

# ZONING ORDINANCE

## **TOWN OF GREENEVILLE TENNESSEE**

AUGUST, 1992  
LAST REVISION DATE: MARCH 15, 2016

Prepared for:

**THE GREENEVILLE REGIONAL PLANNING COMMISSION**

Ben Brooks, Chairman and Alternate Secretary  
Bob King, Vice Chairman  
Charles A. Hutchins, Secretary  
W. T. Daniels, Mayor  
Lindy Riley  
Bob Biddle  
Brian Bragdon, Alderman  
Trey Ricker  
Paul McAfee

Contact:

Greeneville Regional Planning Commission  
200 North College Street  
Greeneville, TN 37745  
(423) 639-7105  
[planningcommission@greeneviltn.gov](mailto:planningcommission@greeneviltn.gov)

**Prepared by**

Local Planning Assistance Office  
Department of Economic and Community Development  
207 North Boone Street  
Johnson City, Tennessee 37601

August, 1992

**Revised by:**

Department of Planning, Building and Department  
Town of Greeneville  
200 North College Street  
Greeneville, TN 37745  
(423) 639-7105

March, 2016

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

**AUTHORITY**

An ordinance, in pursuance of the authority granted by Sections 13-7-201 through 13-7-210 and Section 13-2-401, 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 Greeneville:

**ARTICLE I. SHORT TITLE AND REPEAL**

Section 101. Short Title. This ordinance shall be known as the Zoning Ordinance of the Town of Greeneville, Tennessee," and the map herein referred to, which is identified by the title "Zoning Map of the Town of Greeneville, Tennessee,' and all explanatory matter thereon are hereby adopted and made a part of this ordinance.

Section 102. Repeal. All zoning regulations in effect prior to adoption of ordinance No. \_\_\_\_ of the Town of Greeneville, as amended, are hereby repealed. The adoption of this ordinance, however, shall not affect nor prevent any pending or future prosecution of an action to abate any existing violation of said existing regulations, as amended, if the violation is also a violation 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, panic and other danger, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, 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 city.

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

**302. Accessory Building, Height of.** The vertical distance measured from the average ground elevation to the highest point of the roof.

**303. Accessory Use or Building.** A use or building on the same lot as the primary use of the structure to which it is related; a use which is clearly incidental to such primary use.

**304. Activity.** The performance of a function or operation which constitutes the use of land.

**305. Adult Day Care Center.** A place operated by a person, society, agency, corporation, institution, or other group that receives payment for the care of persons over 18 years of age for less than twenty-four (24) hours per day in an approved community based facility. The adult day care center shall provide a structured program of personalized care for adults who are not capable of full independent living as a result of physical disability, developmental disabilities, emotional impairment, or frailty resulting from advanced age.

**306 A. Adult Oriented Establishments.** Sexually explicit establishments which cater to an exclusively or predominantly adult clientele and including but not limited to: adult book stores, adult theaters, adult motion picture theaters, cabarets and other enterprises which regularly feature materials, acts, or displays involving complete nudity or exposure of the "Specified Anatomical Areas": (as defined below)..

306A.1 Adult Book Store. An establishment having as more than fifty (50%) percent of the face value of its stock in trade, books, magazines, motion pictures, periodicals and other materials which are distinguished or characterized by depicting, describing or relating to "specified anatomical areas: (as defined below).

- 306A.2. Adult Cabaret. Any restaurant, bar, dance hall, nightclub or other such place which features dancers, strippers, male or female impersonators or similar entertainers for the entertainment of a predominantly adult clientele.
- 306A.3. Adult Motion Picture Theater. Any public place, whether open or enclosed, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities: or "specified anatomical areas", (as defined below), for observation by patrons therein.
- 306A.4. Adult Theater. Adult theater means a theater, concert hall, auditorium or similar establishment which, for any form of consideration, regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- 306A.5. Sexual Encounter Establishment. Sexual encounter establishment means an establishment, other than a hotel, motel or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate or consort in connection with "specified sexual activities" or the exposure of "specified anatomical areas." This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in sexual therapy.

**306B. AM Array.** For the purposes of implementing this Article, an AM array, consisting of one or more tower units and supporting ground system which functions as on AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right. (REVISED 1/19/99)

**306C. Antenna.** Any exterior transmitting or receiving device mounted on a tower, building or structure, and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals. (REVISED 1/19/99)

**306D. Antenna Support Structures.** Any structure which supports an antenna, including towers, water tanks, buildings, etc. (REVISED 1/19/99)

**307. Arterial Street.** A street that provides for traffic movement between areas and across portions of the city and secondarily for direct access to abutting land, as shown in the Zoning Map of the Town of Greeneville.

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

**309. Agricultural Accessory Use.** Those structures or equipment which are normally required in the operation of agricultural uses.

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

**311A. Alteration.** As applied to a building or structure, means a change or rearrangement in the structural parts, or an enlargement, whether by extending a side or by increasing its height or structural changes, other than repairs, that would affect safety. The term "alter" in its various modes and tenses and its practical forms, refers to the making of an alteration.

**311B. Animal Hospital and/or Veterinary Clinic:** A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as an indoor kennel shall be limited to short-term boarding and medical care and shall be incidental to the hospital use.

**311C. Apartment.** A form of multi-family housing which is "attached" and contains three or more dwelling units for rent. The term does not include condominiums, row houses, or other structure which is intended for sale, not lease, of individual units.

**312A. Area, Building** The total areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

**312B. Backhaul Network.** The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network. (REVISED 1/19/99)

**313. Base Flood.** The baseline flood event used in a community's floodplain management program. For the purposes of this code, the definition shall read 100 year flood.

**314. Base Flood Elevation.** Elevation determinations along a floodplain that mark the extent of flooding by the base flood. These data are most frequently taken from flood insurance rate maps (FIRM).

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

**316A. Bed and Breakfast Home.** A residential unit in which no more than seven (7) guest rooms are available for overnight accommodations and breakfast for the registered guests is provided. The owner shall have primary residence on the premises and the use shall be subordinate and incidental to the main residential use of the building.

**316B. Bed-and-Breakfast Inn:** A residential unit in which between one (1) and six (6) guest rooms are available for overnight accommodations and breakfast for the registered guests is provided.

