

**OFFICIAL ZONING CODE
OF THE
CITY OF SPENCER, TENNESSEE**

**PREPARED BY:
SPENCER MUNICIPAL PLANNING COMMISSION**

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2023

CERTIFICATIONS

This is to certify that this is the Official Zoning Code of the City of Spencer, Tennessee as approved by the Spencer Municipal Planning Commission.

Date of Approval: May 4, 2023


Secretary, Spencer Municipal Planning Commission

This is to certify that this is the Official Zoning Code of the City of Spencer, Tennessee as adopted by the Spencer Board of Mayor and Aldermen.

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Mayor, City of Spencer

ATTEST:


Spencer City Recorder

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**OFFICIAL ZONING CODE
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ARTICLE I

SHORT TITLE AND PURPOSE

SECTION 1 SHORT TITLE

Chapter 2 of the Spencer Municipal Code shall be known as the "Official Zoning Code of the City of Spencer, Tennessee" and the map herein referred to, which is identified by the title "Official Zoning Map of the City of Spencer, Tennessee," dated June 27, 2023, shall be made a part of Chapters 2 of Title 14 of the Spencer Municipal Code.

SECTION 2 PURPOSE

This Official Zoning Code is enacted for the following purposes:

To promote and protect the public health, safety, morals, comfort, convenience, and general welfare of the people;

To divide the municipality into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, business, commercial, industrial, and other specified uses;

To protect the character and maintain the stability of residential, business, commercial, and industrial areas within the municipality, and to promote the orderly and beneficial development of such areas;

To provide adequate light, air, privacy, and convenience of access to property;

To regulate the intensity of open spaces surrounding buildings that is necessary to provide adequate light and air and protect the public health;

To establish building lines and the location of buildings designated for residential, business, commercial, industrial, or other uses within such lines;

To fix reasonable standards to which buildings or structures shall conform;

To prohibit uses, buildings, or structures which are incompatible with the character of development or the permitted uses within specified zoning districts;

To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder;

To limit congestion in the public streets and so protect the public health, safety, convenience, and general welfare by providing for the off-street parking of motor vehicles and for the loading and unloading of commercial vehicles;

To provide protection against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and general welfare;

To prevent overcrowding of land and undue concentration of structures so far as is possible and appropriate in each district by regulating the use and the bulk of buildings in relation to the land surrounding them;

To conserve the taxable value of land and buildings throughout the planning area;

To provide for the gradual elimination of those uses of land, buildings and structures which do not conform to the standards of the districts in which they are respectively located and which are adversely affecting the development and taxable value of property in each district;

To define and limit the powers and duties of the administrative officers and bodies as provided herein;

To protect and in general allow for the beneficial uses of property in a like manner to that which was permitted under the previous zoning regulations of the city;

These general purposes include the specific purposes stated in the various chapters throughout this Official Zoning Code.

ARTICLE II

CONSTRUCTION OF LANGUAGE AND DEFINITIONS

SECTION 1 CONSTRUCTION OF LANGUAGE

For the purposes of this Official Zoning Code, certain terms or words shall be interpreted as follows:

The words **SHALL** or **MUST** are always mandatory and not discretionary.

The word **MAY** is permissive.

Words used in the present tense include the future tense, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.

The word **PERSON** includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The phrase **USED FOR** shall include the phrases **ARRANGED FOR, DESIGNED FOR, INTENDED FOR, MAINTAINED FOR, and OCCUPIED FOR.**

The word **LOT** shall include the words **PLOT, PIECE, or PARCEL.**

Unless the context clearly indicates to the contrary conjunctions shall be interpreted as follows:

AND indicates that all connected items, conditions, provisions, or events shall apply.

OR indicates that the connected items, conditions, provisions, or events shall apply.

EITHER...OR indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

SECTION 2 DEFINITIONS

Except where definitions are specifically included in various chapters and sections, certain words in the text of this Official Zoning Code shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail.

ACCESSORY APARTMENT--A separate and complete dwelling unit that is contained within the structure of a single-family dwelling unit.

ACCESSORY USE OR STRUCTURE--A use or structure on the same lot with, and of a nature customarily incidental, appropriate and subordinate to, the principal use or structure.

ACTIVITY--The performance of a function or operation which constitutes the use of land.

ALLEY--A narrow service way providing a secondary public means of access to abutting property.

ALTERNATIVE TOWER STRUCTURE shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that conceal the presence of antennas or towers and are architecturally compatible with the area.

ANTENNA shall mean any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communications signals.

ASSISTED LIVING FACILITY A facility, building, or establishment that accepts primarily aged persons for domiciliary care and services.

BACKHAUL NETWORK shall mean the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices or long distance providers, or the public switched telephone network.

BED AND BREAKFAST INN--A dwelling or portion thereof, where short term lodging rooms and meals are provided. The owner/operator of the inn shall live in the dwelling.

BUFFER AREA--A landscaped area intended to separate and obstruct the view of two adjacent land uses or properties from one another.

BOARDING OR ROOMING HOUSE--Any dwelling in which three (3) or more persons, either individually or as families, are housed or lodged for hire with or without meals.

BUILDING--A structure having a roof supported by columns or walls and intended for housing, shelter, or enclosure of goods or persons.

BUILDING AREA--The total area taken on a horizontal plane at the average ground elevation of the principal building and all accessory buildings.

BUILDING LINE--The line, parallel to the street line, that passes through the point of the principal building nearest the front lot line.

BUILDING PERMIT--A permit required under the City of Spencer Municipal Code prior to the commencement of certain types of construction.

CUSTOMARY HOME OCCUPATION--An occupation, profession, activity or use having traditional acceptance as being one customarily carried on in the home, provided that such occupation be clearly incidental and secondary to the residential use and which does not alter the exterior of the property or affect the residential character of the neighborhood.

CO-LOCATION shall mean when one (1) or more antenna or transmitter that is located on a single tower.

DAYCARE CENTER (for adults)--A non-residential facility that supports the health, nutritional, social, and daily living needs, of adults in a professionally staff grouped setting. These facilities provide adults with transitional care and short-term rehabilitation following hospital discharge.

DAYCARE CENTER (for children)--A building or structure where care, protection, and supervision are provided, on a regular schedule, at least twice a week to more than seven (7) children, including the children of the adult provider.

DAYCARE HOME--A private residence where care, protection, and supervision are provided, for a fee, at least twice a week to no more than seven (7) children, including children of the adult provider.

DEVELOPER--An individual, firm, corporation, association, partnership or trust involved in commencing proceedings to effect development of land for himself or others.

DEVELOPMENT--Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, paving, excavating, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

DWELLING--A building or portion thereof, designed or used exclusively for residential occupancy.

DWELLING, SINGLE-FAMILY--A detached residence designed for or occupied by one (1) family only.

DWELLING, TWO-FAMILY--A residence designed for or occupied by two (2) families only, with separate housekeeping, cooking, and sanitary facilities for each.

DWELLING, MULTI-FAMILY--A residence designed for or occupied by three (3) or more families, with separate housekeeping, cooking, and sanitary facilities for each. The term includes cooperative apartments, condominiums, and the like.

DWELLING UNIT--A room or rooms connected together constituting a separate, independent housekeeping establishment for one (1) family only, for owner occupancy rental and/or lease, and containing cooking, living, sleeping, and sanitation facilities.

EASEMENT--A grant by a property owner to the public, a corporation or persons for use of land for specific purposes.

FAA shall mean the Federal Aviation Administration.

FAMILY--One (1) or more persons occupying a premises and living as a single, nonprofit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity, rooming house, motel, or other structures designed for transient residence.

FCC shall mean the Federal Communications Commission.

GROSS DENSITY--The ratio derived by dividing the number of dwellings by the gross site area.

GROSS SITE AREA--The total area of the site within the boundaries shown on a plat of survey and described by a legal description for the site.

GROUP HOME--A residence operated by a public or private agency which may provide a program of services in addition to room and board which has continuous supervision. When appropriate Tennessee Code Section 13-24-102 shall apply.

HEIGHT shall mean, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any other antenna.

HEIGHT OF BUILDING--The vertical distance from the established average sidewalk grade, or street grade, or finished grade at the building line, whichever is the highest, to the highest point of the building, excluding spires, towers, domes not for human occupancy, flag poles, masts, or aials.

LOT--A piece, parcel or plot of land in one ownership which may include one or more lots of record, occupied or to be occupied by one principal building and its accessory buildings and including the open spaces required in this Official Zoning Code. All lots shall front on and have access to a street.

LOT, CORNER--A lot abutting on and at the intersection of two (2) or more streets.

LOT DEPTH--Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

LOT FRONTAGE--The front of a lot shall be construed to be the portion nearest to the street.

LOT LINE--The boundary dividing a given lot from a street, an alley, or adjacent lots.

LOT OF RECORD--A lot which is part of a subdivision legally recorded in the Office of the Van Buren County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT WIDTH--The distance between the side boundaries of the lot measured at the front building line.

SINGLE-WIDE MOBILE HOME (HOUSE TRAILER)--A detached one-family dwelling unit with all of the following characteristics:

Designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower, and kitchen facilities, with plumbing and electrical connections provided for attachment to utility systems

Designed to be transported after fabrication on its own wheels, or detachable wheels, or on a flat bed or other trailer. It is to be tied down in accordance with applicable federal and state regulations.

Arriving at the site where it is to be occupied as a dwelling complete, often including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation support, connection to utilities, and the like. The unit is constructed in accordance with applicable federal and state regulations.

Mobile home dwellings do not include camping trailers, commercial mobile structures, motor homes, recreational vehicles, travel trailers, truck campers or similar units designed to provide temporary living quarters.

MOBILE HOME (TRAILER) PARK--A parcel of land under single ownership designed for or which is intended to be used for the accommodation of two or more mobile homes (trailers) for dwelling purposes.

NONCONFORMING USE--A building, structure, or use of land existing at the time of enactment or amendment of this Official Zoning Code, and which does not conform to the regulations of the zone in which it is located.

PRE-EXISTING TOWERS AND ANTENNAS shall mean any tower or antenna on which a permit has been properly issued prior to the effective date of this ordinance.

PRINCIPAL BUILDING--A building which contains the principal activity or use located on a lot which it is situated.

RESIDENCE--A building or part of a building containing one (1) or more dwelling units, including one-family, two-family, or multi-family dwellings and mobile homes.

SCREENING (SEE ALSO BUFFER AREA)--The method by which a view of one (1) site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, trees, hedges, shrubs, or other landscaping, berms or other features.

SETBACK LINE--The required minimum horizontal distance between the building line and the related front, side or rear property line.

SIGN--An attached or free-standing structure conveying some information, knowledge or idea to the public.

AWNING, CANOPY, OR MARQUEE SIGN--A sign painted, stamped, perforated, or stitched, or otherwise applied on the valance of an awning of a building.

BILLBOARD SIGN--A sign which directs attention to a business, commodity, service or entertainment, conducted, sold, or offered at a location other than the premises on which the sign is located. This off-premise sign is a permanent structure on which display space is made available to parties, other than the owner or operator of the sign or occupant of the parcel or property, in exchange for rent, fee, or other consideration.

CHANGEABLE COPY SIGN (READER BOARD)--A sign on which copy is changed manually in the field with changeable letters.

ELECTRONIC MESSAGE CENTER--Any sign or portion of a sign that displays an electronic image or video, which may or may not include text. This definition includes television screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holographic displays.

FASCIA SIGN--A sign attached directly to the fascia of a building.

MANSARD SIGN--A sign attached to a roof-like facade architecturally comparable to a building wall. For the purpose of these regulations, the area of the mansard shall be determined by the multiplying the width and the total vertical height, ignoring any slope.

MOBILE OR PORTABLE SIGN--A sign which is designed to be readily transportable from place to place, and not permanently attached to a footer or masonry foundation. This would also include any sign that generally meets the above criteria, as shall be determined by the Spencer Building Inspector to be a mobile or portable sign.

ROOF SIGN--Any sign erected or maintained upon or attached to a roof of a building.

WALL SIGN--A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure forms the backdrop for the sign.

SPECIAL EXCEPTION (USE PERMITTED ON APPEAL)--A special exception is a use that would not be appropriate generally or without restrictions in a particular zoning district but which, if controlled as to the number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance or prosperity. The location of such uses is subject to the approval of the City of Spencer Board of Zoning Appeals.

STORY--That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or any portion of a building used for human occupancy between the topmost floor and the roof. A basement shall be counted as a story if its ceiling is over six feet above the average level of the finished ground surface adjoining the exterior walls of such story, or if it is used for business or dwelling purposes.

STREET--A publicly maintained right-of-way, other than an alley, which affords a primary access to abutting property.

CENTERLINE OF STREET--That line surveyed and monumented by the City of Spencer as the centerline of the street, or if such centerline has not been surveyed, that line running midway between the outside curbs or ditches of such street.

STREET LINE--The property line which bounds the right-of-way set aside for use as a street. Where a sidewalk exists and locations of the property line is questioned, the side of the sidewalk farthest from the traveled street shall be considered the street line.

STRUCTURE--Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, towers, walls, fences, billboards, and ground signs.

SWIMMING POOL---A fabricated container or basin filled with water that is utilized for the purpose of swimming or other water-based recreational activities. The construction or installation of a swimming pool falls under the building code regulations of the City of Spencer.

TINY HOUSE---A code-compliant house of five-hundred (500) square feet or less.

TOWER shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, personal communications service towers (PCS), microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, specialized mobile radio, paging, and the like. This definition does not include any structure erected solely for residential, non-commercial individual use, such as television antennas, satellite dishes or uses as defined in Article VII, Section 4, J subsections A thru G of the City of Spencer Zoning Code.

USE--The specific purpose for which land or building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

VARIANCE--A variance is a relaxation of the terms of the Official Zoning Code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Official Zoning Code would result in unnecessary and undue hardship. As used in this Official Zoning Code, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

WIRELESS COMMUNICATION ANTENNA ARRAY (ANTENNA ARRAY) shall mean one or more rods, panels, or discs or similar devices used for

the transmission or reception of radio frequency (RF) signals through electromagnetic energy, which may include omni-directional antenna (whip), directional antenna (panel) and parabolic antenna (dish).

WIRELESS COMMUNICATION FACILITY shall mean an unstaffed facility for the transmission and/or reception of radio frequency (RF) signals through electromagnetic energy usually consisting of an equipment shelter or cabinet, a support tower or other structure used to achieve the necessary elevation, and the transmission and reception devices or antenna.

YARD--A required open space unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

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

YARD, REAR--The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building, including carports and covered porches.

YARD, SIDE--A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including carports and covered porches.

ARTICLE III

GENERAL PROVISIONS

For the purpose of this Official Zoning Code there shall be certain general provisions which shall apply, except as specifically noted, to the municipality as a whole.

SECTION 1 ZONING AFFECTS EVERY BUILDING AND USE

No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except as hereafter provided.

SECTION 2 NONCONFORMING LOTS AND NONCONFORMING USES OF LAND

Any nonconforming use which existed lawfully at the time of enactment of this Official Zoning Code and which remains nonconforming and any use which shall become nonconforming upon enactment of this Zoning Code or any subsequent amendments thereto may be continued subject to the following provisions.

A. NONCONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Zoning Code, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Code. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for the area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width, and yard requirements shall be obtained only through action of the Board of Zoning Appeals.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership area of record at the time of passage or amendment of this Official Zoning Code, and if all or part of the lots do not meet the requirements for lot width and area as established by this Official Zoning Code, the lands involved shall be considered to be an undivided parcel for the purposes of this Official Zoning Code, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Official Zoning Code, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Official Zoning Code.

B. CHANGE OF NONCONFORMING USE

1. General Provisions

For the purpose of this Official Zoning Code, a change in use is a change to another use either under the same activity type or any other activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change of use.

2. Change to a Conforming Use

A nonconforming use may be changed to any conforming use, and the applicable bulk regulations and accessory off-street parking requirements shall apply to such change of use or to alterations made in order to accommodate such conforming use.

Whenever a nonconforming use is changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

3. Change to Another Nonconforming Use

An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same classification; provided, however, that establishment of another nonconforming use of the same 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.

C. EXPANSION OF NONCONFORMING USES

Nonconforming industrial, commercial, or business uses may construct additional facilities that would allow the operations of the establishments to be expanded provided that there is enough space to meet the area requirements of the district and provided that it is done in accordance with the regulations specified in Section 13-7-208, *Tennessee Code Annotated*. The property on which the expansion will take place must be owned by such industry or business situated within the area which is affected by the change in zoning.

Acquisition of additional land for the purpose of expanding the existing industry or business shall not be permitted.

D. DESTRUCTION AND RESTORATION OF NONCONFORMING USES

Nonconforming industrial, commercial, or other business establishments shall be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business in accordance with the regulations specified in Section 13-7-208, *Tennessee Code Annotated*.

Any nonconforming industrial, commercial, or business use that is destroyed by fire or other natural disaster may be reconstructed provided that all provisions of Section 13-7-208, *Tennessee Code Annotated*, are followed.

E. DISCONTINUANCE

When a nonconforming use is discontinued for a period of one (1) year, then the land or building or other structure shall thereafter be used only for a conforming use. Intent to resume active operations shall not affect the foregoing provision.

SECTION 3 NUMBER OF PRINCIPAL BUILDINGS ON A LOT

In all residential districts, only one (1) principal building and its customary accessory buildings shall be erected on any individual lot. This provision shall not apply to legally located multi-family dwellings nor legally located mobile home parks.

SECTION 4 PUBLIC STREET FRONTAGE

No building shall be erected on any residential lot which does not abut at least one (1) public street for at least fifty (50) feet, except on a permanent dead-end street (cul-de-sac) where the minimum public street frontage shall be thirty (30) feet. No building shall be erected on any nonresidential lot which does not abut at least one (1) public street for at least twenty-five (25) feet.

SECTION 5 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, center line of the street or property line as required for adjacent properties which front on that street.

SECTION 6 REDUCTIONS IN LOT AREA PROHIBITED

No lot, even though it may consist of one (1) or more adjacent lots or record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of the Official Zoning Code are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

SECTION 7 OBSTRUCTION TO VISION AT STREET INTERSECTION PROHIBITED

On a corner lot within the area formed by the right-of-way lines of the intersecting or intercepting streets adjoining said corner lot and a line joining points on such right-of-way lines at a distance of twenty-five (25) feet from the point of intersection, there shall be no obstruction to vision between their height of two (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.

ARTICLE IV

PARKING, ACCESS, AND OFF-STREET LOADING AND UNLOADING REQUIREMENTS

In all zoning districts there shall be provided, at such time any building or structure is erected or enlarged or increased in capacity, off-street parking spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below. For uses not specifically mentioned herein, off-street parking requirements shall be determined by the Board of Zoning Appeals. Parking requirements determined herein by square footage are based on gross square feet. For uses resulting in a fractional requirement the fraction shall be rounded up to the higher whole number.

SECTION 1. MINIMUM OFF-STREET PARKING REQUIREMENTS

A. Residential Uses

1. Single-Family Dwelling--Three (3) spaces per dwelling unit.
2. Two-Family Dwelling--Three (3) spaces per dwelling unit.
3. Multi-Family Dwelling--Two and one-half (2.5) spaces per dwelling unit.
4. Mobile Home on Individual Lot--Three (3) spaces per dwelling unit.
5. Mobile Home Park--Two (2) spaces per dwelling unit.
6. Elderly Housing--One and one-half (1.5) spaces per dwelling unit.

