards at intersections, promote the aesthetic look of the city, and to protect property values of the entire community. Accordingly, this section establishes regulations governing the display of signs which will:

- a. promote and protect the public health, safety, comfort, morals, and convenience; and
- b. enhance the economy and the business and industry of the town by promoting the reasonable, orderly, and effective display of signs and thereby encouraging increased communication with the public; and
- c. restrict signs and lights which overload the capacity of the public to receive information or which will increase the probability of traffic congestion and accidents by distracting attention or obstructing vision; and
- d. reduce conflict among signs and light and between public and private information systems; and
- e. promote signs which are compatible with their surroundings, are appropriate to the types of activities to which they pertain, and are expressive of the identity of proprietors and other persons displaying signs.

10.11.02 Minimum Standards and Electrical Safety

- a. The minimum standards set forth in this ordinance shall not relieve an owner or tenant of the responsibility for compliance with other local ordinances, codes and regulations, including established requirements and provisions of the Standard Building Code and/or National Electrical Code or any health or other authority having jurisdiction.
- b. All signs having electric wiring shall bear a seal of approval of a nationally recognized electrical testing laboratory. Each sign with electrical wiring must have an outside disconnect. All electrical service to ground mounted signs shall be placed underground. Electrical service to other signs shall be concealed from public view.

10.11.03 Definitions; Interpretations

For purposes of this ordinance, certain words or terms used herein shall be defined as follows: words used in the present tense include the future tense; words used in the singular number include the plural, and words used in the plural include the singular. The word "shall" is always mandatory, not directory.

*Abandoned sign, abandonment:* A sign that identifies or advertises an establishment, goods or services which are no longer provided on the premises where the sign is located.

A sign which identifies a time, event or purpose which has passed or no longer applies. This also applies to sign structures with or without a sign.

*Attached sign:* A sign that is permanently affixed to, or painted on, a building, canopy, or wall and having a permanent or changeable copy face.

*Awning:* A shelter projecting from and supported by the exterior wall of a building and constructed of non-rigid materials on a supporting framework.

*Awning sign:* A sign painted on, printed on, or attached to the surface of an awning or canopy. For purposes of determining permitted use, area, or location, as applied to this ordinance, an awning sign shall be considered a wall sign.

*Balloon:* A tethered gas or air filled figure used for advertising purposes.

*Banner:* A temporary sign made of flexible material to attract attention, bearing a legend, motto, or advertising message.

*Beacon:* Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

*Billboard:* See Off-premise advertising sign.

*Building:* Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials of any kind or nature.

*Building Ground Coverage:* The area of the lot or parcel, expressed in a percentage, which is covered by a structure or structures. Parking areas which are open to the sky, uncovered loading/unloading areas, and substantially similar uses, are not included when calculating building ground coverage.

*Canopy:* A structure constructed of rigid materials, which is attached to, and supported by, a building and/or columns, poles, or braces extended to the ground.

*Commercial or Non-commercial Multi-tenant Complex:* A ground sign identifying a commercial or non-commercial complex and/or its tenants.

*Construction Sign:* A temporary sign identifying an architect, contractor, subcontractor, engineer, names, advertises, or calls attention to a business, product, service, or other commercial activity.

*Copy Area:* The smallest geometric shape that encloses all graphics, letters, and logos of the sign face.

*Development in Progress Sign:* A sign advertising the name of the project, the architect, the contractor, the developer, the engineer, the financing institution, and/or the materials supplier for the site, whose construction is active, and/or announcing the future development.

*Dilapidation:* When a sign is allowed to fall into a state of disrepair, decay, or ruin, and the cost to repair exceeds fifty percent (50 %) of the fair market value, including labor and materials, of the erection of similar sign not needing repair.

*Directional Sign:* A directional sign is a temporary sign located off site which indicates the direction to a special event such as a program, auction, open house, sports event, or other such activity.

*Double-Faced Sign:* A free-standing sign with two (2) faces.

*Electronic Message Center:* A ground sign conveying computerized changeable messages, such as time, date, temperature, weather, or similar noncommercial information.

*Electronic Reader Board:* A sign used to convey a computerized changeable message to advertise a special event, sale, or other commercial information.

*Enter/Exit Sign:* A sign for the purpose of directing traffic in areas such as parking lots, restaurants, or other places of similar business.

*Face Wall:* The wall area of a structure that fronts the existing street, or where the front entrance is located.

*Fence:* A structure functioning as a boundary or barrier usually made of posts, boards, wire or rails.

*Festoons:* A string of ribbons, pennants, streamers, tinsel, small flags, or pinwheels.

*Flag:* Bunting or fabric of distinctive color and design and used as an emblem, standard, or symbol and which is located on a permanent flagpole.

*Flashing Sign:* A sign, the illumination of which is intermittently on and off so as to flash or blink or to reflect so as to appear to flash, blink or chase, such as metallic or Mylar type fluttering material.

*Freestanding Sign:* A sign supported by a sign structure secured in the ground and which is wholly independent of any building or object, other than the sign structure, for support.

*Frontage, Building:* The distance that a building on one (1) lot fronts on any public street(s).

*Frontage, Street:* The distance for which a lot line adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

*Government Signs:* Any temporary or permanent sign erected and maintained by the town, county, state, or federal government for traffic direction or for designation of, direction to, or announcement of activities at any school, hospital, historic site, or other public property or facility. This definition shall also include signs giving necessary traffic information or warning, such as railroad signs or temporary traffic signs erected by contractors working within or adjacent to a public street. This definition shall also include signs that state public safety information such as speed limit, traffic control, hospital, street names, state roads, hazardous conditions or other such signs.

*Ground Sign:* Any sign, other than a pole sign, placed upon or by the ground independent of any other structures. The entire bottom of a ground sign is generally in contact with or in close proximity to the ground. *See Monument Sign.*

*Height of Sign:* Height of any sign shall be governed by the district in which the sign is located.

*Home Occupation Sign:* A sign erected for the purpose of identifying an allowed home occupation. The sign shall be compatible in design with the elements of the site and shall not be illuminated.

*Illegal Sign:* 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.

*Illuminated Sign:* A sign illuminated by any manner by an artificial light source.

*Inflatable Signs:* A temporary inflated sign, stationary or mobile, used to attract attention, which may or may not bear a message.

*Mansard:* A sloped roof or roof-like façade architecturally comparable to a building wall.

*Marquee:* Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

*Marquee Sign:* A projecting sign attached to or hung from a marquee.

*Menu Board:* A sign associated with drive-thru windows and oriented toward drive-thru window traffic.

*Monument Sign:* A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles, braces and uprights and permanently attached to the ground. Perimeter of sign to be constructed of masonry, brick, stucco, or wood design weather resistant in nature. See Ground Sign.

*Multi-Tenant Centers:* A building, or group of buildings, which has more than one (1) occupant or tenant.

*Name Plaques and Address Plaques:* An attached sign which indicates the name of the occupant and the address of the premises.

*Nonconforming Sign:* A sign legally constructed or erected prior to the effective date of any ordinance or amendment containing provisions with which such sign does not comply. (A sign constructed illegally in violation of any prior law, ordinance, or code is not made legal by this chapter unless it conforms to all the requirements of this chapter.)

*Normal Maintenance:* For the purpose of this ordinance, normal maintenance includes work which can be performed on a sign without the benefit of a sign permit. This includes scraping, painting, cleaning, and like activities, of an existing sign structure and sign face.

*Off-Premise Advertising Sign:* A sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity (including property) sold at a location (i.e. a lot or parcel) other than where the sign is located. Such a sign,

particularly when it is relatively large, is commonly referred to as a billboard.

*Outline Lighting:* Attached neon tubing or fiber optic tubing, which must be of constant intensity and uniform color, placed on the exterior of a building which is not strip lighting.

*Pennant:* A temporary sign which is a colored flag sometimes bearing an emblem, dealership flag, or drape suspended or projecting from a private light pole, perimeter poles, or dedicated pole.

*Permanent Sign:* A sign that is intended for other than temporary use or a limited period. A permanent sign is generally affixed or attached to the exterior of a building, or to a pole or other structure, by adhesive or mechanical means, or is otherwise characterized by anchoring, construction materials, or a foundation indicative of an intent to display the sign for more than a limited period.

*Pole Sign:* A limited use on site sign which is used for promotional advertising temporarily attached to the perimeter poles, private light poles, canopy poles, or other similar poles, but not to include flag poles.

*Political Sign:* A temporary sign on private property that consists of a poster, placard, board, banner or other similar medium that contains a message related to a matter of public interest, including but not limited to a candidate for office or a ballot issue, but containing no commercial message.

*Portable Sign:* A portable sign shall include any advertising sign or device, counterbalances sign, trailer sign, or variation thereof located on the ground, easily moveable, not permanently attached thereto and which is usually a two-sided sign, including any single or double surface painted or poster panel type sign or any variation thereof which is temporary in nature.

*Projecting Sign:* A business sign attached to a building or wall in such a manner that its leading edge extends more than twelve (12) inches beyond the surface of such building or wall. For purposes of calculating sign area, projecting signs shall be considered wall signs.

*Reader Board:* A sign used to convey a changeable message such as a sale, special event, or other commercial information that uses changeable lettering to convey this information.

*Real Estate Sign:* A temporary sign pertaining to the sale, lease, or rental of property and shall include, but not limited to real estate directional, open house, and open house directional signs.

*Roof Sign:* An attached sign wholly or partially dependent upon the roof of any building for support. A roof does not include a mansard mounted on a parapet wall.

*Shopping Center:* A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property.