**316C. Berm.** A mound of soil or a man-made raised area used to obstruct views, decrease noise, and/or otherwise act as a buffer between incompatible land uses (REVISED 11/7/00)

**316D. Bicycle Locker.** A totally enclosed lockable storage area for bicycles located within one-hundred (100) feet of the entrance to a building.

**316E. Bicycle Rack.** A ribbon rack able to contain a minimum of four (4) bicycles located within one hundred (100) feet of the entrance to a building.

**317A. 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. Meals are to be provided for registered overnight guests only.

**317B. Bond.** Any security that may be accepted by the Greeneville Regional Planning Commission as a guarantee that the improvements required as part of an application for development are satisfactorily completed.

**318. Buffer Strip.** An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, walls, and/or berms, designed to limit continuously the view of and sound from the site to adjacent sites or properties.

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

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

319.2 Accessory building or use. A building or use customarily incidental and subordinate to the principal building or use and located on the same lot with such building or use.

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

**321A. Building Height.** The vertical distance measured from the finished grade at the building line to the highest point of the roof.

**321B. Building Official.** The officer, or his duly authorized representative, charged with the administration and enforcement of this ordinance. (REVISED 4/03/01).

**321C. Building Perimeter Landscaping.** See foundation planting area (REVISED 11/7/00).

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

322.1. Building Setback Line, Front. A line delineating the minimum allowable distance between the street right-of-way, or if an official future street right-of-way has been established as shown on the current, adopted Major Thoroughfare Plan Map, from that future street right-of-way line, and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to or concentric with the street right-of-way. No structure shall be placed in front of this building setback line.

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

322.3. Building Setback Line Side. A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line. Within this area no structure shall be placed.

**323. 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.

**324. Billboard or Outdoor Advertising Sign.** A sign which advertises products or businesses primarily not connected with the site or building on which they are located.

**325. Carport.** A structure used for the storage of vehicles and having no enclosure other than its roof and such necessary support as will present the minimum obstruction to light, air and view.

**326. Center Line of the Street.** That line surveyed and monumented by the governing body shall be the center line of the street; or if such center line has not been surveyed, it shall be that line running midway between the outside curbs or ditches of such street.

**327. Club.** Buildings and facilities owned or operated by an association or persons for a social or recreational purpose, but not operated primarily for profit or to render a service which is customarily carried on as business:

**328A. Collector Street.** A street providing for traffic movement within the town as shown on the Zoning Map of the Town of Greeneville.

**328B. Compatibility, land use**

Design which utilizes accepted site planning (e.g. building placement, orientation and siting) and the elements of architectural composition within the context of the surrounding area. Similar land uses or square footage do not necessarily constitute architectural compatibility.

**329. Condominium.** A multi-unit structure offering individual ownership of said units.

**330. Country Inn.** A country inn is a professionally licensed business that provides lodging to registered guests and serves breakfast to registered guests and at least one other meal to registered guests and/or the public.

**331. Coverage.** The lot area covered by all buildings located therein, including the area covered by all overhanging roofs.

**332. Day Care Center.** A place operated by a person, society, agency, corporation, institution, or other group that received pay for the care of eight or more children under 17 years of age for less than 24 hours per day, without transfer of custody. The term "Day Care Center" also includes child development centers, nursery schools, day nurseries, play schools, and kindergartens, as well as agencies provided before and after school care, regardless of name, purpose, or auspices. (Excluding schools graded 1-12 and kindergartens operated by governmental units or by religious organizations).

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

**334A. District.** Any section or sections of the area lying within Greeneville, Tennessee, for which the regulations governing the use, density, bulk, height, and coverage of buildings and other structures are in force.

**334B. Driveway.** A roadway not dedicated to the public and outside of the physical and functional area of an intersection used by vehicles and pedestrians for access to a single or multiple lots, parcels or facilities. Driveways designed and intended to provide access to multiple buildings or facilities not under common ownership or on the same lot shall be classified as common permanent access easements.

**334C. Dwelling Group, One-Family Attached.** A line of one-family attached dwellings, joined at the sides by means of common structural or load bearing walls, comprising an architectural whole.

**335. Dwelling, Single Family.** A building designed, constructed, used for one dwelling unit.

**336. Dwelling, Two-Family or Duplex.** A building designed, constructed or reconstructed and used for two dwelling units that are connected by a common structural wall.

**337A. Dwelling, Multi-Family.** A building designed, constructed or reconstructed and used for more than two dwelling units, with each dwelling unit having a common structural wall with any other dwelling unit on the same floor.

**337B. Easement.** A grant by a property owner to the use of land by the public, a corporation, or persons for specific purposes as the construction of utilities, drainage ways and access or roadways. Permanent easements for roadway purposes shall be approved by the Greeneville Regional Planning Commission and shall meet the requirements of a permanent easement as provided in the Greeneville Subdivision Regulations.

**337C. Elderly Housing Including: Assisted Living; Congregate Care; and Retirement Housing:** A building, establishment, complex or distinct part thereof providing elderly congregate group housing, containing individual dwelling units which may consist of one or more bedrooms, dining area, bathing and cooking facilities, or a combination thereof, provided that 24-hour medical care and medical staffing is not required, and provided that limited medical care, meals and other

services may be offered as a matter of convenience and not necessity. A Residential Home for the Aged is not a nursing home.

**337D. FAA.** Federal Aviation Administration.

**337E. FCC.** Federal Communications Commission.

**338. Family:** One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons, but further provided that domestic servants employed on the premises without being counted as a family or families.

**339A. Frontage.** All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead-end of the street.

**339B. Foot-candle.** A unit of illuminance, equal to 1 lumen/ft<sup>2</sup>, abbreviated as fc.

**339C. Foundation Planting Area.** An area located between buildings and access roads, parking areas, and/or driveways, of which a minimum of 50% is landscaped with live landscaping materials other than grass, such as shrubs, small trees, and plants (REVISED 11/7/00).

**339D. Fraternal Organization.** A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings and formal written membership requirements excluding college related fraternities or sororities (ADDED 08/04/15).

**339E. Fraternity or Sorority House.** A building rented, occupied, or owned by a general or social chapter of some regularly organized college fraternity or sorority, or by or on its behalf by a building corporation or association composed of members of alumni thereof, and occupied by members of the local chapter of such fraternity or sorority, as a place of residence (ADDED 08/04/15).

