

**ZONING ORDINANCE
OF THE
TOWN OF ERWIN, TENNESSEE**

Adopted
February 16, 1971

Readopted
January 26, 2011

Amended Through
October 14, 2019

Prepared for
ERWIN MUNICIPAL PLANNING COMMISSION

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TABLE OF CONTENTS

AUTHORITY	1
ARTICLE I. SHORT TITLE	1
ARTICLE II. PURPOSE.....	1
ARTICLE III. DEFINITIONS.....	2
ARTICLE IV. ESTABLISHMENT OF DISTRICTS	7
ARTICLE V. APPLICATION OF REGULATIONS	8
501. Use	8
502. Street Frontage.....	8
503. Corner Lots History	8
504. One Principal Building on a Lot	8
505. Reduction of Lot Size	8
506. Yard and Other Spaces.....	8
507. Conformity to Subdivision Regulations.....	8
508. Customary Accessory Buildings in any Districts	8
509. Freestanding Carports in Residential Districts	9
510. Building Area.....	9
511. Height and Density	9
512. Annexations	9
513. Additions Attached to Existing Buildings	10
ARTICLE VI. GENERAL PROVISIONS	11
601. Continuance of Nonconforming Uses	11
602. Obstruction of Vision at Street Intersections Prohibited	11
603. Off-Street Automobile Parking.....	11
604. Off-Street Loading and Unloading Space.....	17
605. Flood Protection.....	17
606. Planned Unit Development	17
607. Bed and Breakfast Facilities	22
608. Site Plan Review.....	23

TABLE OF CONTENTS

ARTICLE VII.	PROVISIONS GOVERNING USE DISTRICTS	28
700.	R-1A (Single Family) Residential District	28
701.	R-1 (Low Density) Residential District	28
701.A.	RC-1 (Low Density/Condominium) Residential District	29
702.	R-2 (Medium Density) Residential District	29
703.	R-3 (High Density) Residential District	29
703.A.	M-R (Medical/Residential) District	30
704.	B-1 (Neighborhood) Business District.....	30
705.	B-2 (Arterial) Business District	31
706.	B-3 (Central) Business District.....	32
707.	B-4 (Intermediate) Business District	34
708.	M-1 (Industrial) District.....	34
709.	DO, Downtown Overlay	37
710.	Corridor Overlay Districts	37
ARTICLE VIII.	AREA, YARD, AND HEIGHT REQUIREMENTS	40
ARTICLE IX.	EXCEPTIONS AND MODIFICATIONS	42
901.	Lot of Record	42
902.	Adjoining and Vacant Lots of Record	42
903.	Front Yards	42
904.	Group Housing Projects	42
905.	Exceptions on Height Limits	43
ARTICLE X.	ENFORCEMENT	44
1001.	Enforcing Officer	44
1002.	Building Permit Required	44
1003.	Issuance of Building Permit.....	44
1004.	Certificate of Occupancy	44
1005.	Penalties	44
1006.	Remedies.....	44

TABLE OF CONTENTS

ARTICLE XI.	BOARD OF ZONING APPEALS.....	45
1101.	Creation and Appointment	45
1102.	Procedure	45
1103.	Appeals	45
1104.	Powers.....	45
1105.	Action of the Board of Zoning Appeals.....	46
ARTICLE XII.	AMENDMENT.....	47
1201.	Procedure	47
1202.	Approval by Planning Commission.....	47
1203.	Introduction of Amendment.....	47
ARTICLE XIII.	LEGAL STATUS PROVISIONS.....	48
1301.	Conflict with Other Ordinances.....	48
1302.	Validity	48
1303.	Effective Date	48
ARTICLE XIV.	COMPREHENSIVE SIGN ORDINANCE.....	49
1400.	Definitions.....	49
1401.	Signs over Four Square Feet Require Permit.....	50
1402.	Unsafe and Unlawful Signs	50
1403.	Signs Visible from the Public Right-of-Way.....	50
1404.	No Sign May Interfere with Traffic.....	51
1405.	Setback Required	51
1406.	Prohibited Signs.....	51
1407.	Signs Permitted in All Districts	51
1408.	Overhanging Signs.....	52
1409.	Nonconforming Signs	52
1410.	Building Permit Required	52
1411.	Zoning District Sign Requirements	52
1412.	The Three Interstate Exit Areas	55
1413.	Penalties	56
1414.	Effective Date	56

1415.	Severability.....	56
ARTICLE XV.	DESIGN REVIEW COMMISSION.....	57
1500.	Design Review Commission.....	57

TABLE OF CONTENTS

APPENDIX A.	MUNICIPAL FLOODPLAIN ZONING ORDINANCE	61
APPENDIX B.	WIRELESS TRANSMISSION FACILITIES	85
APPENDIX C.	MOBILE HOME PARK ORDINANCE	91
APPENDIX D.	ERWIN DESIGN GUIDELINES	99

ZONING ORDINANCE OF THE TOWN OF ERWIN, TENNESSEE

AUTHORITY

An ordinance, in pursuance of the authority granted by Sections 13-7-201 through 13-7-212, Tennessee Code Annotated, for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare; to provide for the establishment of districts within the corporate limits; to regulate, within such districts, the location, height, bulk, number of stories and size of buildings and structures, the percentage of lot occupancy, the required open spaces, the density of population and the uses of land, buildings and structures; to provide methods of administration of this ordinance and to prescribe penalties for the violation thereof.

BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Erwin:

ARTICLE I. SHORT TITLE

This ordinance shall be known as the "Zoning Ordinance of the Town of Erwin, Tennessee," and the map herein referred to, which is identified by the title "Zoning Map of the Town of Erwin, Tennessee," dated February 16, 1971, and all amendments thereof, and all explanatory matter thereon and hereby adopted and made a part of this ordinance.

ARTICLE II. PURPOSE

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

ARTICLE III. DEFINITIONS

Unless otherwise stated the following words shall, for the purpose of this ordinance, have the meaning herein indicated. Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word "shall" is mandatory, not directory. The word "used" or "occupied" as applied to any land or building shall be construed to include the word "intended," arranged or designed to be used or occupied.

301. Alley: A public way which affords only a secondary means of access to property and public travel, less than 20 feet in width.

302. Bed and Breakfast: An existing residential unit in which no more than six (6) guest rooms, furnished for pay, are available for overnight accommodations and breakfast for registered guests is provided. The owner/innkeeper shall have a primary residence on the premises and shall live within the facility. Guest rooms shall be established and maintained distinct and separate from the owner/innkeeper's quarters.

303. Boarding or Rooming House: A building containing a single dwelling unit and not more than five guest rooms where lodging is provided with or without meals for compensation.

304. Buffer Strip: A plant material acceptable to the building inspector which has such growth characteristics as will provide an obscuring screen not less than six feet in height. In certain instances, the Planning Commission may require additional screening features.

305. Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or chattel.

305.1. Principal building: A building in which is conducted the main or principal use of the lot on which said building is located.

305.2 Accessory building or use: A building or use customarily incidental and subordinate to the principal building or use and located on the same lot, but no closer than ten (10) feet of the principal building. An accessory building or use shall not be placed in the front yard of any districts, or side yards of residential, medical or business districts.

305.3 A building shall not include, among other things, structures which are constructed from or consists of the use of a tractor and/or trailer truck, a railroad car or engine of any type, any automobile, a truck bed, any other converted vehicle, a camper or trailer of any kind or a boat or ship, or any combination of the above.

306. Building Height: The vertical distance measured from the finished grade at the building line to the highest point of the roof.

307. Business Sign: A sign which directs attention to a business or profession conducted on the premises. A "For Sale" sign or a "To Let" sign for the property on which it is displayed shall be deemed a business sign.

308. Condominium: A multi-unit dwelling or group of multi-unit dwellings, located on a tract or parcel of land of at least three (3) acres in area, each of whose residents (unit owners) enjoys exclusive ownership of his or her individual unit, holding fee simple title thereto, while retaining an undivided interest as a tenant in common, in the common open areas, facilities, grounds and ways of ingress and egress which are used, maintained and administered by all of the residents of the condominium; being limited to single family dwellings, excluding mobile homes, each unit being constructed with a ground floor level and with successive levels, if there be any, constructed above the ground floor level of said unit and not over any portion of a lower level of any other unit. The units shall be connected on two (2) sides by means of common dividing structural or load bearing wall or walls of at least ten (10) lineal feet to two other single-family dwellings, or shall be the end dwelling of a series of such dwellings.

309. Dwelling Unit: One or more rooms in a building designed for occupancy by one family and having not more than one principal cooking facility.

309.1. Dwelling, Multi-family: A building or portion thereof designed for occupancy by three or more families living independently of each other.

309.2. Dwelling, Single-family: A detached building containing one dwelling unit and designed for occupancy by one family only.

309.3. Dwelling, Two-family: A detached building containing two families.

310. Family: An individual or two or more persons related by blood, marriage, legal adoption, or legal guardianship, living together as one housekeeping unit using one kitchen, and providing meals or lodging to not more than three unrelated persons living together as one housekeeping unit using one kitchen.

311. Freestanding carport. A structure used for the storage of vehicles and having no enclosure either by screening or otherwise, other than its roof and such necessary support as will present the minimum obstruction to light, air and view.

312. Hotel: Any structure, or any portion of any structure, that is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes, and includes any hotel, inn, tourist court, tourist camp, tourist cabin, motel, or any place in which rooms, lodgings, or accommodations are furnished to transients for a consideration. The right to the use or possession of any room, lodgings, or accommodations in a hotel shall be limited to a period of less than thirty (30) continuous days.

313. Lot: A parcel of land which fronts on and has access to a public street and which is occupied or intended to be occupied by a building or buildings with customary accessories and open space.

313.1. Lot Area: The total horizontal area within the lot lines of a lot exclusive of streets, and easements of access to other property.

313.2. Lot, Corner: A lot abutting on two or more streets other than an alley, at their intersection.

313.3. Lot Line: The property line bounding a lot.

313.4. Lot Line, Front: The lot line separating the lot from the street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.

313.5. Lot Line, Rear: The lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.

313.6. Lot Line, Side: Any lot line not a front or rear lot line.

313.7. Lot Width: The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

314. Medical Clinic. A licensed facility for examining and treating patients with medical problems on an outpatient basis. A medical clinic is not a methadone treatment clinic or facility or substance abuse treatment facility as per the Erwin Zoning Ordinance.

315. Methadone Treatment Clinic or Facility. A licensed facility for counseling of patients and the distribution of methadone for outpatient, non-residential purposes only. A methadone treatment clinic or facility is not a medical clinic or substance abuse treatment facility as per the Erwin Zoning Ordinance.

316. Mobile Home: A detached single-family dwelling unit with all of the following characteristics: Designed for long-term occupancy, and containing sleeping accommodation, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems; designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels; and arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operation, location on foundation supports, connection to utilities, and the like.

317. Mobile Unit: A structure which has all of the following characteristics: Designed to be transported after fabrication on its own wheels, or on flatbed or other trailer or

detachable wheels. Arriving at the site where it is to function as an office, commercial establishment, assembly hall, storage, governmental or other similar purpose and ready for use except for minor and incidental unpacking and assembly operations, location on foundation supports, connections to utilities and the like.

318. Mobile Home Park: Shall mean any plat of ground containing a minimum of two acres upon which two or more mobile homes are located or are intended to be located (does not include sites where unoccupied mobile homes are on display for sale).

319. Nonconforming Structure or Use: A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

320. Nursing Home: A home licensed by the State of Tennessee for the aged or chronically or incurably ill persons in which five or more such persons not of the immediate family are provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

321. Outdoor Advertising: An attached, free standing or structural poster panel or painted or lighted sign for the purpose of conveying some information, knowledge or idea to the public.

322. Package Store: A store licensed by the State of Tennessee and the Town of Erwin to sell "alcoholic beverages" as defined by Tennessee Code Annotated Section 57-3-101 at retail in compliance with Federal, State, and Town rules and regulations.

323. Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building used for human occupancy between the topmost floor and the roof. A basement not used for human occupancy other than for a janitor or domestic employee shall not be counted as a story.

324. Street: Any public or private way set aside for public travel, 20 feet or more in width. The word "street" shall include the words "road," "highway" and "thoroughfare."

325. Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

326. Substance Abuse Treatment Facility: A building or portion of a building or clinic containing offices, facilities, or designated space with the predominant, substantial, or significant purpose of providing outpatient treatment, counseling or similar services to individuals who are dependent on legal and illegal drugs, opiates, alcohol or other similar substances. Staffing by physicians who have received a waiver or have been certified or should have received a waiver or be certified by the Substance Abuse Treatment Act of 2000 and subsequent amendments or enactments shall create a presumption that the building or portion of a building should be designated a substance abuse treatment facility.

327. Total Floor Area: The area of all floors of a building including finished attic, finished basement and covered porches.

328. Yard: An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance.

328.1. Yard, Front: A yard between side lot lines and measured horizontally at right angles to the front lot line from the nearest point of a building. Any yard meeting this definition and abutting on a street other than an alley, shall be considered a front yard.

328.2 Yard, Rear: A yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a principal building.

328.3. Yard, Side: A yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a principal building.

328.4. Yard, Street Side: A yard adjacent to a street between the front yard and rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a principle building.

ARTICLE IV. ESTABLISHMENT OF DISTRICTS

For the purpose of this ordinance, the Town of Erwin, Tennessee is hereby divided into eleven (11) classes of districts as follows:

Residence	–	R-1A District	–	Single Family
Residence	–	R-1 District	–	Low Density
Residence	–	RC-1 District	–	Low Density/Condominium
Residence	–	R-2 District	–	Medium Density
Residence	–	R-3 District	–	High Density
Residence	–	M-R District	–	Medical Residential
Business	–	B-1 District	–	Neighborhood Business
Business	–	B-2 District	–	Arterial Business
Business	–	B-3 District	–	Central Business
Business	–	B-4 District	–	Intermediate Business
Industrial	–	M-1 District	–	Industrial

The boundaries of these districts are hereby established as shown on the map entitled "Zoning Map of the Town of Erwin, Tennessee," dated February 16, 1971, and all amendments thereof, which is a part of this ordinance and which is on file in the office of the Town Recorder. Unless otherwise specifically indicated on the map, the boundaries of districts are lot line or the center lines of streets or alleys or such lines extended, the corporate limit line or a line midway between the main tract of a railroad or the center lines of streams or other water bodies. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.

ARTICLE V. APPLICATION OF REGULATIONS

Except as herein provided:

501. 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.

502. Street Frontage. No dwelling shall be erected on a lot which does not abut on at least one street for at least forty (40) feet, except that lots fronting on cul-de-sacs may have a minimum road frontage of thirty (30) feet if the lot is at least fifty (50) feet in width at the building line.

503. Corner Lots. The minimum width of a side yard along an intersecting street shall be 50 percent greater than the minimum side yard requirements of the district in which the lot is located.

504. One Principal Building on a Lot. Only one principal building and its customary accessory buildings may hereafter be erected on any lot.

505. Reduction of Lot Size. No lot shall be reduced in area so that yards, lot area per family, lot width, building area or other provisions of this ordinance shall not be maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

506. Yard and Other Spaces. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required under this ordinance for another building.

507. Conformity to Subdivision Regulations. No building permit shall be issued for or no building shall be erected on any lot within the municipality, unless the street giving access to the lot upon which said building is proposed to be placed shall have been accepted or opened as a public street prior to that time or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Erwin Regional Planning Commission and such approval entered in writing on the plat by the secretary of the commission.

508. Customary Accessory Buildings in any Districts. Accessory buildings are permitted provided they are located in rear yards in residential, medical and business districts. Accessory buildings in manufacturing and factory districts may be located in the rear or side yards. An accessory building in residential, medical and business districts shall be located no closer than five (5) feet to any property line and/or ten feet to any principal building on the same lot. An accessory building in manufacturing or factory districts shall be located no closer than ten (10) feet to any property line and/or ten (10) feet to any

principal building on the same lot. Accessory buildings shall also comply with the setback from the intersecting street.

509. Freestanding Carports in Residential Districts. Freestanding carports are permitted provided that:

509.1. A building permit is obtained from the Building Inspector prior to the freestanding carport being erected, altered, or moved.

509.2. They are located in the side or rear yard. If located in the side yard, it shall not be closer than ten (10) feet from any property line. If located in the rear yard, it shall not be closer than five (5) feet from any property line.

509.3. They are no more than fifteen feet (15') in height.

509.4. They contain no more than 700 square feet.

509.5. All freestanding carports must be constructed with new building materials.

509.6. All freestanding carports must be installed per manufacturer's instructions, anchored to prevent wind lift and movement, and meet all applicable building codes.

509.7. That the total area taken up by all accessory structures, freestanding carport, and the principle structure be no more than 30 percent of the total yard area in the R-1 zoning district and no more than 35 percent of the total yard area in the R-2 and R-3 zoning districts.

509.8. They are placed on the lot after construction of the principal structure.

509.9. Only one (1) freestanding carport may be placed in the side yard of a property, and is limited to one side yard.

510. Building Area. On any lot, within an R-1 Residential District, the area occupied by all buildings including accessory buildings, shall not exceed thirty (30) percent of the total area of such lot. In R-2 and R-3 Residential Districts, lot area occupied by all buildings including accessory buildings, shall not exceed thirty-five (35) percent of the total area of such lot.

511. Height and Density. No building or structure shall hereafter be erected or altered so as to exceed the height limit, to accommodate or house a greater number of families, to have narrower or smaller front yards or side yards than are required or specified in the regulations herein for the district in which it is located.

512. Annexations. All territory which may hereafter be annexed to the Town of Erwin, Tennessee shall be considered to be in the R-1 Low Density Residential District until otherwise classified.

513. Additions attached to existing buildings. No building or part thereof shall be erected, moved or altered without first obtaining a permit to do such and also conforming with the regulations specified by the Erwin Zoning Ordinance for the district in which it is located. For an addition to be considered attached to an existing building, one of the following conditions must be met:

513.1. The addition must share at least one wall common with the existing building for half the distance of the addition wall. The new addition roof must tie into the existing building roof or wall and be of the same type construction and material as the existing building roof.

513.2. The addition can be connected with a roofed breezeway. The breezeway must be at least eight (8) feet wide and can be no longer than ten (10) feet from connection to principal building to additional building. The breezeway and addition shall be constructed of the same type construction as the principal building and have the same roofing material tied into the principal building and addition building according to the Building Code.

ARTICLE VI. GENERAL PROVISIONS

601. Continuance of Nonconforming Uses. Any lawful use of any building or land existing at the time of the enactment of this ordinance or whenever a district is changed by an amendment thereafter may be continued although such use does not conform with the provisions of this ordinance with the following limitations:

601.1. No building or land containing a nonconforming use shall hereafter be extended unless such extensions shall conform with the provisions of this ordinance for the district in which it is located; provided, however, that a nonconforming use may be extended throughout those parts of building which were manifestly arranged or designed for such use prior to the time of enactment of this ordinance.

601.2. Any nonconforming building which has been damaged by fire or other causes, may be reconstructed and used as before unless the building inspector determines that the building is damaged to the extent of more than seventy-five (75) percent of its appraised value for tax purposes in which case any repair or reconstruction shall be in conformity with the provisions of this ordinance. Industrial, commercial, or other business establishments shall comply with provisions established as per Tennessee Code Annotated 13-7-208.

601.3. When a nonconforming use of any building or land has ceased for a period of thirty (30) months, it shall not be reestablished or changed to any use not in conformity with the provisions of this ordinance.

601.4. All owners of mobile homes that are classified as nonconforming uses, will be allowed to replace their mobile home when destroyed by acts of God or when economically unfeasible to repair (50 percent of current market value). All other requirements of the zoning district shall be met. Replacement shall occur within 45 days after the original mobile home has been removed, and a building permit will be required before the mobile home can be located on the site. A building permit can only be issued to the resident owner at the time of abandonment for his occupancy.

602. Obstruction of Vision at Street Intersections Prohibited. On a corner lot in all districts except the B-3 (Central) Business District, no fence, wall, shrubbery, or other obstruction to vision between the height of three (3) feet and ten (10) feet above the street grade shall be permitted within twenty (20) feet of the intersection of the right-of-way of streets or of streets and railroads.

603. Off-Street Automobile Parking. Off-street automobile parking space shall be provided on every lot on which any of the following uses are hereafter established except in the B-3 (Central Business) District. The number of automobile parking spaces provided shall be at least as great as the number specified below for various uses. Each space shall have vehicular access to a public street and meet the minimum design standards found in the table below. Turning space shall be provided so that no vehicle will be required to back into the street.

PARKING DESIGN STANDARDS

Type of Space		Parking Angle ***	Minimum Space Width	Minimum Space Depth	Minimum Aisle Width* (1-Way Drives)	Minimum Aisle Width (2-Way Drives)
Automobile Parking Spaces		0° parallel	9'	25'	15'	20'
		15°	9'	23'	15'	20'
		30°	9'	22'	15'	20'
		45°	9'	21'	15'	20'
		60°	9'	20'	18'	20'
		75°	9'	19'##	22'#	24'#
		90°	9'	18'##	24'#	24'#
Handicapped Spaces	Standard	**	14'****	18'-25'**	**	**
	Van Accessible	**	17'****	18-25'**	**	**
Motorcycle Spaces		**	4 1/2'	7'	**	**

* Measured perpendicular to traffic flow in aisle.

** Same as requirements for automobiles.

*** Use the graph below to determine parking angle.

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Includes 9-foot parking spaces and

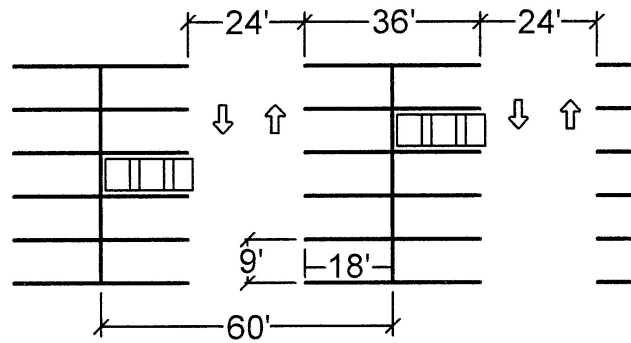
5-foot access aisle for standard spaces and 8-foot access aisle for van accessible spaces. Access aisles may be shared by two adjacent spaces.

Drive aisles may be reduced by up to 2' if there is parking on one side only and there are no plants over 18" tall or structures within 2' of the pavement.

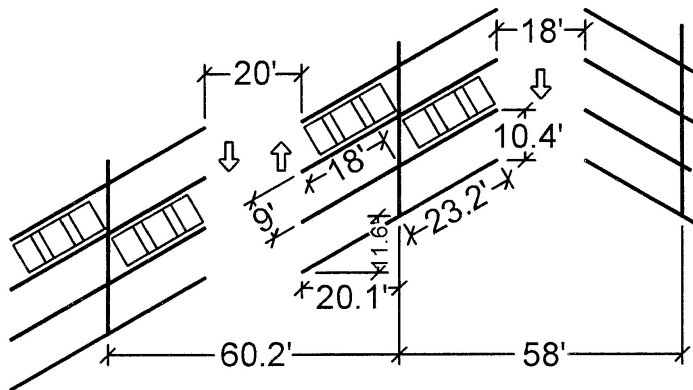
Parking stall length may be reduced by up to 2' if there is green space of at least 2' width at the front of the space and there are no plants over 18" tall or structures within 2' of the pavement. However, there shall be a curb, or wheel stops placed at the edge of the pavement, to prevent the vehicles from travelling into the green space

Note: The designer may not use the parking space length reduction and drive aisle width reduction for the same parking space

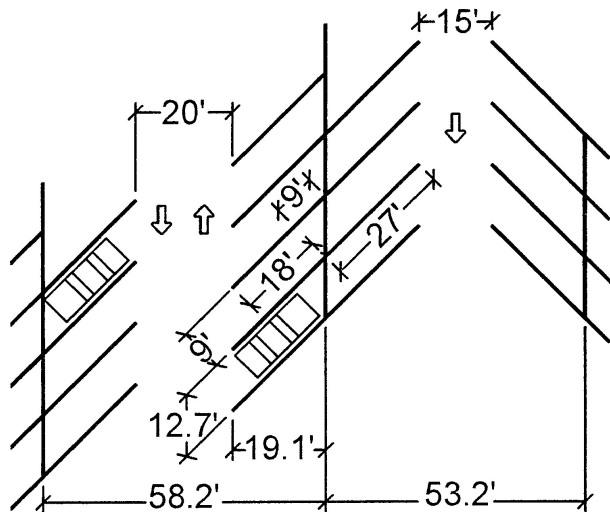
PARKING SPACE AND DRIVE AISLE ILLUSTRATIONS



TWO WAY AISLE TWO WAY AISLE
90° PARKING LAYOUT



TWO WAY AISLE ONE WAY AISLE
60° PARKING LAYOUT



TWO WAY AISLE ONE WAY AISLE
45° PARKING LAYOUT

603.1. Automobile repair garages: One space for each regular employee plus one space for each 250 square feet of floor space used for repair work.

603.2. Churches: One space for each four (4) seats.

603.3. Clubs and lodges: One space for each three hundred (300) square feet of floor space over one thousand square feet.

603.4. Dwellings: One space for each dwelling unit.

603.5. Funeral parlors: One space for each four (4) seats in the chapel.

603.6. Gasoline service stations and similar establishments: Two (2) spaces for each bay or similar facility plus one space for each employee.

603.7. Hospitals and nursing homes: One space for each two staff or visiting doctors plus one space for each two employees and one space for each four beds, computed on the largest number of employees on duty at any period of time.

603.8. Hotel: One space for each four (4) employees plus one space for each two (2) guest rooms.

603.9. Industry: One space for each three (3) employees, computed on the largest number of persons employed at any period during day or night.

603.10. Motels and tourist courts: One space for each four (4) employees plus one space for each accommodation.

603.11. Offices:

603.11.1. Medical - one space for each three hundred (300) square feet of floor space.

603.11.2. Other professional - one space for each four hundred (400) square feet of floor space.

603.11.3. General - one space for each four hundred (400) square feet of floor space.

603.12. Places of public assembly: One space for each four (4) seats in the principal assembly room or area.

603.13. Recreation and amusement areas without seating capacity: One space for each five (5) customers, computed on maximum service capacity.

603.14. Restaurants: One space for each four (4) employees, plus one space for each one hundred (100) square feet of floor space devoted to patron use.