*Sign:* Street graphics and including frame, letter, figure, character, make, plain, point, marquee, design, picture, stroke, banner, streamer, pennant, bunting, inflatable sign, strike, line, flag, logotype, trademark, reading matter, illuminating device, or any device used for the illumination of such which is used or intended to be used to attract attention or convey information when the same is placed outdoors in the view of the general public or for the purpose of attracting the general public to any place, business, person, firm, or corporation or to any public performance, article, machine, or merchandise of any nature whatsoever and which is displayed in any manner whatsoever.

*Sign Area or Sign Face:* The entire area of a single, contiguous perimeter enclosing the extreme limits of emblem, representation, wording, or any figure of similar character, together with any color or material forming an integral part of the display, or used to differentiate the sign from the background (such as a wall) against which it is placed. The supports and uprights shall not be included in determining the sign area sign face.

*Streamers:* A series of long, narrow banners, flags, or pennants attached to a cord.

*String Lighting:* Lighting used to outline a structure and to attract attention for commercial purposes.

*Surface Area:* The entire area of a sign structure measured by the square rectangle, semicircle, or parallelogram thereof and comprising the entire sign inclusive of any border or trim and all of the elements of the matter displayed, but excluding the base or apron, supports, and other structural members. In the case of three (3) dimensional letters or painted letters directly on the wall surface, the surface area shall be defined as that area encompassing the individual letters themselves, including any trim or border and excluding the background that supports the three (3) dimensional letters.



*Temporary Sign:* A sign that is intended for temporary use and a limited period, as allowed by this ordinance.

*Unsafe Sign:* Any sign or structure or appurtenance which, in the opinion of the Town Building Inspector, poses a threat to the public health or safety, whether personal or property.

*Vehicular Sign:* A sign placed on a vehicle or trailer which is parked, located, or driven for the primary purpose of displaying said sign. For the purposes of this ordinance, vehicular signs shall not include business logos, identification, or advertising on vehicles primarily used for other purposes.

*Wall Sign:* A sign that is permanently attached to the wall of a structure that is used primarily for the display of the name of a business or an advertisement for a type of business.

*Window Sign:* A sign placed within, affixed to, in contact with, or located within three (3) feet of a window and intended to be seen from the exterior. Window signs can be further classified as either being temporary or permanent.

#### 10.11.04 Permit Required

Except as otherwise provided in this ordinance, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in the Town of Englewood, or cause the same to be done, without first obtaining a sign permit for such sign from the building inspector as required by this ordinance. This section does not apply to those signs listed in Section 10.11.05 of these regulations, signs meant to have changes made to them, such as reader boards, and signs with changes defined under "Normal Maintenance". No permit shall be issued unless the sign complies with all applicable requirements of this ordinance. The building inspector is hereby authorized and empowered to revoke the sign permit upon failure of the holder to comply with any provision of this ordinance or with the terms of the permit at the time of issuance.

At any time deemed necessary, the building inspector may inspect each sign regulated by this ordinance to ensure that such sign conforms to the applicable provisions of this ordinance and to all other ordinances of the Town of Englewood.

Every sign permit issued by the building inspector shall become null and void if work has not commenced within six (6) months from the date of issuance of such permit.

Any sign company seeking to erect, construct, enlarge, alter, repair, move, improve, maintain, convert or manufacture any sign shall demonstrate and register with the town a statement that they have all of the necessary licenses from all other governmental agencies applicable, or shall be represented by a duly registered agent or subcontractor.

*(A). Application for Permit*

Application for a permit shall be made to the administrator upon a form provided by the administrator and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the Town including:

- (1) Name and address of owner of the sign.
- (2) Name and address of owner or the person in possession of the premises where the sign is located or to be located.
- (3) Clear and legible drawings with description definitely showing location of the sign which is the subject of the permit and all other existing signs whose construction requires permits, when such signs are on the same premises.
- (4) Drawings showing the dimensions, construction supports, sizes, electrical wiring and components, materials of the sign and method of attachment and character of structural members to which attachment is to be made. The design, quality, materials and loading shall conform to the requirements of the Standard Building Code (S.B.C) as amended. If required by the building inspector, engineering data shall be supplied on plans submitted and certified by a duly licensed engineer.

*(B). Issuance or Denial*

The building inspector shall issue a permit for the erection, alteration, or relocation of a sign within the town when an application therefore as been properly made and the sign complies with all appropriate laws and regulations of the town.

The building inspector may, in writing, suspend or revoke a permit issued under provisions of this section whenever the permit is issued on the basis of a misstatement of fact or

fraud. When a sign permit is denied by the building inspector, he/she shall give written notice of the denial to the applicant, together with a brief statement of the reasons for denial of permit.

*(C). Permit Fees*

The fee for submitting an application for a sign permit shall be twenty-five (\$25) dollars to cover the cost of inspection.

10.11.05 Permit Exceptions

The following operations shall not be considered as creating a sign and therefore shall not require a sign permit:

- a. The changing of the advertised copy of a message on an approved sign which is specially designed for the use of replaceable copy. Such signs would include menu boards, reader/message boards with changeable letters, movie theater marquees, service station price changes, and similar operations.
- b. Painting, cleaning, and other normal maintenance and repair of a conforming sign, provided structural alterations are not made. If changes are made to the structure, a sign permit is required.

10.11.06 Exempt Noncommercial Signs

The following noncommercial signs shall be exempt from the sign permit requirements of this ordinance:

- a. Signs of any constituted governmental body such as traffic control signs and signals, legal notices, railroad crossing signs, danger signs, and other temporary emergency, or non-advertising signs.
- b. Memorial tablets or signs, historic markers, corner stones, or a building name and date of erection.
- c. Signs required to be maintained by law such as a governmental order, rule, or regulations.
- d. Flags, emblems, or insignias of any constituted governmental body, religious groups, civic organizations, or service clubs.

- e. Signs that warn the public against hunting, fishing, trespassing, dangerous animals, swimming, and similar activities and/or points of concern.
- f. Any information, directional, or identification signs erected by a public agency which may give directions and distances to commercial facilities or points of interest for the convenience of the traveling public.

#### 10.11.07 Exempt Temporary Signs

The following signs are permitted within all zoning districts within the Town of Englewood. Except where specifically qualified below, no permit shall be required for any of the following temporary signs.

- a. Official notices or advertisement required by the direction of any public or court officer in the performance of his/her official or directed duties or by trustees under deeds of trust, deeds of assignment or other similar instruments, provided that such signs shall be removed no later than seven (7) days after the last day of the period for which they are required to be displayed.
- b. Political campaign signs, including signs for campaign headquarters, not exceeding six (6) square feet in residential zones (R-1, R-2, and R-3), or sixteen (16) square feet in all other zones (C-1, C-2, and I-1). Such signs shall not be erected more than ninety (90) days prior to the nomination, election, or referendum which it advertises. Such signs shall be removed within seven (7) days after the announced results of that nomination, election, or referendum.
- c. Signs not exceeding twelve (12) square feet in residential zones (R-1, R-2, and R-3), or twenty-four (24) square feet in all other zones (C-1, C-2, and I-1) announcing a campaign drive or event of a civic, philanthropic, education or religious organization provided that the sponsoring organization shall insure proper and prompt removal of such sign.
- d. Real Estate Signs located on property offered for sale, lease, or rent, provided they do not exceed six (6) square feet in residential zones (R-1, R-2, and R-3) and thirty-two (32) square feet in all other zones (C-1, C-2, and I-1). Maximum height of such signs shall be five (5) feet and shall be

setback no less than fifteen (15) feet from the back of the curb or edge of pavement. Real estate signs shall be removed within seven (7) days of the sale, lease, rental, or lease of the property.

- e. Construction/Development in Progress Signs, provided they do not exceed twelve (12) square feet in residential zones (R-1, R-2, and R-3), or thirty-two (32) square feet in all other zones (C-1, C-2, and I-1). No sign shall exceed a maximum height of five (5) feet and shall be setback a minimum of fifteen (15) feet from the back of the curb or edge of pavement. Construction/Development in Progress Signs shall be removed within fourteen (14) days following completion of construction.
- f. Miscellaneous Yard Signs provided they meet the following requirements:
  - 1. No more than one (1) miscellaneous yard sign at a time.
  - 2. The message is non-commercial in nature.
  - 3. The total sign face area shall not exceed six (6) square feet.
  - 4. The signs shall not exceed a maximum height of three (3) feet.
  - 5. Such signs shall be placed on the property with the consent of the owner of the property.
  - 6. Such signs shall be located no less than fifteen (15) feet from the back of curb, or edge of pavement of any street.

#### 10.11.08 Prohibited Signs

The following signs are prohibited in any zoning district in the Town of Englewood, Tennessee.

- a. Portable Signs, as defined within Section 10.11.03 of these regulations.
- b. Any sign that exhibits statements, words or pictures of an obscene nature, as defined by the United States Supreme Court.
- c. Any sign which, by reason or its location, position, size, shape, or color, may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic control sign, signal, device, or where it may interfere with, mislead or confuse traffic. To those ends, no sign shall use the words "Stop", "Slow", "Caution", "Yield",

"Danger", "Warning", or "Go" when such sign may be confused with a traffic control sign used or displayed by a public authority.

- d. Any sign that violates any provision of any law or regulation of the State of Tennessee relative to outdoor advertising.
- e. Any sign that violates any provision of the Standard Building Code.
- f. Any sign located so as to obscure all or any portion of a sign or traffic signal erected by a governmental authority.
- g. Any sign, excluding flags with a company or business identification, where all or any part is in continuous motion, including fluttering or rotating.
- h. Any sign displaying flashing or intermittent lights, or lights of changing degrees of intensity of color, except for the portion of a sign which indicates time, temperature, barometric pressure or air pollution index.
- i. Any sign that obstructs any window, door, fire escape, stairway, ladder, opening or access, intended for light, air, ingress to or egress from any building.
- j. Any sign that is attached to a utility pole, whether on public or private property, except utility warning announcements.
- k. Beacons, excluding those required by the Federal Aviation Administration.
- l. An abandoned Sign, as defined in Section 10.11.03 of these regulations and in accordance with Section 10.11.13 of these regulations.
- m. Festoons, pennants, ribbons, streamers, and pinwheels.
- n. Vehicular signs, as defined within Section 10.11.03 of these regulations.
- o. Inflatable signs and tethered balloons, unless such signs meet all of the following requirements: 1) a sign permit is obtained stating the dates the balloon/inflatable sign will be displayed; and 2) the signs are permitted no more than two (2) times

per year, for fourteen (14) days of each event: 3) An inflatable sign shall be anchored in such a manner that does not allow it to move: 4) An inflatable mobile sign is one that is tethered so that it moves and free floats.