**339F. Frontage Landscape Area.** Landscaped area measuring at least ten (10) feet in width, which is located between parking areas/drieways/access roads and adjacent open public right-of-ways (REVISED 11/7/00).

**339G. Garden.** A piece of land used for growing vegetables, flowers, fruits or small plants for human consumption and not for commercial sale (ADDED 12/01/2015)

**340A. Gasoline Service Station.** Buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail. However, uses permissible at a gasoline service station do not include major

mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating conditions, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service station. A gasoline service station is not a repair garage nor a body shop.

**340B. Glare.** The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to, causing annoyance, discomfort, or loss in visual performance and visibility (ADDED 08/04/15).

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

**342A. Group Home.** A residential facility which offers a home like environment for mentally retarded, mentally handicapped, or physically handicapped residents, on either a permanent or temporary basis.

**342B. Hedge.** A landscape barrier consisting of a continuous, dense planting of shrubs (REVISED 11/7/00).

**342C Height, Antenna.** When referring to an antenna located on a tower, the distance is measured from the base of the tower to the highest point on the antenna. When referring to an antenna located on a building, water tank, etc., the height is for the antenna only, and excludes the height of any supporting structure.

**342D Height, Tower.** The distance measured from the base of the tower to the highest point on the antenna.

**343. Historic District.** A district or zone designated by a local authority, state, or federal government within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history, or because of their unique architectural style and scale, including color, proportion, form and architectural detail, or because of their being a part of or related to a square, park, or are the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives or purposes.

**344. Home Occupations.** An occupation conducted in a dwelling unit, provided that:

344.1. Only one person other than members of the family residing on the premises shall be engaged in such occupation.

344.2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

344.3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four (4) square feet in area, non-illuminated and either wall-mounted on the principal building, or free-standing, not to exceed a height of three (3) feet. The sign shall contain only the name and address of the home occupation.

344.4. Home occupations within accessory structures may be permitted upon appeal and approval of the Board of Zoning Appeals.

344.5. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

344.6. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot.

**345. Hospital.** See Medical Facilities.

**346A. Impervious Surface.** A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water (REVISED 11/7/00).

**346B. Independent housing.** Multi-family dwelling units occupied by persons 55 years or older. In the case of double occupancy of a unit, only one resident is required to be at least 55 years of age. The housing must be self-contained and physically accessible to retirement-aged citizens. (REVISED 5/19/99)

**346C. Interior Parking Lot Landscaping Island.** A landscaped island located within the interior of a parking lot (REVISED 11/7/00).

**346D. Island.** A raised area, usually curbed, placed to protect landscaping (REVISED 11/7/00).

**347A. Junk Yards.** Any open or uncovered land on which dilapidated automobiles, machines or machine parts, scrap metal, rags, plastics, boxes, barrels, old papers or tires, and the like are assembled for purposes of trade or disposal.

**347B. Landscape Specialist.** For the purposes of this ordinance, a landscape specialist shall include landscape architects, horticulturists, and others with formal training in landscape design (REVISED 11/7/00).

**348. Life care facility.** A facility for the transitional residency of elderly and/or disabled persons, progressing from independent living in single-family units to congregate apartment living where residents share common meals and culminating in a full health and continuing care nursing home facility. (REVISED 5/19/99)

**349A. Lot.** A piece 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 or without customary accessories and open spaces. A lot that does not adjoin a public street must have access to the lot from a platted permanent access easement beginning from a public street and terminating on one or more lines of the lot, and such plat shall be approved by the Greeneville Regional Planning Commission (REVISED 8/02/2016).

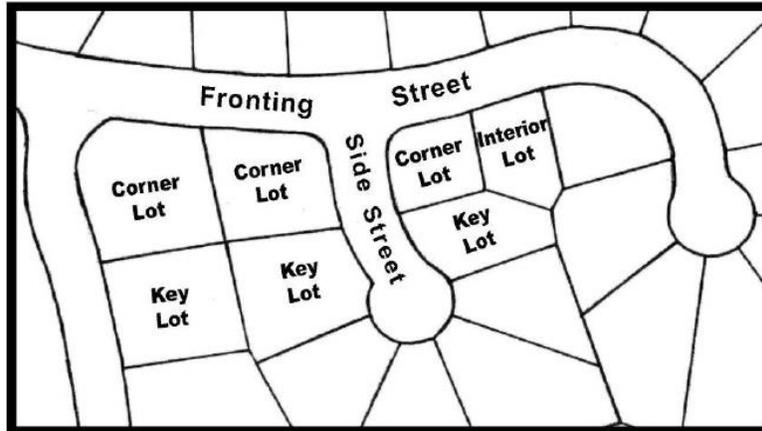
**349B. Lot, Corner.** A lot which adjoins the point of intersection of two or more streets (ADDED 8/02/2016).

**349C. Lot, Double Frontage.** A lot having frontage on two non-intersecting streets as distinguished from a corner lot. Each street frontage of a double frontage lot has a front lot line, and all regulations applicable to a lot frontage in this ordinance shall be applicable to both frontages. (ADDED 8/02/2016)

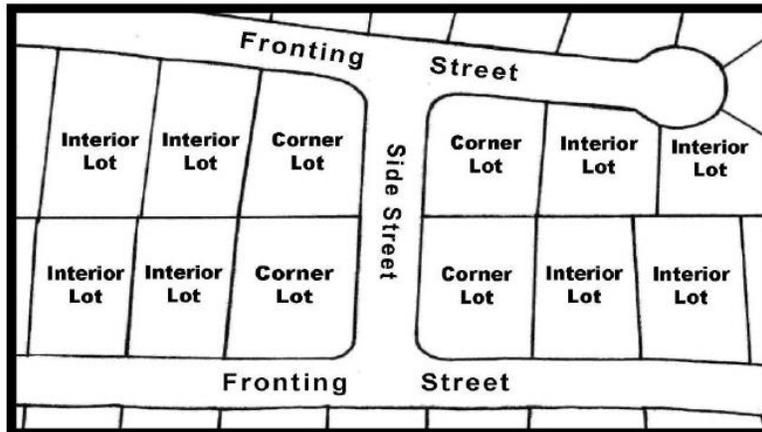
**349D. Lot Front.** The portion of a lot that abuts a public street is the front of the lot. For corner lots, the shortest side fronting upon a street shall be considered the front of the lot. Where buildings exist on the lot, however, the frontage may be established by the orientation of the buildings, or of the principal entrance, if buildings orientation does not clearly indicate lot frontage. Where no other method determines conclusively the front of a lot, the Planning Director or designee shall select one frontage on the basis of traffic flow on adjacent streets or the street higher in the hierarchy of street classification, so that the lot is considered to front on the street with the greatest traffic flow or higher in the said hierarchy (ADDED 8/02/2016).