B. Public, Semi-Public and Office Facilities

1. Assisted Living Facility--One and one-half (1.5) spaces per dwelling unit.
2. Cemetery--Parking on private drives, plus one (1) space per employee.
3. Charitable, Fraternal or Social Organization--One (1) space per four (4) persons to capacity.
4. Church or Similar Place of Worship--One (1) space per four (4) seats to capacity.
5. Community Center--One (1) space per 250 square feet, plus one (1) space per employee.
6. Day-Care Center--One (1) space per four (4) children, plus one (1) space per employee.
7. Funeral Home--One (1) space per four (4) seats to capacity.
8. Group Home--One (1) space per bedroom or sleeping room.
9. Hospital--One (1) space per two (2) beds intended for patient use, plus one (1) space per employee on largest shift.
10. Medical Clinic for Human Care--Three (3) spaces per doctor, plus one (1) space per employee.
11. Nursing Home--One (1) space per four (4) beds intended for patient use, plus one (1) space per employee.
12. Office--One (1) space per 300 square feet.
13. Postsecondary Educational Institution--One (1) space per five (5) students, plus one (1) space per employee.
14. School (K-12)--K-9: One (1) space per classroom, plus one (1) space per employee; 9-12: One (1) space per four (4) students, plus one (1) space per employee.
15. Temporary Care Facility--One (1) space per four (4) patients, plus one (1) space per employee.

C. Business and Personal Services

1. Appliance Repair--One (1) space per 300 square feet, plus one (1) space per employee.
2. Barber and Beauty Service--One (1) space per 200 square feet, plus one (1) space per employee.
3. Bed and Breakfast--Three (3) spaces for the principal dwelling, plus one (1) space per rented room.
4. Coin-operated Cleaning and Laundry--One (1) space per 200 square feet.
5. Convenience Storage--One (1) space per 1,000 square feet.
6. Copy Service--One (1) space per 200 square feet.
7. Dry Cleaning and Laundry Pickup--One (1) space per 200 square feet.
8. Dry Cleaning and Laundry Service--One (1) space per 200 square feet.
9. Electrical Repair--One (1) space per 300 square feet, plus one (1) space per employee.
10. Employment Agency--One (1) space per 200 square feet.
11. Equipment Rental--One (1) space per 200 square feet, plus one (1) space per employee.
12. Exterminating Service--One (1) space per 500 square feet.
13. Financial Service--One (1) space per 200 square feet, plus each drive-through lane shall have a stacking length to accommodate a minimum of six (6) vehicles.
14. Gunsmith--One (1) space per 200 square feet.
15. Hotel--One (1) space per rented room, plus one (1) space per four (4) persons to capacity of meeting and/or banquet rooms.
16. Industrial Equipment Repair--One (1) space per 500 square feet.
17. Insurance Agency--One (1) space per 200 square feet.
18. Interior Decorating--One (1) space per 200 square feet.
19. Legal Service--One (1) space per 200 square feet.
20. Locksmith--One (1) space per 200 square feet.
21. Motel--One (1) space per rented room, plus one (1) space per four (4) persons to capacity of meeting and/or banquet rooms.
22. Office Equipment Repair--One (1) space per 300 square feet, plus one (1) space per employee.
23. Photographic Service--One (1) space per 200 square feet.
24. Real Estate Agency--One (1) space per 200 square feet.
25. Self-Service Storage--Two (2) spaces, plus one (1) additional space per 200 storage cubicles, plus meeting the provision of Section 14-604.5 of this Zoning Code.
26. Shoe Repair--One (1) space per 300 square feet, plus one (1) space per employee.
27. Small Engine and Motor Repair--One (1) space per 300 square feet, plus one (1) space per employee.
28. Tailoring--One (1) space per 200 square feet.
29. Tattoo Parlor--One (1) space per 200 square feet, plus one (1) space per employee.
30. Taxidermist--One (1) space per 300 square feet.
31. Upholstery Service--One (1) space per 200 square feet.
32. Veterinary Service (Indoor)--One (1) space per 500 square feet, plus one (1) space per employee.
33. Veterinary Service (Outdoor)--One (1) space per 1,000 square feet, plus one (1) space per employee.
34. For developments in which the tenants have not been determined, one (1) space per 200 square feet shall be provided.

35. For developments which also provide drive-through service, a stacking length to accommodate a minimum of five (5) vehicles per lane shall be provided, unless otherwise required herein.

D. Retail and Wholesale Trade

1. Agricultural Supply--One (1) space per 500 square feet.
2. Apparel Shop--One (1) space per 200 square feet.
3. Appliance Sales--One (1) space per 500 square feet.
4. Automotive Sales--One (1) space per 500 square feet, plus two (2) spaces per service bay.
5. Automotive Parts Supply--One (1) space per 300 square feet.
6. Bakery (Retail)--One (1) space per 200 square feet.
7. Bakery (Wholesale)--Two (2) spaces per employee.
8. Bookstore--One (1) space per 200 square feet.
9. Building Materials--One (1) space per 200 square feet, plus one (1) space per employee.
10. Cabinet Sales--One (1) space per 500 square feet.
11. Camera and Photographic Supply--One (1) space per 200 square feet.
12. Caterer--One (1) space per 200 square feet.
13. Confectionery--One (1) space per 200 square feet.
14. Department Store--One (1) space per 200 square feet.
15. Drapery Sales--One (1) space per 500 square feet.
16. Drugstore--One (1) space per 200 square feet.
17. Fertilizer Sales (Bulk)--One (1) space per 500 square feet.
18. Fertilizer Sales (Packaged)--One (1) space per 500 square feet.
19. Florist (Retail)--One (1) space per 200 square feet.
20. Florist (Wholesale)--Two (2) spaces per employee.
21. Fruit Market--One (1) space per 200 square feet.
22. Furniture Sales--One (1) space per 500 square feet.
23. Gift Shop--One (1) space per 200 square feet.
24. Grocery Store--One (1) space per 100 square feet, plus one (1) space per 200 square feet of storage area.
25. Handicrafts--One (1) space per 500 square feet.
26. Hardware--One (1) space per 200 square feet.
27. Heavy Machinery Sales--One (1) space per 500 square feet, plus one (1) space per employee.
28. Industrial Supplies--One (1) space per 500 square feet, plus one (1) space per employee.
29. Jewelry--One (1) space per 200 square feet.
30. Marine Supply--One (1) space per 500 square feet, plus one (1) space per employee.
31. Meat Market--One (1) space per 200 square feet.
32. Mobile Home Sales--One (1) space per 500 square feet.
33. Motorcycle Sales--One (1) space per 500 square feet.
34. Music Store--One (1) space per 200 square feet.
35. Nursery and Garden Centers--One (1) space per 200 square feet, plus one (1) space per employee.
36. Office Supplies--One (1) space per 200 square feet.
37. Optical Goods--One (1) space per 200 square feet.
38. Pet Shop--One (1) space per 300 square feet.
39. Petroleum Bulk Sales and Storage--One (1) space per 500 square feet, plus one (1) space per employee.

40. Restaurant--One (1) space per 100 square feet, plus one (1) space per employee based on the largest work shift.
41. Restaurant (Drive-In)--Two (2) spaces per three (3) seats to capacity.
42. Restaurant (Drive-through)--Each drive-through lane shall have a stacking length to accommodate fifteen (15) vehicles, plus one (1) space per employee based on the largest work shift, plus one (1) space per 100 square feet if on-site dining is also provided.
43. Sporting Goods--One (1) space per 200 square feet.
44. Tavern--One (1) space per 50 square feet, plus one (1) space per employee based on the largest work shift.
45. Used Merchandise (Antiques)--One (1) space per 500 square feet.
46. Used Merchandise (Flea Market)--One (1) space per rented area.
47. Used Merchandise (General)--One (1) space per 500 square feet.
48. Video Rental--One (1) space per 50 square feet, plus one (1) space per employee.
49. For developments in which the tenants have not been determined, one (1) space per 200 square feet shall be provided.
50. For developments which also provide drive-through service, a stacking length to accommodate a minimum of five (5) vehicles per lane shall be provided, unless otherwise required herein.

E. Automotive and Transportation Services

1. Automotive Paint Shop--One (1) space per 200 square feet.
2. Automotive Rentals--One (1) space per 500 square feet.
3. Automotive Repair Shop--One (1) space per 200 square feet.
4. Automotive Tire Repair--One (1) space per 200 square feet.
5. Bus Terminal--One (1) space per 100 square feet of waiting room area, plus one (1) space per vehicle used in the operation.
6. Car Wash--Parking and waiting space equivalent to three (3) times the service capacity of the use.
7. Cold Storage Plant--One (1) space per employee based on the largest work shift.
8. Gasoline Service Station--Four (4) spaces per employee, plus one (1) space per gasoline pump.
9. Grain Elevator--One (1) space per employee based on the largest work shift.
10. Motorcycle Repair--Two (2) spaces per employee.
11. Storage Warehouse and Yard--Two (2) spaces per employee.
12. Taxicab Stand--One (1) space per employee, plus one (1) space per vehicle used in the operation.
13. Transfer or Storage Terminal--One (1) space per employee based on the largest work shift.
14. Travel Agency--One (1) space per 300 square feet.
15. Trucking Terminal--Two (2) spaces per employee, plus one (1) space per vehicle used in the operation.
16. Wrecker Service--One (1) space per employee, plus one (1) space per vehicle used in the operation.

F. Amusement and Recreational Services

1. Club or Lodge--One (1) space per four (4) persons to capacity.
2. Private Recreational Facility--One (1) space per four (4) expected patrons at maximum capacity.

3. Indoor Motion Picture Theater--One (1) space per three (3) seats to capacity.
4. Park and Recreational Services--One (1) space per four (4) expected patrons at maximum capacity.
5. Stadium or Coliseum--One (1) space per four (4) persons to capacity.
6. Transient Amusement Enterprises--One (1) space per four (4) expected patrons at maximum capacity.

G. Manufacturing Mining, Construction and Industrial Uses

All--One (1) space per employee based on the largest work shift, plus one (1) space per vehicle used in the operation.

SECTION 2

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.

SECTION 3

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.

SECTION 4

OFF-SITE PARKING

1. If the vehicle parking spaces required by this section cannot be reasonably provided on the same lot on which the principal use is conducted, then the Board of Zoning Appeals may approve the location of a portion of the parking required for a use on another site.
2. Off-site parking shall be located within three-hundred (300) feet of the use which it serves, measured as the shortest practical walking distance from the nearest off-site parking space to the nearest entrance to the building or use which it serves.
3. In determining whether to approve off-site parking, the Board of Zoning Appeals shall consider all relevant factors, including:
 - (a) The location of the use and the proposed off-site parking.
 - (b) Existing and potential parking demand created by other uses in the vicinity.
 - (c) The characteristics of the use, including employee and customer parking demand, hours of operation and projected convenience and frequency of use of the off-site parking.
 - (d) Adequacy, convenience and safety of pedestrian access between the proposed off-site parking and the use.
 - (e) Traffic patterns on adjacent streets and proposed access to the off-site parking.

4. A written agreement between the owner of the off-site parking area and the owner of the use assuring the continued availability and usability of off-site parking shall be submitted to the Board of Zoning Appeals prior to approval of off-site parking.

5. Handicapped parking spaces shall be provided on the same lot on which the principle use is conducted.

SECTION 5

DESIGN REQUIREMENTS FOR PARKING SPACES AND LOTS

Parking spaces and lots shall be designed and constructed in accordance with the following minimum standards and requirements, and as depicted on Illustration 1.

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 No parking space shall be of dimensions of less than nine (9) feet in width and nineteen (19) feet in length.

3. Ingress and egress points for all off-street parking lots shall comply with the access control requirements of Article IV. Section 8, of this Official Zoning Code.

4. All off-street parking lots for more than five (5) vehicles shall be surfaced with asphalt or concrete and be so constructed to provide for adequate drainage and prevent the release of dust.

5. Grades within the paved area of a parking lot shall at no place be less than one (1) percent nor more than five (5) percent. Grades of driveways or entrances from a public street serving a parking lot shall at no point exceed eight (8) percent.

6. Off-street parking areas containing twenty-five (25) or more parking spaces shall be subdivided into sub-lots containing not more than twenty-five (25) parking spaces separated by landscaped strips of five (5) feet in width.

7. Off-street parking areas containing ten (10) or more parking spaces shall have landscaped strips with broken screening in conformance with Article VII, Section 1, of this Official Zoning Code along the perimeter except where driveways are provided for access to adjoining streets, drives, or properties.

8. Interior landscaped strips shall be a minimum of five (5) feet in width and planted with acceptable indigenous landscaping materials.

(a) It shall be the obligation of the occupant(s) of each building, structure or use on whose premises landscaped strips are located to maintain said landscaped strips.

(b) Failure to properly maintain landscaped strips shall be a violation of this Official Zoning Code, punishable under the provisions of Article VIII, Section 9, of the Spencer Zoning Code.

9. Continuous curbing or individual wheel stops shall be provided where the front of a parking space is adjacent to the perimeter of the parking lots.

10. Any lighting used to illuminate off-street parking lots shall be so arranged to prevent direct glare onto any public or private property or streets.

SECTION 6

SPECIAL PROVISIONS FOR HANDICAPPED PARKING

When required, parking spaces for the handicapped shall be provided in conformance with the provisions of the Americans with Disabilities Act (ADA) and/or other applicable federal or state law.

SECTION 7

CENTRAL BUSINESS DISTRICT EXEMPTED

The provisions of Article IV shall not apply to any building, structure or use located in the C-1 Central Business District provided, however, that any off-street parking and loading, if provided at the option of the owner of any building, structure or use, shall comply with the design requirements of this Section.

SECTION 8

ACCESS CONTROL

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

1. A point of access for vehicles onto a street, excluding the necessary turning radius, shall not exceed twenty-five (25) feet in width in a residential district or thirty (30) feet in width in any other district. A point of access of forty (40) feet in width in a commercial or industrial district may be permitted by the Board of Zoning Appeals in cases where a high volume of tractor trailer vehicular traffic is anticipated.

2. There shall be no more than two points of access to any one public street for each four-hundred (400) feet of lot frontage, or fraction thereof; provided, however, that lots less than one-hundred (100) feet in width shall have no more than one (1) point of access to any one (1) public street.

3. Where two (2) driveways are provided for one (1) lot frontage, the clear distance between driveways shall not be less than twenty-five (25)

feet.

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

5. No curbs on city streets or rights-of-way shall be cut or altered without approval of the Spencer Street Department, or if a state highway, a permit must be obtained from the Tennessee Department of Transportation.

6. Cases requiring variances relative to the above provisions shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be

permitted where the arrangement would require that vehicles back directly into a public street.

SECTION 9

OFF-STREET LOADING AND UNLOADING REQUIREMENTS

In all districts in which a structure of 3000 square feet or more is located, which requires deliveries or shipments, off-street loading and unloading space shall be provided meeting the following requirements:

A. LOCATION

1. Loading/unloading spaces shall be located on the same lot as the building or structure on which they serve.
2. No loading/unloading space shall be located in any required front yard.
3. All loading/unloading spaces shall have access to a public or private alley or if there is no alley, to a public street.

B. DESIGN STANDARDS AND USE

1. Off-street loading/unloading berths for industrial or manufacturing uses shall be at least twelve (12) feet wide and at least fifty (50) feet long, exclusive of access or maneuvering space. For all other uses off-street loading/unloading berths shall be at least twelve (12) feet wide and at least thirty (30) feet long, exclusive of access or maneuvering space.
2. A minimum of fifteen (15) feet overhead clearance and adequate means for ingress and egress shall be provided for off-street loading/unloading spaces.
3. At no time shall part of a truck, van or other vehicle be allowed to extend onto a sidewalk, into the right-of-way or onto a public thoroughfare in order to deliver, load or unload goods.
4. Off-street loading/unloading berths shall be marked and shall be paved with asphalt or concrete and be so constructed to provide for adequate drainage and prevent the release of dust.
5. No off-street loading/unloading space shall be substituted for any parking space.

C. REQUIRED NUMBER OF LOADING AND UNLOADING SPACES

Off-street loading and unloading spaces shall be based on gross floor area, excluding enclosed or covered areas used for loading and unloading, and the number of berths required shall be determined by the following table:

GROSS SQUARE FEET OF STRUCTURE	MINIMUM NUMBER OF BERTHS REQUIRED
-----------------------------------	--------------------------------------

3,000 - 10,000	1
10,000 - 25,000	2
25,001 - 90,000	3
90,001 - 155,000	4
155,001 - 240,000	5
240,001 - 325,000	6
325,001 - 410,000	7
410,001 - 500,000	8
Each 100,000 above 500,000	1

ARTICLE V

ZONING DISTRICTS AND MAP

SECTION 1 ESTABLISHMENT OF DISTRICTS

For the purpose of this Official Zoning Code, the City of Spencer is hereby divided into zoning districts, as follows:

R-1, Low Density Residential District
 R-2, High Density Residential District
 C-1, Central Business District
 C-2, General Business District
 I-1, Light Industrial District
 I-2, Heavy Industrial District
 A-1 Agricultural District

SECTION 2 PROVISION FOR OFFICIAL ZONING MAP

1. The boundaries of the above zoning districts are hereby established as shown on the map entitled, "Official Zoning Map of the City of Spencer Tennessee, June 27, 2023, which is a part of the Official Zoning Code and which is on file in the Office of the City of Spencer City Recorder.

2. If, in accordance with the provisions of this Official Zoning Code and Sections 13-7-201 through 13-7-210, *Tennessee Code Annotated*, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map, promptly after the amendment has been approved by the board of mayor and alderpersons, together with an entry on the Official Zoning Map showing the date of such change.

3. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Official Zoning Code. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Code and punishable as provided under Article VIII, Section 9, of this Official Zoning Code.

4. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the Spencer City Hall shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the municipality.

SECTION 3 REPLACEMENT OF OFFICIAL ZONING MAP

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Mayor and Aldermen may, by ordinance, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning

Map, but no such correction shall have the effect of amending the original Official Zoning Code or any subsequent amendment thereof.

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

SECTION 4

RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

1. District boundaries, unless otherwise indicated on the Official Zoning Map, shall be platted lot lines, the center line of streets or alleys, midway between railroad tracks, the center lines of streams, rivers or other bodies of water, or the corporate limit lines as they exist at the time of the enactment of this Official Zoning Code.

2. Where a district boundary divides a lot existing at the time this Official Zoning Code takes effect and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portion of said lot as is not more than twenty (20) feet within the more restricted district.

3. Any questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.

SECTION 5

ANNEXATION OF TERRITORY

1. All territory which may hereafter be annexed to the City of Spencer shall be considered by the planning commission and assigned an appropriate zoning classification based on the existing land use, the long-range plans of the community, and the land use of the contiguous property inside the previous city limits. If a zoning classification is not assigned to a territory at the time of annexation, such territory shall be considered to be in the R-1 Low Density Residential District until otherwise classified.

2. Annexed territory and the subsequent zoning of such territory shall be reflected on the Official Zoning Map of City of Spencer, Tennessee, in the manner described in Article V, Section 2 of this Official Zoning Code.

ARTICLE VI

SPECIFIC DISTRICT REGULATIONS

SECTION 1

R-1, LOW DENSITY RESIDENTIAL DISTRICT

A. GENERAL DESCRIPTION

The purpose of the R-1 District is to provide a low density residential environment having good access to schools, public water and sewer, and other community services, but well separated from other incompatible uses and activities.

Within the R-1 Low Density Residential District, as shown on the Official Spencer Zoning Map, the following regulations shall apply:

B. PERMITTED USES

1. Single-family detached dwellings; excluding single-wide mobile homes.
2. Accessory buildings or uses customarily incidental to aforementioned permitted uses. Such uses may include noncommercial gardens and greenhouses, tool sheds, unattached carports and garages, swimming pools (subject to the conditions of Article VII, Section 4, D. of this Official Zoning Code), gazebos and the like.
3. Television, radio, and satellite dish antennas when in compliance with conditions specified in Article VII, Section 4, J. of this Official Zoning Code.
4. Temporary structures, subject to the provisions of Article VII, Section 8, of this Official Zoning Code.

C. USES PERMITTED ON APPEAL (SPECIAL EXCEPTIONS)

After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit as special exceptions:

1. Tiny houses; single-wide mobile homes on individual lots.
2. Two-family dwellings (duplexes).
3. Bed and breakfast establishments and the renting of rooms by the residents on premises provided that the floor area used for said purpose may not exceed fifty (50) percent of total habitable floor area of the dwelling, and provided that the following additional conditions are complied with:
 - (a) Three (3) off-street parking spaces shall be provided for the residence plus one additional space for each room offered for rent. Required additional parking shall not be allowed in any front yard.
 - (b) Signs associated with bed and breakfast establishments shall meet the requirements of Article VII, Section 9, of the Official Zoning Code.