603.15. Retail business and similar uses: One space for each two hundred (200) square feet of gross floor space.

603.16. Schools: One space for each faculty member, plus one space for each four (4) pupils except in elementary and junior high schools.

603.17. Mobile home parks: Shall meet the requirements of the Erwin Mobile Home Park Ordinance.

603.18. Wholesale business: One space for each three (3) employees based on maximum seasonal employment.

603.19. If off-street parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted, the Board of Zoning Appeals may permit such space to be provided on other off-street property provided such space lies within four hundred (400) feet of the main entrance to such principal use. Such vehicle parking space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

603.20. Extension of parking space into a residential district: Required parking space may extend up to 120 feet into a residential zoning district, provided that: (1) the parking space adjoins a commercial or industrial district; (2) has its only exit to or from upon the same street as the property in the commercial or industrial district from which it provides the required parking space; and (3) is separated from abutting properties in the residential district by a plant or fence buffer strip as determined by the building inspector.

603.21. Parking Spaces provided to meet the requirements of this section shall not be reduced in size or number, modified, eliminated, or assigned to another use at the same time, except as allowed by these regulations. The use of required parking for the display of equipment, material, or supplies, or for the sale, repair, or dismantling of vehicles shall not be permitted.

603.22. When calculations indicate a fraction of one (1) space is required, the following shall apply: for fractions from 0.01 to 0.49, provide no additional space; for fractions from 0.50 to 0.99, provide one (1) additional space.

603.23. For uses not specifically mentioned herein, off-street parking requirements shall be interpreted by the Board of Zoning Appeals based upon requirements for similar uses established herein or upon acceptable standards.

603.24. All space requirements which are based upon employment shall be computed on the basis of the greatest number of persons employed at any one period during the day or night.

604. Off Street Loading and Unloading Space. On every lot on which a business, trade, or industry use is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public street or alley:

604.1. Retail business: One space of at least 12 x 15 feet for each 3,000 square feet of floor area or part thereof.

604.2. Wholesale and industrial: One space of at least 12 x 50 feet for each 10,000 square feet of floor area or part thereof.

604.3. Terminals: Sufficient space to accommodate the maximum number of vehicles that will be stored and loading and unloading at the terminal at any one time.

605. Flood Protection. Refer to the Erwin Municipal Flood Plain Ordinance.

606. Planned Unit Development.

606.1. Purpose: The purpose of the Planned Unit Development (sometimes hereinafter referred to as PUD) is to provide the opportunities to create more desirable environments through the application of flexible and diversified land development standards under a comprehensive plan and program professionally prepared. The Planned Unit Development is intended to be used to encourage the application of new techniques and technology to community development which will result in superior living or development arrangements with lasting values. It is further intended to achieve economies in land development, maintenance, street systems, and utility networks while providing building groupings for privacy, usable attractive open spaces, safe circulations, and the general well-being of the inhabitants.

606.2. Location: A PUD may be located within any residential, commercial or industrial district provided that the density and use requirements of the district in which such a PUD is to be located are adhered to and provided that the PUD plan has been reviewed and recommended for approval by the Erwin Municipal Planning Commission.

606.3. Permitted uses in PUD's: Any use permitted in that district in which the PUD is to be located.

606.4. Height and Area Regulations: No building shall exceed three stories or thirty-five feet in height except that a conditional permit may be granted by the Board of Zoning Appeals for the construction of structures exceeding their limits provided the following conditions are met:

606.4.1. There is at least a six-inch water line serving the site.

606.4.2. Fire hydrants are installed so that all buildings can be reached with a 250-foot hose.

606.4.3. There is an internal fire protection system in each structure over three stories or thirty-five feet, which will meet all applicable ordinances as established in the Erwin Fire Code.

606.4.4. The structure shall be built of fire resistant material.

606.4.5. The stairwell doors shall be of fireproof construction and open directly out of the main hallway.

606.4.6. Exit lights shall be placed at all doors leading out of the buildings and at stairwells. All doors that are used as a means of egress from a building shall swing outward and shall be equipped with panic bars.

606.4.7. The total number of dwelling units may not exceed the density allowed in that district.

606.4.8. For every one foot of additional height over 35 feet, the structure shall be set back one additional foot from all property and/or building lines, as specified elsewhere in these regulations.

606.5. The minimum development site for a PUD shall be at least two (2) acres unless otherwise approved by the planning commission.

606.6. No free-standing building shall be closer than twenty (20) feet to any other free-standing building and no closer than twenty-five (25) feet to the exterior property line.

606.7. Off-street parking regulations: Off-street parking shall be provided on a site convenient to the building in accordance with the following requirements:

606.7.1. Residential

606.7.1.1. There shall be at least two spaces per dwelling unit for townhouses, duplexes, and single-family dwellings.

606.7.1.2. There shall be at least one and one-half (1-1/2) spaces per dwelling unit for apartment houses.

606.7.1.3. There shall be at least one space for each four seats in the main auditorium of churches and other public buildings.

606.7.1.4. Parking spaces for parks, playgrounds, and community buildings in the development may be required according to the design of the Planned Unit Development.

606.8. General Provisions:

606.8.1. Relationship to the Subdivision Regulations: The arrangement of public and common ways for pedestrian and vehicular circulation in relation to other existing or planned streets in the area and to the Major Thoroughfare Plan, Erwin, Tennessee, together with provisions for street improvements shall generally comply with standards set forth in the subdivision regulations. However, the uniqueness of each proposal for a planned unit development may require that specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs and other standards may be subject to modification from the specifications established in the subdivision regulations. Upon application by the landowner and good cause shown, the planning commission may permit changes or alterations of such standards which are consistent with the spirit and intent of this section. Modifications may be incorporated only with the approval of the planning commission as a part of its review of the development and granted as a variance in the preliminary approval of the subdivision plat which is concurrent with the final approval by the planning commission of the development plan.

606.8.2. Combination of Separate Types of Planned Unit Development: The Erwin Planning Commission may consider separate types of planned unit developments (such as residential and commercial planned unit development-general) within a consolidated development plan as a single administrative procedure provided the total tract is under single ownership of a landowner, as defined by this article and the land area is sufficient to comply with the separate requirements combined.

606.8.3. Development Standards and Site Improvements:

606.8.3.1. Minimum elevations: All lots shall have a building area above the 100-year flood stage as delineated on the maps and profiles drawn by the Department of Housing and Urban Development.

606.8.3.2. Streets may not be at an elevation less than one (1) foot below the flood level given above.

606.8.4. Site Improvements:

606.8.4.1. All dedicated public streets shall be constructed so as to conform with the intent of the Erwin Subdivision Regulations.

606.8.4.2. There shall be constructed sidewalks, or an equivalent paved internal pedestrian circulation system. The minimum width of such sidewalks shall be four feet.

606.8.4.3. Storm drainage structures shall be constructed in accordance with plans and specifications approved by the planning commission.

606.8.4.4. Any planned unit development to be constructed within Erwin shall be served by a sanitary sewer.

606.8.4.5. For the prevention of noise, improvement of visual character and a generally more pleasing environment adequate landscaping and screening shall be required by the planning commission and shown on the planned unit development plan.

606.8.4.6. Each PUD shall be limited to one major business sign and any number of small accessory business signs. All small accessory signs shall be a face sign attached to a building and shall not project above the building.

606.8.5. Building Construction: No multi-family structure in a PUD shall have more than four (4) continuous apartment units that are not separated by fire resistant construction.

606.8.6. Density: Areas designated for the site of schools, churches and other public buildings cannot be used when computing allowed densities. However, the open space around these sites can be so computed.

606.8.7. Open Space Requirements

606.8.7.1. Residential: On site usable recreation and open space shall be provided. Such areas shall be set aside for open space or recreation purposes only. It is intended to serve the residents of the PUD, and should therefore be easily accessible to them. If the PUD is to be of individually owned units, then this space shall be maintained in common ownership, established in the appropriate legal manner.

606.8.7.2. Commercial and industrial

606.8.7.2.1. Commercial and industrial Planned Unit Developments shall meet all open space requirements as established by this ordinance.

606.8.7.2.2. All open space shall be landscaped and all such landscaping shall be shown in the planned unit development plan.

606.8.7.3. Said open space shall be established in the appropriate legal manner and maintained in one of the following methods:

606.8.7.3.1. By the developer or management authority of the PUD;

606.8.7.3.2. By Homeowner's Association established by deed restrictions.

606.8.7.3.3. By the public if dedication of such open space is approved by the planning commission.

606.8.8 Staging

606.8.8.1. The applicant may elect to develop the site in successive stages in a manner indicated in the planned unit development plan; however, each such stage shall be substantially complete within itself.

606.8.8.2. The planning commission may require that development be done in stages if public facilities are not adequate to service the entire development initially.

606.8.9. Changes and Modifications

606.8.9.1. Major Changes: Major changes in the planned unit development after it has been adopted shall be considered the same as a new petition and shall be made in accordance with the procedures specified in Section 606.9.

606.8.9.2. Minor changes: Minor changes in the planned unit development plan may be approved by the planning commission provided that such changes:

606.8.9.2.1. Do not increase the densities;

606.8.9.2.2. Do not change the outside (exterior) boundaries;

606.8.9.2.3. Do not change any use;

606.8.9.2.4. Do not materially change the location or amount of land devoted to specific land uses;

606.8.9.2.5. Do not significantly change the exterior appearance from those shown on any plans which may be submitted or presented by the developers.

606.8.9.3. Minor changes may include, but are not limited to: minor shifting of the location of buildings, proposed streets, public or private ways, utility easements, parks or other public open spaces, or other features of the plan.

606.9. Application Procedure for Planned Unit Development: To obtain a Special Conditions Permit to develop a planned unit development, the developer shall submit a preliminary planned unit development plan to the Erwin Planning Commission for its review and approval. The preliminary PUD plan shall be drawn at a minimum scale of one inch equals one hundred feet and shall:

606.9.1. Define the location, size, accessibility, and existing zoning of the proposed site;

606.9.2. Indicate the surrounding type of development and land use;

606.9.3. Set forth the type of development proposed, the density of the proposed development, and the location of all structures, parking areas, and open space.

606.9.4. Show a plan for streets, thoroughfares, public utilities, school, and other public or community uses;

606.9.5. In addition to the above, the planning commission may require such other additional information as may be determined necessary to adequately review the proposed development.

606.9.6. No building permits shall be issued until after approval of both the final PUD plan and a preliminary subdivision plat for any portion of the property contained within the area encompassed by the final PUD plan which is to be subdivided. The building inspector shall revoke any permit issued in reliance upon said plan as finally approved at such time as it becomes obvious that such plan is not being complied with.

606.9.7. The final PUD plan shall conform to the preliminary PUD plan and shall include the following items, if applicable: such items, and in such format, as may be required according to procedures adopted and published by the Erwin Planning Commission.

606.9.8. Any special conditions permit shall expire twelve (12) months from and after its issuance if the development as planned has not been adhered to or is not being adhered to provided however, that for good cause shown said special conditions permit may be extended for additional periods not to exceed one (1) year.

607. Bed and Breakfast Facilities. A Bed and Breakfast Facility is allowed in all Zoning Districts as a permitted use, except the M-1 Zoning District, however the facility shall meet the minimum standards detailed below:

607.1. The house in which the Bed and Breakfast is to be located shall have a minimum of at least 1,800 square feet and must be owner/innkeeper occupied. The minimum lot size for the facility shall be 10,000 square feet except where a lot of record exists.

607.2. The serving of meals for compensation in the house is limited to breakfast for registered guests.

607.3. A minimum of one bathroom is to be provided for every two guest rooms. Bathrooms are to be located on the same floor. A bathroom is to be completed with a minimum of a bathtub or shower, one toilet and one sink.

607.4. There shall be no more than twelve (12) registered guests at any one time with guests staying not more than fourteen (14) days, and the owner/innkeeper shall keep a current guest register.

607.5. Each guest room is considered a single unit and is limited to two (2) adults per unit.

607.6. A buffer strip shall be required on any site plan adjacent to residential properties. A buffer strip shall be composed of plant material to provide an obscuring screen consisting of shrubs or trees spaced not more than five feet apart that will grow to at least five feet in width and six feet in height after one full growing season. Other material or method of screening than that outlined above may be approved by the Planning Commission.

607.7. No street parking will be permitted. Off-street parking consisting of one (1) space for the owner/innkeeper plus one (1) space for each guest room shall be provided.

607.8. Signs shall be limited to one sign not exceeding three square feet, which must be attached to the building.

607.9. The site plan for the facility must be reviewed and approved by the planning commission.

607.10. The facility must be reviewed and approved by the State Health Department and local Fire Marshal.

608. Site Plan Review. A site plan for **new construction**, excluding single family residential, shall be submitted to the Planning Commission prior to the issuance of a building permit in the following Zoning Districts: M-R, B-1, B-2, B-3, B-4, M-1, or multi-family and condominium developments and commercial uses, semi-private, and professional offices within a residential district.

A site plan shall contain and be subject to the following general provisions:

608.1. General Provisions

608.1.1. All site plans shall be prepared and certified by a licensed engineer, landscape architect, architect, and/or surveyor as may be appropriate, and in accordance with state law regarding the practice of these professions. Drawings shall be at a scale of not less than 1" = 20' for small tracts and 1" = 50' for large tracts.

608.1.2. All site plans shall show:

608.1.2.1. Topography of existing and finished grades.

608.1.2.2. Location of all land subject to flooding; including a flood zone certification stating zone, community number, panel number and date.

608.1.2.3. Dimensions and calls of all property lines.

608.1.2.4. North point, scale, acreage of site, and location map.

608.1.2.5. Location of all existing and proposed structures (including signs), street rights-of-way, sidewalks, easements, and covenants.

608.1.2.6. Dimensions of all existing and proposed structures, including height.

608.1.2.7. Plans for vehicular and pedestrian circulation, utilities, solid waste disposal, landscaping and open space, buffer strips, signs, off-street parking, traffic patterns, and storm water drainage.

608.2. Open Space and Landscaping Plan

To obtain sufficient space between uses and buildings for adequate light, air, privacy, and amenities, the following requirements for open space and landscaping are established:

608.2.1. Landscaping shall mean the planting of grass, trees, shrubs, or other comparable surface cover or decorative plazas and/or pools. Where existing landscape features exist at the site, all or part of such features may be used to meet the requirements of this section upon the approval of the Planning Commission.

608.2.2. All developments shall meet the minimum yard requirements as per the appropriate zone.

608.2.3. The space between a public street and parking areas shall be landscaped with berms and/or appropriate landscaping plants which shall be maintained in a healthy, growing condition through a permanent maintenance program.

608.2.4. Buffer Strip

A buffer strip shall be required on any site plan adjacent to residential properties. A buffer strip shall be composed of plant material to provide an obscuring screen consisting of shrubs spaced not more than five feet apart that will grow to at least five feet in width and six feet in height after one full growing season. Buffer strips shall be a minimum of ten feet in width and shall be landscaped with trees, shrubs, grass and in a manner as specified by the Planning Commission. Other material or method of screening than that outlined above may be approved by the Planning Commission. The type of buffer shall take into consideration all existing and proposed utilities (power, phone, cable, water, sewer, subsurface sewage disposal systems - septic systems, etc...)

608.3. Signs

Sign size and placement shall be governed by the provisions of the Town of Erwin Comprehensive Sign Ordinance.

608.4. Off-Street Parking and Access

The off-street parking; off-street loading and unloading; vision clearance; design, construction and maintenance of off-street parking and unloading; access control; points of ingress/egress, and driveways shall be developed in accordance with the provisions of Article VI, Sections 602, 603 and 604.

608.5. Waste Disposal

All waste disposal facilities are to be located to the rear of the development and shall be 100% screened by wood, vinyl, or solid brick walls, in such a way that they are not visible from any public street or adjoining properties. Any other type of alternative screening shall be approved by the Planning Commission.

608.6. Mechanical Equipment

All ground mounted mechanical equipment shall be screened from view from an arterial street by the use of walls, fences, or landscaping. All roof mounted mechanical equipment shall be properly screened to minimize visual impact, where such screening will be effective. Where screening will not be effective, the color of the equipment shall be the same as the building.

608.7. Service, Loading, and Equipment Storage Areas

Service areas, including storage, special equipment, maintenance, and loading areas, shall be 100% screened by wood, vinyl, or solid brick walls, in such a way that they are not visible from an arterial street. Any other type of alternative screening shall be approved by the Planning Commission.

608.8. Outdoor Storage and Sales of Merchandise

608.8.1. Outdoor storage shall only be permitted as an accessory use and shall be located behind the front building line and outside any required setback from an arterial street.

608.8.2. Outdoor sales of merchandise shall be permitted as an accessory use and shall be located outside the street right-of-way.

608.9. Utility Lines

All new utility lines and service lines should be placed underground where available, including, but not limited to, electric, telephone, and cable. Electric power lines in excess of 100 amps, 3 phase, 2500 KVA may be placed aboveground.

608.10. Lighting

Direct light and glare from lights can be both a hazard and a nuisance to drivers and neighboring residential development. Exterior lighting shall not emit any light above the roof line, nor project onto adjacent properties or streets. Searchlights, laser source lights, or any similar high intensity light for advertising purposes shall be prohibited.

The horizontal luminance standards established by this Code shall be observed during the design, construction, and subsequent modification of any fixture. Upon completion of construction, the developer shall be responsible for providing the Building Inspector with a final foot candle (fc) at all property lines to ensure lighting compliance.

Maximum Illumination Levels (fc)

Horizontal Illuminance

General site lighting, open parking facilities 15 fc

[City governmental activities and uses are exempt from these lighting requirements; however the City may choose to follow these requirements when necessary.]

608.11. Wireless Transmission Facilities

All Wireless Transmission Facilities shall be governed by the provisions of the Wireless Transmission Facilities Regulations of the Town of Erwin Zoning Ordinance.

608.12. Stormwater Drainage

A certified plan for stormwater drainage shall be included with the site plan, which identifies all easements, drainage structures, including sizes/capacities, and other pertinent information concerning the assumptions upon which the plan is based. The estimated stormwater runoff based on a 5, 10, and 25-year storm shall be calculated for pre-development and post-development. The amount of runoff shall not be increased, and shall be accommodated on site. A Notice of Intent and Notice of Coverage may be required to be submitted and approved by the Tennessee Department of Environment and Conservation (TDEC) prior to Planning Commission approval and the issuance of a building permit.

608.13. Expiration of Approved Site Plans

Approval of a site plan shall expire six (6) months after the date of its approval unless a building permit has been issued and substantial progress has been made toward completion of the project.

608.14. Additions to Existing Buildings

A site plan meeting all the requirements as set forth under the provisions of Section 608 of the Zoning Ordinance may be required by the Building Inspector based on the intensity of land disturbance activity if the new construction exceeds 25% of the total footprint of the existing building, or 25% of the impervious surface area at the project site.

608.15. Request for Variances

Variances to any provisions of the Site Plan Review regulations shall be heard and decided upon by the Board of Zoning Appeals. The reason for granting or denying any such variance(s) shall be written into the official minutes.

ARTICLE VII. PROVISIONS GOVERNING USE DISTRICTS

700. R-1A (Single Family) Residential District. It is the intent of this district to establish low-density residential areas along with open areas which appear likely to develop in a similar manner. The requirements for the district are designed to protect essential characteristics of the district, to promote and encourage an environment for family life and to prohibit all business activities. In order to achieve the intent of the R-1A (Single Family) Residential District, as shown on the Zoning Map of the Town of Erwin, Tennessee, the following uses are permitted:

700.1. One single family dwelling per individual lot, excluding mobile homes.

700.2. Customary home occupations provided that: There is no external evidence of the occupation except an announcement sign not more than two (2) square feet in area; that only one person, not a resident of the dwelling is employed; and not more than 25 percent of the total floor area of the dwelling is used.

701. R-1 (Low Density) Residential District. It is the intent of this district to establish low-density residential areas along with open areas which appear likely to develop in a similar manner. The requirements for the district are designed to protect essential characteristics of the district, to promote and encourage an environment for family life and to prohibit all business activities. In order to achieve the intent of the R-1 (Low Density) Residential District, as shown on the Zoning Map of the Town of Erwin, Tennessee, the following uses are permitted:

701.1. Single family dwellings excluding mobile homes.

701.2. Two family dwellings.

701.3. Customary general farming.

701.4. Customary home occupations provided that: There is no external evidence of the occupation except an announcement sign not more than two (2) square feet in area; that only one person, not a resident of the dwelling is employed; and not more than 25 percent of the total floor area of the dwelling is used.

701.5. Public owned buildings and uses, public and private schools offering general education, and churches provided that:

701.5.1. The location of these uses shall first be reviewed by the Erwin Planning Commission.

701.5.2. They meet any safeguards set forth in the review by the planning commission.

701.A. RC-1 (Low Density/Condominium) Residential District. It is the intent of this district to establish low-density residential areas which will provide for single and condominium units along with open areas. The requirements for the district are designed to protect essential characteristics of the district, to promote and encourage an environment for family life and to prohibit all business activities other than those specifically authorized herein. In order to achieve the intent of the RC-1 (Low Density/Condominium) residential district the following uses are permitted:

701.A.1. Any use permitted in the R-1 Residential District.

701.A.2. Condominiums, upon review and approval of the Erwin Planning Commission.

702. R-2 (Medium Density) Residential District. It is the intent of this district to provide for single family and multi-family dwellings; to encourage development and continued use of land for residential purposes; to prohibit land use for business and/or industrial activities and other land uses which would interfere with the residential character of the district. In order to achieve the intent of the R-2 (Medium Density) Residential District, as shown on the Zoning Map of the Town of Erwin, Tennessee, the following uses are permitted.

702.1. Any use permitted in the R-1 residential district.

702.2. Multiple family dwellings.

702.3. Mobile home parks are permitted provided that they meet requirements of the Erwin Mobile Home Park Ordinance.

703. R-3 (High Density) Residential District. It is the intent of this district to provide an area for single and multi-family dwellings, to encourage development and continued use of land for residential purposes; to prohibit land use for business and/or industrial activities and other land uses which would interfere with the residential character of the district. In order to achieve the intent of the R-3 (High Density) Residential District, as shown on the Zoning Map of the Town of Erwin, Tennessee, the following uses are permitted:

703.1. Any use permitted in R-2 Residential District.

703.2. Boarding or Rooming House: A Boarding or Rooming House shall be allowed in the R-3 (High Density) Residential Zone and shall meet the minimum standards detailed below:

703.2.1. The floor area used for the taking of boarders and tourists or the leasing of rooms by the owner of the premises may not exceed sixty (60) percent of the total floor area of the dwelling.

703.2.2. The premises used for a boarding or rooming house must be owner occupied.

703.2.3. A minimum of one bathroom is to be provided for every two guests. A bathroom is to be completed with a minimum of a bathtub or shower, one toilet and one sink.

703.2.4. There shall be no more than ten (10) registered guests at any one time with guests staying not more than thirty (30) days, and the owner shall keep a current guest register.

703.2.5. Each guest room is considered a single unit and is limited to two (2) adults per unit.

703.2.6. No street parking will be permitted. Off-street parking consisting of one (1) space for the owner plus one (1) space for each guest room shall be provided.

703.2.7. Signs shall be limited to one sign not exceeding three square feet, which must be attached to the building.

703.2.8. The site plan for the facility must be reviewed and approved by the planning commission.

703.2.9. The facility must be reviewed and approved by the State Health Department and local Fire Marshal.

703.A. M-R District (Medical) Residential. It is the intent of this district to provide an area for residential and medical facilities and to continue the use of land within this district for this purpose; to prohibit the use of land for business and/or industrial activities and other land use which would interfere with the character of this Medical Residential District, as shown on the Zoning Map of the Town of Erwin, Tennessee, the following uses are permitted:

703.A.1. Single-family dwellings, two-family dwellings, hospitals, medical and dental clinics, clinical laboratories, nursing homes, convalescent homes, drug stores, parking lots, office or studio of the following professional occupations: dentist, optometrist, osteopath and physician.

704. B-1 (Neighborhood) Business District. It is the intent of this district to establish business areas to serve the surrounding residential districts. The neighborhood business district is intended to discourage strip business development and to encourage the grouping of uses in which parking and traffic congestion is reduced to a minimum. In order to achieve the intent of the B-1 (Neighborhood) Business District, as shown on the Zoning Map of the Town of Erwin, Tennessee, the following uses are permitted:

704.1. Any use permitted in the R-2 (Medium Density) Residential District, except for mobile home parks, and the use shall meet the minimum density requirements of that District.

704.2. Shopping centers.

704.3. Grocery stores, drug stores, hardware stores, shoe repair shops, barber and beauty shops, laundromats, and laundry pick-up stations, restaurants, and similar uses.

704.4 Business signs provided that all signs, except one detached sign, shall be erected flat against front side of a building or within two feet (24 inches) thereof. All signs shall not project above buildings nor have flashing intermittent or moving illumination.

704.5. Gasoline service stations provided that all structures, including underground storage tanks, shall be placed not less than twenty (20) feet from all property lines. Points of ingress and egress shall not be less than fifteen (15) feet from intersection of street lines.

705. B-2 (Arterial) Business District. It is the intent of this district to establish business areas that encourage groupings of compatible business activities, reduce traffic congestion to a minimum and enhance the aesthetic atmosphere of the Town of Erwin.

705.1. Any use permitted within a B-1 Neighborhood Business District.

705.2. Hotels and motels

705.3. Auto and mobile home sales

705.4. Restaurants

705.5. Offices

705.6. Places of amusement and assembly

705.7. Funeral homes

705.8. Public and semi-public buildings and uses

705.9. Travel trailer parks

705.10. Lodges and clubs

705.11. Package stores.

705.12. Stores and Shops Conducting Retail Business

705.13. Business and Professional Services

706. B-3 (Central) Business District. It is the intent of this district to establish an area for concentrated general business and residential development that the general public requires. It is also the intent of this district to promote a walkable community that allows a mixed use of commercial and residential uses. The requirements are designed to protect the essential characteristics of the district by promotion of business and public uses which serve the general public and to discourage industrial and wholesale development which do not lend themselves to pedestrian traffic. In order to achieve the intent of the B-3 (Central) Business District, as shown on the Zoning Map of Erwin, Tennessee, the following uses are permitted:

706.1. Stores and shops conducting retail business.

706.2. Business and Professional services.

706.3. Public and semi-public buildings and uses provided that public and semi-public buildings and uses shall first be reviewed by the Erwin Planning Commission.