**349E. Lot, Key.** Any lot, the side property line of which is the same or abuts the rear property line of one or more lots and which are not separated by an alley or any other public way (ADDED 8/02/2016).

## KEY LOT CONCEPT DIAGRAMS



Example: Corner lots with adjacent "key" lots



Example: Corner lots with adjacent interior lots

**349F. Lot, Interior.** A lot other than a corner lot.

**350. Lot line.** The boundary dividing a given lot from a street, alley, or adjacent lots.

**351. Lot Line, front.** That property line running with the street right-of-way which gives access to the lot.

**352. Lot of record.** A lot, the boundaries of which are filed as legal record.

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

**354A. Lowest Floor.** The lowest floor of the lowest enclosed area (including basement). This does not include the floor of an unenclosed garage used solely for parking vehicles.

**354B. Maintenance Bond.** Any security which may be required and accepted by the Greeneville Regional Planning Commission to ensure that required landscape improvements will function as required for a specific period of time (REVISED 11/7/00).

**354C. Manufactured Home.** Commonly called "mobile homes", manufactured homes are single- and multi-sectional units which are built on a permanent chassis and designed for use with or without a permanent foundation when connected to the required utilities. The plumbing, heating, air conditioning, and electrical systems are complete. A manufactured home can be transported in one (1) or more sections, and in the traveling mode is eight (8) body feet or more in width, or forty (40) body feet or more in length. When erected on site the structure contains at least three hundred twenty (320) square feet. It is constructed to National Manufactured Home Construction and Safety Standards, and is identified by a red and silver seal (REVISED 4/03/01).

**354D. Manufactured Home Space.** A leased area within a manufactured home park which is developed to contain one manufactured home and its associated parking, patios, decks, utilities, landscaping, and private recreation area (REVISED 4/03/01).

**354 E. Manufactured Home Subdivision.** A subdivision designed and/or intended primarily for the sale of lots for manufactured homes.

**355. Medical Facilities.**

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

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

**356. Mini Warehouse.** A building or group of buildings in a controlled access compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's goods or wares.

**357A. Mobile Home.** See definition of manufactured home. (REVISED 4/03/01)

**357B. Mobile Home Land Lease Community** (mobile home park). Any single plot or tract of land containing two (2) or more manufactured homes, where manufactured home spaces are leased or rented to the homeowner by the land owner. For the purposes of the Landscape Ordinance, such communities shall be considered multi-family uses, and shall provide buffering as required for such uses. (REVISED 4/03/01).

**358A. Mobile Home Park.** See definition of Mobile Home Land Lease Community (REVISED 4/03/01)

**358B. Modular Home.** A home constructed in a factory, like a manufactured home, but one which is not built on a permanent chassis, and which requires placement on a permanent foundation. It is constructed to the Tennessee Modular Building Code, and is identified by a green seal. (REVISED 4/03/01).

**358C. Motor Home.** A vehicular unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle. (REVISED 4/03/01).

**358D. Mulch.** A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent the growth of weeds, hold the soil in place, and/or aid plant growth (REVISED 11/7/00).

**358E. Neighborhood Recreational Facility.** A recreational facility (such as a swimming pool, tennis courts, or playgrounds) designed to serve a designated neighborhood or subdivision. Membership shall be limited to 100 families.

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

**360A. Noncomplying.**

360A.1 Any lot of record which does not contain sufficient lot area to conform to the area requirements for the zoning district in which the lot is located.

360A.2 Any lawful building or other structure which does not comply with any one (1) or more of the applicable regulations, or

360A.3 Any lawful use other than a nonconforming use, which does not comply with any part or any one (1) or more of the applicable regulations pertaining to:

360A.3.1 Location along district boundary; or

360A.3.2 Accessory off-street parking and loading;

360A.4 Either on the effective date of this ordinance or as a result of any subsequent amendment thereto.

**360B. Nursery.** Land or greenhouses used to raise flowers, shrubs, and plants for sale (REVISED 11/7/00).

**360C. Off-street Parking.** A parking space provided in a parking lot, parking structure, or private driveway (REVISED 11/7/00).

**360D. Ornamental Grass.** Grasses, such as pampas grass, which are not intended to be mown and are generally grown for their ornamental value (REVISED 11/7/00).

**361A. OSHA.** Occupational Safety and Health Administration.

**361B. Planned Unit Development.** A tract of land of not less than two (2) acres developed as a unit under single ownership or unified control, which includes more than one principal building and is processed under the planned unit development (PUD) provisions of this Ordinance. Also, a parcel of land planned as a single unit, rather than as an aggregate of individual lots with design flexibility from traditional siting regulations or land-use restrictions as provided under PUD provisions of this Zoning Ordinance in order to achieve certain economics in construction, as well as the preservation of open spaces and the inclusion of many amenities.

**361C. Parking Lot Perimeter Landscaping.** Landscaping located around parking areas where frontage landscape strips, buffers, and foundation planting areas are not required to be located. Its primary purpose is to separate adjacent parking areas located on separate lots or within separate developments (REVISED 11/7/00).

**361D. Periphery Yard.** A strip of land measuring at least ten (10) feet in width that is located around a property's perimeter and is required to be landscaped and free of development. (REVISED 4/03/01).

**362A. Principal Use.** The primary use of the property, which is permitted under the zoning regulations which apply to the district in which the use is located.

**362B. Private Access Road.** A private road or driveway located within a development which is designed to provide for vehicular movement both within the development and to an open public right-of-way (REVISED 4/3/01).

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

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

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

**366A. Public Water.** A municipal, community or utility district water treatment and distribution system of a type approved by the State Department of Health and Environment and the Public Service Commission.