4. Accessory apartments meeting the following conditions:

- (a) Only one (1) accessory apartment per single-family dwelling shall be permitted.
- (b) The accessory apartment shall be located within or connected to the single-family dwelling and shall be a clearly subordinate part thereof.
- (c) The accessory apartment shall not exceed twenty-five (25) percent of the gross floor area of the principal dwelling; shall not be larger than eight-hundred (800) square feet; and shall not contain more than two (2) bedrooms.
- (d) The principal dwelling shall be owner-occupied.
- (e) All exterior entrances to the accessory apartment shall be made from the rear or side of the principal dwelling.
- (f) Two (2) additional off-street parking spaces shall be provided.
- (g) The accessory apartment shall conform with all applicable housing and building codes.
- (h) A floor plan and site plan depicting all proposed changes to the single-family dwelling shall be submitted.

5. Churches and other places of worship provided that the conditions specified in Article VII, Section 4, G. of this Official Zoning Code are complied with.

6. Schools offering general education courses provided that the conditions specified in Section Article VII, Section 4, H. of this Official Zoning Code are complied with.

7. Public parks and public recreational facilities.

8. Public utilities such as water, sewer, gas, electric, cable TV and telephone but limited to those facilities necessary to serve the immediate neighborhood and excluding general office buildings, warehouses and storage areas. Opaque screening in conformance with Article VII, Section 1, of this Official Zoning Code shall be provided along all shared lot lines.

9. Municipal fire or police substation subject to the following conditions:

- (a) Sites shall contain a minimum of one (1) acre and have a minimum street frontage of one-hundred fifty (150) feet.
- (b) They shall be located on an arterial or collector street only.
- (c) Such facilities shall be set back a minimum of fifty (50) feet from all lot lines.
- (d) Opaque screening in conformance with Article VII, Section 1, of this Official Zoning Code shall be provided along all lot lines adjoining residential properties.
- (e) Off-street parking shall be provided for all anticipated equipment, employees and visitors.

10. Day Care Homes for the care of up to seven (7) children, provided they meet the minimum standards established by the Tennessee Department of Human Services for such facilities and provided that the conditions specified in Article VIII, Section 4, I. of this Official Zoning Code are complied with.

11. Assisted living facility subject to meeting the minimum standards established by the Tennessee Department of Health.

12. Customary home occupations provided that the conditions specified in Article VII, Section 4, C. of this Official Zoning Code are complied with.

13. Where this district adjoins a commercial or industrial district without an intervening street, but with or without an intervening alley, off-street parking lots in connection with nearby commercial or industrial uses, provided:

(a) Such parking lots may be permitted only between the commercial or industrial district and the nearest street in the residential district.

(b) Opaque screening in conformance with Article VII, Section 1, of this Official Zoning Code shall be provided along edges of portions of such lots adjoining residential districts as the Board of Zoning Appeals may direct.

(c) The design requirements for parking spaces and lots in Section Article IV, Section 5, of this Official Zoning Code shall be complied with.

(d) No source of illumination for such lots shall be directly visible from any window in any residence in the residential district.

(e) There shall be no movement of vehicles on such lots between the hours of 10:00 p.m. and 6:00 a.m. and the Board of Zoning Appeals may impose greater limitations.

(f) There shall be no sales or service activity on such lots.

D. USES PROHIBITED

1. Storage or long-term parking of commercial or industrial vehicles.
2. Commercial and industrial uses.
3. Outdoor storage of any type, except that in connection with and on the premise of active building and/or land developments.
4. Any other use or structure not specifically permitted or permitted on appeal.

E. MINIMUM LOT AREA, WIDTH, AND YARD REQUIREMENTS

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

1. Minimum lot area (with sewer).....12,000 sq. ft.
Minimum lot area (without sewer).....20,000 sq. ft.
2. Minimum lot width at building setback line
Single family80 ft.
Two family dwellings (duplexes).....100 ft.
3. Minimum depth of front yard (from ROW)
Minor Street.....35 ft.

- Collector Street.....40 ft.
 Arterial Street.....50 ft.
4. Minimum depth of rear yard30 ft.
5. Minimum interior side yard:
 One or two story building15 ft.
 Three story building20 ft.
6. The minimum widths of side yards on corner lots along an intersecting street shall be fifty percent (50%) greater than the minimum side yard requirements of the district in which the lot is located. Side yard accessory buildings shall also comply with this setback from the intersecting street.

F. LOCATION OF ACCESSORY BUILDINGS

Accessory buildings shall meet the following provisions:

1. No accessory building shall be erected in any required front yard.
2. Accessory buildings shall not cover more than twenty (20) percent of the required rear or side yard.
3. Minimum setback from other buildings.....15 ft.
4. Minimum setback from all lot lines.....5 ft.
5. Minimum setback for street side corner lots.....25 ft.
6. Maximum height.....1 story or 18 ft.

G. MAXIMUM BUILDING AREA

On any lot, the area occupied by a principal building shall not exceed forty (40) percent of the total area, and an accessory building shall not exceed twenty-five (25) percent of such area.

H. PARKING REQUIREMENTS

Uses in the R-1 District shall conform with the provisions of Article IV, of this Official Zoning Code.

I. ACCESS REQUIREMENTS

Uses in the R-1 District shall conform with the provisions of Article IV, Section 8 of this Official Zoning Code.

J. MAXIMUM BUILDING HEIGHT

No structure in the R-1 District shall exceed thirty-five (35) feet or three (3) stories in building height.

K. SIGN REQUIREMENTS

No billboards or similar off-premise advertising structures are allowed in the R-1 District; all other signs and similar advertising structures shall conform with the provisions of Article VII, Section 9, of the Official Zoning Code.

SECTION 2

R-2 HIGH DENSITY RESIDENTIAL DISTRICT

A. GENERAL DESCRIPTION

The purpose of the R-2 District is to provide a high density residential environment having good access to schools, public water and sewer, and other community services, but well separated from other incompatible uses and activities.

Within the R-2 High Density Residential District, as shown on the Official City of Spencer Zoning Map, the following regulations shall apply:

B. PERMITTED USES

1. Single-family detached and two-family attached dwellings.
2. Accessory apartments for single-family detached dwellings when in conformance with the provisions of Article VI, Section 1. C. 3, of this Official Zoning Code.
3. Multi-family dwellings and apartments; provided an application and site plan as required in Article VII, Section 2, of this Official Zoning Code are submitted to and approved by the Building Inspector and provided the development standards required in Article VII, Section 2, B. of this Official Zoning Code are complied with.
4. Accessory buildings or uses customarily incidental to aforementioned permitted uses. Such uses may include noncommercial gardens and greenhouses, tool sheds, unattached garages and carports, swimming pools (subject to the provisions of Article VII, Section 4, D. of this Official Zoning Code) and the like.
5. Television, radio, and satellite dish antennas when in compliance with the provisions of Article VII, Section 4, J. of this Official Zoning Code.
6. Temporary structures, subject to the provisions of Article VII, Section 8, of this Official Zoning Code.
7. Elderly housing and residential homes for the aged provided the application and site plan requirements and development standards for multi-family dwellings as specified in Article VII, Section 2, B. of this Official Zoning Code are complied with, provided the minimum lot requirements for multi-family dwellings as specified in Article VII, Section 2, of this Official Zoning Code are complied with, and provided the parking requirements of Article IV of this Official Zoning Code are complied with.

C. USES PERMITTED ON APPEAL (SPECIAL EXCEPTIONS)

After public notice and hearing and subject to appropriate conditions and safeguards to protect the character of the neighborhood, the Board of Zoning Appeals may permit as special exceptions:

1. Tiny houses; single-wide mobile homes on individual lots.
2. Mobile home parks subject to meeting the requirements and standards of Article VII, Section 3, of the Official Zoning Code.
3. Bed and breakfast establishments and the renting of rooms by the residents on premises provided that the floor area used for said purpose may not exceed fifty (50) percent of total habitable floor area of the dwelling, and provided that the following additional conditions are complied with:
 - (a) Three (3) off-street parking spaces shall be provided for the residence plus one additional space for each room offered for rent. Required additional parking shall not be allowed in any front yard.
 - (b) Signs associated with bed and breakfast establishments shall meet the requirements of Article VII, Section 9, of the Official Zoning Code.
4. Churches and other places of worship provided that the conditions specified in Article VII, Section G. of this Official Zoning Code are complied with.
5. Schools offering general education courses provided that the conditions specified in Article VII, Section H. of this Official Zoning Code are complied with.
6. Public parks and public recreational facilities.
7. Public utilities such as water, sewer, gas, electric, cable TV and telephone but limited to those facilities necessary to serve the immediate neighborhood and excluding general office buildings, warehouses, and storage areas. Opaque screening in conformance with Article VII, Section 1, of this Official Zoning Code shall be provided along all shared lot lines.
8. Municipal uses such as fire or police substations provided that the conditions specified in Article VI, Section 1, C. 8, of this Official Zoning Code are complied with.
9. Day Care Homes for the care of up to seven (7) children, provided they meet the minimum standards established by the Tennessee Department of Human Services for such facilities and provided that the conditions specified in Article VII, Section 4, I. of this Official Zoning Code are complied with.
10. Customary home occupations provided that the conditions specified in Article VII, Section 4, C. of this Official Zoning Code are complied with.

11. Parking lots. Where this district adjoins a commercial or industrial district without an intervening street, but with or without an intervening alley, off-street parking lots in connection with nearby commercial or industrial uses, provided that the conditions specified in Article IV, Section 5, of this Official Zoning Code are complied with.

D. USES PROHIBITED

1. Storage or long-term parking of commercial or industrial vehicles.
2. Outdoor storage of any type, except that in connection with and on the premise of active building and/or land development.
3. Any other use or structure not specifically permitted or permitted on appeal.

E. MINIMUM LOT AREA, WIDTH, AND YARD REQUIREMENTS

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

1. Minimum lot area for a single unit (with sewer)10,000 sq. ft.
Minimum lot area for a single unit (without sewer).20,000 sq. ft.
2. Minimum for each additional unit over one.....4,000 sq. ft.
3. Minimum lot width at building setback line:
Single-family dwelling.....80 ft.
Two-family dwelling.....100 ft.
4. Minimum depth of front yard
Minor Street.....35 ft.
Collector Street.....40 ft.
Arterial Street.....50 ft.
5. Minimum depth of rear yard.....30 ft.
6. Minimum interior side yard:
Single-family dwelling.....15 ft.
Two-family dwelling (duplex).....20
ft.
Multi-family dwelling.....30

ft.

7. Minimum width of side yards on corner lots shall be same as the minimum front yard for other structures fronting the side street.

F. LOCATION OF ACCESSORY BUILDINGS

Accessory buildings shall meet the following provisions:

1. No accessory building shall be erected in any required front yard.

2. Accessory buildings shall not cover more than thirty (30) percent of the required rear or side yard.

3. Minimum setback from other buildings.....15 ft.

4. Minimum setback from all lot lines5 ft.

5. Minimum setback for street side corner lots:

Minor Street.....25 ft.

Collector Street.....30 ft.

Arterial Street.....35 ft.

6. Minimum setback from alleyways.....5 ft.

7. Maximum height.....1 story or 18 ft.

G. MAXIMUM BUILDING AREA

On any lot, the area occupied by principal building shall not exceed forty (40) percent of the total area, and an accessory building shall not exceed thirty (30) percent of such area.

H. PARKING REQUIREMENTS

Uses in the R-2 District shall conform with the provisions of Article IV of this Official Zoning Code.

I. ACCESS REQUIREMENTS

Uses in the R-2 District shall conform with the provisions of Article IV, Section 8, of this Official Zoning Code.

J. MAXIMUM BUILDING HEIGHT

No structure in the R-2 District shall exceed thirty-five (35) feet or three (3) stories in building height.

K. SIGN REQUIREMENTS

No billboards or similar off-premise advertising structures are allowed in the R-2 District, all other signs or similar advertising structures shall conform with the provisions of Article VII, Section 9, of the Official Zoning Code.

L. PLOT PLAN OR SITE PLAN REQUIREMENTS

All developments in the R-2 District requiring building permits shall conform with the applicable site plan requirements in Article IV, Section 5, of this Official Zoning Code.

SECTION 3

C-1 CENTRAL BUSINESS DISTRICT

A. GENERAL DESCRIPTION

The purpose of the C-1 District is to provide an area for the conduct of community and municipal retail and service business of an indoor and intensive nature, especially for those sales and service uses which require a central location, which generate substantial pedestrian traffic, and which are mutually benefited by close proximity to other uses of a similar nature.

Within the C-1 Central Business District, as shown on the Official Spencer Zoning Map, the following regulations shall apply:

B. PERMITTED USES

1. Business and personal services but limited to the following types of establishments: Appliance repair, barber and beauty shops, coin operated cleaning and laundry, copy service, day care centers, dry cleaning and laundry pickup, employment agency, financial service, fitness center and spa, insurance agency, interior decorating, legal service, locksmith, office equipment repair, photographic service, real estate agency, shoe repair, tanning facilities, tailoring, travel agencies and similar uses.
2. Retail trade but limited to the following types of establishments: Antique shop, apparel shop, appliance shop, bakery-retail, bookstore, camera and photographic supply, caterer, confectionery, drapery sales, drug store, electronic shop, florist-retail, fruit market, furniture-retail, gift shop, grocery store-retail, handicrafts, hardware, jewelry, meat market, music store, office supplies, optical goods, restaurant, sporting goods, video sales and rental, and similar uses.
3. Professional offices for doctors, dentists, lawyers, architects, artists, engineers and the like.
4. Federal, state, county and municipal uses except outside storage areas.
5. Public and semi-public uses; but limited to the following types of establishments: church or similar place of worship, charitable, fraternal or social organization.
6. Off-street parking lots meeting the design requirements of Article IV, Section 5, of this Official Zoning Code.
7. Amusement and recreational services; but limited to the following types of establishments: Club or lodge, indoor theater, public parks, and private recreational facility.
8. Accessory structures and uses incidental and subordinate to the principal structure.
9. Temporary structures, subject to the provisions of Article VII, Section 8 of this Official Zoning Code.

C. USES PERMITTED ON APPEAL (SPECIAL EXCEPTIONS)

After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit as special exceptions:

1. Tiny houses, single detached dwellings, single- or multi-family apartments and mixed commercial/multi-family apartments (new construction or rehabilitation of existing structure) provided that the following conditions are complied with:

- (a) A minimum square footage per dwelling unit of 650 sq. ft. for a one-bedroom unit, 800 sq. ft. for a two-bedroom unit, and 1000 sq. ft. for a three-bedroom unit shall be provided.
- (b) All municipal building and fire codes shall be adhered to.
- (c) All new residential construction shall meet the minimum lot area, width and yard requirements as required in the R-2 High Density Residential District.

2. Limited manufacturing for an on-premise business or service provided the following conditions are complied with:

- (a) The manufacturing area shall not occupy more than forty (40) percent of the floor area.
- (b) No more than five (5) operators shall be employed.
- (c) All municipal building and fire codes shall be adhered to.

3. Automobile sales (new and used) and automobile rentals provided the following conditions are complied with:

- (a) Shall be in conformance with the provisions of Article VII, Section 1 of this Official Zoning Code.
- (b) Shall not be located on public street of a classification of less than major collector status.
- (c) Shall be in conformance with the provisions of Article VII, Section 4, F. of this Official Zoning Code.

D. USES PROHIBITED

1. Outdoor storage of any type, except that in connection with and on the premise of active building and/or land developments.

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

E. MINIMUM LOT AREA, WIDTH AND YARD REQUIREMENTS

All buildings or structures hereafter constructed in the C-1 District shall be located so as to comply with the following requirements:

1. On corner lots in the C-1 District, no obstruction to vision shall hereafter be placed or erected in such a manner as to materially impede visibility between a height of two (2) feet and ten (10) feet above the grades of the intersecting streets at their point of intersection in an area defined by the street lines adjoining said corner lot and a line joining points along said street lines twenty-five (25) feet from the point of intersection.

2. Unless otherwise provided or required to meet other provisions, no front, rear or side yard setback is required in the C-1 District.

3. On lots adjacent to a residential district, all buildings or structures shall be located so as to conform with the side and/or rear yard requirements of the adjacent residential district.

F. MAXIMUM BUILDING AREA

None except as necessary to meet all other requirements.

G. SCREENING REQUIREMENTS

Where a lot line is shared with an adjacent residential lot, the owner of the commercial lot shall provide opaque screening in conformance with Article VII, Section 1, of this Official Zoning Code along the entire shared lot line or lines so as to provide a pleasant buffer between the two different but contiguous land uses.

H. PARKING REQUIREMENTS

None unless required under other provisions.

I. ACCESS REQUIREMENTS

Uses in the C-1 District shall conform with the provisions of Article IV, Section 8, of this Official Zoning Code.

J. MAXIMUM BUILDING HEIGHT

A building height of fifty (50) feet or four (4) stories may be permitted if automatic sprinkler systems and dry stand pipes with external fire department connections are provided. No other structure shall exceed thirty-five (35) feet or three (3) stories in building height.

K. SIGN REQUIREMENTS

All signs and similar advertising structures in the C-1 District shall conform with the provisions of Article VII, Section 9, of the Official Zoning Code.

L. SITE PLAN REVIEW REQUIREMENTS

Uses in the C-1 District shall conform with the provisions of Article VIII, Section 4, of this Official Zoning Code.

SECTION 4

C-2 GENERAL BUSINESS DISTRICT

A. GENERAL DESCRIPTION

The purpose of the C-2 District is to provide an area for the conduct of community and Municipal retail and service business dealing predominantly in those goods transportable by private auto and for those creating a substantial amount of automobile traffic. It is intended that such areas have properties of sufficient size so that activities performed thereon will not interfere with traffic circulation.

Within the C-2 General Business District, as shown on the Official Spencer Zoning Map, the following regulations shall apply:

B. PERMITTED USES

1. Business and personal services; all those permitted in the C-1 Central Business District and including the following types of establishments: Dry cleaning and laundry service, electrical repair, equipment rental, exterminating service, gunsmith, hotel and motels, small engine and motor repair, upholstery service, veterinary service-indoor, and similar uses.

2. Retail and wholesale trade; all those permitted in the C-1 Central Business District and including the following types of establishments: Automotive parts store, building materials, cabinet sales, department store, fertilizer sales-packaged, florist-wholesale, furniture sales, motorcycle sales, nursery and garden centers-retail, pet shop, restaurant-drive-in, and similar uses.

3. Public and semi-public uses, including the following types of establishments: Cemetery (subject to the provisions of Article VII, Section 4, B. of this Official Zoning Code), charitable, fraternal or social organization, church or similar place of worship, (when in compliance with the conditions specified in Article VII, Section 4, G. of this Official Zoning Code), community center, daycare center, funeral home, general office buildings, group homes, hospital, medical clinic, nursing home, schools, (when in compliance with the conditions specified in Article VII, Section 4, H. of this Official Zoning Code), retirement center, temporary care facility and similar uses.

4. Professional offices for doctors, dentists, lawyers, architects, artists, engineers and the like.

5. Federal, state, county and municipal uses.

6. Automotive and transportation services, limited to the following types of establishments: Automotive tire sales and tire repair, car wash, gasoline station (with no above ground storage of flammable material in excess of 500 gallons and subject to the provisions of Article VII, Section 4, and F. of this Official Zoning Code), off-street parking lots (meeting the design requirements of Article IV, Section 5, of this Official Zoning Code), taxicab stand, and similar uses.

7. Amusement and recreational services; all those permitted in the C-1 Central Commercial District and including the following types of establishments: health and physical fitness clubs.

8. Light manufacturing; limited to the following types of establishments: Commercial printing, laboratories, optical instruments and lenses, and similar uses.