706.4. Business signs, parking lots and garages, and advertising signs.

706.5. Lodges and clubs, hotels and motels, and restaurants.

706.6. Single- or multi-family residences above the ground floor. The portion of the building to be used residentially shall conform to the building code and, in particular, all fire safety regulations will be followed.

706.7. Uses Permitted Upon Review of the Board of Zoning Appeals

706.7.1. Sidewalk Dining. Sidewalk dining is permitted on public sidewalks upon satisfaction of the guidelines provided herein and review by the Board of Zoning Appeals.

706.7.1.1. No sidewalk dining shall be permitted except for a restaurant. Restaurant shall be defined for the purposes of outdoor dining on public property as any building kept, used, maintained, advertised and held out to the public as a place where food is prepared and served to the general public;

706.7.1.2. Sidewalk dining includes the serving and consumption of both food and beverages within the permitted sidewalk dining area. The serving or consumption of food shall occur within the hours of operation, not to exceed 11:00 p.m. No alcohol shall be served, displayed, or consumed on the sidewalk at any time. No cooking or food preparation shall be conducted on the sidewalk at any time;

706.7.1.3. Sidewalk dining shall be permitted only along that length of sidewalk and/or public property immediately adjoining the building containing the

restaurant. A restaurant may also use the sidewalk and/or public property adjoining the length of an abutting building with that building owner's consent;

706.7.1.4. A four-foot unobstructed pedestrian way shall be maintained on all sidewalks at all times. The unobstructed pedestrian way shall be measured and maintained from the back of the curb toward the building along a line perpendicular to the building;

706.7.1.5. All outer boundaries of the permitted sidewalk dining area shall be clearly delineated. A scaled drawing of the proposed permitted sidewalk dining area shall be submitted with the special exception request;

706.7.1.6. The restaurant shall keep in full force and effect a minimum of \$1,000,000.00 commercial general liability insurance policy naming the Town of Erwin, Tennessee, as an additional insured and, at the time of renewal of the special exception, shall provide proof thereof to the City Recorder of the Town of Erwin, Tennessee;

706.7.1.7. Outside furniture shall be suitable for outdoor use and able to withstand the elements. Furniture shall not be attached, chained, or permanently placed within the right-of-way or on the sidewalk. No alterations or modifications of any kind, including but not limited to penetration of the sidewalk, shall be made to any part of the sidewalk or public right-of-way;

706.7.1.8. No table umbrellas shall be permitted that encroach into the four-foot unobstructed pedestrian way, as defined in Section 706.7.1.4, and all umbrellas shall be fastened to a secure base properly weighted to prevent the umbrella's movement; umbrellas shall not contain messages, symbols, or advertising in any form;

706.7.1.9. Any trash receptacles provided by the restaurant shall have the approval of the City Recorder or his/her designee;

706.7.1.10. The special exception granted herein shall be reviewed by the Board of Zoning Appeals at any time to assure continued compliance with the criteria set forth above. No special exception shall be considered to be permanent, and no special exception shall be considered as attached to, appurtenant to, or a part of the property to which it applies. The special exception shall, instead, be considered applicable only to the restaurant to which it is granted and only for so long as the restaurant is operating and in compliance with the criteria set forth above. A restaurant's failure to comply with any of the criteria set forth above or its failure to maintain furniture, umbrellas, and the premises in good condition and free of trash shall be cause for the Board of Zoning Appeals to revoke the special exception. Notwithstanding the date that a special exception is granted by the Board of Zoning Appeals, all permits are valid for one year and shall expire on June 30th of each year;

706.7.1.11. The restaurant shall provide any additional information required by the Board of Zoning Appeals to ensure compliance with these regulations.

706.7.2. Outdoor dining on other public property. In addition to the sidewalk adjoining a restaurant, dining on other public property may be permitted for restaurants by special exception if the following terms and conditions are met and satisfied and the Board of Zoning Appeals approves such requests:

706.7.2.1. Approval for outdoor dining use requires a yes/no recommendation from the City Recorder with a yes/no recommendation from the appropriate Town department responsible for maintenance and use of the public property;

706.7.2.2. Dining space shall not exceed 25 percent or 250 square feet whichever is less of the public property in question and shall adjoin the restaurant with an impervious surface;

706.7.2.3. The area of dining space shall be determined in a manner that does not impede, restrict, or otherwise diminish the use of the remaining public property, as determined by the appropriate city department; and

706.7.2.4. Special Exception approval shall require compliance with all applicable conditions for sidewalk dining.

707. B-4 (Intermediate) Business District. It is the intent of this district to establish an area adjacent to the B-3 (Central) Business District which will support those uses and to encourage commercial development to concentrate to the mutual advantage of consumers as well as to provide for transactions of the district, thereby strengthening the economic base and protecting public convenience. In order to achieve the intent of the B-4 (Intermediate) Business District, as shown on the Zoning Map of the Town of Erwin, Tennessee, the following uses are permitted.

707.1. Any use permitted as of right or upon review in B-3 Central Business District.

707.2. Any use permitted in the R-3 (High Density) Residential District, except for mobile home parks, and the use shall meet the minimum density requirements of that District.

707.3. Hospitals and nursing homes.

707.4. Places of amusement and assembly.

708. M-1 (Industrial) District. It is the intent of this district to establish industrial areas along with open areas which will likely develop in a similar manner. The requirements established in the district regulations are designed to protect the essential characteristics, to promote and encourage industrial, wholesaling and business uses and to discourage

residential development. Also included in this district are other uses that are deemed suitable to the M-1 District as determined by the Planning Commission. In order to achieve the intent of the M-1 (Industrial) District, as shown on the Zoning Map of the Town of Erwin, Tennessee, the following uses are permitted:

708.1. Any use permitted in business districts except residences, mobile home parks, and outdoor dining on sidewalks and other public areas.

708.2. Terminals

708.3. Wholesale business

708.4. Warehouses

708.5. Storage yards and buildings, and similar uses.

708.6. Any industry which does not cause injurious or obnoxious noise, fire hazards or other objectionable conditions as determined by the Planning Commission with input as requested from the building inspector, fire chief, and/or police chief.

708.6.1. No yard will be required for that part of the lot which fronts on a railroad siding.

708.6.2. On lots that abut a residential district, the Erwin Planning Commission may require all buildings and improvements be properly screened and shall be located so as to comply with the side yard requirements of the adjacent residential district.

708.6.3. Installation essential to the business operation shall be set back from the street or alley so that services rendered by the business will not obstruct a public way.

708.7. Package stores.

708.8. Uses Permitted Upon Review

708.8.1. Methadone Treatment Clinic or Facility or Substance Abuse Treatment Facility

708.8.1.1. The consideration for approval by the Planning Commission of a methadone treatment clinic or facility or a Substance Abuse Treatment Facility shall be contingent upon the receipt of the appropriate license and certificate of need by the State of Tennessee.

708.8.1.2. Maps showing existing land use and zoning within one-quarter (1/4) mile of the proposed site should be submitted with an application for Use on

Review approval along with the license of the applicant, certificate of need, site plan, survey or other information deemed reasonable by the Planning Commission for use in making a thorough evaluation of the proposal.

708.8.1.3. Measurement shall be made in a straight line on the Erwin Zoning Map from the nearest property line of the lot on which the methadone treatment clinic or facility or Substance Abuse Treatment Facility is situated to the nearest property line of the following uses:

708.8.1.1.1. The clinic or facility shall not be located within one thousand (1,000) feet of a school, day care facility, park, church, synagogue, mosque, mortuary or hospital.

708.8.1.1.2. The clinic or facility shall not be located within one thousand (1,000) feet of any establishment that sells alcoholic beverages for either on or off premises consumption.

708.8.1.1.3. The clinic or facility shall not be located within one thousand (1,000) feet of any area devoted to public recreation activity.

708.8.1.1.4. The clinic or facility shall not be located within one thousand (1,000) feet of any amusement catering to family entertainment.

708.8.1.1.5. The site shall not be less than one thousand (1,000) feet of any R-1, R-2, R-3 or RC-1 zoned property at the time of approval.

708.8.1.1.6. The site shall not be less than one-half (1/2) mile from any other methadone treatment clinic or facility or Substance Abuse Treatment Facility.

708.9. Requirements for Buffering or Screening. Buffering and/or Screening shall be determined by the Planning Commission on all uses within this District, which includes (1) any new and/or expanding uses(s) and (2) expansions of an existing use through the acquisition of additional land.

708.9.1. A buffer strip and/or screening shall be required for any uses within this District. A buffer strip shall be composed of plant material to provide an obscuring screen consisting of shrubs or trees spaced not more than five foot (5') apart that will grow to at least five foot (5') in width and six foot (6') in height after one full growing season. Screening shall consist of a six foot (6') solid visual barrier fence for all frontage along a public street, and visual areas from the street, or adjacent to residential properties. Other material or method screening than that outlines above may be approved by the Planning Commission.

709. DO, Downtown Overlay. The purpose of the Downtown Overlay is to maintain and improve the character of Downtown Erwin and to protect the significant investments of time and resources by public and private entities in revitalizing the Downtown. The document, **Erwin Design Guidelines**, is adopted, as Appendix D, in its entirety to regulate development within this district and shall become a part of this ordinance.

710. Corridor Overlay Districts

INTENT:

The purpose of this overlay district is to establish higher environmental, aesthetic and design standards for designated areas of Erwin that includes properties visible from specified streets. Building walls should reflect and complement the traditional materials and construction techniques of the town of Erwin. They should express the construction techniques and structural constraints of traditional, long-lasting, building materials. Because these standards shall apply without regard to the underlying use of the land, they are created in a special overlay district which can be applied over any zoning district located along a designated street as identified on the overlay district map. The specified streets include 2nd Street / Jonesborough Road, N Industrial Drive, S Industrial Drive, Main Street, Rock Creek Road to Jackson Street (B-2 area only), Harris Hollow Road, Jackson Love Highway to Mohawk Drive, Carolina Avenue, Jackson Love Highway to Temple Hill Road, and Temple Hill Rd.

APPLICABILITY:

The Design Overlay District shall be in effect in all zoning districts along designated streets. The district as measured is one parcel deep from each side of the designated street. Any parcel having area within the overlay is subject to these requirements. As an overlay, this district is applied in addition to those standards of the underlying district. Any developments within the geographic limits of this district shall conform to the requirements of both districts or the more restrictive of the two. Single-family and two-family land uses shall be exempt from the provisions of this overlay.

DEVELOPMENT STANDARDS:

In the DO district, architectural building elements and/or elevations shall be submitted in conjunction with plans for site plan approval depicting sufficient detail to determine conformance with this district.

The following standards and guidelines shall apply to all development, construction, reconstruction, or alteration:

Utilities:

All new utility lines, including, but not limited to, electric, telephone, and TV cable, shall be placed underground. With exception for electric power lines in excess of 100 amp, 3 phase, 2500 KVA, which may be placed aboveground.

Mechanical Equipment:

Ground-mounted mechanical equipment shall not be located in the front yard. All ground-mounted mechanical equipment shall be screened from view from the designated street by the use of walls, fences, or landscaping. All roof-mounted

mechanical equipment shall be properly screened to minimize visual impact from the designated street, where such screening will be effective. Where screening will not be effective, the color of the equipment shall be the same as or complementary to the building.

Building Facades:

Buildings shall be designed and constructed to avoid lengthy, unbroken facades with no scale, detailing, or fenestration. Examples of architectural details include: recessed or articulated wall surfaces; columns and beams; windows and other openings that reflect and enhance the character and style of the building; and defined rooflines. The use of sloped roofs in combination with flat roofs, may be used to vary the building profile and to provide equipment screening.

Exterior building materials that are prohibited, when visible from the designated roadway or abutting residential development, include: corrugated metal siding; vinyl siding; and unpainted concrete block.

A minimum of seventy-five percent (75%) of every exterior building wall, excluding glass, that is visible from a public right-of-way or an abutting residential development shall be comprised from the following materials: natural clay brick; and/or natural quarried stone products. Secondary façade materials, which may be used up to twenty percent (20%) on exterior building walls include: hard-coat stucco; concrete materials (not limited to architectural split-face block, tilt-up concrete, or precast concrete); synthetic stucco (EIFS); fiber-cement siding; and/or other materials as approved by the Development Services Director, or his/her designee. Painted smooth-faced concrete block, wood, architectural metal, and/or other materials differing from those used as primary and secondary materials may be utilized, in an amount not to exceed five percent (5%).

Service, Loading, and Equipment Storage Areas:

Service areas, including storage, special equipment, maintenance, and loading areas, shall be screened so as to minimize visibility from the loading areas, shall be screened so as to minimize visibility from the designated roadway or abutting residential development. Refuse collection areas shall be located in the side or rear yard and shall be screened so as to minimize visibility. If architectural elements are employed for screening, they shall be of the same building materials as the principal structure.

Signage:

All signage located within this overlay shall comply with the requirements of the underlying zoning unless modified below.

No freestanding or development identification sign shall exceed thirty (30) feet in height as measured from the surface grade at the base of the sign or from the surface grade of the highway to which this overlay is applied. The surface grade of the designated highway shall be measured from the centerline of the travel lane closest to the sign. No freestanding sign or development identification sign shall exceed two hundred (200) square feet in sign area. If the distance from the outside driving lane of

the adjacent right-of-way to the property line is greater than sixty (60) feet, then the setback for a permitted freestanding or development identification sign may be reduced to ten (10) feet.

Parking:

A landscaped pedestrian way, a minimum of five (5) feet in width, is encouraged to be provided between the rows of parking that lead into the primary customer entrance(s) of the business establishment. Parking shall not encroach into the pedestrian way.

Lighting:

Direct light and glare from lights can be both a hazard and a nuisance to drivers and neighboring residential development. Exterior lighting shall not emit any light above a horizontal plane. Searchlights, laser source lights, or any similar high intensity light for advertising purposes shall be prohibited. The maximum height of lights not located in the public right-of-way shall be thirty-five (35) feet.

PROHIBITED USES:

The following uses shall be prohibited in the DO district:

- A. Adult-oriented businesses;
- B. Transmission tower structures;
- C. Auto repair, as a primary use;
- D. Mobile home sales; and
- E. Self service storage, as a primary use; and
- F. Salvage and/or junk yards.

GREENWAYS:

At the time of subdivision or development, whichever comes first, all parcels which abut a flood zone shall provide a drainage and transportation easement of up to fifteen (15) feet in the flood zone to ensure the continued safe flow and unimpeded access.

DRAINAGE AND EROSION CONTROL:

The construction of storm sewers and storm waste management systems shall be in accordance with the Erwin Public Works Department's standards of latest issue. Reseeding or sodding any cleared or graded site shall be required where no building activity has occurred within a three (3) month period. Additional reseeding or sodding will be required in the event the initial application(s) are unsuccessful.

REHABILITATION AND IMPROVEMENTS TO EXISTING BUILDINGS AND SITES

As buildings and sites are renovated, updated and improved over time, it is the desire of the town of Erwin that these sites and buildings be updated to comply with the current Design Overlay District. The use of high quality materials for such renovations should be used. Deteriorated materials should be removed.

Any change to the exterior of a building or site where a Site Plan is required to be submitted and approved by the Municipal Planning Commission shall require approval

from the Design Review Committee. The following categories of changes to the exterior of a building or site may be approved by City Staff if it is of the opinion of City Staff that such changes are in conformity with current Design Review Committee guidelines and such changes will not interfere with the character of the area where such changes are proposed:

1. Replacement of existing materials with the same, including materials, design and color.
2. Repainting or re-roofing.
3. Repair or replacement of items with similar material and color.
4. Replacement of windows with the same design and color.

Appeals by the property owners will come before the Planning Commission for review. Applicants are encouraged to work closely with the Erwin building inspector to review existing and proposed conditions of a building or developed site to determine the best alternatives. In lieu of an opinion by City Staff, an applicant of any change to the exterior of a building or site may request to appear before the Design Review Committee.

ARTICLE VIII. AREA, YARD, AND HEIGHT REQUIREMENTS

801. These requirements are to include all roof lines, porches, garages, and carports.

MINIMUM LOT SIZE, SQ. FT.			
District	Area in Sq. Ft.	Per Additional Family	Lot Width at Building Site (ft.)
R-1A	9,000		50
R-1	15,000	7,500	75
R-2	7,500	2,500	50
RC-1	13,000	6,000	65
R-3	5,000	2,500	50
M-R	15,000	7,500	75
B-1			
B-2			
B-3			
B-4			
M-1			

MINIMUM YARD REQUIREMENTS FROM PROPERTY LINES				MAXIMUM HEIGHT OF STRUCTURES	BUILDING AREA
District	Front	Side (Each Side)	Rear	Feet	Percent
R-1A	25	8	30	30	
R-1	30	10	30	35	35
R-2	25	8	30	35	30
RC-1	25	10	30	35	35

R-3	25	8	30		
M-R	30	10	30	35	30
B-1	30	10	25	35	
B-2	30	10	25	35	
B-3				35	
B-4	20	10	25	35	
M-1	20	10	20	75	

ARTICLE IX. EXCEPTIONS AND MODIFICATIONS

901. Lot of Record. Where the owner of a lot consisting of one or more adjacent lots of official record at the time does not own sufficient land to enable conformance to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance, in accordance with variance provisions established by this ordinance. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the Board of Zoning Appeals.

902. Adjoining and Vacant Lots of Record. A plat of land consisting of one or more adjacent lots with continuous frontage in single ownership which individually are less than lot widths required by this ordinance, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in one ownership shall be subjected to the requirements of this ordinance.

903. Front Yards. The front yard requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots, located within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing front yard depths on the developed lots.

904. Group Housing Projects. In the case of a group housing project or two or more buildings to be constructed on a plot of ground of at least one (1) acre not subdivided into the customary streets and lots, and which will not be so subdivided. Group housing projects may be allowed upon review and approval by the Erwin Planning Commission provided that the following are met:

904.1. A site plan showing the location of proposed buildings, roads, drives, parking, utilities, drainage, and any other information necessary for review must be presented to the Planning Commission.

904.2. In no case shall the Planning Commission approve a use prohibited or a smaller lot area per family than the minimum required or a greater height, or a larger lot coverage than permitted in the district where the project is located.

904.3. A minimum of three (3) units and a maximum of eight (8) units per building shall be required.

904.4. The setbacks between dwelling unit groups shall be a minimum of twenty (20) feet and meet the provisions of the Erwin Zoning Ordinance, Article VIII, Area, Yard, and Height Requirements, Section 801.

904.5. Corner lots shall meet the provisions of the Erwin Zoning Ordinance, Article V, Application of Regulations, Section 503.

904.6. All common driveways and parking areas for group housing projects must be paved with hot asphalt or concrete pavement prior to final approval.

904.7. A plat for the conversion of rental units to condominiums must meet the provisions of the Erwin Zoning Ordinance, Article III, Definitions, Section 306.1.

904.8. Where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual building units in such housing projects, a special exception to the terms of this ordinance may be made by the Board of Zoning Appeals in a manner that will be in harmony with the character of occupancy and an intensity of land use no higher and a standard of open space no lower than that permitted by this ordinance in the district in which the project is to be located. However, in no case shall the Board of Zoning Appeals authorize a use prohibited in the district in which the project is located, or a smaller lot area per family than the minimum required in such district, or a greater height, or a larger coverage than the requirements of this ordinance permit in such a district.

905. Exception on Height Limits. The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, mast and aerials.

ARTICLE X. ENFORCEMENT

1001. Enforcing Officer. The provisions of this ordinance shall be administered and enforced by the municipal building inspector. This official shall have the right to enter upon any premises necessary to carry out his duties in the enforcement of this ordinance.

1002. Building Permit Required. It shall be unlawful to commence the excavation for or the construction of any building including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings, until the building inspector has issued for such work a building permit including a statement that the plans, specifications and intended use of such building in all respects conform with the provisions of this ordinance. Application for a building permit shall be made to the building inspector.

1003. Issuance of Building Permit. In applying to the building inspector for a building permit, the applicant shall submit a dimensioned sketch or scale plan indicating the shape, size, height, and location of all buildings to be erected, altered or moved, and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the building inspector. For determining whether the provisions of this ordinance are being observed. If the proposed excavation of construction as set forth in the application is in conformance with the provisions of this ordinance, the building inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the building inspector shall state such refusal in writing with cause.

1004. Certificate of Occupancy. Upon the completion of the construction or alteration of a building or structure for which a building permit has been granted, application shall be made to the building inspector for a certificate of occupancy. Within three days of such application, the building inspector shall make a final inspection of the property in question, and shall issue a certificate of occupancy if the building or structure is found to conform to the provisions of the ordinance and the statements made in the application for the building permit. If such a certificate is refused, the building inspector shall state such refusal in writing, with the cause. No land or building hereafter erected or altered in its use, shall be used until such a certificate of occupancy has been granted.

1005. Penalties. Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense.

1006. Remedies. In case any building or structure is erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, the building inspector or any other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies may institute injunction, mandamus or other appropriate action in proceeding to prevent the occupancy of such building.

ARTICLE XI. BOARD OF ZONING APPEALS

1101. Creation and Appointment. A Board of Zoning Appeals is hereby established in accordance with Section 13-7-205, Tennessee Code Annotated, Volume 3, same being Section 5, Chapter 44 of Public Acts of Tennessee of 1935. The Erwin Municipal Planning Commission is hereby designated as the Board of Zoning Appeals and the terms of the members of the Board of Zoning Appeals shall be concurrent with the terms of the members of the Erwin Municipal Planning Commission.

1102. Procedure. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman or by a majority of the membership and at such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, justify or explain its action, and shall keep records of its examinations and of other official action, all of which shall be immediately filed in the office of the board and shall be a public record.

1103. Appeals: How Taken. An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the building inspector based in the whole or part on provisions of this ordinance. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the building inspector and with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The building inspector shall transmit forthwith to the board all papers constituting the record upon which the action appealed was taken. The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney.

1104. Powers. The Board of Zoning Appeals shall have the following powers:

1104.1. Administrative review. To hear and decide appeals where it is alleged by the appellant that there is error in any order requirement, permit, decision, determination or refusal made by the building inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance.

1104.2. Special exceptions. To hear and decide special exceptions to this ordinance as set forth in Article IX.

1104.3. Variance. To hear and decide applications for variance from the terms of this ordinance, but only where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the adoption of this ordinance was a lot of record; or where by reason of exceptional topographical conditions or other extraordinary or exceptional situations or conditions of a piece of property, the strict application of the provisions of this ordinance would result in exceptional practical

difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance. In granting a variance, the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this ordinance. Before any variance is granted it shall be shown that special circumstances are attached to the property which do not generally apply to other property in the neighborhood.

1105. Action of the Board of Zoning Appeals. In exercising the aforementioned powers, the Board of Zoning Appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all powers of the building inspector. The concurring vote of a majority of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to authorize any variance from the terms of this ordinance.

ARTICLE XII. AMENDMENT

1201. Procedure. The board of mayor and aldermen may amend the regulations, restrictions, boundaries, or any provision of this ordinance. Any member of the town board may introduce such amendment, or any official, board or any other person may present a petition to the board of mayor and aldermen requesting an amendment or amendments to this ordinance.

1201.1. Application and Fee. Citizens wishing to have the ordinance amended shall file an application according to the regulations of the planning commission. To partially defray the administrative cost and cost of giving public notice, the applicant shall pay a filing fee to the Town of Erwin of twenty-five (25.00) dollars when requesting an amendment to the zoning map and fifteen (\$15.00) dollars when requesting an amendment to the text of this ordinance.

1201.2. Notice to Property Owners. The persons requesting the rezoning must submit to the planning commission letters addressed to each property owner and resident within two hundred (200) feet of the property in question containing information adequate to notify such owners and residents of the intention to rezone the area for which the application is submitted and when and where a public hearing will be held before the planning commission. Such letters should be placed in unsealed, stamped and addressed envelopes ready for mailing by the planning commission. The return address of the planning commission must appear on the envelope, and a list of all persons to whom letters are sent must accompany the application.

1202. Approval by Planning Commission. No such amendment shall become effective unless the same be first submitted for approval, disapproval or suggestions to the planning commission. If the planning commission within thirty (30) days disapproves, after such submission, it shall require the favorable vote of the majority of the entire membership of the town board to become effective. If the planning commission neither approves nor disapproves such proposed amendment within forty-five (45) days after such submission, the action of such amendment by said board shall be deemed favorable.

1203. Introduction of Amendment. Upon the introduction of an amendment to this ordinance or upon the receipt of a petition to amend this ordinance, the board of mayor and aldermen shall publish a notice of such request for an amendment, together with the notice of time set for hearing by the board of mayor and aldermen on the requested change. Said notice shall be published in some newspaper of general circulation in the Town of Erwin, Tennessee. Said hearing by the board of mayor and aldermen shall take place not sooner than fifteen (15) days after the date of publication of such notice.

ARTICLE XIII. LEGAL STATUS PROVISIONS

1301. Conflict with Other Ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Erwin, the most restrictive shall in all cases apply.

1302. Validity. If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

1303. Effective Date. This ordinance shall take affect and be in force fifteen (15) days from and after its passage, the public welfare demanding it.