**366B. Recreational Vehicle.** A vehicular type unit primarily designed as temporary living quarters for recreational camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The definition includes travel trailers, camping trailers, truck campers and motor homes, and similar vehicles (REVISED 4/3/01).

**367. Repair Garage.** A building where motor vehicles are repaired, rebuilt, reconstructed, painted, or stored, for compensation.

**368A. Required Yard.** That portion of a lot that is required by the specific district regulation to be open from the ground to the sky, and which may contain only explicitly listed obstructions.

**368B. Residential Homes for the Aged.** A home represented and held out to the general public as a home which accepts aged persons for relatively permanent, domiciliary care. A home for the aged provides room, board, and personal services to one (1) or more unrelated persons. A Residential Home for the Aged is not a nursing home (ADDED 08/04/15).

**368C. Retail Sales – General.** An establishment having its primary function (a minimum of 80 percent), the retail sales of any article, substance, merchandise, or commodity to the end consumer (ADDED 08/04/15).

**368D. Retail Sales – Specialty.** Retail operations under 10,000 square feet that specialize in one type or line of merchandise including but not limited to: jewelry; bookstore; shoe store; antique store; card and gift; and similar establishment (ADDED 08/04/15).

**368E. Retail Sales – Bulk.** An establishment engaged in the selling of goods or merchandise to the general public, other retailers, contractors, or businesses. Bulk retail involves providing services incidental to the sale of such goods generally in a warehouse setting. Bulk retail is differentiated from general retail by the following characteristic items for sale including large categorized products (e.g., lumber, appliances, household furnishing, electrical and heating fixtures and supplies, wholesale and retail nursery stock, etc.) (ADDED 08/04/15).

**369A. Right-of-way.** The minimum right-of-way of all local streets.

**369B. Rooming or Boarding House.** A building containing a single dwelling unit and not more than five (5) guest rooms where lodging is provided for not more than five (5) guests with or without meals for compensation.

**369C. Self-Service Storage.** A building or group of buildings divided into separate compartments each with a separate exterior entrance used to meet the temporary storage needs of business and residential uses (ADDED 08/04/15).

**370A. Semi- independent housing.** Similar to apartments, but where dwellings are intended for persons 55 years of age and older, and include special support services, such as central dining areas and limited medical care. (REVISED 5/19/99)

**371A. Shopping Center.** A group of commercial establishments, planned, developed, owned or managed as a unit, with off street parking provided on the property; however, this shall not apply to a group of commercial establishments containing no more than four (4) separate commercial establishments in one (1) structure containing a total of not more than 7,500 square feet of floor area. Shopping centers shall meet all requirements of the shopping center regulations as established by the Town of Greeneville.

**371 B. Shrub.** A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen (REVISED 11/7/00).



special exceptions, if specific provision for such special exceptions is made in this zoning code and only after approval has been granted by the Board of Zoning Appeals.

**374. Specified Anatomical Areas:** Specified anatomical areas shall mean any of the following:

- 374.1 Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or
- 374.2 Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**375. Specified Sexual Activities:** Specified sexual activities as used in this code shall include but not be limited to the following:

- 375.1. Human genitals in a state of sexual stimulation or arousal;
- 375.2. Acts of human masturbation, sexual intercourse or sodomy;
- 375.3. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
- 375.4. Flagellation or torture in the context of a sexual relationship;
- 375.5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
- 375.6. Erotic touching, fondling or other such contact with an animal by a human being; or;
- 375.7. Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in "1" through "6" above.

**376A. Spot Zoning.** Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive zoning plan.

**376B. Stealth Type Antenna Support Structure.** A communication structure designed and installed in a manner such that the antennae, supporting apparatus and associated structures are aesthetically and architecturally appropriate with respect

to existing structures or the immediate environment in which the tower/structure is located. Examples include antennae in church steeples, bell towers, flag poles, power poles, etc.) (REVISED 1/19/99).

**377. 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 top most floor and the roof. A basement not used for human occupancy other than for a janitor or domestic employee shall not be counted as story.

**378. Street.** A public right-of-way set aside for public travel which (a) has been accepted for maintenance by the Town of Greeneville; (b) has been established as a public street prior to the date of adoption of this ordinance; or (c) has been dedicated to the Town of Greeneville for public travel by the recording of a street plat or a plat of a subdivision which has been approved by the planning commission.

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

**380. Temporary Sign.** Temporary signs shall include any sign, banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or the light material, with or with frames, where either by reason of construction or purpose of sign is intended to be displayed for a short period of time only.

**381A. Terminal.**

381A.1 A place where transfer between modes of transportation take place.

381A.2 a terminating point where goods are transferred from a truck to a storage area or to other trucks or picked up by other forms of transportation.

**381B. Terminal Islands.** Interior parking lot landscaped island located at the end of a row of parking spaces. (REVISED 11/7/00).

**382. Topography.** The configuration of a surface area showing relative elevations.

**383A. Total Floor Area.** The area of all floors of a building including finished attic, finished basement and covered porches.

**383B. Tower.** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposed, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave

towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. (REVISED 1/19/99).

**384. Townhouse.** A townhouse is a single family dwelling unit attached by fire resistant common walls to other similar type units, each unit having an open space for light, air, and access in the front and rear.

**385. Toxic Materials.** Materials (gaseous, liquid, solid, particulate) which are capable of causing injury to living organisms even when present in relatively small amounts.

**386. Travel Trailer.** Any vehicle used, or so constructed as to permit its being used as conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons, and designed for short-term occupancy, for frequent and/or extensive travel, and for recreational and vacation use, including camper trucks and self-propelled campers, etc.

**387A. Travel Trailer Park.** Any plat of land upon which two or more travel trailers are located and used as temporary living or sleeping quarters. The occupants of such parks may not remain in the same trailer park more than thirty (30) days.

**387AA. Tree.** A woody perennial plant having at least one well-defined stem or trunk which, when mature, normally attains a height of at least fifteen (15) feet, and is not less than six (6) inches in diameter at a point four and one-half (4.5) feet above surrounding grade.