9. Limited manufacturing for an on-premise business or service provided the following conditions are complied with:

- (a) The manufacturing area shall not occupy more than forty-nine (49) percent of the floor area.
- (b) No more than ten (10) operators shall be employed.

10. Newspaper establishments, and radio and television stations.

11. Accessory structures and uses incidental and subordinate to the principal structure.

12. Temporary structures, subject to the provisions of Section Article VII, Section 8, of this Official Zoning Code.

C. USES PERMITTED ON APPEAL (SPECIAL EXCEPTIONS)

After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit as special exceptions:

1. Tiny houses, single-family detached dwellings, multi-family residential provided the following conditions are complied with:

- (a) The minimum lot area, width and yard requirements as required in the R-2 High Density Residential District of this Official Zoning Code shall be complied with.
- (b) The off-street parking requirements of Article IV of this Official Zoning Code shall be complied with.
- (c) The required standards of Article VIII, Section 2 of this Official Zoning Code shall be complied with.

2. Automobile sales (new and used) and automobile rentals provided the following conditions are complied with:

- (a) Shall not be located adjacent to any residential district.
- (b) Shall not be located on public street of a classification of less than major collector status.
- (c) Shall be in conformance with the provisions of Article VII, Section 4, F, of this Official Zoning Code.

3. Automobile repair shops provided the following conditions are complied with:

- (a) Shall not be located adjacent to any residential district.
- (b) Shall be in conformance with the provisions of Article VII, Section 4, F. of this Official Zoning Code.

4. Agriculture supply provided the following conditions are complied with:

- (a) Shall not be located adjacent to any residential district.
- (b) No milling, grinding or mixing of materials shall be permitted.
- (c) No feed lots or stockyards shall be permitted.

5. Self-service storage facilities (mini-warehouses) provided the following conditions are complied with:

- (a) The sale or auction of any item at a self-service storage facility by a lessee is specifically prohibited.
 - (b) Shall not be located on public street of a classification of less than major collector status.
6. The standards of Article VII, Section 1, of this Official Zoning Code shall be complied with.

D. USES PROHIBITED

- 1. Outdoor storage of any type, except that in connection with and on the premise of active building and/or land developments and except that permitted under the provisions of Article VII, Section of this Official Zoning Code.
- 2. Any other use or structure not specifically permitted or permitted on appeal.

E. MINIMUM LOT AREA, WIDTH AND YARD REQUIREMENTS

All buildings or structures, including accessory structures, hereafter constructed in the C-2 District shall be located so as to comply with the following requirements:

- 1. Minimum lot requirements None except as necessary to meet all other requirements.
- 2. Minimum depth of front yard:
 - On arterial streets.....50 ft. from right-of-way.
 - On collector and local streets.....35 ft. from right-of-way.
- 3. Minimum depth of rear yard.....20 ft.
- 4. Minimum side yard on one side.....15 ft.
- 5. Minimum side yard for street side corner lots30 ft.
- 6. On lots adjacent to a residential district all buildings or structures shall be located so as to conform with the side and/or rear yard requirements of the adjacent residential district.

F. MAXIMUM BUILDING AREA

None except as necessary to meet all other requirements.

G. SCREENING REQUIREMENTS

Where a lot line is shared with an adjacent residential lot the owner of the commercial lot shall provide semi-opaque screening in conformance with Article VII, Section 1, of this Official Zoning Code along the entire shared lot line or lines so as to provide a pleasant buffer between the two different but contiguous land uses.

H. PARKING REQUIREMENTS

Uses in the C-2 District shall conform with the provisions of Article IV of this Official Zoning Code.

I. ACCESS REQUIREMENTS

Uses in the C-2 District shall conform with the provisions of Article IV, Section 8, of this Official Zoning Code.

J. OFF-STREET LOADING AND UNLOADING SPACE REQUIREMENTS

Uses in the C-2 District shall conform with the provisions of Article IV, Section 9, of this Official Zoning Code.

K. MAXIMUM BUILDING HEIGHT

No structure in the C-2 District shall exceed thirty-five (35) feet or three (3) stories in building height.

L. SIGN REQUIREMENTS

All signs and similar advertising structures in the C-2 District shall conform with the provisions of Article VII, Section 9, of the Official Zoning Code.

M. SITE PLAN REVIEW REQUIREMENTS

Uses in the C-2 District shall conform with the provisions of Article VIII, Section 4, of this Official Zoning Code.

SECTION 5 I-1 LIGHT INDUSTRIAL DISTRICT

A. GENERAL DESCRIPTION

The purpose of the I-1 District is to provide an area in which the principal use of land is for light manufacturing and assembly plants, processing, storage, warehousing, wholesaling, and distribution. It is the intent that uses shall be restricted to activities that are safe and not a nuisance due to dust, fumes, noise, odor, refuse matter, smoke, vibration, water-carried waste or other adverse effects on surrounding areas.

Within the I-1, Light Industrial District, as shown on the Official City of Spencer Zoning Map, the following regulations shall apply:

B. PERMITTED USES

1. Light industrial and manufacturing uses; all those permitted in the C-2 District and including the following types of establishments: apparel, appliance assembly, bakeries, beverage products, bottling machinery, dairy products, electronic devices and instruments, engineering, medical, and scientific instruments, excelsior, food products, furniture, glass and

glassware, ice plant, industrial laundries, insulation products, jewelry products, laboratories, machine assembly, metal working machinery, motor vehicle and equipment assembly, musical instruments, office and computer equipment, optical instruments and lenses, paper products, pharmaceuticals, plastic products assembly, boat manufacturing and repair, sign manufacturing, textiles, textile machinery, tobacco products, toys, amusements, sporting and athletic goods, upholstering, watches and clocks, welding, and wood products, provided that any industrial or manufacturing use that may cause injurious or obnoxious noise, vibrations, smoke, gas fumes, odor, dust, fire hazard, or other objectionable conditions, shall be required to show that the proposed location, construction, and operation will not injure or disturb adjoining properties.

2. General office buildings.
3. Vocational learning and training centers, trade schools.
4. Day care facilities when located in connection with and on the same premises as permitted, principal uses and when used solely for the care of dependents of employees of said principal use.
5. Gasoline service stations, (meeting the provisions of Article VII, Section A. of this Official Zoning Code). and for automobile tire repair, motorcycle repair (Article VII, Section F. of this Official Zoning Code).
6. General contractors and specialty contractors.
7. Building materials and supplies.
8. Transfer or storage terminal, truck terminal and freight handling, packing and crating services.
9. Nursery-wholesale.
10. Restaurants when primarily intended to serve the needs of the industrial community.
11. Industrial machinery and supplies sales, heavy equipment sales.
12. Warehousing, cold storage plant, distribution center, self-service storage facilities (meeting the provisions of Article VII, Section E. of this Official Zoning Code).
13. Veterinarian hospitals and kennels.
14. Agriculture supplies and equipment sales and repairs.
15. Public utility structures, fire and police stations.
16. Accessory uses and structures.
17. Temporary structures, subject to the provisions of Article VII, Section 8, of this Official Zoning Code.

C. USES PERMITTED ON APPEAL (SPECIAL EXCEPTIONS)

After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit as special exceptions:

1. Day Care Centers provided that the following conditions are complied with:

- (a) Shall meet the minimum standards established by the Tennessee Department of Human Services.
- (b) Outdoor play space shall be fenced or otherwise enclosed to a minimum height of four (4) feet on all sides.

2. Public parks and public recreational facilities meeting the following conditions:

- (a) A minimum lot area of one-half (1/2) acre with a minimum lot width of fifty (50) feet at the building setback line shall be provided.
- (b) The minimum depth of the front yard shall be thirty-five (35) feet and the minimum depth of the side and rear yards shall be twenty-five (25) feet. The minimum side yard on the street side of corner lots shall be thirty-five (35) feet.
- (c) The maximum lot coverage for all enclosed buildings shall be ten (10) percent.

3. Petroleum products dealers and wholesalers provided that the following conditions are complied with:

- (a) Shall not be located adjacent to any residential district.
- (b) Shall be in conformance with all federal, state or local environmental, fire, safety or other applicable codes or laws.
- (c) Above ground storage of flammable materials shall be a minimum of one-hundred (100) feet from all property lines.

4. Outside storage of materials provided that the following conditions are complied with:

- (a) Shall be fenced and shall be screened with opaque screening in conformance with Article VII, Section 1, of this Official Zoning Code.
- (b) Shall be located in the rear yard only.
- (c) Shall be located on the same property as the principal use.

D. USES PROHIBITED

1. Outside storage of unscreened materials.

2. Any use determined by the building inspector to be potentially noxious, dangerous or offensive to adjacent uses by reason of odor, smoke, noise, glare, fumes, gas, vibration, threat of fire or explosion, or other similar reasons to be incompatible with the character of the I-1 District.

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

E. MINIMUM LOT AREA, WIDTH AND YARD REQUIREMENTS

All buildings or structures, including accessory structures, hereafter constructed in the I-1 District shall be located so as to comply with the following requirements:

1. Minimum lot requirementsNone except as necessary to meet all other requirements.
2. Minimum depth of front yard.....50 ft.
3. Minimum depth of rear yard50 ft.
4. Minimum depth of side yard each side30 ft.
5. On lots adjacent to a residential district, all rear and side yard setback requirements of the adjacent residential district, in greater than required in the industrial district, shall be provided.

F. MAXIMUM BUILDING AREA

None, except as necessary to meet all other requirements.

G. SCREENING REQUIREMENTS

Where a lot line is shared with an adjoining residential lot the owner of the industrial lot shall provide opaque screening in conformance with Article VII, Section 1, of this Official Zoning Code along the entire shared lot line so as to provide a pleasant screen between the two different but contiguous land uses.

H. PARKING REQUIREMENTS

Uses in the I-1 District shall conform with the provisions of Article IV of this Official Zoning Code.

I. ACCESS REQUIREMENTS

Uses in the I-1 District shall conform with the provisions of Section Article IV, Section 8, of this Official Zoning Code.

J. OFF-STREET LOADING AND UNLOADING SPACE REQUIREMENTS

Uses in the I-1 District shall conform with the provisions of Article IV, Section 9, of this Official Zoning Code.

K. MAXIMUM BUILDING HEIGHT

A building height of fifty (50) feet or four (4) stories may be permitted if automatic sprinkler systems and dry stand pipes with external fire department connections are provided. No other structure shall exceed thirty-five (35) feet or three (3) stories in building height.

L. SIGN REQUIREMENTS

All signs and similar advertising structures in the I-1 District shall conform with the provisions of Article VII, Section 9, of the Official Zoning Code.

M. SITE PLAN REVIEW REQUIREMENTS

Uses in the I-1 District shall conform with the provisions of Article VIII, Section 9, of this Official Zoning Code.

SECTION 6 I-2 HEAVY INDUSTRIAL DISTRICT

A. GENERAL DESCRIPTION

The purpose of the I-2 District is to provide an area in which the principal use of land is for heavy manufacturing and assembly plants and processing. It is the intent of this district to provide an area for industrial activities of an intensive nature which by reason of volume of raw materials or freight, scale of operation, type of structures required, or other similar characteristics requiring locations relatively well segregated from non-industrial uses.

Within the I-2, Heavy Industrial District, as shown on the Official City of Spencer Zoning Map, the following regulations shall apply:

B. PERMITTED USES

1. Light industrial and manufacturing uses: all those permitted in the I-1 Light Industrial District and subject to the same conditions or provisions, if any.
2. Gasoline service stations (meeting the provisions of Article VII, Section 4, A, of this Official Zoning Code), and for automobile tire repair, motorcycle repair (Article VII, Section 4, I).
3. General contractors and specialty contractors; building materials and supplies.
4. Transfer or storage terminal, truck terminal and freight handling, packing and crating services.
5. Warehousing, cold storage plant, storage yard, distribution center, self-service storage facilities (meeting the provisions of Article VII, Section 4, E. of this Official Zoning Code).
6. Industrial machinery and supplies sales, heavy equipment sales.
7. Nursery-wholesale.

8. Veterinarian hospitals and kennels.
9. Agriculture supplies and equipment sales and repairs.
10. Public utility structures, fire and police stations.
11. Accessory uses and structures.
12. Temporary structures, subject to the provisions of Article VII, Section 8, of this Official Zoning Code.
13. Day care facilities when located in connection with and on the same premises as permitted principal uses and when used solely for the care of dependents of employees of said principal use.

C. USES PERMITTED ON APPEAL (SPECIAL EXCEPTIONS)

After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit as special exceptions:

1. Extensive and heavy industrial and manufacturing uses; but limited to the following uses: abrasive products; asphaltic cement plants; cement and/or concrete plants; chemical and allied products; clay, pottery, terra cotta and tile products; grain milling; junkyards, hard surface floor coverings, kiln drying operations; leather goods, machine shop, paints and allied products; paper and allied products; petroleum products dealers and wholesalers, rubber and miscellaneous plastic products; saw mills; slaughtering of animals; provided the following conditions are complied with:

- (a) Shall not be located adjacent to any residential district.
- (b) Shall not have an adverse affect on any surrounding properties.
- (c) All federal, state or other permits for air pollution standards, ground water and emissions must be obtained and kept up-to-date.
- (d) Access shall be provided only from streets of a classification of no less than minor arterial classification or an industrial access road from a minor arterial.
- (e) Outside storage shall be fenced and shall be screened with opaque screening in conformance with Article VII, Section 1, of this Official Zoning Code.

2. Day Care Centers provided that the following conditions are complied with:

- (a) Shall meet the minimum standards established by the Tennessee Department of Human Services.
- (b) Outdoor play space shall be fenced or otherwise enclosed to a minimum height of four (4) feet on all sides.

3. Outside storage of materials provided that the following conditions are complied with:

- (a) Shall be fenced and shall be screened with opaque screening in conformance with Article VII, Section 1, of this Official Zoning Code.

- (b) Shall be located in the rear yard only.
- (c) Shall be located on the same property as the principal use.

D. USES PROHIBITED

- 1. Outside storage of unscreened materials.
- 2. Any use determined by the Building Inspector to be potentially noxious, dangerous or offensive to adjacent uses by reason of odor, smoke, noise, glare, fumes, gas, vibration, threat of fire or explosion, or other similar reasons to be incompatible with the character of the I-2 District.
- 3. Any other use or structure not specifically permitted or permitted on appeal.

E. MINIMUM LOT AREA, WIDTH AND YARD REQUIREMENTS

All buildings or structures, including accessory structures, hereafter constructed in the I-2 District shall be located so as to comply with the following requirements.

- 1. Minimum lot requirements.....None except as necessary to meet all other requirements.
- 2. Minimum depth of front yard.....50 ft.
- 3. Minimum depth of yard.....50 ft.
- 4. Minimum depth of side yard each side50 ft.

F. MAXIMUM BUILDING AREA

None, except as necessary to meet all other requirements.

G. SCREENING REQUIREMENTS

Where a lot line is shared with an adjoining residential lot, the owner of the industrial lot shall provide opaque screening in conformance with Article VII, Section 1, of this Official Zoning Code along the entire shared lot line so as to provide a pleasant screen between the two different but contiguous land uses.

H. PARKING REQUIREMENTS

Uses in the I-2 District shall conform with the provisions of Article IV of this Official Zoning Code.

I. ACCESS REQUIREMENTS

Uses in the I-2 District shall conform with the provisions of Article IV, Section 8, of this Official Zoning Code.

J. OFF-STREET LOADING AND UNLOADING SPACE REQUIREMENTS

Uses in the I-2 District shall conform with the provisions of Article IV, Section 9, of this Official Zoning Code.

K. MAXIMUM BUILDING HEIGHT

A building height of fifty (50) feet or four (4) stories may be permitted if automatic sprinkler systems and dry stand pipes with external fire department connections are provided. No other structure shall exceed thirty-five (35) feet or three (3) stories in building height.

L. SIGN REQUIREMENTS

All signs and similar advertising structures in the I-2 District shall conform with the provisions of Article VII, Section 9, of the Official Zoning Code.

M. SITE PLAN REVIEW REQUIREMENTS

Uses in the I-2 District shall conform with the provisions of Article VIII, Section 4, of this Official Zoning Code.

SECTION 7 A-1 AGRICULTURAL DISTRICT

A. GENERAL DESCRIPTION

The purpose of the A-1 Agricultural District is to provide areas for agricultural and agriculturally oriented uses and structures in a low density environmental, having good access to schools, public water and sewer, and other community services, but well separated from other incompatible uses and activities.

Within the A-1 Agricultural District, the following regulations shall apply:

B. PERMITTED USES

1. Farm houses, and single family detached dwellings, excluding single-wide mobile homes.
2. Barns, greenhouses, and other structures as accessory buildings customary incidental to the aforementioned permitted uses.
3. Farms for the growing and storage of farm products, such as nursery stock, vegetables, fruits, and grain.
4. Churches and other places of worship, and parish houses.
5. Essential utility services and facilities.
6. Temporary structures, subject to the provisions of Article VII, Section 8, of this Official Zoning Code.

C. USES PERMITTED ON APPEAL (SPECIAL EXCEPTIONS)

After public notice and hearing, and subject to appropriate safe conditions and safeguard, the Board of Zoning Appeals may permit as special exceptions:

1. Tiny house; single-wide mobile homes on individual lots subject to a two-acre minimum lot size.

2. Public libraries, schools offering general education courses, golf courses, public parks and other public recreational facilities, municipal, county, state, or federal uses, except general office buildings, public utilities, except storage and warehouse areas, cemeteries, and philanthropic institutions and clubs, except a club, the chief activity of which is customarily carried out as a business.

3. Bed and breakfast establishments by the family residing on the premises.

4. Customary home occupations, including professional offices (except medical or dental clinics), studios, in-home day care centers for no more than seven (7) children (Article VII, Section I.), or other customary incidental home occupations. All home occupations subject to specific requirements in Article VII, Section 4, C.).

5. Telecommunication towers and stations as required in (Article VII, Section 4, K.

D. USES PROHIBITED

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

E. MINIMUM LOT AREA, WIDTH, AND YARD REQUIREMENTS

1. Minimum lot width at building line.....75 ft.

2. Minimum depth of front yard:

a. Local Street.....40 ft.

b. Collector Street.....50 ft.

c. Arterial Street.....60 ft.

3. Minimum Depth of rear yard.....30 ft.

4. Minimum width of side yard on each side:

a. One or two story building.....25 ft.

b. Three story building.....35 ft.

5. Minimum width of side yards on corner lots.....40 ft.

F. LOCATION OF ACCESSORY BUILDINGS

Accessory buildings shall meet the following provisions:

1. No accessory building shall be elected in any required front or side yard.

2. Accessory buildings shall not cover more than thirty (30) percent of the required rear yard.

3. Minimum setback from other buildings.....15 ft.

4. Minimum setback from all lot lines.....5 ft.

5. Minimum setback for street side corner lots.....40 ft.

6. Maximum height.....one story or 18 ft.

G. MAXIMUM BUILDING AREA

On any lot, the area occupied by all buildings, including accessory buildings, shall not exceed twenty-five (25) percent of the total area of such lot.

H. PARKING REQUIREMENTS

Uses in the A-1 Agricultural District shall conform with the provisions of Article IV of the Official Zoning Code.

I. ACCESS REQUIREMENTS

Uses in the A-1 Agricultural District shall conform with provisions of Article IV, Section 8, of this Official Zoning Code.

J. MAXIMUM BUILDING HEIGHT

No structure in the A-1 Agricultural District shall exceed thirty-five (35) feet or three stories in building height.

K. SIGN REQUIREMENTS

No billboards or similar off-premise advertising structures are allowed in the A-1 Agricultural District; all other signs and similar advertising structures shall conform with the provisions of Article VII, Section 9, of the Official Code.

L. SITE PLAN REQUIREMENTS

All development in the A-1 Agricultural District requiring building permits shall conform with the applicable site plan requirements in Article VIII, Section 4, of this Official Zoning Code.