Certified by Planning Commission

Passed on first reading

Passed on second reading

Approved and signed in open meeting

Adoption Date: _____

Amended Date: _____

ARTICLE XIV. COMPREHENSIVE SIGN ORDINANCE

1400. Definitions. The following words shall, for the purpose of this ordinance have the meaning herein indicated.

- a. Animated (moving) Sign: A sign that (1) uses movement or lighting change to depict action or create special effects or scenes, or (2) flashes, moves, rotates, blinks, flickers, varies in intensity, varies in color, or uses intermittent electrical pulsations.
- b. Billboard: An off-premises outdoor sign which has a flat surface sign space upon which a message, commercial or otherwise, may be posted, painted, or affixed, and which is designed for the rental or lease of such sign space for advertising not relating to the use of the property upon which the sign exists.
- c. Construction Sign: A sign identifying a construction project which may include the project lender, architect, contractor, subcontractor, and material supplier participating in construction on the property on which the sign is located.
- d. Directory Sign: A sign that identifies the names and locations of tenants in a multi-tenant building or in a development made up of a group of buildings.
- e. Electronic Reader Board Sign: A sign with a fixed or changing message composed of a series of lights that may be changed manually or electronically, the message changing at intervals of not less than fifteen (15) seconds, the message being limited to alphabetic, numerical and punctuation, and advertising a product and/or price located on-premise. For the purpose of this sign ordinance, an electronic reader board sign shall not be animated, flashing, scrolling, or change physical position by any movement or rotation or that gives the visual impression of such movement.
- f. Home Occupation Announcement Sign: A sign not larger than two (2) square feet in area, mounted directly on the home, advertising the home occupation.
- g. Monument Sign: A freestanding sign attached to the ground, which incorporates a design and materials complimentary to the architectural theme of the building on the same property. A monument sign is not mounted on a pole or brace, and does not exceed ten feet in height.
- h. Overhanging Sign: A sign that projects over a street or sidewalk.
- i. Permanent Sign: A sign set on its own foundation, sunk into the ground, or permanently fastened to, or painted on a permanent structure.
- j. Political Sign: A sign advertising a candidate or candidates for public elective office, or a political party, or a sign urging a particular vote on a public issue decided by ballot in connection with a local, state, or national election or referendum.

k. Portable Sign: Means any sign that is intended for temporary use and a limited period as allowed by this ordinance, which include sandwich board signs.

l. Real Estate Sign: A sign advertising for the sale, lease, or rental of the property upon which it is affixed.

m. Roof Sign: A sign installed upon or over the roof of any building with the principal sign support on the roof structure.

n. Sandwich Board Sign: Is a double faced temporary sign constructed of two sign faces which are hinged at the top, and open at the base.

o. Sign: A device or fixture, including its structures and component parts, which incorporates graphics, symbols, or written copy visible to the public, that is intended for the communication of information.

p. Spectacular Sign: A balloon or blimp used as sign.

q. Temporary Special Event Sign: A sign which announces a special event sponsored by a civic, philanthropic, educational, or religious organization.

r. Unsafe Sign: An improperly constructed, installed, or maintained sign that is, in the opinion of the Building Inspector, a safety hazard.

1401. No sign over 4 square feet in size shall be painted, constructed, erected, remodeled, relocated or expanded without first submitting a drawing showing sign dimensions, etc., and the area in which the sign is to be located and obtaining a permit from the office of the Town of Erwin Building Inspector in accordance with the provisions of this chapter, and the Erwin Tennessee, Zoning Ordinance and Erwin Municipal Code.

1402. When any sign becomes insecure, in danger of falling, or otherwise unsafe, or if any sign shall be unlawfully installed, erected or maintained in violation of any provisions of the International Building Code or applicable Electrical Code, the owner, person, or firm maintaining the sign, upon written notice of the building inspector, shall within not more than ten (10) days make such sign conform to the provisions of the ordinance or remove it.

1403. This ordinance authorizes the use of signs visible from public rights of way provided the signs are: (1) compatible with their surroundings, pursuant to the objectives of proper design and zoning amenities; (2) allowing and promoting optimum conditions for meeting the sign user's needs while at the same time promoting the amenable environment desired by the general public; (3) designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety; (4) legible, readable and visible in the circumstances in which they are used; and (5) respectful of the reasonable rights of other advertisers whose messages are displayed.

1404. No sign may be so arranged that it interferes with traffic, through glare, through blocking of reasonable sight lines for streets, sidewalks or driveways, through confusion with a traffic control device (by reason of its color, location, shape or other characteristics) or through any other means. Rotation beacons or flashing signs are prohibited except for barber poles

1405. Any portion of a sign or a pole or standard for such sign which is in contact with the ground shall be located within the lot lines of the property and maintain a five (5) foot setback within the property lines.

1406. No signs shall be placed on publicly owned property, public right of way or utility poles.

1407. Prohibited Signs: **Except** as may be authorized by this ordinance, the following signs shall be prohibited in all zoning districts, and shall not be erected or maintained.

- a. Billboard signs.
- b. Signs that advertise a product, service, or other business not physically situated on the same premises as the sign.
- c. Any sign which is constructed of wood, Masonite, plywood and other porous material of non-permanent nature subject to deterioration, unless procedures have been taken to prevent such deterioration and approval granted by the Building Inspector.
- d. Signs which are not securely affixed to the ground or otherwise affixed in a permanent manner to an approved supporting structure.
- e. Signs in any residential district which are internally illuminated.
- f. Roof signs which are not an integral part of the building design.
- g. Portable signs.
- h. Spectacular signs.
- i. Any sign which moves or assumes any motion constituting a non-stationary or fixed condition except for the rotation of barber poles, permissible changing signs or permissible multi-prism units. Indexing multi-prism units must not exceed a speed of two complete revolutions every twenty seconds. This is not meant to prohibit any form of vehicular signage such as a sign attached to a bus or lettered on a motored vehicle.

j. Any sign which constitutes a traffic hazard, as determined by the building inspector. No sign or revolving beam or beacon of light shall be erected at any location where by reason of position, shape, color, type, illumination, or reflectance, it may interfere with, obstruct the view of, or be confused with, any authorized traffic sign, signal, or devise.

1408. Overhanging signs referring to businesses operated on the premises are permitted, provided that any such sign shall not be allowed to protrude more than two feet from the building front, and shall not exceed one (1) square foot for each front foot of that business store front, up to a maximum of one hundred (100) square feet.

1409. Any advertising structure or sign which was lawfully erected and maintained prior to the adoption of this ordinance shall be allowed to remain as a nonconforming sign, provided:

- a. Any sign damaged to the extent of more than fifty (50) percent of its appraised value as determined by the building inspector shall be removed.
- b. The use of a nonconforming sign shall not continue upon change of use.
- c. Any nonconforming sign located at a business in continual use shall not be allowed to be changed in any manner other than to provide for safety precautions or unless in conformance with the provisions found within Tennessee Code Annotated 13-7-208.

1410. A building permit is required for the following signs:

- a. residential subdivisions and PUD's (including multi-family developments and mobile home parks) one (1) permanent identification/entrance sign, not to exceed twenty-four (24) square feet in area nor eight (8) feet in height, is permitted.
- b. Signs advertising public and semi-public buildings and professional offices: Such signs may be attached or detached, no larger than 24 square feet in area, not internally illuminated, and not exceed eight (8) feet in height.

1411. Zoning Districts Sign Requirements: All zoning districts unless otherwise written must also adhere to the general provisions of the sign ordinance:

- a. R-1, R-2, RC-1, R-3: No permit is required for these signs:
 - 1. Home occupation announcement sign not more than two (2) square feet in area and mounted directly on the home.

2. Political Campaign Signs: Each sign not to exceed nine (9) square feet in residential districts or thirty-two (32) square feet in all other districts, may be erected on private property during an election year no more than 45 days prior to the election. All campaign signs shall be removed by the property owner within seven (7) days after the results of an election are certified.

3. Temporary Special Event Signs: Signs not exceeding nine (9) square feet in residential districts or thirty-two (32) square feet in all other districts, which announce a special event sponsored by a civic, philanthropic, educational, or religious organization may be erected on private property no more than thirty (30) days prior to the event and removed by the property owner within seven (7) days of the conclusion of an event. Special exceptions to allow more time may be granted by the planning commission when, in the opinion of the planning commission, the request is deemed reasonable and can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance

4. Real Estate Sale/Lease signs: Signs up to a total area of nine (9) square feet in residential zones or up to total area of thirty-two (32) square feet in commercial and industrial zones, advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed. Such signs shall be removed within seven (7) days of the sale, rental or lease.

5. Construction Site signs: One sign noting construction information and trades shall be permitted for each side that faces upon a public right-of-way. The maximum size shall be nine (9) square feet in residential districts or thirty-two (32) square feet in all other districts. The signs shall be allowed only until the project is complete and shall be removed prior to issuance of a certificate of occupancy.

6. No other signs are authorized in residential districts.

b. M-R District:

1. Any sign permitted in residential districts.

2. One (1) permanent identification/entrance sign, not to exceed twenty-four (24) square feet in area nor eight (8) feet in height, is permitted.

c. B-1, B-2, B-3, B-4, M-1 Districts:

1. Any sign permitted in residential districts.

2. No part of any sign shall exceed twenty (20) feet in height.

3. The announcement portion of all permanent signs other than monument signs shall be located at least nine (9) feet above the ground. Signs above a driveway shall have a minimum clearance of fifteen (15) feet. Monument signs will be allowed only when advertising along a road with a posted speed limit of 30 miles per hour or less.
4. Single Tenant Signs: One (1) detached sign with a maximum of one hundred fifty (150) square feet is allowed. Attached signs must be located flat against the building or within twenty-four (24) inches thereof. Attached signs shall not project above the building. Attached signs shall be limited to one (1) square foot of area per linear foot of wall, which faces a public street or customer parking area, not to exceed two hundred (200) square feet.
5. Multiple Tenant Signs: Only one (1) major directory sign is allowed for multiple-tenant complex (for example, a shopping center.) The sign must be located on the same real estate tract as the business complex and may advertise only businesses physically located in the complex. This detached sign shall not exceed one hundred fifty (150) square feet. Each business within such complex shall be limited to one (1) wall sign containing no more than one (1) square foot of area per linear foot of wall, which faces a public street or customer parking area, not to exceed two hundred (200) square feet.
6. Portable signs are permitted under the following conditions:
 1. Allowed in all commercial zoning districts.
 2. Allowed only during business hours.
 3. Where as a zoning district does not have established zoning setbacks, a portable sign may be located on a sidewalk.
 4. Where as a zoning district does have established zoning setbacks, a portable sign shall be located on private property.
 5. The sign shall **NOT** exceed a maximum width of thirty (30) inches.
 6. The sign shall **NOT** exceed a maximum height of five (5) feet.
 7. The sign shall be constructed in such a manner as to be impervious to weather.
 8. The sign shall be static (i.e. – no movement shall be employed in the sign).
 9. The sign shall **NOT** include lighting, illumination, flashing, or blinking.
 10. The sign shall be constructed or anchored to prevent movement of the sign by the wind, except that an anchoring shall not be permanent and shall not damage the property on which the sign is placed.
 11. No portable sign authorized may be placed to cause a site distance problem, obstruction or a hazard.
 12. A limit of one (1) portable sign shall be permitted per tenant at each road frontage.

d. B-2, B-4, M-1 Districts:

1. Electronic Reader Board Signs permitted in the B-2, B-4 and M-1 Districts on condition they meet the definition found in section 1400 of this ordinance.

1412. The Three (3) Interstate Exit Areas:

- a. Detached signs in the following described areas may have a maximum elevation of fifty-five feet (55') above the roadway elevation of 4 lane U.S. 23 (also known as I-181 and I-26). Said elevation to be measured from the nearest point that the roadway passes the center point of the following three designated circular areas:

Area 1.

North Main Street Exit/Exit 36, designate a circular area with a radius of two thousand (2,000) feet, said radius to be measured from a point equidistant between the north/south roadways and directly under the centerline of the highway overpass which leads to Main Street.

Area 2.

Jonesborough-Erwin Exit/Exit 37, designated a circular area with a radius of fifteen hundred (1,500) feet, said radius to be measured from a point equidistant between the north south/roadways at the central point of its intersection with the Jonesborough-Erwin Highway Route #81.

Area 3.

Jackson-Love Exit/Exit 40, designated a circular area with a radius of two thousand feet (2,000') said radius to be measured from a point equidistant between the north/south roadways and directly under the centerline of the Jackson-Love Highway overpass.

- b. The following restrictions also apply to signs within the three (3) Interstate Exit Area, as described herein:

1. The elevation of each sign applied for may only be measured from the roadway elevation at the center point of the circle in which the sign is located.
2. Only one sign is allowed for a single tenant business. Said sign must be located on the same real estate tract as the business it advertises and may advertise only that one business.

3. Only one sign is allowed for a multiple-tenant complex (for example: a shopping center). Said sign must be located on the same real estate tract as the business complex and may advertise only businesses physically located in the complex.

4. Any business applying for a sign under this amendment must be located within the B-2 Arterial Business District as well as one of the above-designated circular areas.

5. No rotating lights, moving lights, or flashing lights shall be permitted. The design, size and aesthetic appearance of each sign must be approved by the Erwin Planning Commission.

6. A building permit is required for any sign granted under this amendment.

7. It shall be the responsibility of the applicant to provide proof of measurements showing that the location of the sign requested falls within one of the above-designated circular areas, is located within the B-2 Arterial Business District, and does not violate the maximum height restrictions.

1413. Penalties. Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense.

1414. This ordinance shall take effect ten (10) days from and after its final passage, the public welfare requiring it.

1415. If one or more sections of these sign regulations are found to be invalid, the remaining sections stand on their own and are still valid.

ARTICLE XV. DESIGN REVIEW COMMISSION

1500. Design Review Commission. In accordance with 6-54-133 of the Tennessee Code Annotated, the Town of Erwin is empowered to create a design review commission. As of the effective date of this ordinance, the Erwin Design Review Commission shall be established and governed by the following.

A. Composition of Membership

The Erwin Design Review Commission shall be composed of five (5) members. One member shall be an Alderman. The remaining members shall be called appointed members and shall be appointed by the Mayor and confirmed by the Board of Mayor and Aldermen. The terms of appointed members shall be four (4) years except that the terms of the first appointed members shall be two (2), three (3), and four (4) years respectively. The terms of the official members shall be coterminous with their terms on the Board of Mayor and Aldermen.

If possible, members with skills in or knowledge of architecture, engineering, landscape architecture, urban planning, art, construction, or other profession involved in implementing aesthetic design principles shall be selected.

B. Appointment of Members

Each member of the Design Review Commission shall be appointed or reappointed by the Mayor. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term.

C. Term of Members

Each member shall be appointed for a term of four (4) years, except that the initial terms shall be staggered so that one (1) term expires after four (4) years, two (2) terms expire after three (3) years, one (1) term expires after two (2) years, and one (1) term expires after one (1) year.

D. Removal of Members

Members of the Design Review Commission may be removed without cause at the will of the Mayor.

E. Meetings

Meetings of the Design Review Commission shall be held at such times as the commission may determine. Three (3) members shall constitute a quorum; and it shall take three (3) votes to approve an item. The commission shall keep minutes of its

proceedings and decisions. A majority of the commission may adopt rules and regulations to govern the procedure before the commission.

F. Responsibilities

It shall be the responsibility of the Design Review Commission:

1. To review development proposals in the Downtown Overlay District; and
2. To develop specific review procedures and apply such procedures in either approving or disapproving proposals in accordance with the Downtown Overlay District Design Standards and Guidelines.

G. Applications

Under Compliance Levels 2 and 3, every application for a building permit in the Downtown Overlay shall be submitted to the Design Review Commission, along with plans, elevations and specifications, before being approved by the Building Official. A preliminary submittal prior to completion of detailed plans is recommended but not mandatory.

1. General Requirements

Applications must include the following documents, if applicable:
(The number of sets of plans to be as determined by the Design Review Commission)

- (a) Site plan (see Site Plan Regulations Article VI, Section 608);
- (b) Building elevation;
- (c) Landscaping plan.

2. Specific Requirements

(a) Landscaping.

- (1) Identify all existing trees and denote those to remain and those to be removed. Grading is recommended to save trees where possible.
- (2) Indicate proposed new trees, shrubs, and ground covers graphically with plant, common name, and size.

(b) Signage.

- (1) Provide color drawing or actual sign;
- (2) Size;
- (3) Dimensions;
- (4) Construction materials;
- (5) Colors;

- (6) Lettering and illustration;
- (7) Lighting;
- (8) Location; (Provide site plan for ground signs and building elevation for building signs.)
- (9) Ground sign justification;
- (10) Landscaping around sign;
- (11) Linear feet of building frontage.

(c) Exterior lighting.

- (1) Provide location;
- (2) Height;
- (3) Style of fixtures;
- (4) Must be designed and arranged to prevent intrusion on adjoining property and streets.

(d) Garbage collection areas.

- (1) Indicate type and location on plan;
- (2) Must be properly screened.

(e) Electric meters, transformers, and connecting conduit; gas meters; mechanical units; vents (plumbing, heating, etc.).

- (1) Provide location;
- (2) Must be properly screened.

(f) Exterior materials.

- (1) Provide material;
- (2) Colors;
- (3) Samples (bring if available).

H. Procedure

Within thirty (30) days after the submission of a complete application to the Design Review Commission, the Commission shall examine the submission and determine whether the proposed development will conform to the Downtown Overlay Design Standards and Guidelines and be conducive to the proper development of the downtown. At said meeting, the Design Review Commission shall examine the plans, elevations, and specifications, and any other evidence that may be pertinent or requested. The applicant or his/her representative shall be required to appear at the Commission meeting or the application will not be considered. The Design Review Commission shall act as expeditiously as practicable and in no event shall any applicant be caused unreasonable delay.

At said meeting or at any meeting within thirty (30) days subsequent thereto, the Design Review Commission shall approve the application if, in its opinion, the proposed development conforms to the Erwin Design Guidelines and shall be conducive to the proper development of the downtown. Upon approval, a Certificate of Compliance shall be issued. The Design Review Commission shall deny and return the application if it determines that the proposed development will be unsightly or unsuitable in appearance or detrimental to the downtown. However, the Design Review Commission may make comments and recommendations if it sees fit, toward the end of informing the applicant, the Building Official, and the Board of Mayor and Aldermen why the proposal is unsuitable and what might be done to help bring it into conformance.

I. Issuance of Permit.

If the Design Review Commission approves the application, the Building Official may issue the permit. If the Design Review Commission returns the application with its disapproval and recommendations, the Building Official shall refuse to issue a building permit until such time as appropriate changes have been made and resubmitted in such form that meets the approval of the Design Review Commission.

J. Appeals.

Any applicant may appeal any decision of the Design Review Commission to the Planning Commission. The appeal shall be considered at a regular meeting of the Planning Commission not more than thirty (30) days after said appeal. The Planning Commission, at said hearing, shall listen to all parties who desire to be heard and after said hearing, shall approve or deny the appeal. If the Planning Commission approves, the Building Official may issue the building permit. The action of the Planning Commission in regard to the application, together with the report of the Design Review Commission, shall be entered in the minutes of the Planning Commission.

Appendix A.

MUNICIPAL FLOODPLAIN ZONING ORDINANCE

AN ORDINANCE ADOPTED FOR THE PURPOSE OF AMENDING THE TOWN OF ERWIN, TENNESSEE MUNICIPAL ZONING ORDINANCE REGULATING DEVELOPMENT WITHIN THE CORPORATE LIMITS OF ERWIN, TENNESSEE, TO MINIMIZE DANGER TO LIFE AND PROPERTY DUE TO FLOODING, AND TO MAINTAIN ELIGIBILITY FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM.

ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Section A. Statutory Authorization

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

Section B. Findings of Fact

1. The Town of Erwin, Tennessee, Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
2. Areas of the Town of Erwin, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

Section C. Statement of Purpose

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

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

Section D. Objectives

The objectives of this Ordinance are:

1. To protect human life, health, safety and property;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;
6. To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a floodprone area;
8. To maintain eligibility for participation in the NFIP.

ARTICLE II. DEFINITIONS

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

"Accessory Structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this Ordinance, shall conform to the following:

1. Accessory structures shall only be used for parking of vehicles and storage.

2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
5. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

"Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this Ordinance or a request for a variance.

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

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

"Area of Special Flood Hazard" see **"Special Flood Hazard Area"**.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance flood.

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

"Building" see **"Structure"**.

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

"Elevated Building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

"Emergency Flood Insurance Program" or **"Emergency Program"** means the program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

"Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the Program.

"Exception" means a waiver from the provisions of this Ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Ordinance.

"Existing Construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

"Existing Structures" see **"Existing Construction"**.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Elevation Determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

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

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

"Floodplain" or **"Floodprone Area"** means any land area susceptible to being inundated by water from any source (see definition of "flooding").

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

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

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

"Flood-related Erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

"Flood-related Erosion Area" or **"Flood-related Erosion Prone Area"** means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

"Flood-related Erosion Area Management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

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

"Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo

or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on the Town of Erwin, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By the approved Tennessee program as determined by the Secretary of the Interior or
 - b. Directly by the Secretary of the Interior.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee System" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest Floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle".

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

"Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

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

"New Construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management Ordinance and includes any subsequent improvements to such structure.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

"North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

"100-year Flood" see **"Base Flood"**.

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

"Reasonably Safe from Flooding" means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

"Recreational Vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck;
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

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

"Special Hazard Area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" the Tennessee Department of Economic and Community Development's, Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

"Structure" for purposes of this Ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the

minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Substantially Improved Existing Manufactured Home Parks or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this Ordinance.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

ARTICLE III. GENERAL PROVISIONS

Section A. Application

This Ordinance shall apply to all areas within the incorporated area of the Town of Erwin, Tennessee.

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

The Areas of Special Flood Hazard identified on the Town of Erwin, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Number(s), **47171C0064C, 47171C0066C, 47171C0067C, 47171C0068C, 47171C0069C, 47171C0152C**, dated **September 3, 2008**, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

Section C. Requirement for Development Permit

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

Section D. Compliance

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

Section E. Abrogation and Greater Restrictions

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this Ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

Section F. Interpretation

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

Section G. Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Town of Erwin, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

Section H. Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Erwin, Tennessee from taking such other lawful actions to prevent or remedy any violation.

ARTICLE IV. ADMINISTRATION

Section A. Designation of Ordinance Administrator

The Building Inspector is hereby appointed as the Administrator to implement the provisions of this Ordinance.

Section B. Permit Procedures

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit

may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

1. Application stage

- a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- b. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Article V, Sections A and B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected

by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

Section C. Duties and Responsibilities of the Administrator

Duties of the Administrator shall include, but not be limited to, the following:

1. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Article IV, Section B.
7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Article IV, Section B.
8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Section B.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation

and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Town of Erwin, Tennessee FIRM meet the requirements of this Ordinance.

11. Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards

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

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance;

10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;
11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
12. All subdivision proposals and other proposed new development proposals shall meet the standards of Article V, Section B;
13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

Section B. Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Article V, Section A, are required:

1. Residential Structures

In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

2. Non-Residential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement,

elevated or floodproofed to no lower than one (1) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Article IV, Section B.

3. Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
 - 1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - 2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;
 - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

- c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Article V, Section B.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - 1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
 - 2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article II).
- c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Article V, Sections A and B.
- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:
 - 1) Be on the site for fewer than 180 consecutive days;
 - 2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
 - 3) The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

- a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Article V, Section E).

Section C. Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the Town of Erwin, Tennessee and certification, thereof.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B.

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

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

1. No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B.

Section E. Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Article V, Sections A and B.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Article IV, Section B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Article V, Section B.
4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a

Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the Town of Erwin, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B. Within approximate A Zones, require that those subsections of Article V Section B dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

Section F. Standards For Areas of Shallow Flooding (AO and AH Zones)

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Article V, Sections A and B, apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Article V, Section B.
2. All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Ordinance and shall provide such certification to the Administrator as set forth above and as required in accordance with Article IV, Section B.

3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

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

Located within the Areas of Special Flood Hazard established in Article III, Section B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Article IV and Article V shall apply.

Section H. Standards for Unmapped Streams

Located within the Town of Erwin, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Articles IV and V.

ARTICLE VI. VARIANCE PROCEDURES

Section A. Municipal Board of Zoning Appeals

1. Authority

The Town of Erwin, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

2. Procedure

Meetings of the Municipal Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Municipal Board of Zoning Appeals shall be open to the public. The Municipal Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Municipal Board of Zoning Appeals shall be set by the Legislative Body.

3. Appeals: How Taken

An appeal to the Municipal Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Municipal Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of **(amount)** dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Municipal Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Municipal Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than **(number of)** days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

The Municipal Board of Zoning Appeals shall have the following powers:

a. Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Ordinance.

b. Variance Procedures

In the case of a request for a variance the following shall apply:

- 1) The Town of Erwin, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- 2) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.
- 3) In passing upon such applications, the Municipal Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 - a) The danger that materials may be swept onto other property to the injury of others;

- b) The danger to life and property due to flooding or erosion;
 - c) The susceptibility of the proposed facility and its contents to flood damage;
 - d) The importance of the services provided by the proposed facility to the community;
 - e) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
 - f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.
- 4) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Municipal Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.
- 5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Section B. Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Article VI, Section A.
2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

ARTICLE VII. LEGAL STATUS PROVISIONS

Section A. Conflict with Other Ordinances

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of the Town of Erwin, Tennessee, the most restrictive shall in all cases apply.

Section B. Severability

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

Section C. Effective Date

This Ordinance shall become effective immediately after its passage, in accordance with the Charter of the Town of Erwin, Tennessee, and the public welfare demanding it.

Approved and adopted by the Town of Erwin, Tennessee, Mayor and Board of Aldermen.

Date

Mayor of Erwin, Tennessee

Attest: _____
City Recorder

Date of Public Hearing

1st Reading _____

2nd Reading _____

3rd Reading _____

Date of Publication of
Caption and Summary

Appendix B.

WIRELESS TRANSMISSION FACILITIES

A. Intent. These regulations shall apply to wireless transmission facilities located within the Town of Erwin, Tennessee. The purpose of these requirements is to provide for wireless transmission services while minimizing the potential negative impact of these facilities on neighboring properties. Reasonable technical standards and site plan review procedures will be used to carefully and fairly evaluate the placement and impact of wireless transmission facilities.

B. Definitions.

1. Town means Erwin, Tennessee.
2. Planning Commission means Erwin, Tennessee Municipal Planning Commission.
3. Mature System – shall mean an existing wireless transmission facility.
4. Tower – shall mean the base of any wireless transmission facility; including, but not limited to, a self-supporting tower and/or monopole, together with any antennae or other appurtenances.
5. User – shall mean any wireless telecommunications carrier utilizing wireless transmission facilities for the purpose of production or transmission.
6. Wireless Transmission Facilities – shall include buildings, cabinets, structures and facilities, including generating and switching stations, repeaters, antennas, transmitters, receivers, towers and all other buildings and structures relating to low-power mobile voice transmission, data transmission, video transmission, and radio transmission or wireless transmission accomplished by linking a wireless network of radio wave transmitting devices (including, but not limited to wire, cable, fiber optics, laser, microwave, radio, satellite, portable phones, pagers, mobile phones, or similar facilities) to the conventional ground-wired communications system (including, but not limited to telephone lines, video and/or microwave transmission) through a series of short range, contiguous cells that are part of an evolving cell grid.

C. Procedures. The construction and maintenance of wireless transmission facilities is provided for in this Ordinance through a procedure that requires approval by the Erwin, Tennessee Municipal Planning Commission. Wireless transmission facilities are permitted, subject to site plan review by the Planning Commission, within all zoning districts.