- p. Any permanent freestanding, temporary sign located within, upon, or over the public right-of-way, except for government signs as defined within Section 10.11.03 of these regulations.
- q. Roof mounted signs, except that signs may be erected upon the vertical face of a mansard roof, provided that the sign does not extend above the vertical face of the roof.
- r. Banners, unless such signs meet all of the following requirements: 1) a sign permit is obtained stating the dates the banners shall be displayed; and 2) the banners are permitted no more than two (2) times per year, for up to thirty (30) days for each event.
- s. Projecting Signs.

#### 10.11.09 Sign Inspection and Maintenance

Signs which require a permit may be inspected as deemed necessary by the Town Building Inspector to assess compliance with this and other ordinances of the Town of Englewood.

All signs, including lawful nonconforming signs and the premises surrounding them, shall be properly maintained, clear of brush, trees, and other obstacles so as to make signs readily visible.

All Signs, together with their support structures, braces, guys, anchors, and electrical equipment shall be kept in safe repair and shall be well maintained. All signs and support structures shall be maintained in such a manner so as to allow clear and unobstructed view of traffic when approaching an intersection or exiting or entering private property.

Any sign or similar advertising structure failing to meet the requirements of this section shall be repaired or removed within thirty (30) days after notification from the Town Building Inspector. For purposes of this ordinance, repairing or replacing a damaged or deteriorated sign face without a change in ownership, tenancy, dimensions, location or use shall be deemed "normal maintenance".

#### 10.11.10 Maintenance of Banners and Flags

Banners and flags shall not be permitted to deteriorate to a tattered, torn, or faded condition and shall be attached properly at all times. The condition shall be repaired or removed within thirty (30) days after written notification from the Town Building Inspector.

#### 10.11.11 Removal of Illegal, Nonconforming, Abandoned, and Obsolete signs.

- a. Illegal Signs - As defined within Section 10.11.03 of these regulations.

Any illegal sign shall be removed by the owner, person, or firm maintaining the sign from the premises upon which it is located within thirty (30) days from the effective date of this Ordinance or written notice of violation from the Town Building Inspector and shall not remain on the premises or elsewhere in the Town of Englewood until a sign permit is issued and conforms to the provisions of this ordinance.

- b. Non-conforming Signs -As defined within Section 10.11.03 of these regulations.

(1). Continuance of Non-conforming Signs

Signs which do not conform to the regulations and restrictions provided in this ordinance but which were erected in accordance with all applicable regulations in effect at the time of their erection may remain erected as legal non-conforming signs.

(2). Expansion and/or Alteration

A non-conforming sign shall not be enlarged, reconstructed, or structurally altered, nor shall such sign be worded so as to advertise or identify any use other than that in effect at the time it became a non-conforming sign, except that the advertising copy on a nonconforming sign may be changed, provided such copy conforms with all provisions of this ordinance. Non-conforming signs which are considered as lawful under this ordinance may be superficially altered as part of a normal maintenance program designed to enhance their appearance and/or allow for minor repairs.

(3). Moving Nonconforming Signs

A nonconforming sign shall not be moved on the same lot nor to another lot unless the moving will relocate the sign into a zoning district or any



area in which the sign would conform with all applicable provisions of this ordinance.

(4). Removal of Nonconforming Signs

Nonconforming signs which are unlawfully enlarged, altered, or moved shall be subject to the removal procedures as specified within these regulations and as stated by the Town Building Inspector in his written notification regarding the violation.

- c. Abandoned Signs - As defined within Section 10.11.03 of these regulations.

The sign face, or portion of a sign which advertises a discontinued use, occupant, product or service shall be removed within sixty (60) days of the discontinuance of said use, occupant, product, or service. If such portion of the sign is not removed within this period, the building official or his/her designee shall direct that it be removed as specified within these regulations.

- d. Removal:

(1). When Required: Any illegal, nonconforming or abandoned 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 Town Building Inspector or his/her designee in accordance with the provisions and procedures detailed in this subsection. Any illegal, nonconforming or abandoned 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 offense.

(2). Removal by Authorities: Upon failure of owner/user/property owner to comply with the specified time requirements as set forth in this Section, the Town Building Inspector is hereby authorized to cause such illegal, nonconforming or abandoned sign to be removed and any expense attendant 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 Town 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 Town 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 fixed by the court. Any such judgement shall be enforced in accordance with law. Included in the expenses recoverable by the Town, 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 Town Building Inspector, pursuant to the provisions contained herein, shall become the property of the Town and may be disposed of in any manner deemed appropriate by the Town.

- (3). Failure to Remove: A failure to remove any illegal, nonconforming or abandoned sign and subsequent failure by the Town Building Inspector 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 thirty (30) days of such notification.

#### 10.11.12 GENERAL PROVISIONS

- a. Computation of the Area of Individual Signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) shall be computed by means of the smallest rectangle or square that will encompass the extreme limits of the writing,

representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative wall when such wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

- b. Computation of the area of multi-faced signs. The sign area with more than one face shall be computed by adding together the area of all sign faces.
- c. Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases where the normal grade cannot be reasonably determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street.
- d. All signs shall comply with the applicable provisions of the adopted building code and the electrical code. Except for banners, flags, pennants, temporary signs, and window signs allowed herein, all signs shall be constructed of permanent materials that are permanently attached to the ground of a structure. All signs shall be maintained in good structural condition, in compliance with all applicable codes and ordinances.
- e. Sign Illumination. Sign illumination shall only be achieved through the following standards.
  - (1). No sign having flashing, intermittent, or animated illumination shall be permitted within fifty (50) feet of property in any residential district unless the illumination of such sign is so designed that it does not shine or reflect onto such property.
  - (2). A white, steady, stationary light of reasonable intensity that is directed solely at the sign. The light source shall be shielded from adjacent buildings and streets, and shall not be of sufficient brightness to cause glare or other nuisances to adjacent land uses.

(3). Internal illumination shall provide steady, stationary lighting through translucent materials.

f. Setbacks:

(1). Freestanding signs shall be setback at least fifteen (15) feet from the street right-of-way, unless a greater distance is needed to ensure adequate vision clearance. No permitted freestanding sign shall be located within a public utility or drainage easement, without written approval from the affected agencies.

(2). Temporary signs shall be located at least fifteen (15) feet from the back of the street curb, edge of pavement or stabilized shoulder, unless a greater distance is required to remove such sign from the street right-of-way or sight distance triangle. No temporary signs shall be permitted within any median which is within a public right-of-way.

g. No signs shall be placed within the public right-of-way, except for government signs, as defined within Section 10.11.03 of these regulations.

h. Window signs placed in windows or glass walls shall not cover more than twenty-five (25) percent of the glass area to which they are attached.

10.11.13 Off-Premise Advertising Signs

Off-Premise advertising signs, unless otherwise specified in this ordinance, shall be permitted only where they will comply with all of the following provisions:

a. Off-premise signs are permitted within the C-2 (General Commercial Zone). The property where said proposed off-premise advertising sign is to be located must be adjacent to an arterial street, as defined on the Major Street Plan for the Town of Englewood.

b. Off-Premise signs are prohibited within the residential (R-1, R-2, and R-3), central business district (C-1), and Industrial (I-1) districts.

c. Off-premise signs shall be subject to the same minimum yard requirements as set forth for the zoning district in which they are located. This shall be interpreted to mean that the face of the sign, as well as the structure base shall comply with the minimum front,

rear, and side yard setback and minimum lot size requirements for the associated zoning district.

- d. Off-premise signs shall be located as least one-hundred (100) feet from any residential district, as measured along the street right-of-way that the proposed sign would face.
- e. Off-premise signs shall not be located within one thousand (1,000) feet of any other off-premise sign located on the same side of the street. No off-premise advertising structure shall be within three hundred (300) feet of any other off-premise sign in a radial direction. The minimum distance between structures shall be measured along a straight line and shall be made between the two (2) nearest points of the structures.
- f. Off-premise signs may be double-faced but in no case shall a structure contain more than two (2) facings and exceed a sign area of two-hundred (200) square feet per face, or a total sign area of four-hundred (400) square feet. Double stacked off-premise signs are prohibited within the Town of Englewood.
- g. The height of off-premise advertising signs shall be a maximum height of forty (40) feet. Computation of height is regulated within Section 10.11.12 (c) of these regulations.

#### 10.11.14 Sign Regulations by District

The following regulations shall apply to all signs, which require a permit by the provisions of this ordinance. The regulations, as set forth, shall be qualified by those additional provisions, which may be presented elsewhere in this ordinance for particular uses.

Within the residential districts (R-1, R-2, and R-3), the following signs are permitted:

##### (1). Subdivision Entrance Signs

- a. Residential subdivision developments shall be permitted one (1) permanent subdivision entrance sign at the intersection of every major arterial or collector street with said subdivision.
- b. The subdivision entrance signs shall be permanent and shall contain only the name of the subdivision.
- c. The subdivision entrance sign(s) shall not exceed thirty-two (32) square feet per side with a maximum number of two (2) sides.