SECTION 8

FLOOD HAZARD AREAS

Within the corporate limits of Spencer are flood hazard areas that can result in damage or loss of life. These areas, defined by the Federal Emergency Management Agency (FEMA) under the auspices of the National Flood Insurance program (NFIP), are identified on Flood Insurance Rate Maps (FIRM's) Community Panel Nos. 47175C0050C and 47175CO125C, dated April 19, 2010. Areas of flood hazard, as identified on these maps, form overlay zones on the city's other established zoning districts. These areas are subject not only to the provisions of this zoning code, but also to the city's most current floodplain management regulations. These adopted regulations, along with the Flood Insurance Rate Maps, are available for review and inspection at Spencer City Hall.

CHAPTER 6

SUPPLEMENTARY REGULATIONS

For the purpose of the Official Zoning Code these supplementary regulations shall apply to specific, to several, or to all districts. These regulations pertain to certain specific uses, authorize certain exemptions, or relate to unusual conditions.

SECTION 1 SCREENING REQUIREMENTS

The following regulations shall apply for all uses requiring screening.

A. PLAN REQUIRED

For all uses requiring screening, a plan for such shall be submitted with the required site plan.

B. DESCRIPTION OF SCREENS

1. Opaque Screen--A screen that is opaque from the ground to a height of at least six (6) feet, with intermittent visual obstructions from the opaque portion to a height of at least twenty (20) feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of special separation. The opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten (10) feet wide. The portion of intermittent visual obstructions may contain deciduous plants. Suggested planting patterns that will achieve this standard are depicted on Illustration 2 as found in Appendix A of the Zoning Code.

2. Semi-Opaque Screen--A screen that is opaque from the ground to a height of three (3) feet, with intermittent visual obstruction from above the opaque portion to a height of at least twenty (20) feet. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten (10) feet wide. The zone of intermittent visual obstruction may contain deciduous plants. Suggested planting patterns which will achieve this standard are depicted on Illustration 3 as found in Appendix A of the Zoning Code.

3. Broken Screen--A screen composed of intermittent visual obstructions from the ground to a height of at least twenty (20) feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The screen may contain deciduous plants. Suggested planting patterns which will achieve this standard are depicted on Illustration 4 as found in Appendix A of the Zoning Code.

B. STANDARDS FOR SCREENING MATERIALS

1. When fences or walls are utilized in screening, they shall be constructed of materials compatible with the principal building.
2. When earthen berms are utilized in screening, they shall be seeded and/or sodded.
3. Trees and shrubbery shall be of a species common to Spencer shall be hardy, and proper care shall be taken in planting.

C. MAINTENANCE OF SCREENING

1. It shall be the obligation of the owner(s) of each building, structure or use on whose premises required screening is located to maintain said screening.
2. Failure to properly maintain required screening shall be a violation of this Official Zoning Code, punishable as a misdemeanor or under the provisions of the City of Spencer Municipal Code.

SECTION 2

MULTI-FAMILY HOUSING

A. APPLICATION AND SITE PLAN REQUIRED

To provide a maximum flexibility in design and to ensure a minimum standard of site development for multi-family housing developments of two or more residential structures on a single lot or tract of land, not subdivided an application shall be submitted to the planning commission consisting of a site plan drawn to a scale no smaller than 1" = 50' setting forth therein the geographical location, boundaries, surrounding development, drainage, buildings and structures, parking facilities, points of access to public streets, easements, sanitation facilities including the location and size of water and sewer lines, location of fire hydrants, and any other information as the planning commission may require.

B. REQUIRED STANDARDS FOR MULTI-FAMILY HOUSING DEVELOPMENTS

Multi-family housing developments of two or more residential structures on a single lot or tract of land, not subdivided shall meet the following required standards for development:

1. Location

(a) The site shall comprise a single lot or tract of land except where divided by public streets.

(b) The site shall abut a public street.

2. Area Requirements

All area and setback requirements of the applicable zoning district shall be complied with.

3. Design

(a) Internal Streets

(1) The maximum grade on any street shall be twelve (12) percent except that no more than three (3) percent grade shall be permitted within fifty (50) feet of any intersection with a public street.

(2) Where feasible, all street intersections shall be at right angles.

(b) Public Street Access

(1) The minimum distance between access points along public street frontage shall be one-hundred (100) feet.

(2) The minimum distance between an access point and the nearest right-of-way line of a public street intersection shall be one-hundred (100) feet.

4. Required Improvements

(a) Internal Streets

(1) Streets shall be privately constructed and maintained.

(2) Streets shall be constructed to meet the standards for street construction in the City of Spencer Subdivision Regulations.

(b) Water and Sewer Systems

All multi-family housing developments shall be serviced by public water and sewer systems on trunk lines not less than six (6) inches.

(c) Fire Protection

Fire hydrant protection shall be provided so that no building unit is located further than five-hundred (500) feet from a fire hydrant or as approved by the Spencer Fire Department. All fire hydrants shall have adequate pressure.

(d) Storage of Refuse

(1) The storage of refuse shall be done in such a manner as to meet all applicable provisions of the Spencer Municipal Code.

(2) All central refuse disposal areas shall be approved by the Spencer Sanitation Department, shall be maintained in such a manner as to meet all applicable health codes and requirements, and shall be screened from view.

(e) Service Buildings

Service buildings housing laundry, sanitation, or other facilities for use by occupants shall be permanent structures complying with all applicable building codes.

SECTION 3 MOBILE HOMES PARKS

A. GENERAL REQUIREMENTS

For the purpose of this Official Zoning Code the following regulations shall apply to all mobile home parks within the corporate limits of the City of Spencer:

B. REQUIREMENTS FOR MOBILE HOME PARKS

1. License Required

It shall be unlawful for any person or persons to maintain or operate within the corporate limits of the City of Spencer any mobile home park unless such person or persons shall first obtain from Spencer City Hall a license therefor.

Said license shall not be transferable.

(a) License Fees

An annual license fee for each mobile home park shall be submitted to the Spencer City Hall.

(b) Application for License

An application for a mobile home park license shall be filed with Spencer City Hall upon forms provided by said office. Applications shall be in writing, signed by the applicant, filed in triplicate, and shall contain the following:

(1) Name and address of the applicant.

(2) Location and legal description of the mobile home park.

(3) Complete site plan of the proposed park, including plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home park. Said plan shall show compliance with the standards set forth in Article VIII, Section 4., and shall be drawn to a scale showing at a minimum the number and arrangement of all plot spaces, setbacks, access to public streets, driveways, sidewalks, drainage, sanitation facilities including the location and size of water and sewer lines, fire hydrants, and refuse collection facilities. The plan shall also show any other planned facilities.

(4) Any further information as may be required by the Building Inspector to enable him to determine if the proposed mobile home park shall comply with all applicable provisions of this Official Zoning Code.

(c) Review of Application for License

The city's building inspector and the planning commission staff and other appropriate municipal officials if necessary, shall review and inspect the application, plans and specifications. If the proposed mobile home park is found to be in compliance with all applicable provisions of this Official Zoning Code and all other applicable ordinances or statutes, the Building Inspector shall approve the application and authorize the issuance of such license.

(d) Posting of License

The license certificate shall be conspicuously posted in the office of, or on the premises of, the mobile home park at all times.

(e) Register of Occupants

It shall be the duty of the licensee to keep a register containing a record of all mobile home owners and occupants located within the mobile home park. The register shall contain the following information:

- (1) Name and address of each occupant;
- (2) The make, model, and year of all automobiles and mobile homes;
- (3) The license number and owner of each mobile home and automobile by which it is towed if applicable;
- (4) The state issuing such license;
- (5) The dates of arrival and departure of each mobile home.

The park shall keep the register available for inspection at all times by law enforcement officers, public health officials, and any other official whose duties necessitate acquisition of the information contained in the register.

(f) Revocation of License

The city's building inspector and/or health officer shall make periodic inspections of the park to assure compliance with this Official Zoning Code. In case of noncompliance with this Official Zoning Code, the building inspector and/or health officer shall serve warning to the licensee. Thereafter upon failure of the licensee to remove said violation, the building inspector and/or health officer shall recommend to the board of mayor and aldermen revocation of the offending parks' license. The Board shall hold a hearing on the matter and upon determination of noncompliance shall revoke said license. The license may be reissued if the circumstances leading to revocation have been remedied and the park can be maintained and operated in full compliance with the law.

C. STANDARDS FOR MOBILE HOME PARKS

All mobile home parks shall comply with the following standards:

1. Drainage and Flood Hazard Requirements

(a) All mobile home parks shall be located on a well-drained site, property graded to insure rapid drainage and freedom from stagnant pools of water.

2. Individual Plot Size Requirements

(a) Individual plot spaces for mobile homes shall be clearly defined and mobile home parks provided so that the center line of pads are located not closer than forty (40) feet apart.

(b) Minimum plot width.....40 ft.

(c) Minimum plot depth.....100 ft.

(d) No more than seventy-five (75) percent of the mobile home plot gross area shall be covered by the mobile home and its accessory structures.

3. Setback and Screening Requirements

(a) All mobile homes shall be parked so that there will be a minimum of twenty (20) feet between mobile homes or any attachment such as a garage or porch.

(b) The minimum front yard setback from the interior access drive shall be ten (10) feet.

(c) No mobile home or any attachments shall be located closer than thirty (30) feet from the right-of-way of any public street or highway or from any mobile home park property line.

(d) A buffer strip of not less than ten (10) feet in width, separate from any individual plot space with semi-opaque screening in conformance with Article VII, Section 1, of this Official Zoning

Code shall be provided along all property lines of the park except across ingress and egress points to public streets.

4. Public Utilities Requirements

Each individual mobile home space shall contain electrical, water, and wastewater connections for individual mobile home units and shall meet the following standards:

(a) Electrical--An electrical outlet supplying at least 110/220 volts shall be provided for each mobile home space, and shall be weather proof and accessible to the parked mobile home. All electrical installations shall be in compliance with the National Electrical Code, and shall satisfy all requirements of the Spencer Electric Department and the Building Inspector.

(b) Water Supply--All mobile home parks shall be connected to the municipal water supply with a system approved by the Tennessee Department of Environment and Conservation and each mobile home space shall be provided with an adequate outlet. All water line installations shall be inspected by appropriate officials from the Spencer Water Department.

(c) Wastewater--All mobile home parks shall be connected to the municipal sewer system in a manner approved by the Tennessee Department of Environment and Conservation and each mobile home space shall be provided with an adequate outlet. All plumbing installations shall be in compliance with existing ordinances and shall be inspected by the appropriate officials from the Spencer Wastewater Department.

5. Refuse: Storage, Collection and Disposal Requirements

Storage, collection, and disposal of refuse in mobile home parks shall be approved by the Sanitation Department of the City of Spencer and shall be done in such a manner as to meet all applicable provisions of the Spencer Municipal Code.

6. Public Health, Sanitary and Anchoring Requirements

All public health, sanitary, and anchoring requirements prescribed by *Tennessee Code Annotated* must be adhered to.

7. Fire Protection

All mobile home parks shall be subject to the rules and regulations of the Spencer Municipal Fire Department. At a minimum fire hydrant protection shall be provided so that no mobile home is located further than five-hundred (500) feet from a fire hydrant. All fire hydrants shall have adequate pressure.

8. Access Roads and Parking Requirements

- (a) All mobile home parks shall contain a private interior drive of at least twenty (20) feet in width. Said drive shall be surfaced with asphalt or concrete.
- (b) All mobile home plots, common recreation and other facilities in the park shall have access only from the interior access drive. Said mobile home plot access to the interior access drive shall be a minimum of thirty (30) feet in width.
- (c) All interior access drives shall be lighted by a minimum of one-hundred seventy-five (175) watt lamps at intervals of one-hundred (100) feet, mounted on utility poles.
- (d) Each mobile home plot shall contain two (2) parking spaces per dwelling unit. Said parking spaces shall be located off the interior access drive.

9. Sidewalk Requirements

Where service buildings are included in mobile home parks, sidewalks shall be optional to the service buildings, unless determined to be needed after review by the Spencer Municipal Planning Commission. Sidewalks shall not be smaller than two (2) feet in width and shall be adequately lighted at night.

10. Additions to Mobile Homes Prohibited

No permanent additions of any kind shall be built onto, nor become a part of, any mobile home.

SECTION 4

SPECIAL STANDARDS FOR CERTAIN USES

To accomplish the purposes of this Official Zoning Code, special consideration is hereby given to certain uses. These uses shall comply with the following requirements in addition to those of the zoning district in which they may be located.

A. GASOLINE SERVICE STATIONS

The following regulations shall apply to all gasoline service stations:

- 1. All buildings shall comply with all required setbacks in the applicable zoning district.
- 2. All gasoline pumps and canopies shall not be located closer than twenty (20) feet to any street right-of-way line.
- 3. When other uses are combined with a gasoline service station, such as video rental, deli, or grocery, additional parking, based on the other uses, shall be provided.

B. CEMETERIES

The following regulations shall apply to all cemeteries:

1. The site proposed for a cemetery shall not interfere with the development of a system of streets and in addition shall have direct access to a thoroughfare.
2. Any new cemetery shall be located on a site containing not less than twenty (20) acres.
3. All structures and facilities including but not limited to mausoleums, graves, burial lots, monuments, and maintenance buildings shall be set back at least thirty (30) feet from any property line or street right-of-way.
4. All required yards shall be landscaped and maintained.
5. Proposals for cemeteries shall be approved by the planning commission and any appropriate state agencies.

C. CUSTOMARY HOME OCCUPATIONS

The following regulations shall apply for all permitted customary home occupations:

1. A customary home occupation is a gainful occupation or profession conducted by members of a family residing full-time on the premises and conducted entirely within the principal dwelling unit.
2. No more than twenty-five (25) percent of the total habitable floor area of the dwelling shall be devoted to such use.
3. Shall be conducted entirely within the principal dwelling unit and no alterations to any buildings shall indicate from the exterior that the building is being utilized for any purpose other than a residential unit, including permitted accessory buildings
4. No equipment or materials used in the occupation shall be stored outside the dwelling.
5. Only one (1) person, not a resident of the premises, shall be employed.
6. No outdoor repair work shall be permitted.
7. Additional off-street parking shall be provided for the non-resident employee and for the parking of anticipated clients.
8. All structures used for customary home occupations shall be in conformance with the sign requirements as established in Article VII, Section 9, of the Official Zoning Code.

D. SWIMMING POOLS

The following regulations shall apply to all private swimming pools:

1. No swimming pool or part thereof, including aprons, walks, and equipment rooms, shall protrude into any required front or side open space.

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 be not less than four (4) feet in height and maintained in good condition.

3. All swimming pools constructed shall meet the specification requirements of the International Building Code currently adopted by the City of Spencer.

E. SELF-SERVICE STORAGE FACILITIES (MINI-WAREHOUSES)

The following regulations shall apply to all self-service storage facilities:

1. Parking shall be provided by parking/driving lanes adjacent to the storage buildings. These lanes shall be at least twenty-six (26) feet wide when storage cubicles open onto one side of the lane only and at least thirty (30) feet wide when cubicles open onto both sides of the lane. Said lane shall be surfaced with asphalt or concrete.

2. A minimum of two (2) parking spaces plus one (1) additional space for every two-hundred (200) storage cubicles shall be located adjacent to the project office.

3. No self-service storage facility shall exceed eighteen (18) feet in height.

4. The sale or auction of any item by a lessee is specifically prohibited.

5. The storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals is specifically prohibited and all rental contracts shall include clauses prohibiting such storage.

6. The servicing or repair of motor vehicles, boats, trailers, lawnmowers or any similar equipment is specifically prohibited.

F. SERVICING, STORAGE, REPAIR OR SALES OF MOTOR VEHICLES

The following regulations shall apply to all motor vehicle garages, sales lots, service stations, and similar structures and uses involved in the servicing, storage, repair or sales of motor vehicles:

1. No public street, parking area, sidewalk, or way shall be used for the storage or parking of motor vehicles in connection with the activities of such establishments, except for normal parking by individual private owners or operators of such vehicles.

2. No operation in connection with such establishments shall be carried on in such a manner which impedes free flow of vehicular or pedestrian traffic in normal courses on public ways.

3. No motor vehicle shall be parked in such a manner as to block visibility at intersecting streets.

4. No repair of motor vehicles or parts thereof shall be made outside of garages, service stations, body shops, or other buildings used for such purposes (except such minor repairs as are normally completed while the customer waits at the premises).

5. All motor vehicles being handled or stored in an area visible from a public street or way shall be maintained in such condition that they can be moved under their own power.

6. Motor vehicles unable to be moved under their own power may be temporarily stored (sixty (60) days or less) in completely enclosed storage yards. These yards shall be provided with opaque screening as provided in Section 14-601 of this Official Zoning Code in such a manner that no vehicle or portion thereof is visible from any street or public way, or from ground level of any adjacent property. The storage yard shall be located on the same premises as the motor vehicle repair or service establishment. The maximum number of vehicles allowed in any storage yard is ten (10).

7. It shall be the responsibility of the owner or operator of any motor vehicle repair or service establishment to keep accurate and verifiable records as to the date any vehicle being stored in a storage yard is placed on said yard. Failure to keep such records will create the presumption that the vehicle or vehicles stored on the yard have been there in excess of sixty (60) days and are in violation of this Official Zoning Code.

G. CHURCHES AND OTHER PLACES OF WORSHIP

The following regulations shall apply to all permitted churches and other places of worship:

1. A minimum lot area of two (2) acres with a minimum lot width of two-hundred (200) feet at the building setback line shall be provided.

2. The minimum depth of the front yard shall be seventy-five (75) feet, and the minimum depth of the side and rear yards shall be fifty (50) feet. The minimum side yard on street side of corner lots shall be seventy-five (75) feet.

3. The maximum lot coverage for the principal structure and all accessory structures shall be thirty (30) percent.

4. When parking areas are adjacent to residential lots, buffer strips of ten (10) feet in width with semi-opaque screening in conformance with Article VII, Section 1, of this Official Zoning Code along all shared lot lines shall be provided.

H. SCHOOLS

The following regulations shall apply to all permitted schools offering general education courses:

1. A minimum lot area of five (5) acres with a minimum lot width of three-hundred (300) feet at the building setback line shall be provided.

2. The minimum depth of the front, rear, side yards and side yards on street side of corner lots shall be one-hundred (100) feet.
3. The maximum lot coverage for all buildings shall be thirty (30) percent.
4. All accessory structures and portable classrooms shall be located in the rear yard only. Portable classrooms shall be temporary in nature and subject to annual review by the Board of Zoning Appeals.
5. When parking areas are adjacent to residential lots, buffer strips ten (10) feet in width with semi-opaque screening in conformance with Article VII, Section 1, of this Official Zoning Code shall be provided along all shared lot lines.

I. DAY CARE HOMES

The following regulations shall apply to all permitted day care homes for the care of up to seven (7) children, and all other regulations as established by the Tennessee Department of Human Services.

1. The child day care use will be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.
2. Outdoor play space shall not be permitted within the front yard area and shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas or land unsuited for children's play space.
3. There shall be a fence with the minimum height of four (4) feet surrounding the play space.
4. Operator of a child day care home must be the owner and reside on subject property.
5. Child day care homes, nurseries or kindergartens shall be located within the main structure on the lot and shall not utilize more than fifty (50) percent of the gross floor area of the main structure.
6. Special approval shall not be transferable to another owner.

J. TELEVISION, RADIO, AND SATELLITE DISH ANTENNAS

The following regulations shall apply to all permitted television, radio, and satellite dish antennas:

1. All ground mounted television, radio and satellite dish antennas shall be located in the rear yard only and no dish antenna shall be more than ten (10) feet in diameter.
2. All installations must comply with all accessory use yard, height, bulk, and setback requirements specified within the district.

3. Antennas that are roof-mounted shall not extend higher than ten (10) feet above the peak of the roof. No roof mounted dish antenna shall exceed twenty-four (24) inches in diameter.
4. All installations shall be located to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties.
5. All installations shall employ (to the extent possible) materials and colors that blend with the surroundings.
6. Antennas shall be installed and maintained in compliance with the requirements of the municipality's building codes.
7. No television or radio antenna shall exceed forty-five (45) feet in height.