**387B. Tree, Deciduous.** Plants that drop their foliage annually before becoming dormant. (REVISED 11/7/00).

**387C. Tree, Evergreen.** A plant with foliage that remains green year-round. (REVISED 11/7/00).

**387CC. Tree, Farming.** The raising or harvesting of trees on a parcel of land for wood products such as lumber, posts and poles, fuel wood, and Christmas trees (ADDED 12/01/2015).

**387D. Tree, Ornamental.** A deciduous tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shade tree. (REVISED 11/7/00).

**387E. Tree, Shade.** Any tree whose mature height is expected to exceed thirty (30) feet with an expected crown spread of twenty (20) feet or more, with a trunk that can

be maintained in a clear condition (no branches) at least five (5) feet above ground level, and is considered a shade tree in accordance with the American Standards of Nursery Stock, set forth by the American Association of Nurserymen. A list of acceptable shade trees is maintained by the Greeneville Planning Department (ADDED 08/04/15).

**387F. Tree, Specimen.** A particularly impressive or unusual example of a species due to its size, shade, age, or any other trait that epitomizes the character of the species. (REVISED 11/7/00).

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

**389A. Variance.** A variance is a relaxation of the terms of the Zoning Code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Code would result in unnecessary and undue hardship. As used in this Code, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

**389B. Vehicle Overhang.** The portion of a vehicle extending beyond the wheel stops or curb (REVISED 11/7/00).

**389C. Vision Clearance Triangle.** See sight distance triangle. (REVISED 11/7/00).

**390. Yard.** An open space on the same lot with a principal building, open unoccupied, and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance.

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

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

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

**391. Zoning Map.** A map, or series of maps and special overlays (the official copy being maintained at the Greeneville City Hall) showing district and special districts that are established under the provisions of, and are thereby, a part of this Ordinance.

## ARTICLE IV. GENERAL PROVISIONS

- 401. 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 to the provisions of this ordinance with the following limitations:
- 401.1 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 a building which were manifestly arranged or designed for such use prior to the time of enactment of this ordinance;
- 401.2. Any nonconforming building which has been damaged by fire or other causes, may be reconstructed and used as before unless the Building Official determined 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, excepting that existing residential structures located on lots zoned M-1, Manufacturing Warehouse District, or M-2, High Impact Use District, may be reconstructed provided that they comply as closely as possible with setback and other requirements (Revised 9/3/02).
- 401.3. When a nonconforming use of any building or land has ceased for a period of one year, it shall not be re-established or changed to any use not in conformity with the provisions of this ordinance;
- 401.4. All nonconforming outdoor advertising signs, junk yards, commercial animal yards, and lumber yards not on the same lot with a plant or factory shall be required to conform to the provisions of this ordinance upon official notification by the Building Official.
- 402. RESERVED**
- 403. RESERVED**
- 404. Vision Clearance.** In all districts except the B-2 Central Business District, there shall be no plants or structures placed in or on any yard portion of a lot that would obstruct the vision of auto or pedestrian traffic using the intersecting public streets.
- 405. Ingress and Egress** (REVISED 12/1/2015). A plan for adequate and safe ingress and egress for all land uses shall be required. The plan shall include at least the land use of the development to be served by the driveway, the number of proposed driveways, the location of the driveway, the distance of the driveway from

property lines and from street right-of-way intersections, the length of street frontage, and any other pertinent information as may be required by the Town Engineer and the Town Planner.

#### 405.1. Purpose and Applicability

It is the purpose of this section to establish reasonable and impartial regulations for the location of driveways to promote the safety of the users of the streets and lands in Greeneville through the control of design, location, and construction of driveways. The regulations and standards in this section shall apply to all new developments, developments whose site plan approval has lapsed, and redevelopment of existing improved sites involving proposed driveways or curb cuts.

#### 405.2. General Requirements

On corner lots, no driveway shall be constructed within fifteen (15) feet of an intersecting street right-of-way line or in such a manner that any part of the entrance is less than ten (10) feet from the point of tangency of an adjacent intersecting street radius except that a compound curve including both the street radius and the driveway return may be utilized where the street radius exceeds forty (40) feet.

405.2.1. Notwithstanding Subsection 405.2 above, no driveway shall be situated within the functional area of at-grade intersections as determined by the Town Engineer, or as the Town Engineer may require the applicant to determine by scientific studies at the applicant's expense. The boundary of the functional area of the intersection includes the longitudinal limits of auxiliary lanes and extends both upstream and downstream.

405.2.2. Except for residential uses in the R-1 Zoning District, no driveway shall be constructed opposite the non-continuous leg of a "T" intersection for a distance equal to the width of the non-continuous leg right-of-way plus an additional twenty five (25) feet in each direction. Major developments encompassing five (5) or more uses or requiring 250 or more parking spaces may include a driveway designed to function as the fourth leg of a "T" intersection provided there are no other driveways from the development located within two hundred and fifty (250) feet of the intersection.

405.2.3. Except in residential districts, no part of any entrance may encroach on the frontage of an adjacent property except where a joint use driveway is established at the request of all the property owners involved. Where such driveway constitutes the only vehicular way of entry into any development, such way shall be a permanent access easement granting

all property owners involved full rights of passage over the entire area of the driveway. The common driveway shall be plated on a subdivision plat, and the plat shall be approved by the Planning Commission for recording at the Greene County Register of Deeds office paid for by the applicant. Developments with a marginal access road, or on a lot fronting on a marginal access road, especially in commercial and mixed land use districts, shall have their driveways originate from and terminate at the marginal access road.

405.2.4. Where a lot is used for residential purposes, the driveway accessing it from the street or road shall have a minimum distance of five (5) feet between any edge of such a driveway and either side lot line of the lot. For a lot used for non-residential purposes, any edge of any driveway providing access from the street or road shall have a minimum distance of twenty five (25) feet between such edge and either side lot line of the lot. However, in cases where the only driveway providing access to adjoining lots is a joint use driveway, the driveway may cross the property line separating the adjoining properties. Also, where a non-residential lot has less than one hundred (100) feet of street or road frontage, the minimum distance requirement between the driveway edge and the side lot line shall be reduced from twenty five (25) feet to fifteen (15) feet.