- d. The height of the subdivision entrance sign(s) shall not exceed five (5) feet and shall be located a minimum of ten (10) feet from any property line, except that a sign may be permitted in a grassed median provided the sign does not interfere with traffic or sight vision clearance.
- e. The subdivision entrance sign shall be located within a platted sign easement.
- f. The subdivision entrance sign(s) shall be externally illuminated subject to the provisions of Section 10.11.12 (f).

(2). Multi-Family and Group Dwelling Complexes

- a. All multi-family development, apartment complexes and/or condominiums with four (4) or more dwelling units shall be permitted one (1) externally lighted ground or wall sign for identification; provided if said project fronts on more than one (1) arterial and/or collector street, then one (1) additional multi-family project identification sign shall be permitted at a major entrance on the additional street frontage.
- b. The sign face area of each sign shall not exceed thirty-six (36) square feet.
- c. The height of any ground sign shall not exceed a maximum of six (6) feet. The sign shall be setback no less than ten (10) feet from any property line, except that a sign may be permitted in a grassed median provided the sign does not interfere with traffic or sight vision clearance.

(3). Civic Signs

- a. Churches, schools, clubs, and non-profit organizations shall be entitled to one (1) sign not exceeding thirty-two (32) square feet in area, or eight (8) feet in height, facing each street upon which it fronts.
- b. Churches, schools, clubs, and non-profit organizations shall also be permitted wall signs equivalent to one (1%) percent of the building ground coverage, or a maximum of one hundred (100) square feet of wall signage.
- c. Churches, schools, clubs, and non-profit organizations shall also be permitted a maximum of two (2) information/directional signs. Such signs shall state the name of the church, school, club or organization and provide a directional arrow. Maximum sign area shall not exceed two (2) square feet and a maximum height of four (4) feet.

(4). Home Occupations

- a. Approved home occupations conducted within a dwelling are permitted one (1) freestanding sign.
- b. The home occupation sign face area shall not exceed a maximum of four (4) square feet of sign area.
- c. The height of said home occupation signs shall not exceed a maximum height of three (3) feet.
- d. Home occupation signs shall not be illuminated by any means.

#### Central Business District (C-1)

Business located within the central business district are permitted either one (1) freestanding sign, or wall sign and not both, subject to the provisions as follows:

- a. **Freestanding Sign Structures:** Businesses are permitted one freestanding sign structure as follows: (a) the sign surface area shall not exceed twenty-five (25) square feet per side or a total of fifty (50) square feet; (b) one (1) freestanding sign per street frontage is permitted, provided not more than one (1) sign is readable from any given point; and (c) the height of said freestanding signs shall not exceed twenty (20) feet or the height of the building, which ever is less.
- b. **Wall Mounted Sign Structures:** Each business is permitted one (1) attached wall sign per building face. Such sign shall be no greater than twenty-five (25%) percent of the face of the wall on which the wall sign is to be located. An awning or canopy with the business name or related information is defined to be a wall mounted 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.

#### General Commercial Zone (C-2)

- a. **Freestanding Sign Structures:** Only one (1) freestanding sign structure per business shall be permitted. The freestanding sign surface area shall not exceed one (1) square foot per linear foot of frontage, with a maximum sign surface area not to exceed one-hundred (100) square feet per side or two hundred (200) square feet total of all sides. Lots with multiple street frontages, including corner lots, use only one (1) street frontage for computing permitted sign surface area. One (1) freestanding sign structure shall be permitted per street frontage. The maximum height of such freestanding sign structure shall not exceed thirty (30) feet.
- b. **Wall Mounted Sign Structures:** Each business is permitted one (1) attached wall sign per building face. Such sign shall

be no greater than twenty-five (25%) percent of the face of the wall on which the wall sign is to be located. An awning or canopy with the business name or related information is defined to be a wall mounted 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.

- c. Informational/Directional Signs: Each business shall be permitted two (2) directional informational/directional signs for each egress/ingress point. The maximum sign area shall be two (2) square feet and a maximum height of four (4) feet.

In addition to the applicable regulations above, the following additional signs are permitted on land used for banks and other lending institutions.

#### Banks and Other Lending Institutions

- A). Automatic teller machines are permitted one (1) sign, not to exceed two (2) square feet in size, which shall be posted at the machine. One (1) sign not to exceed two (2) square feet in size, which shall be posted above the drive-thru lane on the overhead canopy.
- B). Drive-thru teller lanes are permitted one (1) sign, not to exceed two (2) square feet in size, which shall be posted at the service window. One (1) sign per drive-thru lane, not to exceed two (2) square feet in size, which shall be posted above the lane on the overhead canopy.

In addition to the applicable regulations above, the following additional signs and regulations are permitted on land used for other businesses with drive thru windows:

#### Pharmacies with Drive-Thru Windows

- A). Pharmacies with drive-thru windows are permitted one (1) sign, not to exceed two (2) square feet in size, which may be posted at the window. One (1) sign not to exceed two (2) square feet in size may also be posted above the drive-thru lane on the overhead canopy.

#### Restaurant Establishments & Convenience Stores with Drive-Thru Windows

- A). Menu Board Signs. One (1) sign per drive-thru lane, not to exceed twenty-five (25) square feet in size and six (6) feet in height.



Gasoline service stations/convenience stores shall be considered freestanding commercial uses and such sign regulations shall apply. If such establishments also have a restaurant with a drive thru window, such window sign regulations shall apply. In addition to these signs, the following additional signs are permitted:

Gasoline/Service Station and/or Convenience Stores

For purposes of these regulations, gasoline/service and/or convenience stores shall be considered freestanding commercial uses and such sign regulations shall apply. In addition to these signs, the following additional signs are permitted:

- (A) Canopy Signs. Two (2) signs, not to exceed nine (9) square feet in size each, which shall be posted on two (2) different sides of the canopy over the gas pumps.
- (B) Gas Pump Signs. Any number of signs, not to exceed a total area of eight (8) square feet per gas pump island. The content of such signs shall be limited to the federally required safety information, the octane level, credit card information, the gas brand (grade level) name, car wash information, and other similar information. Only one (1) sign permit shall be required for all the gas pump islands on the site.
- (C) Car Wash Signs. In addition to the wall sign(s) permitted elsewhere in this chapter, one (1) additional wall sign located on the wall of the vehicle entrance shall be allowed. Such wall signs are permitted a total area of one (1) square foot per each linear foot of building wall upon which the sign(s) will be mounted, not to exceed twenty (20) square feet.
- (D) Car Wash Order Box Signs. One (1) sign per car wash entrance, not to exceed one (1) square foot in size and thirty (30) inches in height.

Industrial (I-1) Zone

The following signs are permitted within the industrial zone (I-1).

Industrial Parks

Master Identification signs are permitted for industrial parks, provided that one (1) freestanding sign shall be permitted at each major access point. Maximum sign area shall not exceed one hundred seventy-five (175) square feet per side or three hundred (300) square feet total of all sides. Maximum height of signs shall not exceed thirty-five (35) feet.

Single tenant businesses and multi-tenant centers located in industrial parks are permitted freestanding signs provided the sign surface area does not exceed thirty-two (32) square feet per side, or a total of sixty-four (64) square feet for all sides. Lots with multiple street frontages, including corner lots, use the street frontage on which the sign is mounted in computing sign area. Maximum height of such signs shall not exceed five (5) feet above the ground.

Wall signs are permitted equivalent to one (1%) percent of the building ground coverage area. Businesses having less than four thousand (4,000) square feet or any may utilize up to forty (40) square feet of signage.

#### Industrial Development Outside Industrial Parks

Single tenant businesses and multi-tenant centers are permitted freestanding signs provided that the sign surface area does not exceed one (1) square foot per linear foot for the first one hundred (100) linear feet of frontage, plus one (1) square foot of sign area for each ten (10) linear feet over one hundred (100) linear feet of frontage for a maximum sign area of two hundred (200) square feet per side, or four hundred (400) square feet total of all sides. Lots with multiple street frontages, including corner lots, use the street frontage on which the sign is mounted in computing sign area. Maximum height of the sign shall not exceed thirty (30) feet for signs measuring one hundred (100) square feet or less, or thirty-five (35) feet for signs containing one hundred and one (101) square feet or more.

Wall signs are permitted equivalent to one percent (1%) of the building ground coverage area. Business having less than four thousand (4,000) square feet of area may utilize up to forty (40) square feet of signage.

#### 10.12 MOBILE HOME PARKS (Amended 01-14-02)

The following regulations shall apply to all Mobile Home Parks:

A. Permit for Mobile Home Park

No place or site within the said city shall be established or maintained by any person, group of persons, or corporation as a mobile home park unless he holds a valid permit issued by the Building Inspector in the name of such person or persons for the specific mobile home park.

B. Permit Application Procedure

Applications for a mobile home park shall be filed with and issued by the Building Inspector subject to the planning commission's approval of the mobile home park plan. Applications shall be in writing and signed by the applicant and shall be accompanied with a plan of the proposed mobile home park. The plan shall contain the following requirements:

1. The plan shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch;
2. Name and address of owner of record;
3. Proposed name of park;
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 owners or record of adjoining land;
8. Existing streets, utilities, easements and watercourses on and adjacent to the tract;
9. Proposed design including street, proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than mobile home spaces;
10. Provisions for water supply, sewerage and drainage;
11. Such information as may be required by said city to enable it to determine if the proposed park will comply with legal requirements; and,
12. The application and all accompanying plans and specifications shall be filed in triplicate.

C. Inspections by Building Inspector

The Building Inspector is hereby authorized and directed to make inspections to determine the condition of mobile home parks, in order that he may perform his duty of safeguarding the health and safety of occupants of mobile home parks and of the general public. The Building Inspector shall 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 ordinance.