K. WIRELESS COMMUNICATION FACILITIES AND ANTENNAE ARRAYS

1. Applicability

All new towers or antennas as defined by this ordinance within the corporate limits of Spencer shall be subject to these regulations, except as follows:

- a. Preexisting towers and preexisting antennas shall not be required to meet this ordinance, other than the requirements of state and federal regulations.
- b. The requirements set forth in this ordinance shall govern the location of towers that exceed, and antennas that are installed at a height in excess of, the height limitations for commercial and industrial zoning districts.
- c. Antennas or towers located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antenna or tower has been reviewed and approved by the governing authority.

2. Requirements

- (a) Each applicant for an antenna and/or tower shall provide to Spencer City Hall and the Planning Commission, prior to board of mayor and aldermen consideration, the following:
 - (b) Engineering Report Prepared by a professional engineer licensed by the State of Tennessee describing the height and design of the tower, demonstrating the tower's compliance with applicable structural standards, and all building, electric and fire codes; and describing the tower's capacity, including the number and type of antennas it can accommodate shall be submitted to Spencer City Hall.

When an antenna is proposed to be mounted on an existing structure, the report shall indicate the existing structure's suitability and capability to accept the antenna and the proposed method for affixing the antenna to the structure. Complete details of all fixtures and couplings and the precise point of attachment shall be indicated.

3. Written Report

That adequately reports on the inventory of existing towers and antenna sites within a one-mile (1-mile) radius from the proposed site, outlining the opportunities for shared use as an alternative to the proposed use, shall be submitted to Spencer City Hall. The applicant must illustrate that the proposed tower or antenna can not be accommodated on an existing approved tower or facility due to one or more of the following reasons:

- (a) Unwillingness of the owner to share the facility.
- (b) The equipment would exceed the structural capacity of the existing approved tower and facilities.
- (c) The planned equipment would cause frequency interference with other existing or planned equipment, which can not reasonably be prevented.
- (d) Existing or approved towers or facilities do not have space on which proposed equipment can be placed so it can function effectively.
- (e) Other reasons make it impractical to place the proposed equipment by the applicant on existing towers or facilities.

4. Site Plan

Shall be submitted to Spencer City Hall and approved by the building inspector prior to the issuance of a permit. The following standards shall be used in the design of the facilities:

- (a) Setbacks---The minimum setbacks on all sides shall be equal to the height of the tower plus an additional twenty (20) feet, including any antennas or appurtenances, as measured from ground level. This setback shall be considered a fall zone. The fall zone setback requirement may be reduced or waived provided it can be demonstrated in a report prepared by a professional engineer licensed in the State of Tennessee that the communication tower will collapse if it falls and it is determined by administrative review that the tower does not pose a safety threat to adjacent property owners in the event of collapse. In such cases, the setback shall be equal to the distance specified in the engineer report or a minimum of fifty (50) feet, whichever is greater. In addition, no communication tower or shall be located closer than one-hundred

(100) feet from an existing residential structure. Setbacks shall be measured from the base of the tower, or guy-wire supports for lattice towers, to the property line. For ground structure associated with the tower and located at the same site the minimum setback on all sides shall be fifty (50) feet.

(b) Landscaping and Screening---The visual impacts of the facility shall be mitigated from nearby viewers by provision of an opaque screen as defined in Article VII, Section 1, Supplementary Regulations within a landscaped strip no less than four (4) feet wide located outside the perimeter fence. Sites may be exempted from these requirements provided the Building Inspector finds the vegetation or topography of the site provides a natural buffer.

(c) Perimeter Fencing---A chain-link fence or solid wall not less than eight (8) feet in height consisting of at least six (6) feet of material plus two (2) feet of barbed wire on the top of fence measured from finished grade of site shall be provided around the facility. Access to the facility shall be limited to a locked gate.

(d) Lighting---All artificial lighting deemed necessary or required by federal regulations shall be shielded and oriented inward within the facility so as not to project on the surrounding properties.

(e) Visual Effects---All towers shall either maintain galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.

(f) Standards---All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate towers or antenna arrays. If such standards and/or regulations are changed, the owners of the towers and/or antennas shall bring towers and/or antennas into compliance with revised standards within six (6) months of the effective date of such standards and/or regulations unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance shall constitute grounds for removal of the tower or antenna at the owner's expense.

(g) Removal of Obsolete or Unused Facilities---All obsolete or unused communication facilities shall be removed by the property owner within six (6) months of cessation of use. The applicant shall submit an executed Removal Agreement to ensure compliance with this requirement.

(h) Facility Changes---Any changes to antenna, reception, or transmitting devices, shall require review in the same manner as the existing facility was originally approved.

(i) Signs and Advertising---The use of any portion of a tower for signs or advertising purposes including banners, streamers, etc. is prohibited except as needed for warning or identification.

(j) Equipment Storage---Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on site unless repairs are being made.

(k) Maintenance---Adequate inspection and maintenance shall be performed to insure the structural integrity of the facility and to prevent deteriorating conditions from occurring on the site. An annual report regarding the structural integrity of the facility shall be prepared by a professional engineer licensed by the State of Tennessee and submitted to Spencer City Hall.

(l) Road Access---All access roads, including necessary drainage facilities, shall be constructed to meet the street construction specifications of the Spencer Subdivision Regulations, except if allowed to be reduced by administrative review of the Public Works Director or other applicable city official.

SECTION 5

PARKING, STORAGE, AND USE OF MAJOR RECREATIONAL EQUIPMENT, VEHICLES, AND TRUCKS

1. In the R-1 and R-2 Residential Districts no vehicles or trailers of any kind or type without current license plates shall be parked or stored, unless in a completely enclosed building.

2. In the R-1 and R-2 Districts, no major recreational equipment (including boats and boat trailers, travel trailers, partial travel trailer units, and the like, and equipment used for transporting such) shall be parked or stored in any front yard or in any required side yard except for periods not to exceed twenty-four (24) hours during loading and unloading. No such recreational equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

3. In the R-1 and R-2 Districts, no truck of a rated capacity of greater than three-fourths (3/4) ton nor any parcel or other truck painted with any sign nor any other vehicle or heavy equipment may be parked on any lot or in the public right-of-way adjacent to any lot overnight nor stored or parked while loading or unloading for periods in excess of twenty-four (24) hours except in an enclosed building.

SECTION 6

FENCES, WALLS, AND HEDGES

Notwithstanding other provisions of this Official Zoning Code, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall cause any impairment to vision or create safety hazards to any driveway or at any street intersection.

SECTION 7

FRONT YARD SETBACK LINE EXEMPTIONS

The setback requirement of this Official Zoning Code for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one-hundred (100) feet on each side of such lot is less than the

minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one-hundred (100) feet. In residential districts, however, the setback shall in no case be less than thirty (30) feet from the center line of the streets.

SECTION 8 TEMPORARY STRUCTURES

Temporary structures and operations in connection with, and on the site of building and land developments, including grading, paving, installation of utilities, erection of field offices, erection of structures for storage of equipment and building materials and the like, are permitted in each zoning district provided that such uses are subject to the issuance of a permit by the building inspector. No such permit shall be for a period of more than six (6) months, but shall be renewable by the Building Inspector for periods of not more than six (6) months, but not to exceed a total of eighteen (18) months.

SECTION 9 GENERAL SIGN REGULATIONS

These provisions are established as a reasonable and impartial method of regulating signs and similar advertising structures in order to insure light, air, and open space, to reduce hazards at intersections, to protect property values of the entire city, and to enhance the aesthetics of the community. In addition to regulations indicated for individual districts elsewhere in this zoning ordinance, the following regulations apply in groups of districts or generally in all districts as specified:

A. SIGN PERMIT REQUIRED

For all signs allowed in any residential, commercial or industrial zoning district as shown on the Official Zoning Map of the City of Spencer, Tennessee or with any residential, commercial or industrial use, the following regulations unless otherwise noted herein shall apply:

1. An application for a sign permit shall be submitted to Spencer City Hall on forms furnished by the office and approved prior to the erection, relocation, major alteration or modification or any sign located in the City of Spencer.
2. The application for a sign permit shall contain the following information:
 - (a) Name, address and telephone number of applicant.
 - (b) Location of building, structure or lot to which or upon which the sign is to be located.
 - (c) Affidavit from property owner, if different from sign owner, indicating approval for sign location.
 - (d) Name of person, firm, corporation or association that will be erecting the sign.
 - (e) Evidence of liability insurance policy or bond responsibility for sign erection.

- (f) Brief description, sketch or drawing of the proposed sign, including all dimensions and estimated cost.
- (g) Evidence of setback compliance for all freestanding sign structures. Determination of setbacks shall be as specified for the established zoning districts in Article VI of the Spencer Municipal Zoning Code.
- (h) Engineered drawings for any sign exceeding twenty (20) feet in height or one hundred fifty (150) square feet in sign face area. Engineered drawings may be required for other signs if determined as necessary by the Building Inspector.
- (i) Evidence of receipt of Electrical Inspection Permit for any sign requiring electrical power (issued by Spencer Electric) and evidence of such sign being approved and stamped by Underwriters Laboratory (UL number shall be provided).
- (j) A sign permit fee shall be submitted to the city's building inspector with the application for the sign permit. The permit fee shall be based on the sign value as determined by the City of Spencer Building Codes, unless otherwise specified herein.
- (k) Sign permits shall become null and void six (6) months from the date of issuance if the work authorized under the sign permit has not been commenced by that time.

3. Inspections Required

Inspections by the city's building inspector shall be completed on all footers and upon completion of the final installation of a sign. A minimum notification of twenty-four (24) hours shall be provided to the city's building inspector prior to any required inspection. The State Electrical Inspector shall inspect signs requiring electricity.

4. Certificate of Approval Required

No sign shall be considered in compliance with these regulations until such time as a Certificate of Approval has been issued. A Certificate of Approval shall be issued on the date that the final inspection of the sign is completed and approved by the city's building inspector.

C. GENERAL REGULATIONS FOR ALL DISTRICTS

For all zoning districts as shown on the Official Zoning Map of the City of Spencer, Tennessee the following regulations for signs and similar advertising structures shall apply:

1. No sign shall be located in such a manner so as to obstruct free or clear vision, or otherwise cause hazards for vehicular or pedestrian traffic by reason of location, shape, illumination or color.
2. No sign shall be erected, replaced or relocated so as to prevent free use of any required door, window, fire escape, emergency exit or standpipe.
3. No sign shall be located on, or attached to, any public property except public signs authorized by the City of Spencer or the State of Tennessee.
4. No sign shall be located on or overhanging any public rights-of-way, except for certain signs specifically permitted in the C-1 Central Business District.
5. Setbacks for all signs shall be measured from the leading edge of the sign as determined by the city's building inspector.
6. No sign shall be painted or attached to any trees, rocks, utility poles, guy wires, street name signs, warning and regulatory signs, and the like.
7. No sign shall have blinking, flashing, or fluttering lights or other illuminating device which has a changing light intensity, brightness, or color. Signs or portions of signs designed primarily for the display of time and temperature and on premise message centers are specifically excluded from the provisions of this paragraph.
8. No sign shall be placed in such a manner as to impede visibility between a height of two (2) feet and ten (10) feet above street level of intersecting streets at their point of intersection in an area defined by the street lines adjoining the corner lot and a line joining points along said street lines fifty (50) feet from the point of intersection.
9. All signs designed or equipped to be connected to electricity in any way shall be approved and stamped by Underwriters Laboratory, and shall not be connected to any source of electrical power until such connection meets all applicable city and state codes.
10. All signs shall be erected, replaced, or relocated in accordance with the City of Spencer Municipal Code.

D. SIGNS ALLOWED IN ALL DISTRICTS

The following signs do not require sign permits and are allowed in all zoning districts:

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

2. Directional signs for parking and loading areas, entrance and exit signs not exceeding twelve (12) square feet in area nor three (3) feet in height, however, no such signs shall have the effect of obstructing ingress and egress visibility.

3. Real estate signs during the time the property on which the sign is located is listed for sale, lease or auction. Such signs shall not exceed nine (9) square feet in sign face area or any individual lot of record located in any residential district and shall not exceed thirty-two (32) square feet in any non-residential district. Such signs shall be removed within fourteen (14) days after the transaction is completed. Off-premise real estate signs, including directional and open house signs, are permitted for one seven (7) consecutive day period during any twelve (12) consecutive month period. Auction signs shall be permitted when in compliance with the provisions of the Spencer Municipal Code.

4. Political signs displayed on private property with the consent of the owner for a time period of sixty (60) days prior to a general election or primary election. Such signs shall not exceed nine (9) square feet in sign face area in any residential district nor thirty-two (32) square feet in any non-residential district. Such signs shall be removed seven (7) days after the completion of said primary or general election. The owner of the property on which the sign is located shall be responsible for its removal and shall be subject to the penalty and remedy provisions of the Spencer Municipal Code for failure to comply with the provisions herein stated. These provisions shall not restrict the use of legal off-premise billboards as political signs.

5. Construction signs, not exceeding thirty-two (32) square feet in sign face area, from the date of issuance of a building permit to a date thirty (30) days after the final inspection on the building project.

6. Signs denoting the future home of or future location of a particular use or structure, not exceeding thirty-two (32) square feet of sign face area, for a period of ninety (90) days prior to the issuance of a building permit through the building permit period. Such signs shall be immediately removed if no building permit is issued within ninety (90) days of the sign being erected.

7. Garage or yard sale signs, not exceeding six (6) square feet in sign face area, for a period of five (5) days prior to and during a garage sale or yard sale. Such signs shall be removed within twenty-four (24) hours after the sale is completed.

8. On-premise promotional signs for new subdivisions limited to one (1) sign per subdivision. Such signs shall be not exceed thirty-two (32) square

feet in sign face area and shall be removed when eighty (80) percent of the subdivision lots have been sold.

E. SIGNS ALLOWED IN RESIDENTIAL DISTRICTS

In the R-1 and R-2 Residential Districts, as shown on the Official Zoning Map of the City of Spencer, Tennessee, the following regulations for signs and similar advertising structures shall apply:

1. Nameplates indicating name, address, house numbers, announcement of boarders or roomers are allowed but shall not exceed two (2) square feet in sign area. No more than one (1) such sign per lot or parcel shall be allowed.
2. Signs posted on property relating to private parking, trespassing, or dangerous animals are allowed but shall not exceed two (2) square feet in sign area. No more than two (2) such signs per lot or parcel shall be allowed.
3. For multi-family complexes, apartment buildings, and mobile home parks, identification signs not exceeding sixteen (16) square feet in sign area are allowed.
4. Signs announcing customary home occupations are prohibited, unless granted by the City of Spencer Board of Zoning Appeals.
5. Church, school, childcare, or public building bulletin boards or identification signs are allowed but shall not exceed fifty (50) square feet in sign area.
6. No sign shall be placed closer than ten (10) feet to any property or right-of-way line.
7. For a subdivision consisting of ten (10) or more lots or a multi-family development consisting of eight (8) or more dwelling units, two (2) permanent signs identifying the development at each major vehicular entrance are allowed, provided that the location and setback requirements of the Spencer Subdivision Regulations are complied with, and provided that such signs do not exceed eight (8) feet in height and sixty-four (64) square feet in area.
8. For existing nonconforming commercial or industrial uses located in residential districts, on-premise business signs are allowed provided the provisions of Article VII, Section 9 of the Zoning Code are complied with.
9. Flashing or intermittent illumination is prohibited.

10. Mobile or portable signs are prohibited.

11. Billboards and similar off-premise signs are prohibited.

F. SIGNS ALLOWED IN COMMERCIAL AND INDUSTRIAL DISTRICTS

In the C-1 and C-2 and I-1 and I-2 Districts, as shown on the Official Zoning Map of the City of Spencer, Tennessee, the following regulations for signs and similar advertising structures shall apply:

1. All signs allowed in Residential Districts, subject to the same regulations, are allowed.

2. Each commercial and industrial premise with less than 400 feet of frontage on any one (1) public street, regardless of the number of commercial or industrial establishments on such premise, shall be allowed one (1) on-premise freestanding business sign structure per public street frontage, but in no case shall more than two (2) freestanding sign structures be permitted on any premise regardless of the number of street frontages.

3. Each commercial and industrial premise with greater than 400 feet of frontage on any one (1) public street, regardless of the number of commercial or industrial establishments on such premise, shall be allowed two (2) on-premise freestanding business sign structures per public street frontage, but in no case shall more than three (3) freestanding sign structures be permitted on any premise regardless of the number of street frontages.

4. The following provisions shall apply for all **on-premise freestanding signs**:

(a) For commercial and industrial premises with fifty (50) feet or less frontage on a public street or located in the C-1 Central Business District the maximum sign face area of any freestanding sign shall not exceed fifty (50) square feet.

(b) For commercial and industrial premises with greater than fifty (50) feet but less than 100 feet of frontage on a public street the maximum sign face area of any freestanding sign shall not exceed 100 square feet in total sign face area.

(c) For commercial and industrial premises with one-hundred (100) feet or greater of frontage on a public street the maximum sign face area of any freestanding sign shall not exceed two-hundred and fifty (250) square feet of total sign face area.

(d) In cases where a commercial or industrial premise is allowed two (2) freestanding signs, the aggregate sign face area of both signs

shall not exceed four-hundred (400) square feet. In cases where a commercial or industrial premise is allowed three (3) freestanding signs, the aggregate sign face area of all signs shall not exceed five-hundred (500) square feet. No on-premise freestanding sign shall be located closer than one-hundred (100) feet from any other on-premise freestanding sign located on the same premise as measured in a radius from the center of the sign base.

(e) No part of any on-premise freestanding sign shall be placed closer than twenty-five (25) feet from any other on-premise located on a different premise or any off-premise freestanding sign as measured from the center of the sign base.

(f) No on-premise sign between the height of two (2) feet and eight (8) feet above street level shall be located closer than fifteen (15) feet to the right-of-way of any public street.

(g) No on-premise sign with a support structure, pole or pole cover of a width greater than two (2) feet shall be placed closer than fifteen (15) feet to the right-of-way of any public street.

(h) No on-premise sign shall be located closer than five (5) feet to the right-of-way of any public street.

(i) No part of any on-premise freestanding sign located in the C-1 Central Business District shall be higher than twenty (20) feet from street level at a point nearest the sign.

(j) No part of any on-premise freestanding sign located in the C-1 and C-2, I-1 and I-2 Districts, shall be higher than thirty-five (35) feet from street level at a point nearest the sign.

5. The following provisions shall apply for on-premise freestanding electronic message centers:

(a) For commercial and industrial premises located in the C-1 and C-2, I-1 and I-2 Districts, one (1) electronic message center attached to a permitted on-premise freestanding sign shall be allowed per premise.

(b) Each message displayed on an electronic message center must be static or displayed or displayed for a minimum of six (6) seconds. The continuous scrolling of messages is prohibited.

(c) No freestanding electronic message center shall exceed twenty-five (25) percent of the total allowable sign face area for any on-premise freestanding sign. However, when an electronic message center does not exceed thirty-two (32) square feet in sign face area, and is attached to an otherwise permitted on-premise freestanding sign, it shall not comprise a portion of the total allowable sign face area, for any on-premise freestanding sign.

(d) The addition of any electronic message center to any nonconforming, freestanding sign, it shall not comprise a portion of

the total allowable sign face area for any on-premise freestanding sign.