D. Site Plan Requirements. The owner or authorized agent of any property proposed for the location of a wireless transmission facility within the municipal boundaries of the town of Erwin shall prepare and submit a site plan meeting the requirements of Section 1003 of the Zoning Ordinance.

1. In addition, the owner or authorized agent shall submit:
 - a. Information showing the relationship of the proposed development to:
 - (1.) The existing street system.

- (2.) Existing zoning districts within a 500' radius.
- (3.) The names and addresses of all adjacent property owners.
- (4.) Proposed locations for future facilities.

b. The distance to and the location of the nearest adjacent wireless transmission facility.

c. A location map indicating the proposed facility and all surrounding wireless transmission facilities within a radial distance of 2,500 feet.

E. Development Plan. The site plan approved by the Planning Commission shall be valid for a period not to exceed one year. If construction of the wireless transmission facility is not 80% complete within one year and completed within 18 months of Town approval, the applicant shall be required to resubmit plans for appropriate review under the technical standards and review procedures applicable at the time of resubmission.

F. Technical Standards.

1. Except in the instance of co-location, no wireless transmission facility shall be located closer than 2,500 feet to any existing wireless transmission facility without the review and approval of the Erwin Board of Zoning Appeals. Such approval shall be based on one or more of the following reasons:

a. The planned equipment would exceed the structural capacity of existing and approved tower design standards and planned use of those towers. Existing and approved towers could not be reinforced to accommodate planned or equivalent equipment at a reasonable cost.

b. The planned equipment would cause radio frequency (RF) interference with other existing or planned equipment for these towers, and the interference could not be prevented at a reasonable cost.

c. Existing or approved towers would not have space on which planned equipment could be placed so it could function effectively and reasonably in parity with other similar equipment in place or approved.

d. Radio frequency coverage objectives.

2. Towers located in any zoning district shall be located on a single lot of record. Said lot shall have a minimum frontage on a public street of 40 feet. The minimum distance from the base of a tower to any adjacent property or street right-of-way shall be equivalent to, or greater than, the height of the tower plus 25 feet. However, if a licensed structural engineer certifies the proposed tower is designed to collapse into an area smaller than the height of the tower plus 25 feet, the "clear fall zone" shall be the reduced area identified by the engineer, and the setback requirements for the tower in relation to all property lines (subject to the minimum frontage on a public street) shall be the radius of the reduced "clear fall zone" area identified by the engineer. Except for a support building(s) necessary for the proposed tower, no buildings or structures shall be located within this

required “clear fall zone”. All other applicable provisions of the Erwin Zoning Ordinance shall apply.

3. Each telecommunications provider is allowed to have one (1) on-site building not to exceed one (1) story in height and 400 square feet in area. If not attached, said buildings shall be limited in number to no more than three (3) buildings without the review and approval of the Erwin Board of Zoning Appeals.

4. National Standards. The applicant’s engineer shall provide documentation that the proposed wireless transmission facility meets or exceeds the requirements of the American National Standards Institute (ANSI) for professionally acceptable radio frequency emissions standards.

5. Tower Height and Altitude Restrictions. Maximum tower height shall be 195 feet, unless specifically allowed due to topographic conditions located within 1 mile of the proposed wireless transmission facility. No wireless transmission facility shall extend more than 150 feet above the ridgeline or tree line of any surrounding knob areas.

6. Structural Requirements. Prior to the approval of any commercial telecommunications tower, the applicant shall provide the Planning Commission with written certification from a registered structural engineer that, as per ANSI standards, the tower is able to minimally withstand winds of 70 miles per hour with ½ inch radial ice, and/or winds of 100 miles per hour, and/or wind gusts of 130 miles per hour, whichever is greater. For towers placed on buildings, the applicant shall also provide the Planning Commission such written certification, plus evidence that the building itself is structurally capable of supporting the tower and its accompanying equipment. The tower must not affect the structural integrity of the building. Wireless transmission facilities shall be designed in accordance with approved design standards.

7. Shared Use. The shared use of existing towers, or the placement of commercial telecommunications towers at locations adjacent to a mature wireless facility, or wireless transmission facilities incorporated with existing power transmission line towers, shall be encouraged whenever possible.

a. The applicant shall also address the extent to which shared use of the proposed tower will be allowed in the future. A letter of intent committing the tower owner and his or her successors to allow shared use of the tower, if any applicant agrees in writing to pay any reasonable charge for shared use, shall be filed in the office of the Town of Erwin Building Official prior to issuance of a building permit.

b. The applicant’s plan must demonstrate how shared facilities would potentially be situated on proposed sites. Towers and/or structures shall be required to be designed for multi-tenants upon initial installation, i.e., designed for 2 sets of fully sectorized antenna arrays.

8. Required Location. For new facilities not co-located or constructed adjacent to a mature wireless facility, the applicant shall submit written certification by a registered electrical engineer that the proposed tower must be placed at the approximate location, and that co-location is not technically a viable option.

9. Required Demolition. Any approved wireless transmission facility not used for active wireless transmission for a period of 12 months shall be required to be demolished and removed upon order of the Town of Erwin Building Official, unless otherwise approved by the Planning Commission. Prior to the approval of any proposed wireless transmission facility, the applicant shall prepare a contract to ensure such demolition and removal that is deemed satisfactory by the Town Attorney. Upon approval of the site plan, but prior to the issuance of a building permit, the applicant shall execute such contract.

G. Development Standards.

1. The following provisions shall apply:

a. A minimum 25-foot buffer strip shall be required on the outer perimeter of the leased area, abutting property currently zoned for residential, office, or commercial use or development. This standard shall not supersede any agreement or regulation that may provide for a greater buffer strip than outlined above.

b. The buffer strip shall consist of plantings and physical features sufficient to screen the view beginning at a specified level, reduce glare and noise, and provide greater privacy for nearby residential uses. The buffer shall be initially installed for the permanent year-round protection of adjacent property by visually shielding internal activities. Design, width, height, opacity, growing period to maturity, time schedule for installation, and responsibility for perpetual maintenance of the buffer strip shall be submitted to and approved by the Planning Commission.

c. The landscaping provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or physical features that, in the opinion of the Planning Commission, meet the intent and purpose of this section. In instances where significant physical features exist (railroads, major roads, hillsides, preserved wooded areas, utility easements, etc.), which in the opinion of the Planning Commission provide adequate buffering between land uses, the existing buffers may be used to meet landscaping provisions of this section.

d. Security fencing shall be required for all wireless transmission facilities unless specifically waived in the instance of co-location. When any wireless transmission facility is proposed within any residential district, or within 500 feet of a residential structure, the Planning Commission may require fencing constructed of wood or masonry in addition to a required security fence.

e. Wireless transmission facilities mounted on a building or structure in a commercial district shall be screened and/or designed to blend visually with the roof and/or structure and surroundings where mounted. Such methods and materials shall only require approval by the Planning Commission.

f. Prior to the issuance of a building permit, security acceptable to the Town shall be required to ensure completion of all landscaping and screening provisions as outlined in the plan approved by the Planning Commission. The security shall be posted in an amount equal to 110% of the total cost of the materials and

installation of said improvements. Upon the issuance of a certificate of occupancy for the building, or upon the completion of construction of the wireless transmission facility, if no certificate of occupancy is required, a maintenance bond, letter of credit, or similar security acceptable to the Town shall be required for a period of one year to ensure that the vegetation remains as a living and viable screen.

2. Off-Street Parking. Off-street parking space shall be provided for each wireless transmission facility.

3. Lighting. Outside lighting, if required for safety and security purposes, shall be arranged so as to minimize glare and reflection on adjacent residential properties and public streets. The Planning Commission may require the submission of a lighting plan by a qualified professional engineer to ensure that the illumination of outside lighting as designed and installed does not exceed 0.4 foot candles, measured at the property line of abutting property zoned for residential use or development. Wireless transmission facilities shall not be artificially lighted unless required by the Federal Aviation Administration or other governmental authority.

4. Signs. A sign indicating the owner of the facility, and a telephone number to call for information or for an emergency, shall be located inside the compound fence on the side on which the gates are located. Said sign shall be no larger than twelve (12) inches by eighteen (18) inches, and shall be placed within eight (8) feet of the base of the tower. Any sign required by the Federal Communications Commission, the Federal Aviation Administration, or any other appropriate authority will be permitted as long as it meets the same size and placement standards stated above. No other signs or banners shall be allowed on a tower.

5. Vehicle Access Control. The location and design of driveways and/or accesses to reach the facility from a public street shall be approved by the Erwin Regional Planning Commission.

6. Erosion Control and Storm Water Management. The control of erosion during development, and the design of drainage systems suitable to handle storm water runoff after the site is developed shall be approved by the Erwin Regional Planning Commission.

7. Noise. The intensity level of sound from the wireless transmission facility, including temporary generators used during extended power outages, measured at the property line of abutting property zoned for residential use or development, shall not at any time exceed 70 decibels.

H. Inspections.

1. The user shall not be permitted to operate, or occupy the site until the following have been completed by the Building Official: inspection of the footer and tower anchors; final inspection at completion of construction; and issuance of a Certificate of Occupancy.

2. The user shall provide the Building Official with a copy of the Tennessee State Electrical Inspector's Report, which ensures that the user met code requirements during construction of the facility.

3. The user shall provide the Building Official with a certified copy of the engineer's annual inspection report, which includes but is not limited to the condition of the grounding system, the structural integrity of the facility, any damage incurred over the past year, the condition of the bolts, and a plan to correct any deficiencies.

Appendix C.

MOBILE HOME PARK ORDINANCE

ARTICLE I. PURPOSE

It shall be unlawful for any person to construct, alter, or extend any mobile home park within the limits of Erwin, Tennessee unless mobile home parks are a permitted use within the district and a valid permit is issued by the Building Inspector in the name of such person for the specific construction, alteration or extension proposed.

ARTICLE II. DEFINITIONS

Mobile home. A detached single-family unit with all of the following:

- (a) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
- (b) Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels.
- (c) Arriving at the site where it is to be occupied as a dwelling complete, including major appliance and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.

Mobile home park. Shall mean any plot of ground containing a minimum of two (2) acres upon which two or more mobile homes are located or are intended to be located, but does not include sites where unoccupied mobile homes are on display for sale.

Buffer Strip. Shall mean a plant material or other material as may be approved by the Erwin Planning Commission which will provide a screen not less than six (6) feet in height.

Health officer. Shall mean the health officer of Erwin, Tennessee or his authorized representative.

Building inspector. Shall mean the building inspector of Erwin, Tennessee or his authorized representative.

Plumbing inspector. Shall mean the plumbing inspector of Erwin, Tennessee or his authorized representative.

Electrical inspector. Shall mean the electrical inspector of Erwin, Tennessee or his authorized representative.

Lot area. The total area reserved for exclusive use of the occupants of a mobile home.

Lot line. A line bounding the lot as shown on the accepted plot plan.

Permit. A written document issued by the enforcing agent permitting the construction, alteration or expansion of a mobile home park.

Accessory structure. Any structural addition to the mobile home which includes awnings, cabanas, carports, Florida rooms, porches, storage cabinets and similar appurtenant structures.

Permanent buildings. A building, except a mobile home, or accessory structure.

Private drive. A private way which affords principal means or access to abutting individual mobile home lots and auxiliary buildings.

Public street. A public way which affords the principal means of access to abutting properties.

Shall. Indicates that which is required.

ARTICLE III. GENERAL PLAN REQUIREMENTS

The owner or lessee of the property proposed for a mobile home park shall submit a plan for development to the Erwin Planning Commission for approval.

All applications shall contain the following:

- (a) Name and address of applicant.
- (b) Location and dimensions of proposed park.
- (c) The park plan drawn to scale showing the following:
 - (1) The number, location, and size of all mobile home lots.
 - (2) The location and widths of roadways and walkways.
 - (3) The location of water and sewer lines.
 - (4) The location and dimensions of any proposed service buildings.
 - (5) The location of all equipment and facilities for refuse disposal and other park improvements.

- (6) A plan for drainage of the park.
- (7) The location and details of lighting and electrical systems.
- (8) A certificate of accuracy signed by the surveyor or engineer that the engineering work is correct.
- (9) Certificates and signatures of the health officer and building, housing, electrical, plumbing and fire inspectors.
- (10) A certificate for planning commission approval.
- (11) Any other information deemed pertinent by the planning commission.

When upon review of the application, the planning commission is satisfied that the proposed plan meets the requirements of this ordinance, a permit shall be issued.

ARTICLE IV. DEVELOPMENT STANDARDS

4.1. General

4.1.1. Location

A mobile home park shall be located only within a district designated for the use by the zoning ordinance.

4.1.2. Physiography

Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion subject to predictable sudden flooding, or erosion and shall not be used for any purpose which would expose persons or property to hazards.

4.2. Objective

4.2.1. Site Planning Improvements

Site planning improvements shall provide for facilities and amenities appropriate to the needs of the occupants.

4.2.2. Conditions

Safe, comfortable and sanitary use by the occupants under all weather conditions.

4.3. Recreation Area

Not less than 10 percent of the gross site area shall be devoted to recreational facilities, generally provided in a central location.

4.4 Buffer Strips

The planning commission may require buffer strips along the side, rear, and front lot lines of the park.

4.5. Density

The mobile home park shall contain not more than eight (8) individual mobile home spaces per gross acre, provided however all other standards are met.

4.6. Driveways

All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Such access shall be provided by streets, driveways or other means.

4.7. Entrance Drives

Entrance to mobile home parks shall have direct connections to a public street and shall be designed to allow movement of traffic. No parking shall be permitted on the entrance street for a distance of 100 feet from its point of beginning. The location and design of entrance streets shall be approved by the planning commission.

4.8. Pavements Widths

Twenty-eight (28) foot width, or

4.8.1. Entrance Drives. Twenty-four (24) foot width where two off-street parking spaces are provided for each lot.

4.8.2. Collector Drives. Twenty-four (24) foot width.

4.8.3. Minor Drives. Twenty (20) feet.

4.8.4. Loop or cul-de-sac serving 15 lots or less twenty (20) feet.

4.9. Improvements

All streets shall have at least a double bituminous surface, well drained under normal weather conditions.

4.10. Walks

Where walkways are planned or required by the planning commission, they shall be safe, convenient and provide an adequate access for pedestrian traffic.

4.10.1. Common Walkways shall have a minimum width of three (3) feet.

4.10.2. Individual Walkways. Minimum width of two (2) feet.

- 4.11. Service Buildings
Shall be of permanent construction, adequately ventilated and lighted and built in conformity to all city codes and ordinances. All service buildings shall be convenient to the spaces which they solely serve and shall be maintained in a clean and sanitary condition.
- 4.12. Water and Sanitary Sewers
Connections shall be provided to each mobile home space. Piping and connections shall be as specified and approved by the plumbing inspector.
- 4.13. Landscaping
Any part of the park area not used for building or other structures, parking, or access ways shall be landscaped with grass, trees and shrubs.
- 4.14. Lighting
The park shall be adequately lighted.
- 4.15. Required Setbacks
Each mobile home shall be set back a minimum of thirty (30) feet from any public street and a minimum of fifteen (15) feet from all property lines.
- 4.16. Parking
Each mobile home park shall provide at least one off-street parking space for each mobile home unit plus an additional space for every four mobile home units, for guest parking and two car tenants, and for delivery and service vehicles. The parking spaces shall be located for convenient access to mobile home units. Insofar as practicable, one car space shall be located on each lot and the remainder located in adjacent parking bays.

ARTICLE V. PERMITS

- 5.1. Valid Permit
It shall be unlawful for any person to operate a mobile home park within the limits of Erwin, Tennessee, unless he holds a valid permit issued annually by the building inspector. All applications for a permit shall be made to the building inspector, who shall issue a permit upon compliance by the applicant with provisions of this ordinance.
- 5.2. Property Transfer
Every person holding a permit shall give notice in writing to the building inspector within seventy-two (72) hours after having sold, transferred, given away or otherwise disposed of interest in or control of any mobile home park. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile home park.

5.2.1. Original Permit

Application for an original permit shall be in writing and have the approval of the planning commission, and a permit fee of twenty-five dollars (\$25.00). The application shall contain:

- (a) Name of applicant.
- (b) Address of applicant.
- (c) Name of mobile home park.
- (d) Location of mobile home park.

5.2.2. Renewal of Permits

Applicants for renewal of permits shall be made in writing by the permit holders, and shall be accompanied by the permit fee of twenty-five dollars (\$25.00).

ARTICLE VI. INSPECTION OF MOBILE HOME PARKS

6.1. Inspections

The building inspector is hereby authorized and directed to make such inspection as are necessary to determine satisfactory compliance with this ordinance. However, an inspection is required prior to the issuance of a renewal permit.

ARTICLE VII. ENFORCEMENT

7.1. Enforcement Officer

These regulations shall be enforced by the building inspector.

7.2. Violations

Any person or persons who shall willfully neglect or refuse to comply with any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day of violation shall constitute a separate offense.

ARTICLE VIII. RESPONSIBILITIES OF THE MANAGEMENT

- 8.1. Supervision
The person to whom a mobile home park permit is issued shall provide adequate supervision to maintain the park in compliance with this ordinance and to keep its facilities and equipment in good repair and in a clean and sanitary condition.
- 8.2. Notification of Duties and Responsibilities
The management shall notify the park residents of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this ordinance.
- 8.3. Placement of Mobile Home
The management shall supervise the placement of each mobile home on its mobile home lot which includes securing its stability and installing all utility connections.
- 8.4. Register
The management shall maintain a register containing the names of all park residents identified by lot number or street address. Such register shall be available to any authorized person inspecting the park.
- 8.5. Rental Period
No space shall be rented for residential use of a mobile home in any such park except for a period of thirty (30) days or more.

ARTICLE IX. LEGAL STATUS PROVISIONS

- 9.1. Conflict with Other Ordinances
In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of Erwin, Tennessee, the most restrictive shall in all cases apply.
- 9.2. Validity
If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not effect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.
- 9.3. Effective Date
This ordinance shall take effect and be in force fifteen (15) days from and after its passage, the public welfare demanding it.

SUGGESTED STEPS FOR MANAGERS OF MOBILE HOME PARKS

In regard to resident responsibilities:

- (1) The resident shall comply with all applicable requirements of this ordinance and should maintain his mobile home lot, its facilities and equipment in good repair and a clean and sanitary condition.
- (2) The resident shall be responsible for proper placement of his mobile home on the lot and proper installation of all utility connections in accordance with the instructions of management.
- (3) Pets, if permitted in the park, shall be prohibited to run at large or to commit any nuisance within the limits of any mobile home lot.
- (4) Skirting, porches, awnings, and other additions shall be installed only if permitted and approved by the management. When installed, they shall be maintained in good repair. The space immediately underneath a mobile home shall be used for storage only if permitted by the management. If permitted, the following conditions shall be satisfied:
 - (a) The storage area shall be provided with a base of impervious material.
 - (b) Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.
 - (c) The storage area shall be enclosed by skirting.
- (5) The resident shall store and dispose of all his rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent-proof, insect-proof, and waterproof.
- (6) First aid kits and fire extinguishers for Class B and C fires shall be kept at the premises and maintained in working condition.

Appendix D.

ERWIN DESIGN GUIDELINES

ERWIN DOWNTOWN OVERLAY MAP



ARTICLE I

INTRODUCTION

A. ERWIN'S VISION

Erwin's hometown character provides an unparalleled setting for people to live, shop and work. The Erwin citizens clearly want the Town to be a special place, a community. The quality of the Town's physical environment has a direct bearing on its livability and economic prospects in maintaining the desired "hometown atmosphere." The Town of Erwin has many assets, including a strong commitment to the heritage of the community, an attractive historic downtown feel, a strong economic position in the region, and high quality development standards.

Led by the Board of Mayor and Aldermen, Erwin established in February of 2012 its vision for future development within the established "Erwin Downtown District" through a public planning process that resulted in the following Principles of the Downtown Master Plan:

Ensure Public Involvement

- Engage public input throughout the entire process
- Hold regular public meetings
- Keep an on-going dialogue with citizens

Establish a Pedestrian-Friendly Environment

- Provide wide sidewalks
- Design for outdoor café-style seating
- Incorporate landscaping and lighting elements
- Improve accessibility at crosswalks and include ADA ramps
- Include trash receptacles, benches, and bike racks
- Utilize a "park and walk" approach complete with wayfinding signage
- Promote connectivity between adjacent neighborhoods and the downtown

Utilize Consistent Street Design Elements

- Establish a unique identity
- Choose streetscape elements with similar design characteristics
- Create architectural element guidelines

Facilitate Private Reinvestment

- Provide on-street parking and/or interior parking so key locations can be utilized for buildings
- Redevelop the "missing teeth" of the downtown core framework
- Create incentives for business owners that are located downtown

Incorporate a Wayfinding Signage System

- Create a wayfinding masterplan including different levels of signage
- Incorporate the unique downtown identity into the signage design

Incorporate Public Space and Public Art

- Utilize “branding” and thematic elements

B. PURPOSE OF THE DESIGN GUIDELINES

Creating places conducive to “community” is one role of urban design. A sense of community implies distinct places as people move daily from where they live, to where they shop, to where they work, to where they play. These places can and should feel different from each other. A vibrant community is one with unique and interesting places and focused areas of activity and human interaction.

One aspect of the guidelines is establishing ways to make Erwin’s Downtown District have a sense of connectivity while at the same time making them distinct from other part of the town. Some places are used more intensively than others. A hierarchy, or a sense of distinction between areas, can reinforce the balance of places that makes up a community. This distinction and hierarchy can be achieved through architectural design, landscaping, and screening.

The vision for these different uses within the Downtown District is to be well connected but functional, distinctive but compatible. This concept simply requires that new development is planned with its neighboring developments in mind, specifically in how they relate through circulation and architectural design. When successfully executed, each development can be distinct, but also blend with its neighbors. The preservation and protection of the Downtown District is a primary value of the community. Community is maintained through managed growth. Community character and livability are promoted through neighborhood preservation, historic preservation, an emphasis on pedestrian scale, and quality new development.

These Design Guidelines present general design priorities and core design principles that can be adapted to individual circumstances of site and building design. While specific examples are provided, the enduring strength of guidelines relies on their flexibility. It is anticipated that developers will be able to build on these principles and create unique, livable, and viable projects that meet the community’s vision. The intent of these design guidelines is not to limit growth or development within the Downtown District or to restrict creative design solutions, but to encourage development that reinforces the vision of Erwin as a quality place to live and work.

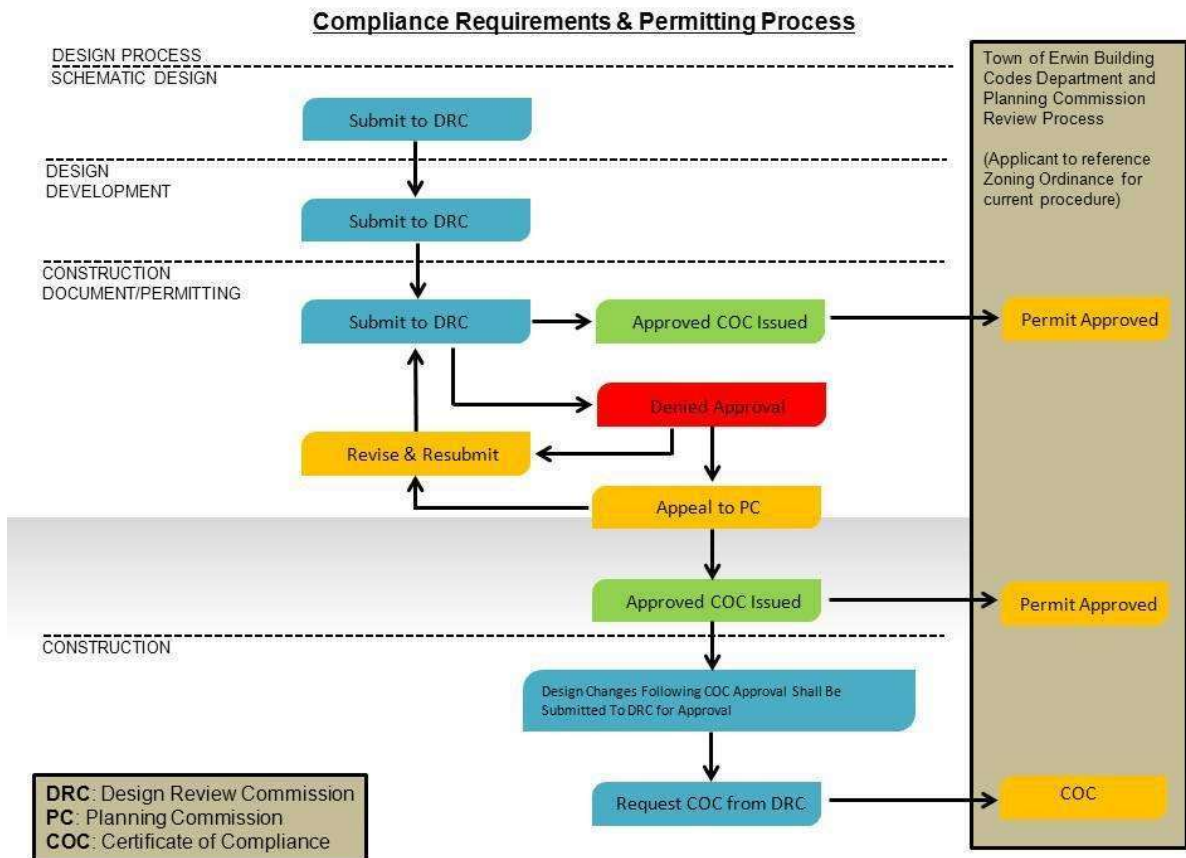
C. CREATION OF DESIGN REVIEW COMMISSION AND ORDINANCE

The Board of Mayor and Aldermen (BMA) created the Design Review Commission (DRC) in _____ to ensure that proposed developments and individual buildings conform to proper design guidelines and the general character of the area in which they are located. Erwin’s Design Review Ordinance, located within the Zoning Ordinance, spells out the detailed power and authority of this review board.

D. HOW THE DESIGN GUIDELINES RELATE TO OTHER ORDINANCES

This manual is an official policy document that expands upon the priorities and goals of the design principles set forth in the Downtown Master Plan. While the guidelines provide specific requirements for design and development, they cannot, and are not intended to, cover all circumstances. Rather, the structure and content of the manual are meant to give developers, citizens, business owners, design professionals, and reviewers the perspective to address the unique conditions of each project, while giving builders flexibility to develop their own designs that meet the intent, principles and spirit of the guidelines. Therefore, these guidelines do not reproduce all the specific requirements stated in the Zoning Ordinance, Subdivision Regulations, or other applicable development guidelines and regulations. Applicants are advised to consult all necessary related documents. In the event that there appears to be differences or conflicts between the guidelines and the Zoning Ordinance or other regulations, the more stringent standard shall apply.