D. Minimum Size of Mobile Home Park

The tract of land for the mobile home park shall comprise an area of not less than two (2) acres. The tract of land shall consist of a single plot so dimensioned and related as to facilitate efficient design and management.

E. Minimum Number of Spaces

Minimum number of spaces completed and ready for occupancy before first occupancy is six (6).

F. Minimum Mobile Home Space and Spacing of Mobile Homes

Each mobile home space shall be adequate for the type of facility occupying the same. Mobile homes shall be parked on each space so that there will be at least fifteen (15) feet of open space between mobile homes or any attachment such as a garage or porch, and at least ten (10) feet end-to-end spacing between trailers and any building or structure, twenty (20) feet between any trailer and property line and twenty-five (25) feet from the right-of-way of any public street or highway.

The individual plot sizes for mobile home spaces shall be determined as follows:

1. Minimum lot area of five thousand (5,000) square feet;
2. Minimum depth with end parking of an automobile shall be equal to the length of the mobile home plus thirty (30) feet;
3. Minimum depth with side or street parking shall be equal to the length of the mobile home plus fifteen (15) feet; and,
4. In no case shall the minimum width be less than fifty (50) feet and the minimum depth less than one hundred (100) feet.

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\*If the construction of additional rooms or covered areas is to be allowed beside the manufactured (mobile) homes, the manufactured (mobile) home spaces shall be made wider to accommodate such construction in order to maintain the required fifteen (15) feet of open space.

G. Water Supply

An adequate water supply system must be provided and must be approved in writing by the Health Department.

H. Sewage Disposal

An adequate sewage disposal system must be provided and must be approved in writing by the Health Department.

I. Refuse

The storage, collection and disposal of refuse in the park shall be so managed as to create no health hazards. All refuse shall be stored in fly-proof, water-tight and rodent-proof containers. Satisfactory container racks or holders shall be provided.

J. Streets

Widths of various streets within mobile home parks shall be:

- One-way, with no on-street parking.....15 ft.
- One-way, with parallel parking on one side only..22 ft.
- One-way, with parallel parking on both sides.....30 ft.
- One-way, with no on-street parking.....22 ft.
- One-way, with parallel parking on one side only..30 ft.
- One-way, with parallel parking on both sides.....50 ft.

Street construction shall meet the same requirements found in the Englewood Subdivision Regulations. There shall also be the placement of "speed bumps" at appropriate distances.

K. Parking Spaces

Car parking spaces shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least one (1) car space for each mobile home lot plus an additional car space for each four (4) lots to provide for guest parking, for two car tenants and for delivery and service vehicles. Car parking spaces shall be located for convenient

access to the mobile home spaces. Where practical, one (1) car space shall be located on each lot and the remainder located in adjacent parking bays. The size of the individual parking space shall have a minimum width of not less than ten (10) feet and a length of not less than twenty (20) feet. The parking spaces shall be located so access can be gained only from internal streets of the mobile home park.

L. Requirement of Buffer Strip

An evergreen buffer strip shall be planted along those boundaries of the mobile home park that are adjacent to development.

M. Common Use Area

There shall be provided a common use area or open space of three hundred (300) square feet per mobile home. This open area could be in one location or several.

10.13 MOBILE HOME SUBDIVISION (Amended 01-14-02)

The planning commission shall upon application for a Travel Trailer Park develop the necessary requirements.

Until then, travel trailers will be permitted to be accommodated in mobile home parks provided that the accommodation of such vehicles does not interfere with the livability of the other tenants.

10.14 GENERAL APPEARANCE AND COMPATIBILITY STANDARDS (Added 06-22-98) (Amended 01-14-02)

A. Permitted Locations.

Modular homes, as defined, shall be permitted in all residential districts subject to the requirements and limitations set forth herein and which apply generally to residential use in such zoning classifications, including minimum lot size, setbacks, percentage of lot coverage and off-street parking requirements.

B. The modular home must be connected to a public water and sewage system. Provided that where public water or sewer is not available, private well and septic tank installations approved by the Tennessee Department of Environment and Conservation may be utilized.

C. Modular homes qualifying as single-family dwellings shall have the same appearance as required for site built homes and shall be built in two (2) or more sections.

- D. All towing devices, wheels, axles and hitches must be removed.
- E. Within 14 days of placement of a modular home, a brick or cinder block skirting compatible with the home's exterior siding shall be securely placed around the structure from the bottom of the home to the ground. Also, steps of a type approved by the building inspector shall be installed with the said time limit as necessary.
- F. Mobile homes shall be installed in accordance with the requirements of the Manufactured Home Anchoring Act (TCA Section 68-36-401).
- G. Within 14 days of placing a mobile home, the mobile home shall be skirted with a permanent enclosure similar in design to the mobile home, constructed of weather resistant materials, enclosing the space directly beneath the mobile home.
- H. Where installation of the electric meter on a separate pole, not on the structure, is approved by the deputy state fire marshall/electrical inspector, said pole shall be at the rear of the manufactured home. Provided, where the Utility cannot place the meter pole at the rear of the structure, said pole shall be at the side of the structure and shall have an opaque panel fence on the front and open side of the pole eight (8) feet high. The space to the rear of the pole shall be left open for emergency access and for meter readings.
- I. Where applicable, all site-built additions to manufactured homes shall meet the requirements of the Englewood Building Code, as amended.

10.15 TELECOMMUNICATIONS STRUCTURES (Added 06-30-00)  
**(Amended 06-11-01)**

The purpose of these regulations is to (1) protect residential areas and land uses from potential adverse impacts of telecommunications structures; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers in the corporate limits by encouraging the joint use of telecommunication structures; (4) minimize visual pollution through careful design, siting, screening and camouflaging of towers; and (5) to minimize the potential damage to adjacent properties.

- A. Use on Review

Construction and operation of a telecommunications structure in any zoning district shall be considered a "use on review" by the Board of Zoning Appeals. The commission shall ensure compliance with the standards of this section prior to granting a special use permit allowing such a structure. Factors to be considered in granting the permit include, but are not limited to: (1) height of the proposed structure, (2) proximity to residential structures, (3) nature of land uses, topography, and foliage on adjacent and nearby properties, (4) design of the tower and especially design characteristics reducing visual obtrusiveness, (5) proposed ingress and egress, and (6) availability of shared use, co-location or alternative technologies not requiring use of towers. **(Amended 06-11-01)**

B. Setback

1. All towers and accessory structures that are not constructed within a utility easement shall be setback from the property line a distance equal to twenty (20) percent of the tower height or the district yard requirement, whichever is greater.
2. In instances when a tower and accessory structures are constructed within a utility easement on an existing utility structure, the tower and accessory structures shall adhere to a setback from the easement lines equal to twenty (20) percent of the tower height.
3. 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 district, measured from the base of the tower, shall be equal to one-hundred (100) percent of the tower height plus (+) ten (10) feet.

C. Shared Use

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



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

#### D. 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.

#### E. Buffering and Landscaping

1. For all ground structures and buildings special care shall be taken to minimize the effects upon the adjacent residential areas.
2. All ground structures shall be buffered in a manner, which consists of an eight (8) foot wide landscaped strip around the perimeter of the security fencing. The buffered strip shall consist of a combination of trees, shrubs, vines and or ground covers that blends and enhances the

appearance of the ground structures within the surrounded area. The buffer 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.

F. Height

1. No tower shall exceed a height of two hundred and fifty (250) feet.
2. In instances when a tower is to be located upon an existing utility structure, which is defined as an existing power line structure or an existing water tower, the maximum height shall not exceed the height of the structure plus (+) twenty (20) feet.

G. Co-Located Towers and Antennas

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

H. 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 Planning Commission in accordance with these regulations.

I. Lighting

1. Towers: Towers may be lighted within the City limits of Englewood if required by the FAA (Federal Aviation Administration).
2. 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 candles

measured at the property line, easement line or abutting properties zoned for residential use.

J. Security

The cellular tower facility shall be fully secured through the installation of a security fence/wall system of a minimum height of eight (8) feet or the height of the accessory structures whichever is greater. Additional fencing may be required by the Englewood Municipal Planning Commission as an aesthetic buffer on the outside of the security fencing.

K. Removal of Obsolete Towers

1. Any tower that is no longer in use for its original communications 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 ceasing operations to remove the obsolete tower and accessory structure(s), 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.
2. Prior to the issuance of a building 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 City's designated official and then approved by the Planning Commission during the site plan review process.

L. 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 in accordance with the following provisions and all other provisions of this Ordinance shall be required.

1. 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.

2. A letter of intent from the owner and any successive owners allowing for the shared use of the tower.
3. A letter from a professional engineer certifying that the towers height and design complies with these regulations and all applicable structural standards and, also describes the tower's capacity which includes the number and type of antennas that can be accommodated.
4. A landscaping and security plan.
5. Setbacks, distance to the nearest residence(s), and distance to the nearest telecommunications structure and the owner of said tower.
6. A letter indicating why existing towers within one (1) mile of the proposed towers location cannot be utilized.
7. Show type and height of the proposed tower with aesthetic design factors.
8. Any other data required by this section.
9. Location and design of driveways and/or access easements to the facility shall be depicted.

M. Exceptions

The provisions of this part shall not apply to antennas or towers under 40-feet in height, or antennas or towers for use by state and local government and cooperative utility districts located by public buildings or co-located on public buildings or water towers. Pre-existing towers shall be allowed to continue their use as they presently exist, however, new construction or expansion of pre-existing telecommunication structures shall comply with this ordinance.

N. Fees

A non-refundable fee of \_\_\_\_\_ dollars must accompany any site plan submitted for purposes of securing a building permit under the terms of this Ordinance. The fee will cover all engineering and other costs associated with the review of a site plan request for a communication tower.