405.2.5. In the event that a driveway is built on top of and/or obliterates or damages a public sidewalk, then the driveway must consist of cement concrete in the area previously occupied by the sidewalk. Where installation of a driveway is proposed, adequate measures to control and limit the flow of stormwater onto the public right of way shall be required. Stormwater shall be directed to catch basins, ditches, swales, or other appropriate drainage areas, so that such stormwater does not flow substantially onto the public roads or streets, and does not cause erosion or sedimentation on public right of ways and drainage ways. The Town Engineer may determine the appropriate method of stormwater drainage control necessary to protect public property, and to foster the health and safety of pedestrians and drivers of vehicles on public roads, streets, and ways.

405.2.6. Residential driveways, other than those accessing multi-family residential sites, shall not exceed a maximum slope of ten (10) percent for the initial twenty (20) feet of length extending from the edge of a street or road, and shall not exceed a maximum slope of fifteen (15) percent on the remainder of the driveway length, except that the Town Engineer may permit greater slopes if he determines them safe for single and double family developments. Driveways serving non-residential and multi-family residential sites shall not exceed a maximum slope of five

(5) percent for the initial twenty (20) feet of driveway length extending from the edge of a street or road, and shall not exceed a maximum slope of ten (10) percent on the remainder of the length unless the Planning Commission shall grant a special permit after a determination that said driveway will provide safe and reasonable access for fire, police and emergency vehicles. Where an existing lot or tract of land is too steep to reasonably satisfy the applicable requirements on the driveway slope, then the Board of Zoning Appeals may grant a variance, assuming that the variance represents the minimal departure from the requirements necessary to attain safe and feasible access into the property.

405.2.7. Driveways may be divided by landscape islands with curbs to protect vehicles from damaging the island. Each side of the divided driveway shall be at least twelve (12) feet and at most fifteen (15) feet wide. No structures such as electric power poles, monuments, signs, etc. shall be permitted in driveways except they are contained within landscape islands at least seven (7) feet wide and ten (10) feet long from the edge of the public right-of-way into the development. The island shall not be raised more than three (3) feet, and two (2) feet at the end of the island shall be left unplanted when adjacent to drive aisles and driveways to prevent plant materials from being run over by vehicles or obstructing the view of drivers. The use of cobbles, patterned concrete, or brick pavers shall generally be installed in these end areas. No sign placed in such island shall interfere with the vehicular view triangle.

405.3. Lot frontage requirements per street for driveways serving residential uses follow below:

Subsection	Lot	Permitted number of driveways from a street
405.3.1.	Lots with less than one hundred (100) feet street frontage	No more than one (1) driveway.
405.3.2.	Lots with a street frontage of at least one-hundred (100) feet but less than two-hundred (200) feet	No more than two (2) driveways <sup>1</sup>
405.3.3.	Lots with a frontage of at least two hundred (200) feet but less than four hundred (400) feet	Permitted no more than two (2) driveways without need for Planning Commission review
405.3.4.	Lots with a frontage of more than four hundred (400) feet	Permitted two driveways for the first four hundred (400) feet and may have one (1) additional driveway for each additional two-hundred (200) feet frontage exceeding the minimum of four hundred (400) feet.
405.3.5.	Circular driveways may be permitted only for residential land uses and shall only be installed on lots with a frontage of sixty-five (65) or more feet. The inside radius of the circular driveway shall be tangent to the inside curb return radius approximately perpendicular to the street. Circular driveways may not intersect alleys, and shall have a minimum of twenty-five (25) feet of stand up curb between driveway curb radii	
<sup>1</sup> Where a second driveway is proposed, the driveway shall be subject to Planning Commission approval, if the distance between such proposed driveways amounts to no more than the width of one of the driveways where they have equal widths, or no more than the wider of the driveways where unequal widths apply; otherwise only one driveway shall be allowed. The Planning Commission in approving the second driveway shall exercise discretion to promote safety and public welfare in Town.		

405.4. Lot frontage requirements per street or road for driveways serving non-residential uses follow below:

Subsection	Lot	Permitted Number of Driveways from a street
405.4.1	Lots with less than two hundred and fifty (250) feet of street frontage	No more than one (1)
405.4.2	Lots with a frontage of at least two hundred and fifty (250) feet but less than four hundred and fifty (450) feet of street frontage	No more than two (2) driveways on local and collector street, and no more than one (1) driveway on arterial road
405.4.3	Lots with more than four hundred and fifty (450) feet on local and collector streets	Two (2) driveways plus one (1) driveway for each additional three hundred (300) feet of frontage over four hundred and fifty (450) feet
405.4.4	Lots with more than four hundred and fifty (450) feet on arterial roads	One (1) driveway plus one (1) driveway for each additional four hundred (400) feet or frontage over four hundred and fifty (450) feet

405.5. The width of a driveway approach shall not exceed the following dimensions measured at curbing from top of end slopes:

Subsection	Use	Driveway	Minimum width	Maximum width
405.5.1	Residential	One-way	Twelve (12) ft.	Fifteen (15) ft.
405.5.2	Residential	Two-ways	Twenty (20) ft.	Twenty-four (24) ft.
405.5.3	Non-residential and mixed-use	One-way	Fifteen (15) ft.	Twenty five (25) ft.
405.5.4	Non-residential and mixed-use	Two-way	Twenty five (25) ft.	Thirty five (35) ft.

405.5.5. In no instance shall the entire frontage, rear or side yard of a development constitute its driveway with or without controlled access points that may be marked on pavements. The width of a driveway must be clearly separated from the rest of the frontage yard by greenspace.

405.6. In the event a lot abuts and lies adjacent to two (2) or more separate roads, streets, or highways, the approving authority may limit or prohibit access to one (1) or

more such roads if the safety and welfare of the public will be promoted by so doing. In so limiting or prohibiting access, consideration shall be first given to limiting or prohibiting access to the more heavily traveled abutting or adjacent road, street, or highway. Any party aggrieved by any action taken under the provisions of this paragraph shall have the burden of establishing from engineering studies that such action taken does not promote the safety and welfare of the public.