6. The following provisions shall apply for on-premise freestanding **changeable copy signs (reader boards)**:
 - (a) For commercial and industrial premises located in the C-1 and C-2, I -1 and I-2 Districts, one (1) changeable copy sign (reader board) attached to a permitted on-premise freestanding sign shall be allowed per premise.
 - (b) When a changeable copy sign (reader board) does not exceed thirty- two (32) square feet in sign face area, and is attached to an otherwise permitted on-premise freestanding sign, it shall not comprise a portion of the total allowable sign face area for any on-premise freestanding sign.
7. The following provision shall apply for all **wall signs**:
 - (a) Each commercial or industrial establishment shall be allowed wall signs for on-premise advertising on each outside wall. However, such signs in total shall not exceed fifty (50) percent of the area of the face of the wall upon which the sign is erected, or portion of the wall occupied by the commercial or industrial establishment, whichever is less, and further provided that if more than one (1) outside wall is utilized for signs then no mansard roof sign shall be allowed.
8. Each commercial or industrial establishment shall be allowed one (1) **mansard sign** or **roof sign** for on-premise advertising provided that only one (1) outside wall is used to place signs. No mansard sign shall exceed twenty-five (25) percent of the area of the face of the building upon which it is erected, or portion of the face of the building occupied by the commercial or industrial establishment. Where mansard and wall signs are used in combination they shall not in total exceed fifty (50) percent of the face of the building.
9. No sign attached to the building shall be allowed to extend above the highest portion of the roof or facade.
10. Each commercial or industrial establishment shall be allowed one (1) **projecting sign** provided that such sign shall not exceed twenty (20) square feet in sign face area and shall not extend above any portion of the roof of the building occupied.
11. Each commercial or industrial establishment shall be allowed **fascia signs** provided that such signs do not exceed two (2) feet in height and do not extend above the highest portion of the roof.
12. **Awning, canopy, marquee** and **under-awning signs** are permitted for commercial and industrial establishments. Under-awning signs shall not exceed four (4) square feet in sign face area and shall be placed at least

seven (7) feet above the sidewalk or ground level so as to not constitute a hazard or impediment to pedestrians.

13. For structures located in the C-1 Central Commercial District directly abutting the public right-of-way, awning, canopy, or marquee signs overhanging the public right-of-way are allowed provided that no such sign shall be closer than two (2) feet to any street pavement line and provided that no such sign shall obstruct free or clear vision or otherwise cause hazards for vehicular or pedestrian traffic.
14. **Mobile or portable signs** are permitted only in the C-2 District and only under the following terms and conditions:
 - (a) Only one (1) mobile or portable sign shall be allowed per premise.
 - (b) Mobile or portable signs shall only be allowed for two (2) periods, not to exceed fourteen (14) days each, during any calendar year (January 1– December 31).
 - (c) A building permit is required for any mobile or portable sign.
 - (d) The mobile or portable sign shall not be closer than fifteen feet (15) from any street right-of-way.
15. Banners and other temporary on-premise signs are permitted only under the following terms and conditions:
 - (a) No freestanding banners or other temporary on-premise freestanding signs shall be permitted.
 - (b) Each individual establishment shall be allowed one (1) banner or other temporary on-premise sign attached to a wall, fascia, mansard roof, canopy or awning.
 - (c) No individual banner or other temporary on-premise sign shall exceed 100 square feet in sign face area.
 - (d) All banners and other temporary on-premise signs shall be well maintained. Any damaged signs shall be immediately repaired, replaced or removed.
16. For events of public interest, no more than (4) temporary off-premise signs shall be allowed, provided that no such sign shall exceed thirty-two (32) square feet in area and provided that such signs shall not be erected more than fourteen (14) consecutive days prior to the scheduled event and provided that such signs shall be removed within three (3) consecutive days following the event.
17. **Billboards** and similar **off-premise signs** are prohibited in the C-1 District.
18. All other **billboards** and **similar off-premise signs** shall be permitted only in the C-2 and I-1 Districts under the following terms and conditions:

- (a) No off-premise sign shall be located within one-thousand and five hundred (1,500) feet of any other off-premise sign on the same side of the street as measured along a line parallel to such street; this spacing does not prohibit back to back signs on the same structure.
- (b) No off-premise sign shall be located within five-hundred (500) feet of any other off-premise sign on the opposite side of the street or on a different street as measured in a radius from the center of the sign base; this spacing does not prohibit back to back signs on the same structure.
- (c) No off-premise sign shall be erected or placed closer than three-hundred (300) feet from the nearest property line of any property that is zoned residential and has frontage on the same side of the street as the off-premise sign.
- (d) No off-premise sign shall be located closer than one-hundred (100) feet from any street intersection as measured from the leading edge of the sign.
- (e) No off-premise sign shall be located closer than twenty-five (25) feet from any on-premise sign as measured from the center of the sign base.
- (f) No off-premise sign shall have a display surface area exceeding three-hundred (300) square feet.
- (g) No off-premise sign shall exceed fifty (50) feet in height as measure from the uppermost portion of the display surface area to the finished grade at street level.
- (h) The sign face shall consist of a single panel and only one side or face shall be used in determining the display surface area.
- (i) Back-to-back panels of the same shape and dimensions are allowed when the panels are mounted parallel to one another or are placed at an angle between panels not exceeding forty-five (45) degrees. No display surface area shall be allowed between back-to-back panels.
- (j) No multiple panels, stacked or side-by-side panels are permitted.
- (k) All off-premise signs shall be of monopole type construction.
- (l) No off-premise sign shall be attached to the walls or roofs of any building.
- (m) No portable signs are allowed for off-premise advertising.
- (n) No off-premise sign between the height of two (2) feet and eight (8) feet above street level shall be located closer than fifteen (15) feet to the right-of-way of any public street.
- (o) No off-premise sign shall be located closer than five (5) feet to the right-of-way of any public street.

19. Electronic message centers are permitted as a portion of a billboard or similar off-premise sign subject to the following conditions:

- (a) No message electronic message center located on a billboard shall exceed seventy-five (75) square feet in total sign face area. The total

sign face area on any electronic message center shall comprise a portion of the total sign face area of the billboard to which it is attached.

(b) Each message displayed on an electronic message center must be static or depicted for a minimum of six (6) seconds. The continuous scrolling of messages is prohibited.

(c) The addition of an electronic message center to any existing billboard is prohibited, unless approved by the board of zoning appeals.

20. Electronic display screens are permitted as billboards subject to the following conditions:

(a) Each image displayed on an electronic display screen must be static or depicted for a minimum of ten (10) seconds.

(b) Animated images and images which move or give the appearance of movement are prohibited. This restriction shall not prohibit the dissolving or replacing of one image with another image.

(c) The conversion or addition of an electronic display screen to any existing billboard, located in a zoning district allowing such off-premise signs, is subject to approval to approval by the board of zoning appeals.

21. Multi-prism billboards are permitted in zoning districts allowing billboard signage subject to approval by the board of zoning appeals. Conversion of any billboard signage to a multi-prism billboard also requires approval.

G. SIGN MAINTENANCE

For all signs and similar advertising structures, including any existing conforming or nonconforming signs, the following regulations shall apply:

(a) All signs, support structures, braces, guys, anchors, and electrical equipment shall be kept in safe repair and shall be well maintained.

(b) All signs and support structures shall be maintained in such a manner so as to allow a clear and unobstructed view of traffic when approaching an intersection or exiting or entering private property.

(c) The area around all signs shall be properly maintained, clear of brush, trees and other obstacles so as to make signs readily visible.

(d) All burned out bulbs or damaged panels shall be promptly replaced.

(e) All sign copy shall be maintained securely to the sign face and all missing copy shall be replaced.

(f) Any sign or similar advertising structure failing to meet the requirements of this Section shall be repaired or removed within thirty (30) days after receipt of notification from the City's Building Inspector.

H. REMOVAL OF ABANDONED, ILLEGAL, NONCONFORMING OR OBSOLETE SIGNS

The following provisions shall apply for the removal of abandoned, illegal nonconforming, or obsolete signs:

1. Abandoned or obsolete signs or sign structures, including any nonconforming on-premise or off-premise sign or sign structure, shall be removed within ninety (90) days of written notification by the city's building inspector.
2. Any sign that is declared to be an illegal sign, one that is erected or placed in violation of this Municipal Code or other applicable code, shall be removed immediately.
3. When fifty (50) percent or more of the sign structure of any nonconforming sign is removed, (including poles, cabinet or support structure), the sign structure shall only be replaced so as to comply with all applicable provisions of this Municipal Code.
4. Any sign or sign structure found by the city's building inspector to present an immediate danger to the public shall be immediately repaired or removed.
5. Any obsolete sign panel or sign copy which identifies, describes, directs attention to, or gives directions for locating any business or establishment no longer in operation, or advertises any product no longer being marketed shall be removed within thirty (30) days after becoming obsolete. Covering obsolete sign panels or sign copy with any material is specifically prohibited.
6. Freestanding sign structures used in conjunction with a building or portion of a building that is vacant shall be considered as abandoned upon one (1) year of the building or portion of the building becoming vacant and shall be removed.
7. The owner or lessee of the property on which the sign is located shall be responsible for its removal and shall be subject to the general penalties clause of this Municipal Code for failure to comply with the provisions stated herein.
8. All non-conforming signs which existed lawfully at the time of the enactment of the Official Municipal Code shall be allowed to remain and shall be considered as having non-conforming use status. Mobile or portable signs shall not have non-conforming use status.

ARTICLE 7

ADMINISTRATION AND ENFORCEMENT

SECTION 1 BUILDING INSPECTOR

The provisions of this Official Zoning Code shall be administered and enforced by the Spencer Building Inspector as designated by the Spencer Board of Mayor and Aldermen. The building inspector may be provided with the assistance of such other persons as the board of mayor and aldermen may direct.

A. DUTIES OF THE BUILDING INSPECTOR

The city's building inspector shall administer and enforce this Official Zoning Code and in addition he shall perform the following duties:

1. Issue all building permits and make and maintain records thereof;
2. Issue all certificates of occupancy and make and maintain records thereof;
3. Issue and renew, where applicable and appropriate, all temporary use permits and make and maintain records thereof;
4. Attend and make professional recommendations at all meetings held by the city's planning commission and board of zoning appeals;
5. Conduct inspections as prescribed by this Official Zoning Code, and such other inspections as are necessary to ensure compliance with the various provisions of this Official Zoning Code;
6. Receive, file and forward to the planning commission and the staff planner all applications and site plans for applicable uses, and all applications for amendments to this Official Zoning Code;
7. Receive, file and forward to the Spencer Board of Zoning Appeals and the staff planner all applications for special exceptions, variances or other matters, on which the board is required to review under the provisions of this Official Zoning Code.

B. POWERS OF THE BUILDING INSPECTOR

The city's building inspector shall have the following powers:

1. The power to grant building permits and certificate of occupancy permits;
2. The power to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Official Zoning Code;
3. It shall be unlawful for the building inspector to approve any plan or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Official Zoning Code;

4. Under no circumstances is the city's building inspector permitted to make changes in this Official Zoning Code nor to vary the terms or provisions in carrying out his duties.

C. RIGHT OF ENTRY UPON LAND

The city's building inspector or persons engaged by him to perform tests or other duties may enter upon any land within the jurisdiction of the city for the purpose of performing tests, making examinations, or surveys, and placing or removing public notices as may be required by this Official Zoning Code.

SECTION 2 APPLICATION OF OFFICIAL ZONING CODE

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

SECTION 3 BUILDING PERMITS REQUIRED

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 of or addition to any structure, including accessory structures or to commence the filing of land until the city's building inspector has issued for such work, a building permit containing a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of the Official Zoning Code.

Application for a building permit shall be made in writing to the city's building inspector on forms provided for that purpose. The building inspector may revoke a permit or approval, issued under the provisions of this Official Zoning Code, in case there has been any false statement or misrepresentation as to the material fact in the application.

A. BUILDING PERMIT DOES NOT WAIVE PROVISIONS

The issuance of a building permit shall, in no case, be construed as waiving any provisions of this Official Zoning Code. The city's building inspector may revoke a building permit upon determination that the construction or activity for which the permit was issued is in violation of or not in conformity with the provisions of this Official Zoning Code.

B. EXPIRATION OF BUILDING PERMIT

Building permits shall be void one-hundred eighty (180) days from the date of issue unless substantial progress on the project has been made by that time.

SECTION 4 SITE PLAN REQUIRED

The city's building inspector shall require that every application for a building permit for excavation, construction, moving or addition, except for single and two-family dwellings, shall be accompanied by a site plan or plat of the proposed development.

A. REQUIRED CONTENTS OF SITE PLAN

The site plan or plat shall be prepared to scale by an engineer, architect or other technical personnel approved by the building inspector and shall show the following in sufficient detail to enable the building inspector to ascertain whether the proposed development is in conformance with the Official Zoning Code:

1. Actual shape, location, and dimensions of the lot to be built upon.
2. Topography of existing and finished grades.
3. Shape, size, and location of all buildings or other structures to be erected, added to, or moved and of any buildings or other structures already on the lot.
4. Existing and intended use of all such buildings or other structures.
5. Location and design of off-street parking, points of access, off-street loading areas and of pedestrian circulation.
6. Location and size of nearest water line, sewer line, fire hydrant, and any other public utilities.
7. Plans for the provisions of water service, fire hydrants, sewer service and any other public utilities.
8. Minimum required front, side and rear yard setback lines.
9. All easements with dimensions and designated as to type (examples: public utilities, drainage and public access).
10. Plans for storm water drainage.
11. All identified floodable areas; if applicable.
12. Location and dimensions of all signs.
13. Location and type of landscape screening, if applicable.
14. Any other information concerning the lot or adjoining lots as may be necessary for determining whether the provisions of the Official Zoning Code are observed.

B. REVIEW OF SITE PLANS

All site plans or plats shall be reviewed by the building inspector and the staff planner, and by the appropriate municipal department heads (including streets, water and wastewater, electric, fire and police) if deemed necessary due to the nature or extent of the proposed development. A period of up to ten (10) working days shall be allowed for the review of the site plan.

C. APPROVAL OF SITE PLANS

If the proposed development is found to be in conformity with the provisions of this Official Zoning Code, the building inspector shall issue a building permit.

D. DISAPPROVAL OF SITE PLANS

If the proposed development is found not to be in conformity with the provisions of this Official Zoning Code, a building permit shall not be issued and the building inspector shall state in writing on the application the cause for such disapproval.

SECTION 5 CERTIFICATE OF OCCUPANCY REQUIRED

No land or building or other structure or part thereof hereafter erected, moved, added to, or changed in its use shall be used until the city's 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 the Official Zoning Code.

Within seven (7) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the city's 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 the Official Zoning Code, or; if such certificate is refused, to state the refusal in writing with the cause for such refusal.

SECTION 6 BOARD OF ZONING APPEALS- ESTABLISHMENT AND PROCEDURE

A. ESTABLISHMENT AND APPOINTMENT

A board of zoning appeals is hereby established in accordance with Sections 13-7-205 through 13-7-207 of the *Tennessee Code Annotated*. As permitted by Section 13-7-205, *Tennessee Code Annotated*, the chief legislative body may designate the planning commission of the municipality as the Spencer Board of Zoning Appeals. Members shall be appointed by the mayor and confirmed by a majority vote of the board of mayor and aldermen. The terms of the appointed membership shall be in accordance with their terms as members of the planning commission. Vacancies shall be filled for any unexpired term by the mayor in confirmation by the board of mayor and aldermen.

B. CONFLICT OF INTEREST

Any member of the Spencer Board of Zoning Appeals who shall have direct or an indirect interest in any property which is the subject matter of or affected by a decision of the board shall be disqualified from participating in the discussion,

decision, and proceedings of the board in connection therewith. The burden for revealing any such conflict rests with individual members of the board. Failure to reveal any such conflict shall constitute grounds for immediate removal from the board for cause.

C. PROCEEDINGS OF THE BOARD OF ZONING APPEALS

The Spencer Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Official Zoning Code. Meetings shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The board of zoning appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed with official records of the Board.

D. HEARINGS AND APPEALS

An appeal to the board of zoning appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by any decision of the city's building inspector, based in whole or in part upon the provision of this ordinance. Such appeal shall be taken by filing with the board of zoning appeals a notice of appeal, specifying the grounds thereof.

The building inspector shall transmit to the board all papers constituting the record upon which the appeal was taken. The board shall fix a reasonable time for the hearing of the appeal, give due notice to the parties of 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.

E. LIABILITY OF MEMBERS OF THE BOARD OF ZONING APPEALS AND THE BUILDING INSPECTOR

Any member of the Spencer Board of Zoning Appeals, the Spencer Building Inspector, or other employee charged with the enforcement of this Official Zoning Code acting for the City of Spencer in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability and shall be held harmless by the City of Spencer of any damage that may accrue to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any board member, the building inspector, or employees charged with the enforcement of any provision of this Official Zoning Code shall be defended by legal representative furnished by the City of Spencer until the final termination of such proceedings.

The Spencer Board of Zoning Appeals shall have the following powers and duties:

A. ADMINISTRATIVE REVIEW OR INTERPRETATION

The Spencer Board of Zoning Appeals shall interpret the Official Zoning Code or Zoning Map and pass upon disputed questions of lot lines or district boundary lines or similar questions as they arise in the administration of this Official Zoning Code. The board of zoning appeals shall also hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the city's building inspector or any other administrative official in carrying out or enforcing any provision of this Official Zoning Code, or in his interpretation of the zoning map.

1. Application Required

An application shall be filed with the city's board of zoning appeals. Said application shall specify the grounds for requesting the administrative review or interpretation.

2. Application Fee Required

A non-refundable fee of sixty dollars (\$60.00), or current fee schedule, shall be paid to the City of Spencer with each application for a request for an administrative review or interpretation from the board of zoning appeals to defray costs of notices, the hearing, and any miscellaneous expenses.

3. Public Hearing and Notice Required

A public hearing for the purpose of soliciting public comments concerning the application shall be held and public notice of reasonable time shall be given in advance of said hearing. Notice of the public hearing shall be published once in a newspaper of general circulation prior to the hearing and due public notice shall be given to the parties in interest.

B. SPECIAL EXCEPTIONS (USES PERMITTED ON APPEAL)

The Spencer Board of Zoning Appeals may hear and decide only such special exceptions as it is specifically authorized to pass on by the terms of the "Uses Permitted on Appeals" Sections of this Official Zoning Code; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this Official Zoning Code; or to deny special exceptions when not in harmony with the purpose and intent of this Official Zoning Code.

1. Application Required

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, existing land uses of all adjacent properties, and any other material pertinent to the request which the board of zoning appeals may require.

2. Application Fee Required

A nonrefundable fee of sixty dollars (\$60.00), or current fee schedule, shall be paid to the City of Spencer with each application for a request for a special exception from the board of zoning appeals to defray costs of notices, the hearing, and any miscellaneous expenses.

3. Public Hearing and Notice Required

A public hearing for the purpose of soliciting public comments concerning the application shall be held and public notice of reasonable time shall be given in advance of said hearing. Notice of the public hearing shall be published once in a newspaper of general circulation prior to the hearing and due notice shall be given to the parties in interest.

4. General Provisions Governing Special Exceptions

Before any special exception shall be issued, the board of zoning appeals shall certify compliance with the specific rules governing individual exceptions and that satisfactory provision and arrangement has been made concerning the following general requirements:

(a) It is so designed, located and proposed to be operated so that the public health, safety, and welfare will be protected;

(b) It will not adversely affect other property in the area in which it is located;

(c) It is within the provision of "Uses Permitted on Appeal" as set forth in this Official Zoning Code; and

(d) It conforms to all applicable provisions of this Official Zoning Code for the district in which it is to be located.

5. Conditions and Safeguards

In granting any special exception, the board of zoning appeals may prescribe appropriate conditions and safeguards in conformity with this Official Zoning Code. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Official Zoning Code.

6. Validity of Plans

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

7. Time Limit Prescribed

The board of zoning appeals shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both, however, in no case shall more than one (1) year pass before the action is begun. Failure to begin or complete, or both, such action within the prescribed time limit shall void the special exception.

C. VARIANCES

The Spencer Board of Zoning Appeals has the authority to hear and decide applications for variances from the terms of this Official Zoning Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Official Zoning Code would result in unnecessary hardship. In exercising its powers, the board of zoning appeals may, so long as such action is in conformity with the terms of this Official Zoning Code, reverse, affirm, or modify the order, requirement, decision, or determination as set forth in the regulations of this Official Zoning Code, and to that end shall have the powers of the administrative official from whom the appeal is taken.

1. Application Required

An application shall be filed with the board of zoning appeals for consideration. Said application shall show the location and intended variance of the site, the names of the property owners, existing land uses of all adjacent properties, and any other material pertinent to the request which the board of zoning appeals may require.