E. COMPLIANCE REQUIREMENTS & PERMITTING PROCESS



The Downtown Overlay District Design Standards and Guideline should be used by property owners, developers, architects, builders, business owner’s public officials and

interested citizens when considering rehabilitation, renovation redevelopment or new construction in Downtown Erwin.

While the underlying “base” zoning continues to govern land use, these standards guidelines are intended to regulate design, and where more restrictive regarding design these standards and guidelines shall supersede the base zoning.

The Downtown Overlay District Design Standards and guidelines are intended to be both prescriptive in some regards and suggestive in others. Prescriptive standards will use mandatory language such as “shall” where suggestive guidelines will use more flexible language such as “should”.

Per TCA 6-54-133, the Mayor has the authority to appoint a Design Review Commission to approve or deny design submittals within the Downtown Overlay District. The Design Review Commission may allow for deviations from the guidelines for exceptional design concepts or unusual physical constraints, but the Planning Commission shall hear all appeals of the Design Review Commission’s decision or requests for variances from the standards of the Downtown Overlay District per TCA 6-54-133.

Compliance with these standards and guidelines does not exempt any property from applicable local, state, and federal laws, codes or guidelines. Site plans and subdivision plats shall still be reviewed by the Planning Commission, and variance requests from the terms of the remainder of the zoning ordinance shall still be reviewed by the Planning Commission, and variance requests from the terms of the remainder of the zoning ordinance shall still be heard by the Board of Zoning Appeals.

The Downtown Overlay District is intended to allow existing property owners to continue using their property as-is in a “grandfathered” state of non-compliance with the standards and guidelines so long as they remain in the same state as on the day of the Overlay’s adoption.

The design standards and guidelines are structured to allow properties to develop and change over a period of time as it is recognized that requiring full compliance for limited investment may be determined to the desired growth and vitality of the downtown.

Therefore, compliance with the Downtown Overlay Design Standards and Guidelines is dependent on the extent of proposed modification to a property and/or improvements thereon. These levels of compliance are instigated, or “triggered” by the extent of proposed modifications and/or development.

Compliance Level 1: Minimal

- New signage to existing properties shall comply.
- Awning and canopy additions to existing properties shall comply.
- Compliance Level 1 may be administratively approved by the Planning Staff, provided that no variance from the regulations has been requested.

Compliance Level 2: Moderate

- Building additions shall comply to applicable building standards and guidelines and with site standards and guidelines to the extent practicable.
- Building façade renovations shall comply with building standards and guidelines.

Compliance Level 3: Complete

- New structures shall comply
- Site development/redevelopment shall comply.

F. Enforcement

Bonding Requirements

The Design Review Commission (DRC) may require that the completion of any public improvements as shown on the final design plans and approved by the DRC be secured with surety and conditions satisfactory to it, providing for and securing to the municipality the actual construction and installation of such public improvements within a period specified by the DRC and expressed in the bonds, and the municipality is hereby granted the power to enforce such bonds by all appropriate legal and equitable remedies.

Penalties

Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day of such violation shall continue shall constitute a separate offense.

ARTICLE II

DEFINITIONS

Accessibility - The ability to physically reach desired destinations, services, and activities.

Bollard - Any small vertical element such as a decorative steel pole or a short concrete column acting as an edge or divider to allow pedestrian traffic movement but restrict vehicular traffic in a certain area.

Building Area - the portion of a lot that is available for a building footprint as regulated by the site standards and guidelines herein and by the rear and side lot setbacks as regulated by the base zoning; the building area includes the build-to zone.

Build-to Zone - the portion of a lot delineated by the maximum distance a building may be setback from the edge of the pedestrian zone.

Bulb-outs - An extension of the sidewalk or curb line out into the parking aisle of a street to effectively reduce the street width, improving pedestrian crossing with reduced walking distance and increased visibility of vehicles. They can also help reduce vehicular speeds and provide additional space for curb ramps landscaping plantings, and other streetscape elements.

Cabinet Sign - a sign that contains all the text and/ or logo symbols within a single enclosed cabinet and may or may not be illuminated.

Certificate of Compliance (COC) – is a written approval from the Design review commission to the Town of Erwin Codes Department and planning commission stating

that an application has been reviewed and either complies with the Downtown overlay District Design Standards and Guidelines or complies with attached written conditions.

Charrette - A collaborative workshop session in which a group of individuals draft a solution to a design problem.

Civic & Institutional Building - a form of building intended to be used for public services, governmental agencies, public or private schools, museums, public gathering and places of worship.

Column - a supporting pillar consisting of a base, a cylindrical shaft, and a capital.

Commercial & Mixed-use Building - a form of building with a ground floor use intended for retail sales, restaurants, office, or hospitality as permitted in the C-1 zoning district and that may have multiple- stories of upper floor uses as permitted in the C-1 zoning district.

Cornice - any crowning projection detail on a building façade.

Corridor - A transportation pathway that provides for the movement of people and vehicles between and within activity centers.

Design Guidelines - Recommendations intended to guide the design of Erwin's downtown streetscape. Where conditions are not specifically addressed in the guidelines, it is the responsibility of the proponent to show that the proposed design solution meets the intent of the most closely related guidelines.

DRC – Design Review Commission.

Façade - the exterior face of a building which is the architectural front; each lot frontage has a facade including the side dimension of a corner lot.

Facade Bay - an architectural term used to describe an individual portion of the overall horizontal building facade as delineated by vertical architectural elements, variations in building materials and colors or variations in wall planes.

Facade Base, Shaft and Cap - architectural terms used to describe vertical building segments as likened to the elements of a classical column order.

EIFS - exterior insulation Finish System.

Gateway - An opening or structure framing an opening; something that serves as an entrance or a means of access.

Leveraging development potential – is the ability to create synergies from development of adjoining projects. Individually, neither project can create the momentum that they can together, (i.e. one project takes advantage of the other project's clientele or users).

Liner Building - occupiable building area used to screen utilitarian site uses such as parking garages from views from streets or public areas.

Linkage - Physical connections in the form of pedestrian walkways, streetscape improvements, and other elements between destinations, districts, and neighborhoods.

Live-work - A dwelling unit that is also used for work purposes, provided that the 'work' component is restricted to the uses of professional office, artist's workshop, studio, or other similar uses and is located on the street level. The 'live' component may be located on the street level behind the work component or any other level of the building.

Mansard Roof - a roof with two slopes, the lower almost vertical to allow extra roof space for attic rooms.

Muntin: A tertiary framing member that subdivides the sash into individual panes, lights or panels. Note: Grids placed between two sheets of glass are not considered muntins.

Mid-block crossing - A pedestrian crosswalk located between intersections; must be designed carefully so vehicles drive safely and stop for pedestrians in these crosswalks.

Mixed-use - The combining of retail, commercial, residential, and/or office in the same building or on the same site.

Overhanging Fascia Roof - a roof having a fascia that cantilevers out beyond the building facade to create a covered area.

Pan Formed Sign - a sign type manufactured by vacuum-forming plastic sheets over a mold into a pan form that may include embossed lettering and graphics that are typically internally illuminated.

Pedestrian-friendly - A term specific to a location or a district, such as Erwin's downtown masterplan area, indicating a walking environment where pedestrians feel safe and comfortable walking along and across the streets; a general term encompassing all the design concepts in this report.

Pedestrian zone - The portion of a public streetscape, between the street and the building, intended for pedestrian travel and activity.

Placemaking - All of the fiscal, social, cultural, and physical principles that create vibrant walkable neighborhoods and built environments with a sense of place.

Parapet - a low guarding wall at any point of sudden drop, as at the edge of a terrace, roof, battlement, balcony, etc.

Pedestrian Zone - the portion of a lot and/or public right-of-way between the street and the building intended for pedestrian travel and activity.

Pediment - a triangular gable across a portico, door or window; any similar triangular decorative piece over a doorway, etc.

Pilaster - a shallow rectangular column projecting only slightly from a wall.

Primary Building Entrance - a building entry accessed directly from the pedestrian zone along a primary street; corner lots may have a primary building entrance located at the building corner.

Primary Street - the street a lot adjoins that is considered by the Design review commission to be the principal frontage street of the lot; interior lots will only front a primary street.

Right-of-way - The boundary of public ownership of a road; the area between private property lines is generally referred to as the public right-of-way.

Sash: The secondary part of a window which holds the glazing in place; may be operable or fixed; usually constructed of horizontal and vertical members; sash may be subdivided with muntins.

Secondary Street - the street a lot adjoins that is considered by the Design review commission to be the side frontage street of the lot; only applies to lots with frontage along two or more streets

Sight Distance - The distance that a driver or pedestrian can see ahead in order to observe and successfully react to a hazard, obstruction, or decision point.

Sill - a shelf or slab of stone, brick, wood, or metal at the foot of a window or doorway.

Stakeholders - The groups or individuals who have an interest or stake in the outcome of the project development process. These could include elected town officials, utility companies, downtown business owners, and the general public.

Streetscape - The visual elements of a street, including the road, adjoining buildings, street furniture, trees and open spaces, and other elements that combine to form the street's character.

Traffic calming - Features that slow drivers down because they must navigate over or around these elements to proceed on their desired travel path; may include treatments such as speed humps, speed tables, raised crosswalks, and raised intersections.

Transitional Building - a intermediate scale form of building intended to transition the scale of larger commercial & Mixed-use Buildings to smaller buildings surrounding the

Downtown overlay District; permitted uses include those in the applicable base zoning districts.

Travelway - The area located between opposite curbs, including vehicle and bicycle travel lanes, on-street parking areas, and medians.

Vertically Proportioned - the physical ratio of a defined facade element where the measurement of height is no less than one and one-half the measurement of width.

Wayfinding - A term used to encompass a group of signs located throughout a district. These signs have a similar design style, but each one has a different message and destination being highlighted.

ARTICLE III SITE STANDARDS AND GUIDELINES

Section 1

Commercial and Mixed Use

The following design standards and guidelines are intended to achieve appropriate site design for commercial and mixed-use buildings in Downtown Erwin. The diagram presented on this page illustrates an example site design for a single lot. Generally, individual lots should be designed as a contributing part of the overall cohesive town block with buildings fronting the streets and parking located internal to the block to the rear of buildings.

A. Frontage build-to zone

- New buildings adjacent to existing historic commercial & mixed-use buildings shall be built with the street fronting facades to align with the existing adjacent facades. (Note: some existing historic facades have been covered with newer construction; the intent is to align with the historic facade and not the newer facade)
- New buildings not adjacent to existing historic commercial & mixed-use buildings shall be built to within 5 feet of the pedestrian zone along lot frontage, including the side dimension of a corner lot
- Where special lot conditions exist (such as frontage along a steep grade), the build-to zone may be increased to allow for a split sidewalk, site steps, accessible ramps, etc.

B. Pedestrian Zone

- A 10 feet minimum width is required along primary streets.
- An 8 feet minimum width is required along secondary streets.

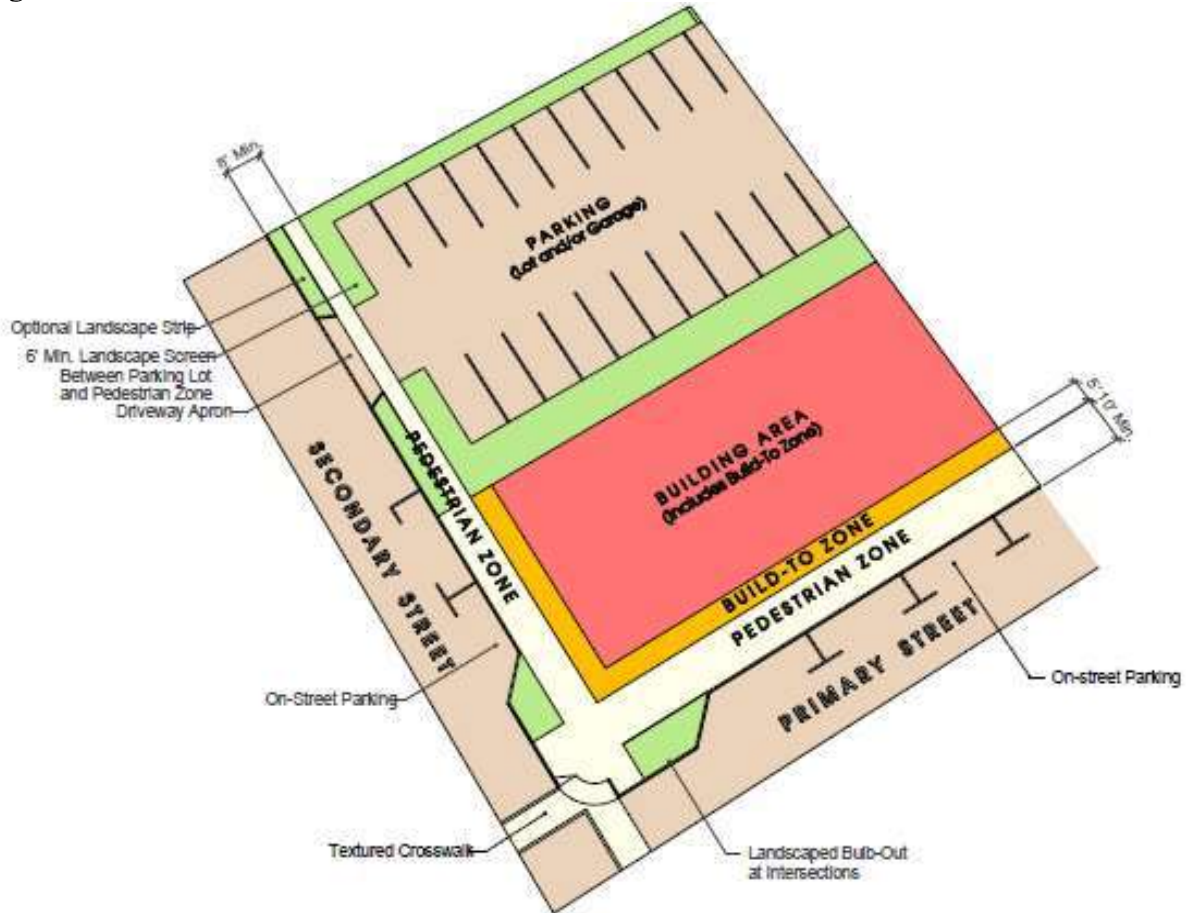
C. Access and Parking

- Continuous driveway access along streets is not permitted.
- Driveway access from North Main Avenue, between Tucker Street and Love Street, is discouraged.
- On corner lots, driveway access may only be provided from either a secondary street or an alley.
- On interior lots, driveway access should be provided from either a secondary street or an alley; for special interior lot conditions, a single driveway access point may be provided to a primary street.
- Driveways shall not exceed 20 feet in width at the property line; a concrete driveway ramp shall be provided at the street curb so that sidewalks run continuous across driveways.
- The sharing of parking lots, joint access drives and cross access easements is highly

encouraged.

D. Landscaping and Screening
(See Article IV, Section 3)

Figure 3.1 Commercial & Mixed-Use



Section 2
Transitional

The intent of transitional development is to transition between the larger scale of commercial and mixed-use buildings and the surrounding residential areas with an intermediate scaled building form. As this relates to the site standards and guidelines, transitional development has a deeper build-to zone that allows for stoops, porches and front yard landscaping between the building and the pedestrian zone.

The following design standards and guidelines are intended to achieve appropriate site design for transitional buildings in Downtown Erwin. The diagram presented on this

page illustrates an example site design for a single lot. Generally, individual lots should be designed as a contributing part of the overall cohesive town block with buildings fronting the streets and parking located internal to the block to the rear of buildings.

A. Build-to Zone

- New buildings adjacent to existing historic transitional buildings shall be built with the street fronting facades to align with the existing adjacent facades. (Note: some existing historic facades have been covered with newer construction; the intent is to align with the historic facade and not the newer facade)
- New buildings not adjacent to existing historic transitional buildings shall be built to within 10 feet of the pedestrian zone along lot frontage, including the side dimension of a corner lot
- Where special lot conditions exist (such as frontage along a steep grade), the build-to zone may be increased to allow for a split sidewalk, site steps, accessible ramps, etc.

B. Pedestrian Zone

- An 8 feet minimum width is required along primary streets
- An 8 feet minimum width is required along secondary streets

C. Access & Parking

- Continuous driveway access along streets is not permitted
- Driveway access from primary streets is discouraged
- On corner lots, driveway access may only be provided from either a secondary street or an alley.
- On interior lots, driveway access should be provided from either a secondary street or an alley; for special interior lot conditions, a single driveway access point may be provided to a primary street.
- Driveways shall not exceed 20 feet in width at the property line; a concrete driveway ramp shall be provided at the street curb so that the sidewalks run continuously across driveways.
- The sharing of parking lots, joint access drives and cross access easements is highly encouraged.
- Off-street parking shall not be permitted in front of a building.

D. Landscaping and Screening
(See Article VI, Section 3)

Figure 3.2 Transitional Site Standards



Section 3
Civic and Institutional

The following design standards and guidelines are intended to achieve appropriate site design for civic and institutional buildings in Downtown Erwin. The diagram presented on this page illustrates an example site design for a single lot. Generally, individual lots should be designed as a contributing part of the overall cohesive Town block with buildings fronting the streets and parking located internal to the block to the rear of buildings. It is appropriate for civic and institutional buildings to be setback greater distances from the street to create appropriate lawns, landscaped open spaces and plazas within Downtown Erwin.

A. Build-to Zone

- Civic and institutional buildings are not restricted by a build-to zone within the overlay district.
- Setbacks shall be regulated by applicable sections of the Erwin Zoning Ordinance.

B. Pedestrian Zone

- An 8 feet minimum width is required along primary streets.
- An 8 feet minimum width is required along secondary streets Wider pedestrian zones and/or deeper building setbacks should be considered at main entries to buildings with large assembly occupancies
- Wider pedestrian zones and/or deeper building setbacks should be considered at main entries to buildings with large assembly occupancies.

C. Access Parking

- Driveway access from primary streets is discouraged.
- On corner lots, driveway access may only be provided from either a secondary street or an alley.
- On interior lots, driveway access should be provided from either a secondary street or an alley; for special interior lot conditions, a single driveway access point may be provided to a primary street
- A point for vehicle access onto a street shall not exceed 24 feet in width.
- The sharing of parking lots, joint access drives and cross access easements is highly encouraged.
- Off-street parking shall not be permitted in front of a building.

D. Landscaping and Screening.

- Landscaped open spaces are appropriate between buildings and the pedestrian zone.
- Low site walls and decorative fencing are appropriate along lot frontages.
(See Article IV, Section 3)

Figure 3.3 Civic & Institutional



ARTICLE IV

STREETSCAPE ELEMENTS

Section 1

Pedestrian Zone

The pedestrian zone is defined as the area between the back edge of the street curb (or edge of pavement where no curb is present) and the build-to zone for each lot. The pedestrian zone shall be provided regardless of the location of the right-of-way. Where sufficient distance does not exist between the existing street edge and the right-of-way for the sidewalk; the sidewalk (or portion of the sidewalk) shall be constructed on the lot and a public access easement shall be granted.

Elements designed for and placed within the pedestrian zone should be primarily focused on providing a safe and pleasant experience for pedestrians. Such elements may include sidewalks, street trees, landscaping strips, street lamps, waste receptacles, park benches, outdoor café seating, way-finding signage and utilities.

Although certain pedestrian zone elements are not necessarily the responsibility of property developers or owners, they are included in the Design Standard and Guidelines to assist the Town of Erwin in making appropriate decisions as they implement future streetscape improvement programs.

All design standard guideline recommendations made below are subject to review and approval by the governmental agencies having jurisdiction over any particular public right-of-way. These may include the State of Tennessee (TDOT), Unicoi County and the Town of Erwin.

- Commercial and mixed-use lots fronting a public right-of-way shall have a continuous sidewalk no less than 8 feet in width along the entire lot frontage.
- Transitional and civic and institutional lots fronting a public right-of-way shall have a continuous sidewalk no less than 5 feet in width along the entire lot frontage.
- Deciduous shade-producing street trees should be planted with in pedestrian zones as per recommended in the Erwin Downtown Streetscape Masterplan.
- Street lamps, sign poles, bollards and waste receptacles shall be coordinated with the Erwin Downtown Streetscape Masterplan.

- All improvements shall meet applicable accessibility requirements.
- Sidewalks and crosswalks should include textured and/or colored materials that differentiate them from vehicular travel ways.
- Utility services, meters, boxes, etc. should be located to the rear of buildings or underground where practicable.

Figure 4.1 Pedestrian Zone



Although a planting strip has been provided between the curb and sidewalk, the lack of street trees and shade discourages pedestrians from using this sidewalk in warmer months.



Street trees, planted in structural soil with tree grates, will grow to provide a beautiful pedestrian streetscape that offers shade in warmer months and seasonal color in autumn and spring.



This "split sidewalk" is an appropriate way to transition steeper grades along storefronts and provide accessible entry; note that a wider pedestrian zone than typical is needed for this.



This suburban sidewalk provides little motivation for people to choose walking vs. driving to their destination and is inappropriate for a downtown setting.



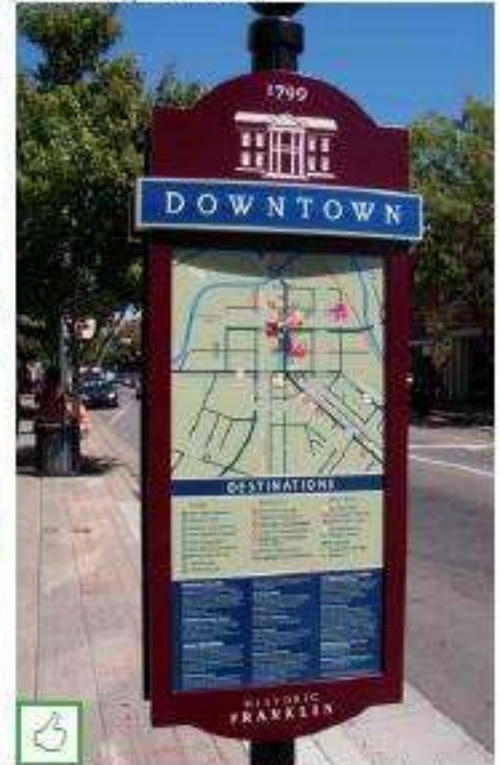
Sidewalk cafe dining is encouraged in Downtown Erwin where widths allow unimpeded pedestrian travel; note the use of protective bollards where on-street parking is not provided.



This urban sidewalk is really not a sidewalk at all; it is a continuous driveway ramp that tells people cars are more important than pedestrians along this zone; note the parked vehicle blocks the sidewalk.



This commercial/residential pedestrian zone provides an appropriate landscape strip with street trees and decorative street lighting; note the sidewalk continues uninterrupted across the driveways.



Decorative street lamps, waste receptacles, bicycle racks and park benches are all encouraged within the pedestrian zone; this well-designed Downtown Destination Directory is a good solution for pedestrian wayfinding.

Section 2

Parking and Access

Automobile traffic is vital to a prosperous downtown. Visitors arrive by vehicle and need to find their way to destinations without experiencing unnecessary confusion or delays. However, vehicles are only beneficial to a downtown if there are passengers in them; slowly driving by or stopping at traffic signals and glancing into the storefronts. Once the vehicle is parked and the visitors are on foot, the vehicle becomes a liability to the success of the downtown and competes with limited valuable real estate that could be used for business enterprise or public benefit.

The Downtown Overlay District standards and guidelines for parking and access are intended to complement the existing off-street parking and access control requirements within this ordinance. Unless otherwise specified in these Design Standards and Guidelines, parking and access control shall be regulated by section 603 of this ordinance, respectively.

- Each off-street parking space within the Downtown Overlay District shall have at least one hundred sixty-two (162) square feet in area (9 feet wide x 18 feet deep minimum) and shall have vehicular access to public street.
- Off-street parking should be located internal to the block and not located along the street frontage.
- Parking lots shall not be located internal to the block and not located along the street frontage.
- A single parking lot aisle may be located in the side yard for interior lots.
- Parking lots shall not be located at street corners.
- Parking lots shall be landscaped according to the Landscape & Screening Section of these design standards and guidelines.
- Street frontage facades of parking garages shall conform to the design standards and guidelines for Commercial and Mixed-use Buildings.
- Parking garages directly fronting primary streets shall have a 40 foot minimum liner building between parking garage and the property line along that street.
- Shared parking areas and cross-access easements are encouraged to improve access control and reduce curb cuts along streets.
- Driveways shall have concrete access aprons that transition street grade to sidewalk grade and maintain an uninterrupted sidewalk across the driveway.
- On-street parking is encouraged as a means of providing front door convenience parking.

Figure 4.2 Parking & Access



This surface parking lot is inappropriately located at a street corner and lacks appropriate landscape screening.



This parking garage has been setback from the property line to provide opportunity for a future finer building fronting the street; this is an appropriate development phasing strategy.



This parking garage facade is appropriately designed to compliment the architecture of a historic downtown; note the architectural facade turns the corner.



Head-in parking along street frontage is inappropriate for Downtown. Drive; note how the vehicles block the sidewalk and force pedestrians to unsafely walk in the street.



On-street parking is necessary to provide convenience parking; note the landscaped bulb-outs that calm traffic speeds and shorten pedestrian crossings.



This parking access apron appropriately places the priority on pedestrians by continuing the sidewalk uninterrupted across the driveway.



Parking lots located between a street and a building are inappropriate for a pedestrian oriented downtown.



This surface parking lot is appropriately located to the rear of a building fronting a primary street and is accessed from a secondary street.



This drive-thru canopy is appropriately located to the rear of a building fronting a primary street and is accessed from a secondary street.

Section 3

Landscaping and Screening

The Downtown Overlay District standards and guidelines for landscaping and screening are intended for private and publicly owned lots. Landscaping within the public right-of-way is regulated by the standards and guidelines for Pedestrian Zones and is intended to compliment the Downtown Erwin Streetscape Master Plan.