## ARTICLE XI

### EXCEPTIONS AND MODIFICATIONS

#### SECTION

- 11.01 SCOPE
- 11.02 NON-CONFORMING USES
- 11.03 EXCEPTIONS TO NON-CONFORMING USES
- 11.04 EXCEPTIONS TO HEIGHT LIMITATIONS
- 11.05 LOTS OF RECORD
- 11.06 EXCEPTIONS TO FRONT SETBACK REQUIREMENT
- 11.07 ABSOLUTE MINIMUM LOT SIZE

#### 11.01 SCOPE

Article XI of this Ordinance is devoted to the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided for in Articles IV and X.

#### 11.02 NON-CONFORMING USES

It is the intent of this Ordinance to recognize that the elimination as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of this Ordinance is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions of this Ordinance. It is also the intent of this Ordinance to so administer the elimination of non-conforming uses, buildings, and structures as to avoid an unreasonable invasion of established private property rights. Lawful non-conforming 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. An existing non-conforming use of a building may be changed to a conforming use or to another non-conforming use of the same or higher classification providing, however, that the establishment of another non-conforming use of the same or higher classification shall be subject to the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect the area.
2. A non-conforming use of land shall be restricted to the area occupied by such use as of the effective date of this Ordinance. A non-conforming use of a building or buildings shall

not be enlarged to additional land after the effective date of this Ordinance.

3. When a non-conforming use of any structure or land has been discontinued it shall not be re-established or changed to any use not in conformity with the provisions of this Ordinance. Upon the lapse of thirty (30) calendar days after the removal of a non-conforming manufactured (mobile) home or discontinuance of a non-conforming manufactured (mobile) home park, the non-conformity of such structures and use of land shall lapse.
4. Any non-conforming building or non-conforming use which is damaged by fire, flood, wind, or other act of God or man may be reconstructed and used as before if the proper permits have been obtained from the Englewood Building Inspector within six (6) months of such damage.
5. A non-conforming building or non-conforming use shall not be structurally altered except in conformance with the provisions of this Ordinance. This provision shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.
6. When the operation of a non-conforming industrial, commercial, or other business establishment is discontinued for a period of three (3) months, the building and land shall lose its status as a non-conforming use and shall not be entitled to any special exceptions. (That is, any new use must be one that is allowed in that district.)

#### 11.03 EXCEPTIONS TO NON-CONFORMING USES

All districts shall comply with the Tennessee Code Annotated 13-7-208 "Enforcement of Ordinances - Remedies":

The chief legislative body may provide for the enforcement of any ordinance enacted under this chapter. A violation of any such ordinance is hereby declared to be a misdemeanor. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure, or land is or is proposed to be used in violation of any ordinance enacted under this chapter, the building commissioner, municipal counsel or other appropriate authority of the municipality, or any adjacent or neighboring property owner who would be specially damaged by such violation, may, in addition to other remedies, institute

injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of said building, structure or land.

In the event that a zoning change occurs in any land area where such land area was not previously covered by any zoning restrictions of any governmental agency of this state or its political subdivision, or where such land area is covered by zoning restrictions of a governmental agency of this state or its political subdivisions and such zoning restrictions differ from zoning restrictions imposed after the zoning change, then any industrial, commercial or business establishment in operation, permitted to operate under zoning regulations or exceptions thereto prior to the zoning change shall be allowed to continue in operation and be permitted provided that no change in the use of the land is undertaken by such industry or business.

Industrial, commercial, or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto in effect immediately preceding a change in zoning shall be allowed to expand operations and construct facilities which involve an actual continuance and expansion of the activities of the industry or business which were permitted and being conducted prior to the change in zoning, provided that there is a reasonable amount of space for such expansion 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 landowners. No building permit or like permission for construction or landscaping shall be denied to an industry or business seeking to expand and continue activities conducted by that industry or business which were permitted prior to the change in zoning, provided that there is a reasonable amount of space for such expansion 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 landowners.

Industrial, commercial, or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto immediately preceding a change in zoning shall be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business subsequent to the zoning change, provided that no destruction and rebuilding shall occur

which shall act to change the use classification of the land as classified under any zoning regulations or exceptions thereto in effect immediately prior to or subsequent to a change in the zoning of the land area on which such industry or business is located.

No building permit or like permission for demolition, construction or landscaping shall be denied to an industry or business seeking to destroy and reconstruct facilities necessary to the continued conduct of the activities of that industry or business where such conduct was permitted prior to a change in zoning, provided that there is a reasonable amount of space for such expansion 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 landowners.

The provisions of the preceding three paragraphs shall apply only to land owned and in use by such affected business, and shall not operate to permit expansion of an existing industry or business through the acquisition of additional land.

#### 11.04 EXCEPTIONS TO HEIGHT LIMITATIONS

The height limitations of this Ordinance can be exceeded provided the following conditions are met.

1. The developer must present at the time he applies for a building permit a copy of the building plans which have been approved by the Englewood Fire Chief. These plans must show all of the following:
  - a. A wet standpipe riser with one and one-half (1 1/2) inch fire hose connections;
  - b. A wet automatic sprinkler protection system for the entire building;
  - c. Enclosed exit stairways;
  - d. Smoke and heat detection units; and
  - e. Any other fire protection and prevention requirements which the Fire Chief feels are necessary for the building.

The design and installation of these fire protection measures must be in conformance with the National Fire Protection Association standards (NFPA).



2. Before the building can be occupied, the developer must secure a statement from the Fire Chief that the fire protection system has been installed according to the plans and that the system is functioning properly.
3. The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, silos, grain elevators, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flagpoles, radio towers, masts, and aerials.

#### 11.05 LOTS OF RECORD

The following provisions shall apply to all existing lots of record.

1. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this Ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this Ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this Ordinance. Such lot may be used as a building site provided, however, that the yard and other requirements of the district are complied with as closely as in the opinion of the Board of Zoning Appeals is possible. (Refer to Section 11.07).
2. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this Ordinance and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof shall again be considered as a yard, court, or other open space for another building.
3. Where two or more lots of record with a continuous frontage are under the same ownership or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

#### 11.06 EXCEPTIONS TO FRONT SETBACK REQUIREMENTS

The front setback requirements of this Ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line.

11.07 ABSOLUTE MINIMUM LOT SIZE

In no case shall the Board of Zoning Appeals permit a residence to be erected on a lot whose total lot area is less than seven thousand (7,000) square feet.

ARTICLE XII

ADMINISTRATION, ENFORCEMENT, PENALTIES, AND AMENDMENTS

SECTION

- 12.01 ADMINISTRATION OF THE ORDINANCE
- 12.02 THE ENFORCEMENT OFFICER
- 12.03 BUILDING PERMITS
- 12.04 TEMPORARY USE PERMITS
- 12.05 CERTIFICATE OF OCCUPANCY
- 12.06 CERTIFICATE OF FIRST FLOOR ELEVATION AND/OR FLOODPROOFING REQUIREMENTS
- 12.07 PROCEDURE FOR AUTHORIZING USES PERMITTED UPON REVIEW
- 12.08 BOARD OF ZONING APPEALS
- 12.09 VARIANCES
- 12.10 AMENDMENTS TO THE ORDINANCE
- 12.11 REMEDIES
- 12.12 PENALTIES FOR VIOLATIONS
- 12.13 CONFLICT WITH OTHER REGULATIONS
- 12.14 SEVERABILITY
- 12.15 EFFECTIVE DATE

12.01 ADMINISTRATION OF THE ORDINANCE

Except as otherwise provided, no structure or land shall after the effective date of this Ordinance be used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located. In matters of interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory.

12.02 THE ENFORCEMENT OFFICER

The provisions of this Ordinance shall be administered by the Englewood Building Inspector. The Building Inspector shall administer and enforce this Ordinance and, in addition, he shall:

- A. Issuance of Permits, Maintenance of Records, Inspections
  - 1. Issue all building permits and make and maintain records thereof;
  - 2. Issue all certificates of occupancy and make and maintain records thereof;

3. Record all certificates of first floor elevation and/or floodproofing and make and maintain records thereof;
4. Issue and renew, where applicable, all temporary use permits and make and maintain records thereof;
5. Maintain and keep current zoning maps and records of amendments thereto; and
6. Conduct inspections as required in this Ordinance and such other inspections as are necessary to insure compliance with the various other general provisions of this Ordinance. The Building Inspector shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties.

B. Specific Duties of Building Inspector in Flood Hazard District

The Building Inspector shall administer and enforce the city's flood hazard district program. Duties of the Building Inspector shall include, but not be limited to:

1. Permit Review:
  - a. Review all development permits to determine that the permit requirements of this Ordinance have been satisfied;
  - b. Advise permittee that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit;
  - c. Review all development permits to determine if proposed development adversely affects the flood-carrying capacity of the floodplain. For purposes of this Ordinance, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.
    - (1) If it is determined that there is no adverse effect, and the development is

not a building, then the permit shall be granted without further consideration.

(2) If it is determined that there is an adverse effect, then technical justification (i.e., a registered professional engineering analysis) for the proposed development shall be required.

(3) If the proposed development is a building, then the provisions of this Ordinance shall apply.

2. Use of Other Base Flood Data:

When base flood elevation and floodway data have not been provided in accordance with Section 9.04(A), then the Building Inspector shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to administer Section 9.05(B) of this Ordinance.

3. Information to be Obtained and Maintained:

a. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures.

b. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed. Certification of such floodproofing shall be obtained in accordance with Section 9.05(B2).

c. All records pertaining to the provisions of this Ordinance shall be maintained in the office of the City Recorder and shall be open for public inspection.

4. Interpretation of FHBM Boundaries:

Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (i.e., where there appears to be a conflict between a mapped boundary and actual physical conditions), the Building Inspector shall make the necessary interpretation.