2. Application Fee Required

A nonrefundable fee of sixty dollars (\$60.00), or current fee schedule, shall be paid to the City of Spencer with each application for a request for a variance by the board of zoning appeals to defray costs of notices, the hearing and any miscellaneous expenses.

3. Public Hearing and Notice Required

A public hearing for the purpose of soliciting public comments concerning the application shall be held and public notice of reasonable time shall be given in advance of said hearing. Notice of the public hearing shall be published once in a newspaper of general circulation prior to the hearing and due notice shall be given to the parties in interest.

4. General Standards for Variances

In granting a variance, the board of zoning appeals shall ascertain that the following criteria are met:

- (a) The particular physical surroundings, shape, or topographic conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere

inconvenience, if the strict application of this Official Zoning Code were carried out;

(b) The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;

(c) The variance will not authorize in a zoning district activities other than those permitted by this Official Zoning Code;

(d) Financial returns only shall not be considered as a basis for granting a variance;

(e) The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this Official Zoning Code;

(f) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Official Zoning Code to other lands, structures, or buildings in the same district;

(g) That variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;

(h) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which property is located; and

(i) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

5. Non-Conformity Does Not Constitute Grounds for Granting a Variance

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

6. Prohibition of Use Variances

Under no circumstances shall the board of zoning appeals grant a variance to allow a use not permissible under the terms of this Official Zoning Code in the district involved, or any use expressly or by implication prohibited by the terms of this Official Zoning Code in said district.

7. Conditions and Restrictions

The board of zoning appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in this Official Zoning Code to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this Official Zoning Code. Violations of such conditions and restrictions, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Official Zoning Code.

8. Time Limit Prescribed

The board of zoning appeals shall prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both, however, in no case shall more than one (1) year pass before the action is begun. Failure to begin or complete, or both, such action within the prescribed time limit shall void the variance.

D. APPEAL OF BOARD OF ZONING APPEALS DECISION

It is the intent of this Official Zoning Code that all reviews by the Board of Zoning Appeals be done only by application to City Hall and upon public hearing. Any person or persons aggrieved by any decision of the Board of Zoning Appeals may seek review by a court of record of such decisions in the manner provided by the laws of the State of Tennessee.

It is further the intent of this Official Zoning Code that the duties and powers of the Board of Mayor and Aldermen shall not be in conflict with the duties and powers of the Board of Zoning Appeals, as established by Sections 13-7-205 through Sections 13-7-207 of *Tennessee Code Annotated*.

SECTION 8 AMENDMENTS TO ZONING ORDINANCE

A. PROCEDURE

The regulations, the number, or boundaries of districts established by the Official Zoning Code may be amended, supplemented, changed, modified, or repealed by the Spencer Board of Mayor and Aldermen after holding a public hearing, fifteen (15) days notice of which has been given in the local newspaper; but in accordance with Section 13-7-204 of the *Tennessee Code Annotated*, no amendment shall become effective unless it is first submitted to and approved by the Spencer Municipal Planning Commission, or if disapproved, shall receive a majority vote of the entire board of mayor and aldermen.

B. APPLICATION AND FEE

1. Any person desiring to bring a request for an amendment to the Official Zoning Code shall first submit an application for such a request. Said application shall state the purpose of the amendment and any other information or material pertinent to the request which the planning commission or board of mayor and aldermen may require.

2. A nonrefundable fee of sixty dollars (\$60.00), or current fee schedule, shall be paid to the City of Spencer with each application requesting an amendment to the Official Zoning Code to defray costs of notices, public hearings, and any miscellaneous expenses.

SECTION 9 REMEDIES AND ENFORCEMENT

1. It shall be unlawful for a person, partnership, or any legal entity to be in conflict with or in violation of any of the provisions of this zoning code.

2. Owners, lessors, renters, and/or users of any property in the City of Spencer may be prosecuted for a violation of this code. Notice of violation of the code may be delivered by mail to the last known address of the landowner, operator, or offender, or posted on the property or structure affected or alleged to be in

violation. Any person failing to comply with this code is hereby guilty of a civil violation. The penalty for such civil violation shall be \$100.00 per day for each day the violation continues until remedied. Each day of violation shall be considered a separate offense.

3. In addition to the civil penalty setout above, the city shall have the authority to seek injunctive relief to restrain, correct, or abate a violation. In addition thereto, the city shall have the authority to remove or destruct any structure not in compliance with the regulations of the code, with the cost of same being taxed to the violating offender. In addition to the penalties and other relief setout herein, the city shall be entitled to recover all attorney fees, expenses, costs of prosecution, and court costs incurred from the violating offender for filing an action to enforce the code's regulation.

4. All such penalties, fees, expensed, etc. incurred by the city shall be charged against the real estate upon which the violation structure is located, and shall be deemed a lien upon such real estate. The lien created herein may be enforced through judicial process and a sale of the property, or alternately, the lien may be imposed as taxes on the real property upon which the violation structure is located. The lien amount shall be recovered by the trustee who shall include the lien amount herein on the tax card for collection in the same manner as regular property taxes.

SECTION 10 INTERPRETATION

Whenever the conditions of this zoning code require more restrictive standards than are required in or under any other statute, the requirements of this zoning code shall govern. Whenever the conditions of any other statute require more restrictive standards than are required by this zoning cod, the conditions of such statute shall govern.

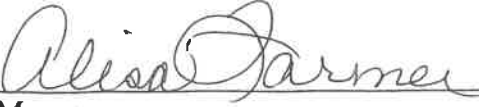
SECTION 11 VALIDITY


Should any section, clause, or provision of this Official Zoning Code be declared by a court of competent jurisdiction to be unconstitutional or invalid, this judgment shall not affect the validity of the Official Zoning Code as a whole or any other part other than the part judged invalid.

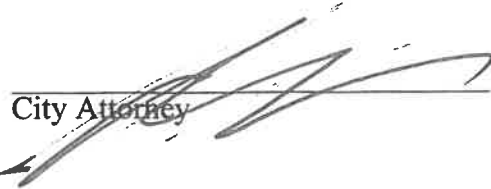
This Ordinance shall take effect from and after final passage in accordance with the Charter of the City of Spencer, Tennessee, the public welfare demanding it.

Publication of Notice:	<u>July 6, 2023</u>
	Date
Public Hearing Held:	<u>July 27, 2023</u>
	Date
Passed 1st Reading:	<u>June 15, 2023</u>
	Date
Passed 2nd Reading:	<u>July 27, 2023</u>
	Date

ADOPTED BY THE BOARD OF MAYOR AND ALDERMEN


Mayor

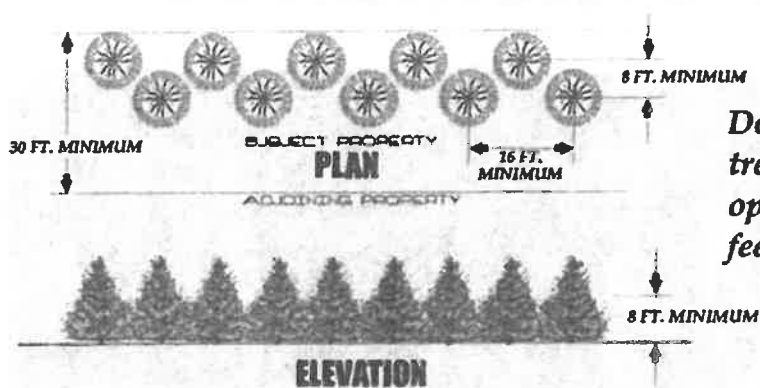
ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney

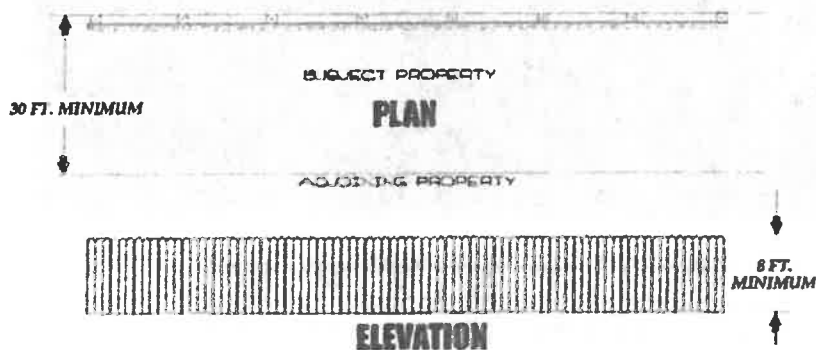
APPENDIX A

ILLUSTRATION 2

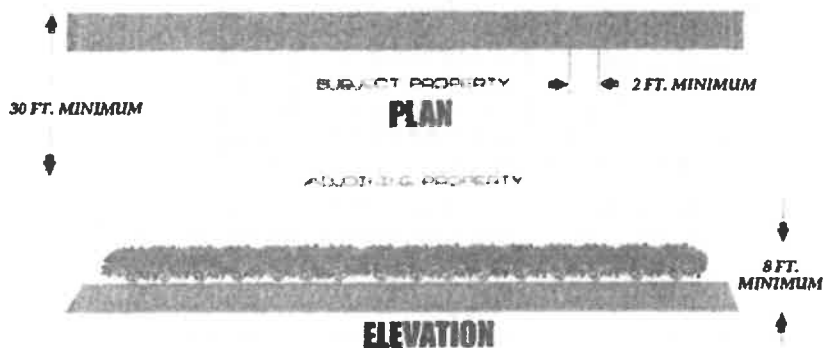
EXAMPLES OF TYPE 3 SCREEN / BUFFER YARD



Double row of evergreen trees 16 feet on center and opaque to the height of 8 feet at the time planted



Solid wood fence 8 feet in height

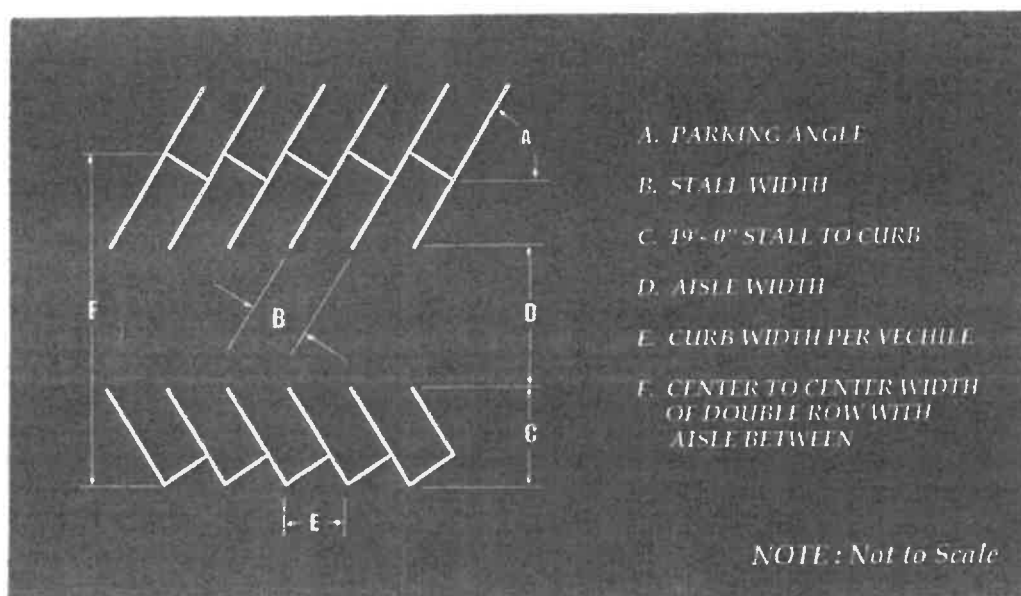


Earthen berm with evergreen shrubbery 2 feet on center at the time planted.

NOTE : Not to Scale

ILLUSTRATION 1

PARKING SPACE & AISLE DESIGN REQUIREMENTS



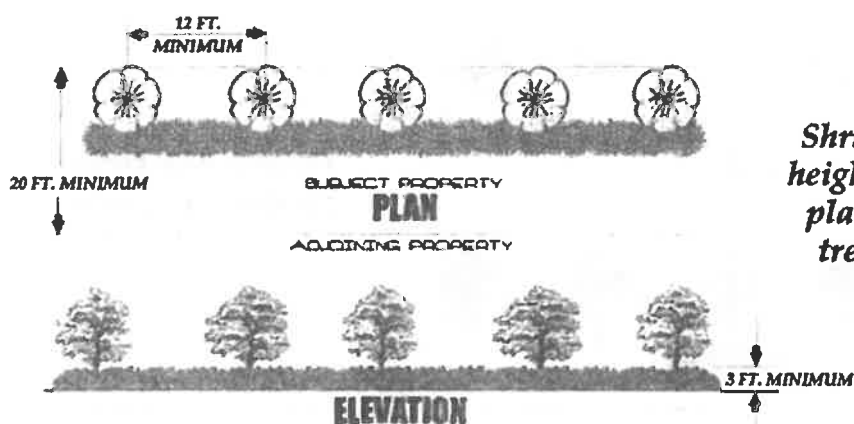
A	0°	20°	30°	45°	60°	70°	80°	90°
B*	9.0'	9.0'	9.0'	9.0'	9.0'	9.0'	9.0'	9.0'
C	9.0'	15.0'	17.3'	19.8'	21.0'	20.9'	20.3'	19.0'
D**	15.0'	15.0'	15.0'	17.0'	20.0'	22.0'	24.0'	24.0'
E	23.0'	26.3'	18.0'	12.7'	10.4'	9.6'	9.1'	9.0'
F	33.0'	45.0'	49.6'	56.6'	62.0'	63.8'	64.6'	62.0'

* STANDARD HANDICAPPED SPACES SHALL HAVE A MINIMUM SPACE WIDTH OF 14.0 FT. AND VAN ACCESSIBLE HANDICAPPED SPACES SHALL HAVE A MINIMUM SPACE WIDTH OF 17.0 FT.

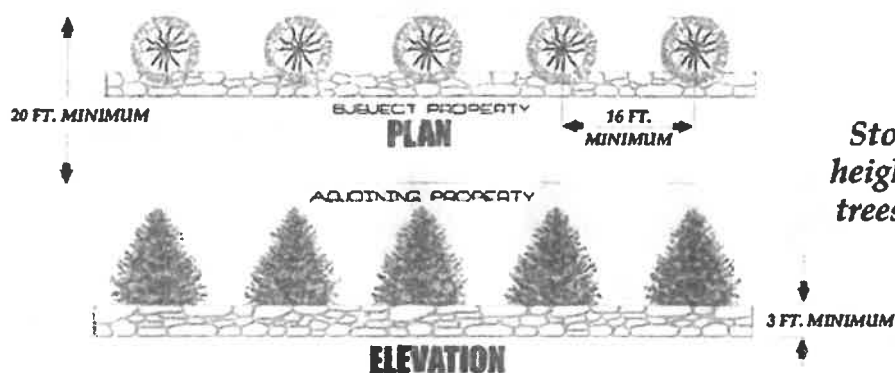
** WHEN PARKING IS PROVIDED ON ONLY 1 SIDE OF AN AISLE THE PLANNING AND CODES DEPARTMENTS MAY APPROVE A REDUCTION IN REQUIRED AISLE WIDTH.

ILLUSTRATION 3

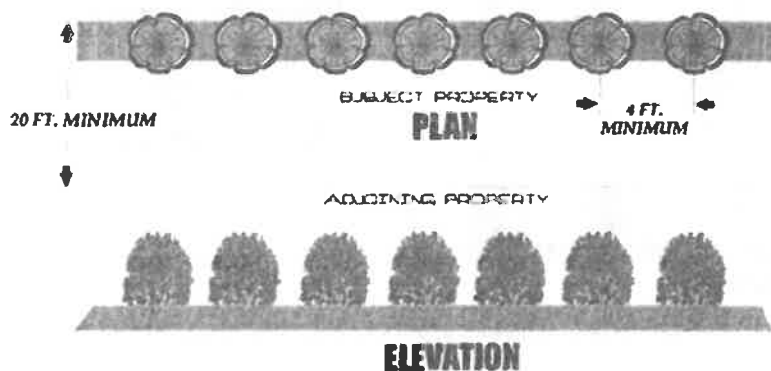
EXAMPLES OF TYPE 2 SCREEN / BUFFER YARD



Shrubbery opaque to the height of 3 feet at the time planted with deciduous trees 12 feet on center



Stone fence 3 feet in height with evergreen trees 16 feet on center

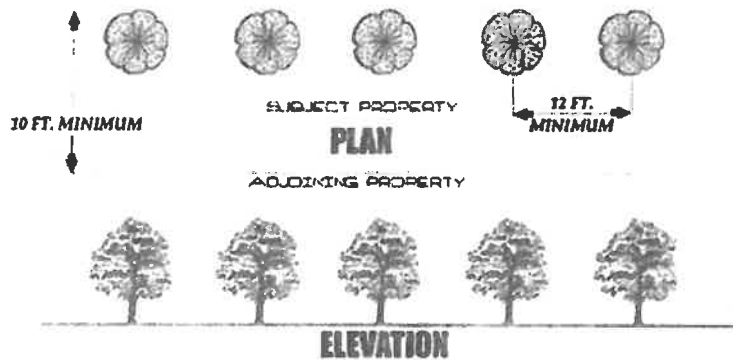


Earthen berm with shrubbery 4 feet on center at the time planted.

NOTE : Not to Scale

ILLUSTRATION 4

EXAMPLES OF TYPE I SCREEN / BUFFER YARD



*Deciduous trees
12 feet on center*



*Evergreen trees
16 feet on center*



*Shrubbery with
deciduous
trees 20
feet on center*

NOTE : Not to Scale

ROAD NAME	GRID
ANDREW K PARKER RD	H-7
ARGO ST	H-8
BACKPORCH LOOP	H-8
BAVER AND BOYD DR	H-8
BELLSBERRY ST	H-8
BLUFF LN	H-11
BLUFF VIEW DR	H-10
CHURCH ST	H-6
CITY LAKE RD	H-6
CLENDENAW AVE	H-6
COLLEGE ST	H-9
CUMBERLAND VILLAGE WAY	H-9
DAVIS LN	H-10
DEARIE RD	H-10
DODDWOOD LN	H-8
DRAKE AND SHOOLEY ST	H-10
E COOK ST	H-8
FOYE ST	H-10
FRED STONE RD	H-11
FRANK TUCK LOOP	H-9
GARDEN LN	H-7
GENERATIONS DR	H-8
HALE ST	H-9
HARRY LN	H-10
HIGHLAND VILLAGE	H-9
HODGE ST	H-10
I-8 MAYNARD ST	H-8
INDUSTRIAL PARK WAY	H-10
INDUSTRY DR	H-10
JOE BROOK ST	H-10
LARRY DAVIS ST	H-10
LAURA LN	H-8
LEMON & VATES MTN RD	H-7
LITTLE FALL ST	H-8
LOVE ST	H-8
MARIE LN	H-11
MARTIN LN	H-8
MCCOY ST	H-8
MEDICAL CIR	H-8
MILL ST	H-11
MITCHELL ST	H-11
MOUNTAIN CREST DR	H-11
OLD DUNN AP ST	H-8
PAIGE ST	H-11
PEARLIN LN	H-8
PINE GROVE RD	H-11
POPULAR ST	H-8
ROBINS ST	H-8
ROSEMARY WAY	H-8
SCOTCH DR	H-10
SHADY OAKS DR	H-10
SHERWOOD DR	H-8
SHORT ST	H-8
SEIZ RD	H-8
SIMMONS ST	H-8
SMITH DR	H-8
SPARTA ST	H-7
SPENCER DR	H-8
SPRING ST	H-8
ST. 111	H-10
TAYLOR DR	H-8
TURNER SCRATCH RD	H-8
VAN BUREN DR	H-11
VETERANS RD	H-8
W COOK ST	H-8
WILKINSON ST	H-8
WINDSPRING PINE	H-8
WILKIE ST	H-8
WILLOW ST	H-8
WOOLSEY ST	H-7
YOUNG ST	H-8