- Dumpsters and garbage/recycling containers shall be screened from view with a gated enclosure no less than one foot in height taller than the container being screened enclosures shall be land constructed of opaque materials that compliment the building(s) being served.
- Ground mounted utility cabinets, meters and transformers located in front yards shall be screened from public view with opaque walls and/or landscaping
- Blank building walls (no windows or doors) fronting streets which are setbacks a minimum of 4 feet from the property line shall be landscaped to reduce the impact of the black wall.
- Parking lots, portions of parking lots, driveways and loading zones fronting streets and public open spaces shall have a landscape buffer zone no less than 6 feet wide measured from edge of parking lot pavement to the fronting property line; the landscape zone shall be planted with a minimum of one tree per every 30 feet on-center(2 inch minimum caliper, 6 feet minimum in height) and continuous understory shrubs expected to mature to greater than 30 inches in height from grade; the landscape buffer zone shall only be broken b driveways and pedestrian passageways.
- Parking lots having more than 35 spaces or greater than 12,000 square feet in area shall have interior landscaping islands planted with no less than one canopy tree per 15 parking spaces (2 inches minimum caliper, 6 feet minimum height).
- Hedge rows and wood picket and iron fences (42 inches maximum height) are appropriate in front yards no less than 10 feet deep of civic and institutional, and transitional building types; front yard fences and hedges shall be no less than 18 inches away from the sidewalk or fronting property line.
- Chain link fencing is not appropriate where visible from a public right-of-way with the exception of rear yards of residential properties.
- Buildings owners and/or tenants of zero-lot line buildings fronting sidewalks no less than 8 feet wide many maintain appropriately scaled landscape planters along building frontages; planters and landscaping materials shall not encroach more than 3 feet from the building façade into the sidewalk and shall be no greater than 4 feet in height.

Figure 4.3 Landscaping & Screening



This blank wall inappropriately creates a harsh edge for pedestrians and lacks appropriate landscape treatment; note the lack of shade that discourages walking in warmer months.



This blank wall has been appropriately landscaped to soften the streetscape and encourage pedestrian activity; note the variety of plant species and levels of plant heights.



This storefront appropriately uses finely crafted planter boxes to express individual character and soften the streetscape; note the plantings do not impede views into the storefront.



This parking lot lacks appropriate landscape area width and lacks any landscaping to screen the parking lot from the street.



This parking lot is appropriately screened with a landscape area; note the tree species and shape provides low limbs without obstructing the sidewalk.



These concrete urns appropriately dress up this storefront and add seasonal color and interest to the streetscape; note that these urns do not impede pedestrian travel on the sidewalk.



This dumpster is inappropriately located along the street edge and lacks an appropriate screen wall enclosure.



This dumpster area is appropriately located to the rear of the building and enclosed with a screen wall; note the screen wall materials are coordinated with the building.



This storefront is appropriately screened with a screen wall; note the screen wall materials are coordinated with the building.

ARTICLE V

COMMERCIAL AND MIXED-USE BUILDING STANDARDS AND GUIDELINES

Section 1

Commercial and Mixed-Use

The following standards and guidelines are intended to achieve appropriate building design for Commercial and Mixed-Use buildings in Downtown Erwin. The diagram presented on this page illustrates examples of appropriate building design, massing and elements. It is not intended to regulate stylistic design.

A. Height of Building

Building height shall conform to the requirements of the applicable base zoning district as specified in Article VIII, Table 801.

- Buildings owners and/or tenants of zero-lot line buildings fronting sidewalks no less than 8 feet wide many maintain appropriately scaled landscape planters along building frontages; planters and landscaping materials shall not encroach more than 3 feet from the building façade into the sidewalk and shall be no greater than 4 feet in height.
- For multiple story buildings, the minimum first floor height shall be 14 feet from finished floor to finished floor.

B. Street Fronting Facades

100% of the façade width of any interior lot building shall conform to the façade standards and guidelines. For corner lot buildings fronting both a primary and secondary street, 100% of the width of any façade fronting a primary street shall conform to the façade standards and guidelines and no less than 20 feet of continuous façade width measured from the fronting corner of the building along the secondary street shall comply.

- Multi-story building facades should be architecturally detailed to present a base, shaft and cap; architecturally detailed to present a base, shaft and cap; architectural details may include such elements as water tables, pediments, cornices, material variations and color variations.
- Building facades shall be articulated into distinct façade bays of no more than 25 feet in width. Articulations may be made with architectural elements such as columns and pilasters, wall projections and/or recesses and variations of materials and colors.
- A minimum of 40% of the ground floor façade area shall be transparent

(façade area includes parapet walls and roof forms for single story buildings).

- A minimum of 25% of the façade area of upper floors shall be transparent (façade area includes parapet wall and roof forms).

Figure 5.1.1. Commercial & Mixed-Use

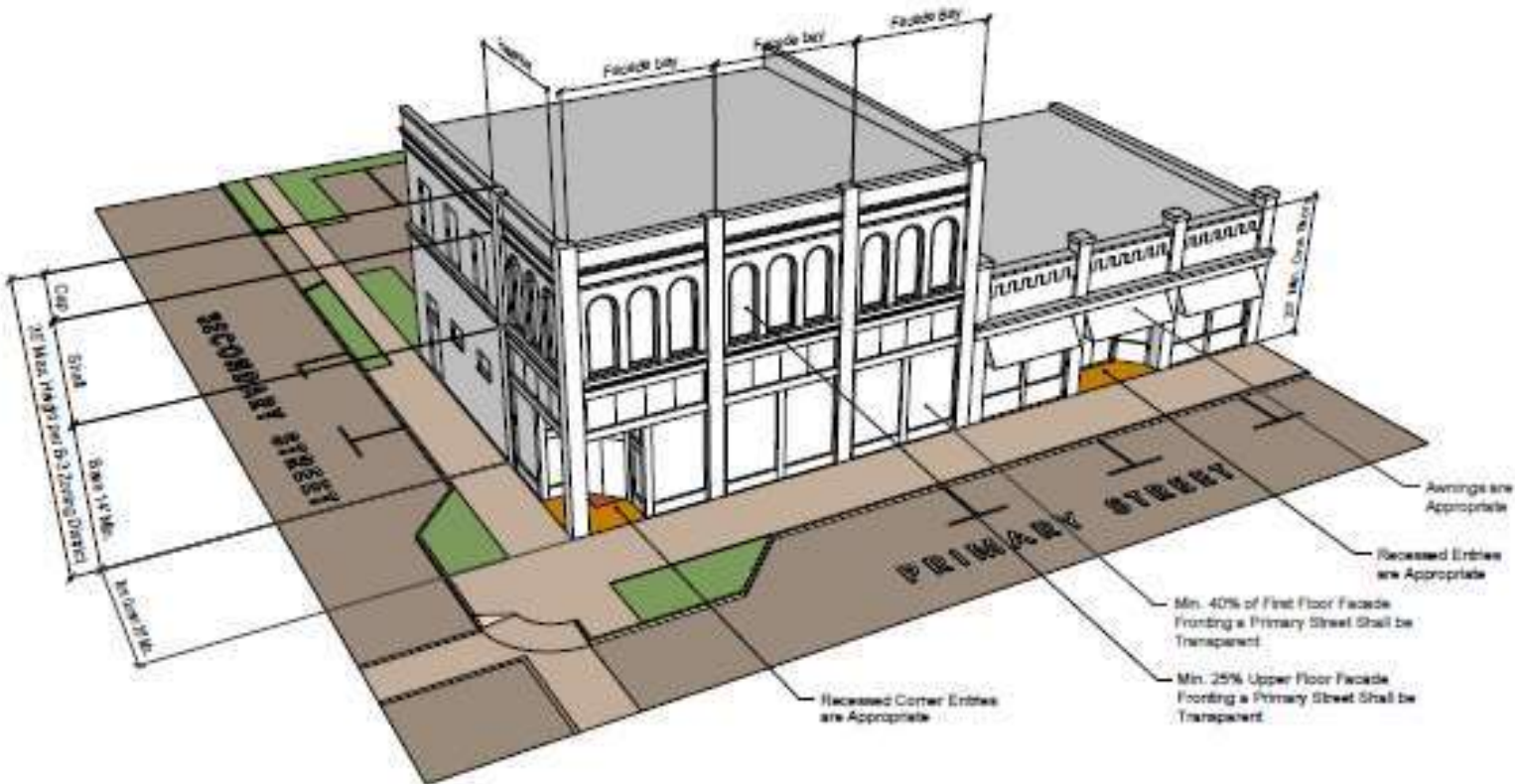
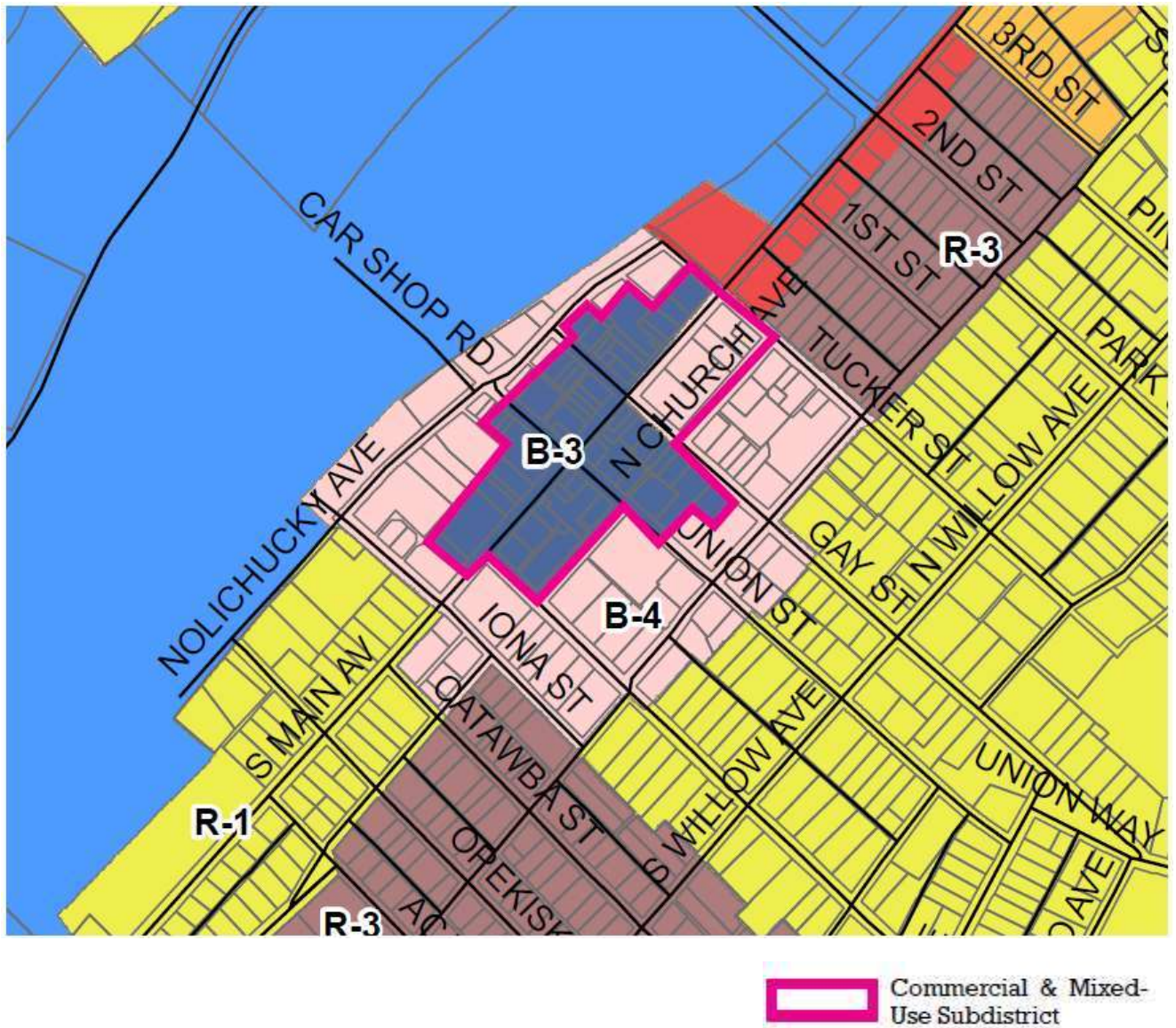


Figure 5.1.2. Commercial & Mixed-Use Subdistrict



C. Façade Walls

The Façade Wall is the exterior wall of a building that fronts a street or public open space. It is the metaphorical “skin” of the building and plays a foundational role in establishing its architectural character. Furthermore, the sum of the architectural character of all the building facades in the downtown composes the historic visual character of Downtown Erwin as a whole.

Downtown Erwin is fortunate that many buildings owners have maintained their original, historic building facades over time. However, a few historic building facades have either fallen into disrepair or have been encapsulated

and covered from view by newer materials and designs that are not supportive of Downtown Erwin's historic character.

The design standards and guidelines below are intended to apply to new construction and to guide renovation/restoration of existing historic building façade walls:

- Multi-story building facades shall be architecturally detailed to present a base, shaft and cap; architectural details may include such elements as water tables, pediments, cornices, material variations and color variations.
- Building facades shall be articulated into distinct façade bays of no more than 15 feet in width. Articulations may be made with architectural elements such as columns and pilasters, wall projections and/or recesses and variation of materials and colors.
- Covering or encapsulating original historic building façade walls with new construction is not permitted; new in-fill construction is permitted where it is used to restore the original façade wall.
- Original building façade walls should be stored as practical.
- Appropriate Materials.

Figure 5.1.3. Façade Walls



Façade walls lacking appropriate architectural horizontal and vertical articulation are not permitted.

RENOVATION



Covering or encapsulating original building façade walls is not permitted; note the original brick cornice detail beneath the siding.



This simple one-story façade wall includes a detailed brick cornice cap and horizontal façade bay articulation with columns in the storefront.



This two-story corner façade includes an appropriately detailed corner entry bay and brick cornice detailing.



Original brick façade walls shall be restored where practicable by tuck-pointing and repointing the brick; this photo is during restoration.



Restored brick façade walls may be either painted and/or remain natural; note this end wall has both applications.



Original building façade walls shall not be covered or encapsulated with new brick veneer facades.



New brick in-fill is permitted where it is used to restore the original façade wall; note the appropriate upper story windows in this construction photo (see photo to right).



New brick in-fill was used to restore the upper story façade wall and window pattern and was painted to create a uniform façade (see photo to left).

D. Roofs

Commercial/Mixed-use roof forms in Downtown Erwin are typically low-pitched roofs with parapet walls along the building façades. These roofs typically slope from the front building façade to the rear façade where storm water is collected with gutters and conveyed through downspouts to either the storm sewer or open grade.

Historic precedent for architectural detailing of parapet wall in Downtown Erwin is primarily brick detail with stone or tile coping. Brick corbelling, soldier coursing and variations in brick style and color are used to define a visual façade “cap” at the parapet wall. Although more elaborate cornices are not commonly found in Downtown Erwin, they are considered historically appropriate to the region and are permitted.

The following design standards and guidelines apply to roofs of commercial/mixed-use buildings:

- Steep pitched roof forms are not permitted.
- Fake mansard style roofs are not permitted.
- Gable and hip roof forms and pediments are not permitted.
- Roofs shall have a parapet wall along each street-fronting building façade.
- Parapet walls shall align with the building façade wall.
- Parapet walls should be tall enough to conceal any roof mounted mechanical equipment from street views.
- Parapet walls are permitted to step along façade walls of corner buildings fronting secondary streets to match roof pitches.
- Appropriately detailed mansard roofs that are integrally designed as part of the building are permitted.

Figure 5.1.4. Roofs



Fake mansard-style roofs are not permitted in Downtown Erwin.



Roofing materials shall not be used as facade wall materials.



Appropriately detailed mansard roofs that are integrally designed as part of the building are permitted; note the slate shingles and dormers.

PARAPET WALLS



Gable and hip roof forms and pediments are not permitted for commercial/mixed-use buildings in Downtown Erwin.



Low-pitched roofs are permitted and shall present a parapet wall at the building facade; note the simple, and appropriate, brick soldier cornice.



Appropriately detailed cornices are permitted on parapet walls.



Parapet walls shall align with the building facade wall; this strip mall roof inappropriately protrudes beyond the facade wall.



A variety of appropriate architectural styles can be expressed with the parapet wall.



Parapets are permitted to step along facade walls of corner buildings fronting secondary streets to match roof pitches.

E. Storefronts

Well-designed commercial storefronts are perhaps the most vital architectural elements in a vibrant and successful downtown. The ability for pedestrians and motorists to see into the building and window shop is critical for successful business in an area where large amounts of parking are not readily available at the front door. Likewise, transparent front allow interior illumination and commercial activity to visibly extend beyond the wall of the buildings into the streetscape.

- Storefront opening of existing buildings shall not be in-filled or covered with opaque materials; restoration/renovation of full storefront openings is highly encouraged.
- Transom windows above storefronts shall not be in-filled or covered with opaque materials; restoration/renovations of transom windows is highly encouraged.
- Recessed entry vestibules are appropriate in storefronts and are encouraged in Downtown Erwin due to limited sidewalk widths.
- Storefront window sills shall be no higher than 3 feet measure from finished floor adjacent to window.
- Storefront window heads and transom window heads shall be aligned at a common elevation across the building façade.
- Punched window openings are not permitted for retail storefronts fronting a Primary Street (punched openings are allowed on facades of retail corner buildings fronting a Secondary Street).
- Vertically proportioned punched window openings are permitted for office storefronts (vertical proportion shall be no less than 1 unit wide x 2 units high; replacement windows for historic punched storefront window openings shall fill the entire masonry opening and shall be inset and trimmed appropriately into the masonry opening.
- Residential windows and doors are inappropriate for commercial storefronts regardless of retail or office use.
- Appropriate storefront materials include painted metal, pre-finished aluminum, painted wood and fiberglass systems.
- Inappropriate storefront materials include vinyl siding, wood siding, metal siding, rustic stone and vertically applied ceramic tile.
- Mirrored glazing and dark tinted glazing are inappropriate for storefronts.
- Decorative glass block and glazing presenting the appearance of a glass block pattern is a unique element in Downtown Erwin and is appropriate for storefront transom windows.

Figure 5.1.5. Storefronts



Residential windows and siding materials are inappropriate for commercial storefronts.

OFFICE STOREFRONTS



Furnished window openings and residential doors are inappropriate for commercial storefronts and ground floor office uses.

TRANSOM WINDOWS



Transom windows above storefronts shall remain glazed and shall not be infilled or covered with opaque materials.



Metal storefront systems and glazing that allow for commercial window displays are appropriate and encouraged.



This ground floor office presents an appropriately detailed, decorative wood storefront.



Pre-finished aluminum storefront systems are appropriate for new construction and renovations.



Pre-finished aluminum storefront systems are appropriate for ground floor office uses as the building may change to a retail use in the future.



This appropriately detailed wood storefront has a recessed entry common to Downtown Erwin; note the transom windows continue across the face of the recessed entry.



This historic building on Main Avenue maintains appropriate transom windows as an original and integral part of the storefront.

F. Upper Story Windows

Upper story windows are important architectural elements as they allow light into the building's interior spaces while providing views out to the streetscape and beyond. These windows create metaphorical "eyes on the street" that help provide a sense of security and further encourage pedestrian activity.

Historic precedent for upper story windows in Downtown Erwin can be categorized into two main styles; rectangular and semi-circular arch-top windows. Eyebrow arch-top windows are not found in Downtown Erwin, but

are considered regionally and historically appropriate.

The following design standards and guidelines apply to upper story windows of commercial/mixed use buildings (exceptions are permitted for special-use buildings such as theaters):

- Window openings of existing buildings shall not be in-f

Figure 5.1.6. Upper Story Windows



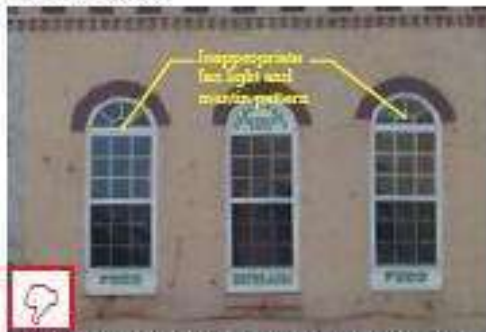
Vinyl residential windows and any windows inappropriately sized for the original masonry opening are not permitted

WINDOW PROPORTIONS

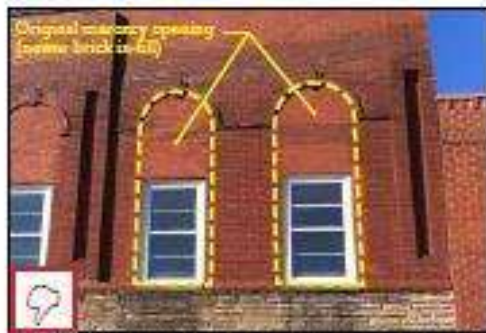


Horizontally proportioned windows and "ribbon windows" are inappropriate for upper stories in Downtown Erwin

WINDOW SASHES



Muntin patterns greater than four-over-four are inappropriate for windows of commercial/mixed-use buildings in Downtown Erwin



In filling original masonry openings to accommodate inappropriately sized replacement windows is not permitted



Vertically proportioned windows (2:1 minimum) are appropriate for the upper stories of new buildings in Downtown Erwin



Muntin patterns of four-over-four or less are appropriate for windows of commercial/mixed-use buildings in Downtown Erwin; note the appropriate 3-light fan pattern



Commercial-grade replacement windows shall be sized appropriately to match the original masonry openings



Vertically proportioned windows that exceed the 2:1 ratio are appropriate for upper stories



Arch-top sashes are appropriate; note appropriate four-over-four muntin pattern

G. Awnings and Canopies

Awnings and canopies are important façade elements that provide sun shading and shelter from inclement weather for pedestrians. These elements also provide an opportunity for unique tenant branding, color and signage.

Awning and canopy precedent in Downtown Erwin includes both fabric awnings and suspended metal canopies. Appropriate versions of both styles are permitted.

- Awnings shall be sized appropriately to match storefront window and

entry doors; single awnings should not be set over more than one door or window bay.

- Awnings are only permitted over building storefronts and entrances; upper story window applications are not permitted.
- Storefront awnings may be either affixed at the head of the transom windows or between the head of the storefront and the sill of the transom windows.
- Awnings may be either fixed frame or operable; operable awnings shall be roller awnings with scissor arm or lateral arm mechanisms.
- Traditional shed awnings are appropriate for most window, door and storefront installations; barrel or quarter-round awnings are not permitted.
- Dome shaped awnings are only permitted for arch-top windows and doors and shall be sized to match the window or door head.
- Awning valances are permitted and may contain lettering to function as signage.
- Vinyl, fiberglass and metal awnings are not permitted; weather-resistant acrylic fabrics that resemble a canvas texture are encouraged.
- Internally illuminated or “glowing” awnings are not permitted.
- Flat metal canopies suspended from the building facade are permitted, however they are discouraged due to accumulation of rail- road coal dust, trash, leaves and other debris that may blow loose with high winds.
- Suspended or cantilevered marquis are only permitted for theaters.

Figure 5.1.7. Awnings & Canopies



Dome shaped awnings are only permitted for arch-top windows and doors and shall be sized to match the opening



Internally illuminated or "glowing" awnings are not permitted



Simple shed awnings are historically accurate and are permitted either with or without a valance or end panels

CANOPIES



Unfinished metal canopies and canopies with exposed metal roof decking are not permitted



Metal canopies shall have a finished ceiling and may only be set between the storefront head and transom window sill



Marques are only permitted for theaters

PLACEMENT



Awnings and canopies are not permitted for upper story windows



Awnings may be placed above the head of storefront transom windows; note appropriate size for window bays



Awnings may be placed between the storefront head and the transom sill

H. Building Lighting

Illumination of building facades is important to creating a healthy and vibrant downtown at night. Illumination provides a comforting sense of safety and can be used to accent architectural features, building entries and building signage.

Lighting fixtures should be selected that respect the historic character of Downtown Erwin and that do not compete to overwhelm the streetscape with excessive brightness or glare.

The following design standards and guidelines apply to façade lighting of commercial/mixed-use buildings:

- Façade lighting shall only be used to illuminate specific architectural elements/ornamentation, storefront displays, highlight building entries of illuminate signage and awnings; illumination of entire building facades, or wall washing, is not permitted.
- Light fixtures may only be used to illuminate on-site elements; fixtures are not permitted that are intended to cast light onto adjacent building facades.
- Visible fluorescent tubes (T lamps), exposed exterior neon lighting, colored bulbs (except for seasonal decoration) and internally illuminated awnings are inappropriate.
- Electric boxes, transformer utilities, and conduits should be concealed from view.
- “Wall-pack” fixtures and high intensity discharge lamps (e.g. sodium and metal halide) shall only be permitted for illuminating service areas and parking areas; they are not permitted for illuminating building facade elements.
- Compact florescent lamps (CFL) and incandescent lamps are permitted.
- No fixtures should have any blinking, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness or color, nor is any beacon light permitted, except those required for fire alarm and/or emergency systems.
- For multi-story buildings, building mounted lighting fixtures are not permitted at an elevation higher than the sill of second story windows.
- Roof mounted or parapet mounted light fixtures are not permitted.
- Traditionally styled fixtures or appropriately scaled contemporary fixtures are recommended; lighting may be in the form of gooseneck fixtures attached to the façade, or by means of accent pendants or sconces and should be coordinated with the building design to be in keeping with the style of architecture.

Figure 5.1.8. Building Lighting



Lighting fixtures mounted to roofs and parapet walls are not permitted; note this fixture is inappropriately illuminating a facade across the street



Contemporary interpretations of historic fixtures are permitted; note the shields that resemble those found on railroad lanterns



"Wall packs" and high intensity discharge (HID) fixtures are not permitted on building facades



Suspended lantern sconces are appropriate for illuminating building entries



Lighting fixtures should be coordinated with the building design to be in keeping with the style of architecture



For multi-story buildings, building mounted lighting fixtures are not permitted at an elevation higher than the sill of second story windows



Facade mounted gooseneck fixtures are appropriate and may be used to illuminate awnings and signs



Gooseneck fixtures shall have shields that focus light toward the building facade and prevent glare

Section 2

Transitional Building Standards and Guidelines

The following standards and guidelines are intended to achieve appropriate building design for Transitional buildings in Downtown Erwin. The diagram presented on this page illustrates example of appropriate building design, massing and elements. It is not intended to regulate stylistic design.

A. Height of Building

Building height shall conform to the requirements of the applicable base zoning district as specified in Article VIII, Table 801.