### 12.03 BUILDING PERMITS

1. Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or fill or excavate land lying within any flood hazard areas, or to erect or construct a sign of any description, or to install or alter fire extinguishing apparatus, elevators, engines, or to install a steam boiler, furnace, heater, incinerator, or other heat producing apparatus, or other appurtenances, the installation of which is regulated by this Code, or to cause any such work to be done in excess of five hundred (500) dollars, shall first make application to the Building Inspector and obtain the required permit thereof. **(Amended 01-14-02)**

A building permit is also required prior to the alteration of land within the Flood Hazard District and/or within one hundred (100) feet of any stream bank or watercourse that calls for the use of fill material and/or the excavation of material.

2. A general permit shall carry with it the right to install in any building or structure, or part thereof, heating apparatus, elevators, sidewalk elevators, vaults, chutes, coal holes, lifts, cranes, derricks, steam power boilers, steam, oil, gas or vapor engines, provided the same are shown on the drawings and set forth in the specifications filed with the application for the permit; but where these are not shown on the drawings and covered by the specifications submitted with said application, special permits shall be required.
3. Ordinary minor repairs may be made with the approval of the Building Inspector without a permit provided that such repairs shall not violate any of the provisions of this Code.
4. An application for a building permit shall be made in duplicate to the Building Inspector on forms furnished by the inspector and, where applicable, be accompanied by a site plan or plat in duplicate drawn to scale showing the information below listed.

The application for a building permit for excavation, filling, construction, moving, or alteration shall be accompanied by a plan or plat

drawn to scale and showing the following in sufficient detail to enable the Building Inspector to ascertain whether the proposed excavation, filling, construction, moving, or alteration is in conformance with this Ordinance.

- a. The actual shape, location, and dimensions of the lot to be built upon;
- b. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot;
- c. The existing and intended uses of all such buildings or structures;
- d. Location and design of off-street parking and off-street loading area. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.
- e. When the development is proposed in a flood hazard district, the following information is required for Planning Commission review:
  - (1) Elevation in relation to mean sea level (MSL) of the lowest floor, including basement, of all proposed structures;
  - (2) Elevation in relation to mean sea level to which any non-residential structure will be floodproofed;
  - (3) Certification by a registered professional engineer or architect that the non-residential floodproofed structure meets the floodproofing criteria in Section 9.05(B2); and
  - (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- f. The location of the foregoing in relation to any stream within the vicinity.

If the proposed excavation, filling, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this Ordinance, the Building Inspector shall

issue a building permit for such excavation or construction. If an application for a building permit is not approved, the Building Inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this Ordinance and building permits shall be void after six (6) months from the date of issuance unless substantial progress on the project has been made by that time. A copy of the plan or plat will remain on file at the Englewood Town Hall.

12.03.1 ZONING COMPLIANCE PERMIT (Added 06-22-98)

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures; to commence the moving, alteration, or repair of any structure, including accessory structures, or to commence the filling of land inside the corporate limits of Englewood until the building inspector has issued for such work a Zoning Compliance Permit containing a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this ordinance. Application for a Zoning Compliance Permit shall be made in writing to the building inspector on forms provided for that purpose.

It shall be unlawful for the building inspector to approve the plans or issue a Zoning Compliance Permit for excavation or construction until such plans have been inspected in detail and found to be in conformity with this ordinance. To this end, the application for a Zoning Compliance Permit for excavation, construction, moving or alteration shall be accompanied by a plan or plat drawn to a scale and showing the following in sufficient detail to enable the building inspector to ascertain whether the proposed excavation, construction, moving or alteration is in conformance with this ordinance:

- A. The actual shape, location, and dimensions of the lot to be built upon;
- B. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot;
- C. The existing and intended use of all such buildings or other structures;
- D. Location and design of off-street parking areas and off-street loading areas. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.



If the proposed excavation, construction, moving or alteration as set forth in the application is in conformity with the provisions of this ordinance, the building inspector shall issue a Building Permit for such excavation or construction. If any application for a building permit is not approved, the building inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this ordinance, and building permits shall be void after six (6) months from the date of issue, unless substantial progress on the project has been made by that time.

#### 12.04 TEMPORARY USE PERMITS

It shall be unlawful to commence construction or development of any use of a temporary nature until a permit has been secured from the Englewood Building Inspector. Application for a temporary use permit shall be made in writing to the Building Inspector on forms provided for that purpose.

#### 12.05 CERTIFICATE OF OCCUPANCY

No land, or building, or other structure or part thereof, hereafter erected, moved, or altered in its use shall be used until the Building Inspector shall have issued a certificate of occupancy stating that such land, structure, or part thereof, is found to be in conformity with the provisions of this Ordinance. Within three (3) working 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 Inspector to make a final inspection thereof and to issue a certificate of occupancy if the building or premises or part thereof is found to conform with the provisions of this Ordinance; or, if such certificate is refused, to state in writing with the cause for such refusal.

#### 12.06 CERTIFICATE OF FIRST FLOOR ELEVATION AND/OR FLOODPROOFING REQUIREMENTS

Within twenty-one (21) calendar days of establishment of the lowest floor elevation or floodproofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the Building Inspector a certification of the lowest floodproofed elevation or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done with the twenty-one (21) day calendar

period and prior to submission of the certification, shall be at the permit holder's risk. The Building Inspector shall review the flood elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required shall be cause to issue a stop-work order for the project.

#### 12.07 PROCEDURE FOR AUTHORIZING USES PERMITTED UPON REVIEW

The following is established to provide procedures for review of a proposed use by the Board of Zoning Appeals. The procedure shall be the same whether review is required by this Ordinance or whether a review is requested by the Building Inspector to determine whether a proposed use is potentially noxious, dangerous, or offensive.

This procedure shall also be used in submitted special exceptions for Board of Zoning Appeals review.

##### A. Application

An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended use of the site, the names of the property owners and existing land uses within two hundred (200) feet, and any other material pertinent to the request which the Board of Zoning Appeals may require.

##### B. Restrictions

In the exercise of its approval, the Planning Commission may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this Ordinance.

##### C. Validity of Plans

All approved plans, conditions, restrictions, and rules made a part of the approval of the Planning Commission shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.

##### D. Time Limit

All applications reviewed by the Board of Zoning Appeals shall be decided within sixty (60) days of the date of application and the applicant shall be provided with either a written notice of approval or denial.

## 12.08 BOARD OF ZONING APPEALS

An Englewood Board of Zoning Appeals is hereby established in accordance with 13-705 through 13-707 of the Tennessee Code Annotated. The Englewood Municipal Planning Commission is hereby designated as the Board of Zoning Appeals. The terms of the members of the Board of Zoning Appeals shall be concurrent with the terms of the members of the Englewood Municipal Planning Commission. **(Amended 06-11-01)**

### A. Procedure

Meetings of the Board of Zoning Appeals shall be held at the call of the chairman and at such other times as the board may determine. Such chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall adopt rules of procedure and shall keep records of applications and action taken thereon which shall be public records.

### B. Appeals to the Board

An appeal to the Englewood Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental office, department, board, or bureau affected by any decision of the Building Inspector based in whole or in part upon the provisions of this Ordinance. Such appeal shall be made by filing an application with the Board of Zoning Appeals. A notice specifying the grounds for denial shall accompany the application for appeal. The Building Inspector shall transmit to the board all papers constituting the record upon which the action appealed was taken. The board shall fix a reasonable time not to exceed thirty (30) days for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

### C. Powers of the Board

The Board of Zoning Appeals shall have the following powers as defined in the Tennessee Code Annotated 13-7-207.

1. To hear and decide appeals where it is alleged by the appellant and there is error in any order, requirement, permit, decision, or refusal made by

the municipal building inspector or any other administrative official in the carrying out or enforcement of any provisions of any ordinance enacted pursuant to this chapter. **(Amended 06-11-01)**

2. To hear and decide, in accordance with the provisions of any such ordinance, requests for special exceptions, or for interpretation of the map, or for decisions upon other special questions upon which such board is authorized by any such ordinance to pass.
3. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the zoning regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this chapter would result in peculiar and exceptional practical difficulties to, or exception or undue hardship upon the owner of such property, to authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.

A variance is as defined in Section 12.09.

#### 12.09 VARIANCES

The purpose of the variance provision is to modify the strict application of the specific requirements of this Ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions of the land, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this Ordinance. *The variance shall not be used to rezone.*

##### A. Application

After written denial of a permit, a property owner may make application for a variance using the standard form made available by the Board of Zoning Appeals.

B. Hearings

Upon receipt of an application, the board shall hold a hearing to decide whether a variance to the Ordinance provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. The board shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below.

C. Standards for Variances

In granting a variance, the board shall ascertain that the following criteria are met as outlined in Section 3 of the Tennessee Code Annotated 13-7-207:

Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this chapter would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property, to authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.

*Mere loss of a value shall not justify a variance. There must be a deprivation of beneficial use of land.*

The granting of any variance shall be in harmony with the general purposes and intent of this Ordinance and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.

In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the person applying thereof.

12.10 AMENDMENTS TO THE ORDINANCE

A. General

The City Commission may, from time to time, amend this Ordinance by changing the boundaries of districts or by changing any other provisions wherever it is alleged that there was an error in the original zoning ordinance or whenever the public necessity, convenience, and general welfare require such amendment.

B. Initiation of Amendment

Amendments may be initiated by the City Commission, the Planning Commission, or by all of the owners of property affected by the proposed amendment.

C. Application for Amendment--Fee

An application for an amendment shall be accompanied by a fee of twenty-five (25) dollars payable to the Town of Englewood. The application shall be made on the appeal for modification of zoning ordinance form in the appendix and shall also be accompanied by maps, drawings, a petition signed by the owners affected by the proposed amendment, and data necessary to demonstrate that the proposed amendment is in general conformance with the general plan of the Town of Englewood and that public necessity, convenience, and general welfare require the adoption of the proposed amendment. An accurate legal description and scale drawing of the land and existing buildings shall be submitted with the application.

D. Review and Recommendation by the Planning Commission

The Planning Commission shall review and make recommendations to the City Commission on all proposed amendments to the Ordinance.

E. Grounds for an Amendment

The Planning Commission in its review and recommendation, and the City Commission in its deliberations shall make specific findings with regard to the following grounds for an amendment and shall note the same in the official record as follows:

1. The amendment is in agreement with the general plan for the area;

2. It has been determined that the legal purposes for which zoning exists are not contravened;
3. It has been determined that there will be no adverse effects upon adjoining property owners unless such adverse effect can be justified by the overwhelming public good or welfare;
4. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general good; and
5. It has been determined that conditions affecting the area have changed to a sufficient extent to warrant an amendment to the area's general plan and, consequently, the zoning map.

F. Public Hearing and Notice of Hearing

A public hearing shall be held on all proposed amendments to this Ordinance. Notice of such hearing shall be in a newspaper of general circulation within the Town of Englewood at least fifteen (15) days prior to the hearing. This notice shall specify the location, time, current and proposed zoning classification, and it may contain a graphic illustration of the area.

G. Notice of Enactment

Upon enactment of an amendment to the Ordinance, the Ordinance shall receive the favorable vote of a simple majority of the membership of the City Commission.

If the amendment is disapproved by the Planning Commission, it shall receive the favorable vote of a majority of the entire membership of the City Commission.

H. Amendments Affecting Zoning Map

Upon enactment of an amendment to the zoning map which is part of this Ordinance, the City Commission shall cause such amendment to be placed upon the zoning map noting thereon the Ordinance Number and effective date of such amendatory Ordinance. Such amendment shall not become effective until this action is accomplished.

I. Effect of Denial of Application

Whenever an application for an amendment to the text of this Ordinance or for a change in the zoning classification of any property is denied, the

application for such amendment shall not be eligible for reconsideration for one (1) year following such denial, except in the following cases:

1. Upon initiation of the City Commission or Planning Commission;
2. When the new application, although involving all or a portion of the same property, is for a different zoning district than that for which the original application was made; or
3. When the previous application was denied for the reason that the proposed zoning would not conform with the general plan and the general plan has subsequently been amended in a manner which will allow the proposed zoning.

#### 12.11 REMEDIES

In case any building or structure is erected, constructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this Ordinance, the Building Inspector or any other appropriate authority or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure or land.

#### 12.12 PENALTIES FOR VIOLATIONS

Upon conviction, any person violating any provisions of this Ordinance shall be fined not less than two (2) dollars nor more than fifty (50) dollars for each offense. Each day such violations continue shall constitute a separate offense.

#### 12.13 CONFLICT WITH OTHER REGULATIONS

When the regulations of this Ordinance require more restrictive standards than are required in or under any other statute, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such other statute shall govern.

#### 12.14 SEVERABILITY

Should any section or provisions of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the facility of



the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

12.15 EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its adoption, the public welfare demanding it.

PASSED ON FINAL READING: \_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor, Town of Englewood

ARTICLE XIII

ORDINANCE NO. 011298.11

MUNICIPAL FLOODPLAIN ZONING ORDINANCE

AN ORDINANCE ADOPTED PURSUANT TO SECTIONS 13-7-201 THROUGH 13-7-210 OF THE TENNESSEE CODE ANNOTATED FOR THE PURPOSE OF AMENDING THE Englewood, TENNESSEE MUNICIPAL ZONING ORDINANCE REGULATING THE FLOODPLAIN AREAS OF Englewood, TENNESSEE TO MINIMIZE DANGER TO LIFE AND PROPERTY. THIS ORDINANCE SHALL BE INCORPORATED INTO THE Englewood MUNICIPAL ZONING ORDINANCE AS ARTICLE XIII.

**ARTICLE 1.**  
**STATUTORY AUTHORIZATION, FINDINGS OF FACT,**  
**PURPOSE AND OBJECTIVES**

Section A. Statutory Authorization

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

Section B. Findings of Fact

1. The Englewood Mayor and Board of Commissioners wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3(b) of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-88 Edition) and subsequent amendments.
2. Areas of Englewood are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; and by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

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. This Ordinance is designed to:

1. Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which cause in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate flood waters;
4. Control filling, grading, dredging and other development which may increase erosion or flood damage, and;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards.

Section D. Objectives

The objectives of this Ordinance are:

1. To protect human life and health;
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;
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, street 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;
7. To ensure that potential buyers are notified that property is in a floodable area; and,
8. To establish eligibility for participation in the National Flood Insurance Program.

**ARTICLE 2.**

## DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

"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 floodproofed.

"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 AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where

the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Flood-related Erosion Hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

"Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

"Base Flood" means the flood having a one percent chance of being equalled 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 supporting foundation system.

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

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"Elevated Building" means a non-basement building (i) built to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), (ii) and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or

solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

"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 flood related erosion areas having special hazards have been designated as Zone A, M, and/or E.

"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 Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, 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 Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the 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 preliminarily determined by the Secretary of the Interior as contributing to the historical significance



of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on 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" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by 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) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"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 on or 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 this Ordinance.

"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 projections;
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" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; 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. 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 reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or; (2) Any alteration of a

"historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Substantially Improved Existing Manufactured Home Parks or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 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.

### **ARTICLE 3. GENERAL PROVISIONS**

#### Section A. Application

This Chapter shall apply to all areas within the incorporated region of Englewood, Tennessee.

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

The areas of special flood hazard identified on the Englewood, Tennessee, Federal Emergency Management Agency, Flood Insurance Rate Maps, Community - Panel Numbers 470271 B; Effective Date: August 19, 1986\_ and any subsequent amendments or revisions, are adopted by reference and declared to be a part of this Ordinance. These areas shall be incorporated into the Englewood, Tennessee Zoning Map.

#### Section C. Requirement for Development Permit

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

Section D. Compliance

No 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 easement, covenant, or deed restriction. However, where this Ordinance conflicts or overlaps with another, 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 considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the flood hazard areas 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 Town of Englewood, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

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 Town of Englewood, Tennessee from taking such other lawful actions to prevent or remedy any violation.

**ARTICLE 4.**

## ADMINISTRATION

### Section A.       Designation of Building Inspector

The Building Inspector 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 Inspector on forms furnished by him prior to any development activity. The development permit may include, but is not 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. 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, where base flood elevation data is available.\*
- c.   Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Article 4. Section B.2, where base flood elevation data is available.\*
- d.   Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

\* (see 2. below)

#### 2.   Construction Stage

Within unnumbered A zones, where flood elevation data are not available, the Building Inspector 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 and the highest adjacent grade. USGS Quadrangle maps may be utilized when no more detailed reference exists to establish reference elevations.

Within all flood zones where base flood elevation data are utilized, the Building Inspector shall require that upon placement of the lowest floor, or flood-proofing by whatever

construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Building Inspector a certification of the elevation of the lowest floor, or flood-proofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by, or under the direct supervision of, a registered land surveyor, professional engineer, or architect and certified by same. When flood-proofing is utilized for a particular 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 Building Inspector shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey 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 Inspector

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

1. Review of all development permits to assure that the requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Advice to permittee 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. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.
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. Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with Article 4. Section B.2.
5. Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) to which

the new or substantially improved buildings have been flood-proofed, in accordance with Article 4. Section B.2.

6. When flood-proofing is utilized, the Building Inspector shall obtain certification from a registered professional engineer or architect, in accordance with Article 4. Section B.2.
7. 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 Building Inspector shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Article 6.
8. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Building Inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, 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 FHBMs or FIRMs meet the requirements of this Chapter.

(Optional additional requirement)

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Building Inspector shall require the lowest floor of a building to be elevated or floodproofed to a level of at least (2) two feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article 2 of this Ordinance). All applicable data including the highest adjacent grade elevation and the elevations of the lowest floor of flood-proofing shall be recorded as set forth in Article 4. Section B.

9. All records pertaining to the provisions of this Ordinance shall be maintained in the office of the Building Inspector and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.
10. Assure that the flood carrying capacity within an altered or relocated portion of any water course is maintained.

#### **ARTICLE 5.**



## PROVISIONS FOR FLOOD HAZARD REDUCTION

### Section A. General Standards

In all flood prone areas 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 elevated and 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. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Chapter; and,
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 extended.

Section B. Standards For Unmapped Streams (optional)

Located within Englewood, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor base flood data or floodways have been provided. 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 along each side of the stream, 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 foot at any point within the locality.
2. When flood elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article 4. Section B.2.

Section C. Standards for Subdivision Proposals

Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, 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:

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty lots and/or five acres.

**ARTICLE 6.**  
**VARIANCE PROCEDURES**

The provisions of this section shall apply exclusively to areas of special flood hazard within the (Locality), Tennessee Planning Region.

Section A. Board of Zoning Appeals

1. The Englewood Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Chapter.
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 Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Ordinance.
5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

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 (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.
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 Inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

**ARTICLE 7.**  
**LEGAL STATUS PROVISIONS**

Section A. Effective Date

This Ordinance shall become effective (use applicable charter or statutory requirement) after its passage, in accordance with the

Charter of Englewood), Tennessee, the public welfare demanding it.

Approved and adopted by the Englewood, Tennessee Mayor and Board of Commissioners.

March 9, 1998  
Date

\_\_\_\_\_  
Mayor of Englewood, Tennessee

Attest:

\_\_\_\_\_  
City Recorder

March 9, 1998  
Date of Publication of  
Caption and Summary

1st Reading 01-12-98

2nd Reading 02-09-98

3rd Reading 03-09-98

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ZONING ORDINANCE  
CITY OF ENGLEWOOD, TENNESSEE

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