- It is recommended that maximum building heights be limited to 2 stories where fronting adjacent residential zoning districts to provide an appropriate transition in scale to adjacent residential lots.

B. Street Fronting Facades

100% of the facade width of any interior lot building shall conform to the following facade standards guidelines. For corner lot buildings fronting both a primary and secondary street, 100% of the width of any facade fronting a primary street shall conform to the following facade standards and guidelines and no less than 20 feet of continuous facade width measured from the fronting corner of the building along the secondary street shall comply.

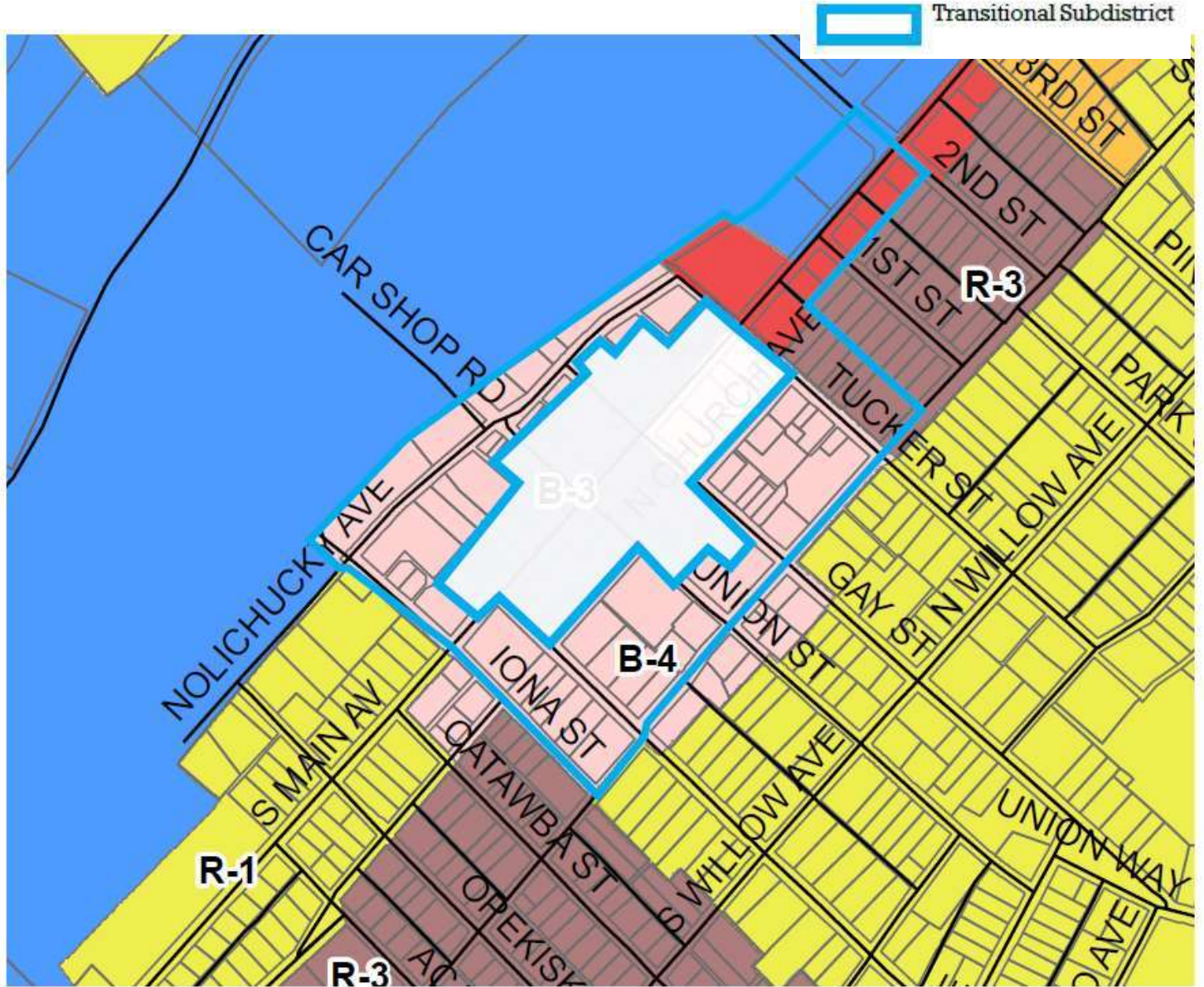
- Building facades shall be articulated into distinct facade bays of no more than 25 feet in width. Articulations may be made with architectural elements such as columns and pilasters, wall projections and/or recesses and variations of materials and colors.
- A minimum of 40% of the ground floor facade area for commercial uses shall be transparent (facade area includes parapet walls and roof forms for single story buildings).
- A minimum of 25% of the facade area of upper floors shall be transparent (facade area includes parapet walls and roof forms).
- Porches and stoops are appropriate.
- Awnings are appropriate for ground floor commercial uses.
- Storefront window systems shall be no wider than 25 feet without being articulated by another building element.
- Maximum sill height for commercial ground floor windows shall be no more than 3 feet above finished floor.
- Windows of transitional buildings should be vertically proportioned.
- Reflective glass and dark tinted glass are discouraged.

- A minimum of one building entrance shall be provided fronting the pedestrian zone and accessed from a public sidewalk.
- All doors fronting pedestrian zones should be fully glazed; exceptions for ground floor office and residential uses and for secondary doors accessing stairwells and emergency egress may be permitted.

Figure 5.2.1. Transition Building



Figure 5.2.2. Transition Subdistrict



C. Roofs

- Sloped roofs are appropriate and may be concealed from view with a parapet wall.
- False mansard type roofs and overhanging fascia type roofs shall not be permitted.
- Pre-engineered metal building roofs shall be concealed by parapet wall fronting all streets.

D. Materials (refer to Appendix A)

- Materials, colors and textures should be compatible with historic building surrounding the Courthouse Square in Downtown Erwin.
- Vinyl siding shall not be permitted; wood cementitious (Hardie, etc.) siding is recommended.
- Metal siding, stucco and E.I.F.S. are not permitted materials for cladding building walls and shall be limited to architectural detailing.

E. Awning and Canopies

- Awnings and canopies may only be applied over building storefronts and entrances; upper story applications are not permitted.
- Vinyl and metal awnings shall not be permitted; metal canopies suspended from the building structure are permitted.
- Convex, barrel and dome awnings are not permitted.
- Internally illuminated or “glowing” awnings are not permitted.

Figure 5.2.3. Transition Building

ROOF TYPES



This metal, overhanging bite-mass roof is inappropriate for downtown Erwin; note also the inappropriate use of painted concrete block as a facade material.



Low-pitched roofs with porches are appropriate for transitional buildings; note the appropriate outdoor cafe area surrounded by a low brick wall.



This street wall illustrates a variety of ways to appropriately detail roof forms for townhome transitional buildings; note the appropriate use of dormers and a corner porch and tower element at the street corner.

WINDOWS & DOORS



These round-topped storefront windows and non-identical scaled door are inappropriate for commercial ground floor.



This appropriate commercial storefront presents an appealing streetscape for pedestrians; note the appropriately proportioned windows on the upper floor.



Front porches and stoops are appropriate entry elements for transitional buildings; note the appropriate window shutters that are sized to match the window widths when closed.

MATERIALS



Section 3

Civic and Institutional Building Standards and Guidelines

The following standards and guidelines are intended to achieve appropriate building design for Transitional buildings in Downtown Erwin. The diagram presented on this page illustrates example of appropriate building design, massing and elements. It is not intended to regulate stylistic design.

A. Height of Building

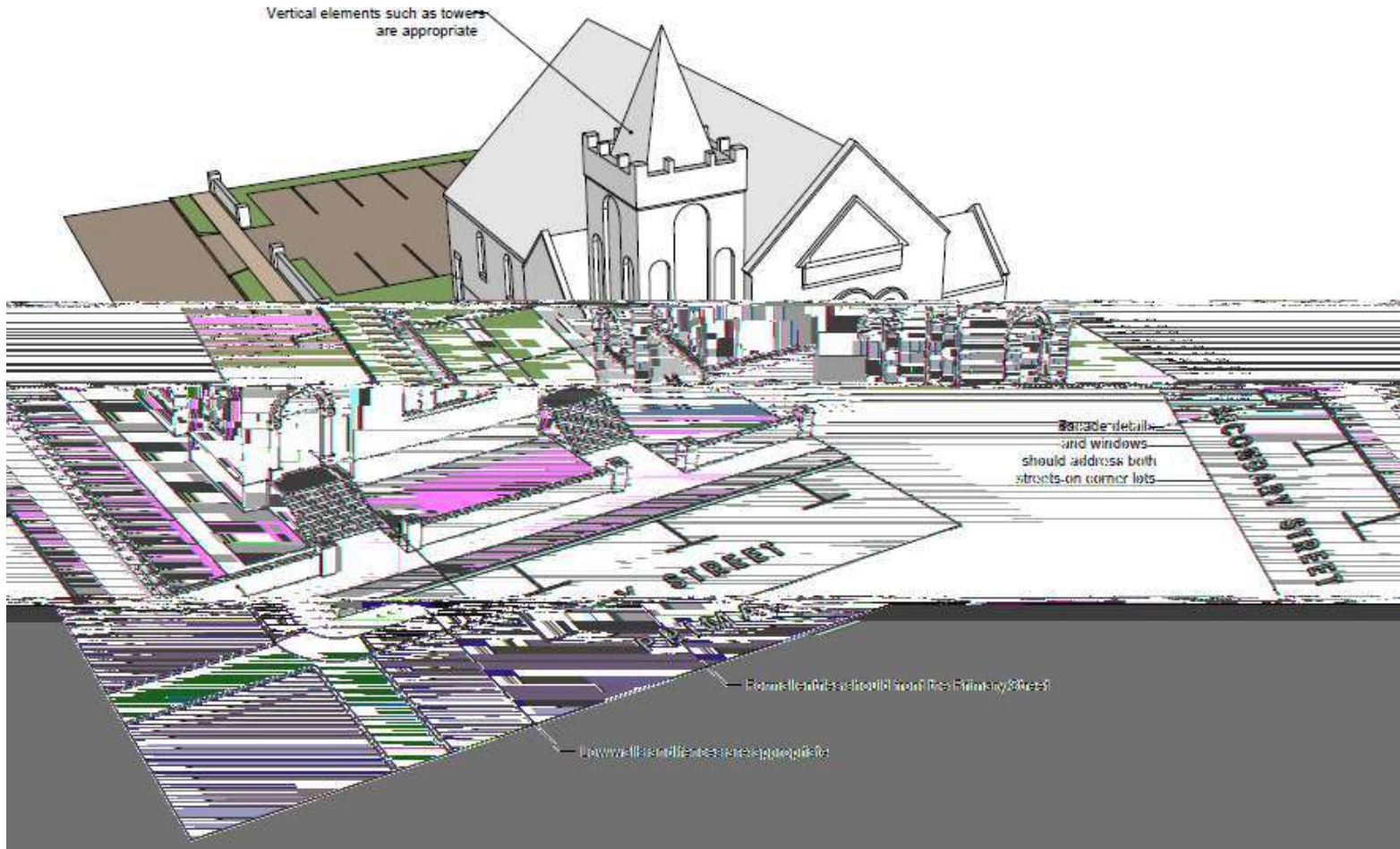
Building height shall conform to the requirements of the applicable base zoning district as specified in Article VIII, 801.

B. Street fronting facades

100% of the façade width of any interior lot building shall conform to the following façade standards and guidelines. For corner lot buildings fronting both a primary and secondary street, the following façade standards and guidelines shall apply to both fronting facades of the building.

- Building facades shall be articulated into distinct façade bays proportioned vertically (no wider than they are in height). Articulations may be made with architectural elements such as columns and pilasters, wall projections and/or recesses and variations of materials and color.
- At least one primary building entrance should front the primary street with direct pedestrian access to the entrance.
- Reflective glass and dark tinted glass are discouraged.

Figure 5.3.1. Civic & Institutional



C. Roofs

- False mansard type roofs and overhanging fascia type roofs shall not be permitted.
- Pre-engineered metal building roofs shall be concealed by a parapet wall fronting all streets.

D. Materials (refer to Appendix A)

- Materials, colors and textures should be compatible with historic building surrounding the Courthouse Square in Downtown Erwin.
- Vinyl siding shall not be permitted.
- Metal siding, stucco and E.I.F.S. are not permitted materials for cladding building walls and shall be limited to architectural detailing.

E. Awnings and canopies

- Awnings and canopies may only be applied over buildings storefronts and entrances; upper story applications are not permitted.

- Convex, barrel and dome awnings are not permitted.
- Vinyl and metal awnings shall not be permitted; metal canopies suspended from the building structure are not permitted.
- Internally illuminated or “glowing” awnings are not permitted.

Figure 5.3.2. Civic & Institutional



This sanctuary building lacks appropriate massing detail; it presents a facade of large, flat, windowless walls and is surrounded by a large parking lot on all sides.



This sanctuary building presents appropriate massing and architectural detailing that complements a pedestrian-oriented downtown; note the appropriate lower element at the street corner.



This smaller scaled sanctuary building illustrates an appropriate relationship of the building to the street; note the appropriate simple massing, roof forms, window proportions and architectural detailing.



This civic building lacks appropriate facade detailing and windows and is clad inappropriately with industrial metal siding and L.F.S.



This small public library building appropriately addresses the street with a formal entry; note the use of masonry and stone with appropriate architectural detailing that signifies that this is a public building.



This public library building has appropriate architectural detailing and materials for downtown; note the deeper setback that creates a brick plaza at the main entry.



This municipal utility office building lacks appropriate facade detail and inappropriately places the parking lot and drive-thru lane at the street corner; note the lack of a sidewalk on the secondary street.



This college campus building has an appropriate architectural facade, massing and roof form; note that a deeper front building setback and landscaped front yard are appropriate for civic buildings.

ARTICLE VI

SIGNAGE

Signage that supports a pedestrian friendly downtown is quite different than that found in more automobile oriented areas of the Town and County. Large sign areas, tall sign heights and oversized graphics that are needed for legibility from longer distances and faster travel speeds along highway corridors are not appropriate in a downtown setting. Downtown Erwin is a place to visit; a destination. Its signage should creatively express business individuality within the downtown context and not strive to achieve individual dominance. Downtown signage should be scaled and crafted to predominantly advertise its message to pedestrians. This calls for a higher level of craftsmanship, quality materials and fine detail that is viewed up-close at a walking pace while also being legible from a slowly passing vehicle.

The Downtown Overlay District standards and guidelines for signage are intended to complement the existing signage regulations within this ordinance. Unless otherwise specified in these Design Standards and Guidelines, signage shall be regulated by the Town of Erwin Sign Ordinance for each relative underlying base zoning district. The signage standards and guidelines are intended to regulate the quality, craftsmanship and placement of signage and introduce additional signage types that are appropriate for Downtown Erwin while prohibiting those that are detrimental to its character.

Although the signage standards and guidelines do not regulate content or message; it is recommended that signage within the Downtown Overlay District solely display the name, type of business and/or graphic logo associated with the particular business advertised. Phone numbers, business hours and other incidental information should be displayed with small storefront graphics and should not be displayed on primary business signs.

Signage permitted prior to the adoption of the Erwin Downtown Design Standards and Guidelines is considered “Grandfathered” and shall not be required to conform to the standards and guidelines herein unless the existing sign is substantially improved or replaced. Any new signage within the Downtown Overlay District requiring a permit shall conform to the signage standards and guidelines.

Wall signs applied parallel to the building façade of multi-story building should be placed in the area between the head of the storefront windows and

the sill of the second story windows (the so-called signage band). On single-story buildings, these wall signs should be placed in the area between the head of the storefront windows and the parapet wall or roof eave.

Figure 6.1.1. Signage



A. Signage Types Prohibited:

- Pole signs or banjo signs of any height.
- Ground signs for building setbacks less than 25 feet from the front property line; sign must be located outside of the public right-of-way.
- Ground signs more than 6 feet in height.
- Signs with changeable copy or letter boards displaying a commercial message (civic and institutional uses, theater marquee signs and fuel sales signs are exempt).
- Internally illuminated cabinet signs and pan-formed signs.
- Adhered vinyl letters, numbers or graphics used for an exterior sign application (window graphics applied to storefront glazing are exempt).
- Signs using fluorescent or “day-glo” colors.
- Internally illuminated awnings.
- Electronic message boards used for commercial advertisement (civic and institutional uses and fuel sales are exempt).
- Signage with any portion located above the eave or parapet of a building.
- Flashing or intermittent illumination signs.
- Window posters, temporary advertisements or other signs individually or collectively covering more than 25 % of the total interior or exterior storefront glazing area of a business.

B. Additional signage Types Allowed:

- Painted and/or applied window graphics and letters.
- Signs hanging from brackets mounted perpendicular to the building wall no less than 8 feet from grade to bottom of sign.
- Wall signs or flat signs (also commonly known as a blade sign projecting perpendicular from the building façade no less than 9 feet in height from adjacent grade to bottom of sign; only located at building corners and top of sign no higher than the finished floor level of 3rd floor.
- Wall mounted restaurant menu cabinets (4 square feet maximum).

Figure 6.1.2. Signage



This well-crafted, exterior illuminated panel sign is appropriately located between the storefront transom window heads and the sill of the second story window.



This simple shed awning is an appropriate awning style for Downtown Erwin; note the appropriate scale, coordinating color and the correct placement of the awning above the storefront entry.



Well-crafted and modestly scaled bracket signs are appropriate for Downtown Erwin; note the appropriate 3-dimensional raised lettering, scripted graphics and coordinated bracket shape.



Indirectly illuminated individual letters and graphics are appropriate types of wall signs; note appropriate placement above storefront.



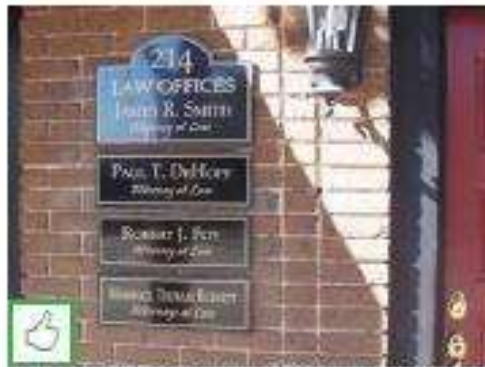
Sidewalk "sandwich board" signs are appropriate for cafe and restaurant uses, so long as they do not impede pedestrian pathways.



These vinyl applied window graphics are appropriately crafted and scaled for the storefront; window graphics should not impede view into the storefront.



Indirectly illuminated blade signs are appropriate for upper floor placement only on building corners; note the appropriate scale and craftsmanship of the sign.



Signage advertising upper floor businesses should be kept to a pedestrian scale and located near the entry to an upper floor stair or elevator lobby.



These vinyl applied window graphics are appropriately crafted and scaled for the storefront; window graphics should not impede view into the storefront.

The following standards and guidelines are intended to achieve appropriate usage of building materials in Downtown Erwin. Both appropriate and inappropriate building materials are presented by type of building; Commercial and Mixed-use, Transitional and Civic and Institutional.

APPENDIX “A” (to Erwin Design Guidelines)

Appropriate Commercial & Mixed-use Building Materials

Appropriate Building Cladding

façade wall

- Modular brick
- Painted modular brick
- Cut stone (ashlar pattern)
- Cultured stone (ashlar pattern)

Appropriate Window and Doors

- Prefinished aluminum storefront system(ground floor only)
- Painted wood storefront system (ground floor only)
- Painted wood windows
- Painted steel windows
- Prefinished aluminum clad wood windows
- Clear or slightly tinted glazing
- True divided lights
- Simulated divided lights (permanent exterior profile grilles)
- Decorative block transom windows

Appropriate Roofs

- Low-sloped roof systems with parapet walls on street-fronting facades

Appropriate Architectural Detailing

- Painted wood
- High density rigid polyurethane (HRP)
- Smooth surface composite or cellular PVC or comparable in standard wood trim sizes
- Quality-formed fiberglass (cornices and bracket details)
- Cut stone
- Cast stone

Appropriate Building Façade Lighting Fixtures

- Gooseneck style wall mounted fixtures
- Lantern style wall mounted fixtures
- Shielded floodlight fixtures
- Wall Sconce Fixtures
- Decorative pendant fixtures, surface mounted fixtures and recessed can fixtures at recessed entries and covered porches and stoops

Inappropriate Commercial & Mixed-use Building Materials

Inappropriate Building Cladding (façade wall)

- Oversized brick
- Stucco
- Exterior insulation Finish systems (EIFS)
- Wood siding
- Metal siding
- Vinyl siding
- Concrete masonry units (CMU)
- Dry stack, rubble river-stone and other rustic stone patterns
- Wood Panels
- Concrete panels

Inappropriate Windows and Doors

- Vinyl windows
- Dark tinted, color tinted or mirror finished glazing
- Simulated divided lights integral to the glazing (between insulated glazing panel)
- Window shutters
- Residential grade doors

Inappropriate Roofs

- Steep sloped roofs
- False mansard-style roofs

Inappropriate Architectural Detailing

- Extruded polystyrene
- Vinyl trim

Inappropriate Building Façade Lighting Fixtures

- High Intensity Discharge (HID) lamped fixtures with unshielded or exposed lamps.
- Exposed neon tube (theaters are exempt)
- Wall pack lighting fixtures
- Exposed fluorescent tubes
- Fixtures that illuminate or “wash” the entire building façade

Appropriate Transitional Building Materials

Appropriate Building Cladding (façade wall)

- Modular brick
- Painted modular brick
- Cut stone (ashlar pattern)
- Cultured stone (ashlar pattern)

- Painted wood siding
- Cementitious and fiber cement composite siding (e.g. Hardie, Certain Teed)

Appropriate Windows and Doors

- Prefinished aluminum storefront system (ground floor only)
- Painted wood windows
- Painted steel windows
- Painted wood storefront system(ground floor only)
- Prefinished aluminum and vinyl clad wood windows
- Clear or slightly tinted glazing
- True divided lights
- Simulated divided lights (permanent exterior profile grilles)
- Shutters and hardware sized to exactly fit window opening if/when closed

Appropriate Roofs

- Painted wood
- High density rigid polyurethane (HRP)
- Smooth surface composite or cellular PVC or comparable standard wood trim sizes
- Quality-formed fiberglass (cornice and bracket details)
- Architectural metal panels
- Cut stone
- Cast stone

Appropriate Building Façade Lighting Fixtures

- Gooseneck style wall mounted fixtures
- Lantern style wall mounted fixtures
- Shielded floodlight fixtures
- Wall sconce fixtures
- Decorative pendant fixtures, surface mounted fixtures and recessed can fixtures at recessed entries and covered porch and stoops

Inappropriate Transitional Building Materials

Inappropriate Building Cladding (façade wall)

- Oversized brick
- Exterior Insulation Finish Systems (EIFS)
- Stucco
- Metal Siding
- Vinyl Siding
- Concrete masonry units (CMU)
- Dry stack, rubble,river-stone and other rustic stone patterns
- Wood panels

- Concrete panels

Inappropriate Windows and Doors

- Vinyl Windows
- Glass block
- Dark tinted, color tinted or mirror finished glazing
- Simulated divided lights integral to the glazing (between insulated glazing panels)
- Shutters lacking hardware and that are not sized to fit the window opening when closed.

Inappropriate Roofs

- Spanish tile
- Wood shingle

Inappropriate Architectural Detailing

- Extruded polystyrene
- Vinyl trim

Inappropriate Building Façade Lighting Fixtures

- High Intensity Discharge (HID) lamped fixtures with unshielded or exposed lamps
- Expose neon tube (theaters are exempt)
- Wall pack lighting fixtures
- Exposed fluorescent tubes
- Fixtures that illuminate or “wash” the entire building façade

Appropriate Civic & Institutional Building Materials

Appropriate Building Cladding (façade wall)

- Modular brick
- Painted modular brick
- Cut stone (ashlar pattern)
- Cultured stone (ashlar pattern)
- Painted wood siding
- Cementitious and fiber cement composite siding (e.g. Hardie, Certain Teed)
- Wood panels
- Concrete panels

Appropriate Windows and Doors

- Prefinished aluminum storefront system (ground floor only)
- Painted wood storefront system (ground floor only)
- Painted wood windows

- Painted steel windows
- Prefinished aluminum and vinyl clad wood windows
- Clear or slightly tinted glazing
- Stained glass
- True divided lights
- Simulated divided lights (permanent exterior profile grilles)
- Shutters and hardware sized to exactly fit window opening if/when closed

Appropriate Roofs

- Low-sloped roof systems with parapet walls on front facades
- Sloped roofs of asphalt or fiberglass composite shingles, standing seam metal, natural or synthetic slate, and shingle-styled concrete tile

Appropriate Architectural Detailing

- Painted wood
- High density rigid polyurethane (HRP)
- Smooth surface composite or cellular PVC or comparable in standard wood trim sizes
- Quality-formed fiberglass (cornice and bracket details)
- Architectural metal panels
- Cut stone
- Cast stone

Appropriate Building Façade Lighting Fixtures

- Gooseneck style wall mounted fixtures
- Lantern style wall mounted fixtures
- Shielded floodlight fixtures
- Wall sconce fixtures
- Decorative pendant fixture, surface mounted fixtures and recessed can fixtures at recessed entries and covered porches and stoops
- Fixtures that illuminate or “wash” the entire building façade

Inappropriate Civic & Institutional Building Materials

Inappropriate Building Cladding (façade wall)

- Oversized brick
- Exterior Insulation Finish System (EIFS)
- Stucco
- Metal siding
- Vinyl siding
- Concrete masonry units (CMU)
- Dry stack, rubble river-stone and other rustic stone patterns
- Wood panels
- Concrete panels

Inappropriate Windows and Doors

- Vinyl windows
- Glass block
- Dark tinted, color tinted (except stained glass) or mirror finished glazing
- Simulated divided lights integral to the glazing (between insulated glazing panels)
- Shutters lacking hardware and that are not sized to fit the window opening when closed
- Residential doors on ground floors

Inappropriate Roofs

- Spanish Tile
- Wood shingle

Inappropriate Architectural Detailing

- Extruded polystyrene
- Vinyl trim

Inappropriate Building Façade Lighting Fixtures

- High Intensity Discharge (HID) lamped fixtures with unshielded or exposed lamps
- Exposed neon tube (theaters are exempt)
- Wall pack lighting fixtures
- Exposed fluorescent tubes