- 405.7. Any person desiring to obtain a permit for driveway approaches in single and double family residential developments shall file an application with the Town Engineer. This application shall be in writing upon forms provided by the Town and shall contain information showing the type of construction, the width of the driveway, the exact location of the driveway and any other information which may be required by the Town Engineer. The Town Engineer upon approval of the driveway shall notify the Building Official to issue a driveway permit for the development.
- 405.8. The Town Engineer shall review and approve all driveway plans for single and double family residential developments. For all other developments, the approval of the civil plans by the appropriate assigned authority in Town shall constitute the approval of any driveway proposed in the plans.
- 405.9. It shall be unlawful for any person to construct or maintain a driveway approach in the Town without first obtaining a permit. No final Certificate of Occupancy or Certificate of Completion shall be issued until all applicable access control requirements as outlined in this section and any other requirements of the individual access permit have been completed. The driveway permit fee shall be fifty dollars (\$50.00).
- 405.10. Conflicting Ordinances. Any equally or less stringent provisions of any previously adopted ordinance or code which provisions are the same as or are in conflict or at variance with the provisions of this Section on "Ingress and Egress" are hereby amended by deleting the same, rendering the same of no further force and effect.
- 406. Flood Protection.** Any structure proposed to be located within fifty (50) feet of any main drainage channel or stream (hereafter referred to as a stream) within the Town of Greeneville, Tennessee must be approved by the Greeneville Regional Planning Commission and be in conformity with the Flood Disaster Protection Act of 1973 as amended. The planning commission shall determine, on the basis of the watershed and the probable runoff, the openings needed for the stream and how close a structure may be built to the stream in order to assure adequate space for flow of flood water. However, in no case shall a building or structure be permitted within fifteen (15) feet of the top of the bank of any stream.

**407. Planned Unit Development.**

- 407.1 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.
- 407.2 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 Greeneville Regional Planning Commission.
- 407.3 Permitted uses in PUD's. Any use permitted in that district in which the PUD is to be located.
- 407.4 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:
- 407.4.1. There is at least six inch water line serving the site.
- 407.4.2. Fire hydrants are installed so that all buildings can be reached with a 250 feet hose.
- 407.4.3. 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 Greeneville Fire Code.
- 407.4.4. The structure shall be built of fire resistant material.
- 407.4.5. The stairwell doors shall be of fireproof construction and open directly out of the main hallway.

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

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

407.4.8 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.

407.5 The minimum development site for PUD's shall be at least two (2) acres.

407.6 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.

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

407.7.1 Residential.

407.7.1.1. See Subsection 1901.6.1.9 for parking requirements for residential Planned Unit Development

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

407.7.2. Commercial and public, semi-public, recreational and similar planned unit developments.

Required number of parking spaces for commercial, public, semi-public, recreational, cultural and similar use planned unit developments shall comply with the particular use or combination of uses as provided in Subsections 1901.6.2 and 1901.6.3 of this Zoning Ordinance.

407.8 General provisions:

407.8.1. 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, Greeneville, 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.

407.8.2. Combination of Separate Types of Planned Unit Development. The Greeneville Regional Planning Commission may consider separate types of planning unit development (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.

407.8.3. Development Standards and Site Improvements

407.8.3.1 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.

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

407.8.4 Site Improvements: (REVISED 5/19/99)

407.8.4.1 There shall be constructed sidewalks, or an equivalent paved internal pedestrian circulation system. The minimum width of such sidewalks shall be five (5) feet. These sidewalks shall not be sloped from side-to-side, blocked with permanent structures, or otherwise made unusable.

- 407.8.4.2 Storm drainage structures shall be constructed in accordance with plans and specifications approved by the planning commission.
- 407.8.4.3 Any planned unit development to be constructed within Greeneville shall be served by a sanitary sewer.
- 407.8.4.4 For the prevention of noise, improvement of visual character and a generally more pleasing environment, adequate landscaping and screening shall be as required by the Landscape Ordinance and the Planning Commission, and as shown on the site plan for the planned unit development.
- 407.8.4.5 Each PUD shall be permitted signage as for subdivision developments.
- 407.8.5 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.
- 407.8.6 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.
- 407.8.7 Open Space Requirements (REVISED 5/19/99)
  - 407.8.7.1 Residential: At least twenty (20) percent of the development shall be set aside as open space. The open space shall be usable in that it will be consolidated into areas of a size and shape that are, in the opinion of the Planning Commission, adequate for recreation. 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
  - 407.8.7.2 Commercial and industrial:
    - 407.8.7.2.1 Commercial and industrial Planned Unit Developments shall meet all open space

requirements as established by this ordinance.

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

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

407.8.7.3.1. By the developer or management authority of the PUD.

407.8.7.3.2 By Homeowner's Association established by deed restrictions.

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

#### 407.8.8 Staging

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

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

#### 407.8.9 Changes and Modifications (REVISED 5/19/99)

407.8.9.1 Major changes: Major changes to the site plan after it has been adopted shall be considered the same as a new petition and shall be reviewed and approved by the Planning Commission.

407.8.9.2 Minor changes: Minor changes to the site plan may be approved by the Town Planner provided that such changes meet the requirements of Section 410.4 and:

- 407.8.9.2.1 Do not increase the densities
- 407.8.9.2.2 Do not change the outside (exterior) boundaries:
- 407.8.9.2.3 Do not change any use;
- 407.8.9.2.4 Do not materially change the location or amount of land devoted to specific land uses;
- 407.8.9.2.5 Do not significantly change the exterior appearance from those shown on any plans, which may be submitted or presented by the developers.
- 407.8.9.2.6 Includes changes related to the minor shifting of previously approved spaces.

407.9 Application Procedure for Planned Unit Developments. Site plans for PUD developments shall have information as listed in Section 410 Site Plan Review, with any additional information required by the Planned Unit Development regulations, such as cross-sections of access roads, whether public or private; location, dimensions, and total size of required open space; information on how required open space will be developed.

407.9.1 The planning commission may require such other additional information as may be determined necessary to adequately review the proposed development.

407.9.2 No building permits shall be issued until after approval of the final site plan, and, if a permanent easement or public street is proposed, a final subdivision plat. The Building Official 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.

407.9.3 The final site plan shall substantially conform to the preliminary site plan and shall include such items, and in such format, as may be required according to procedures adopted and published by the Greeneville Regional Planning Commission.

#### 407.10 Access to Planned Unit Developments

407.10.1 The public street providing access for the proposed development must be capable of handling the additional traffic anticipated to be generated by the proposed development.

407.10.2 If, in the opinion of the Planning Commission, the existing road network must be improved in order to serve the proposed development, preliminary approval may be given to the project with the understanding that the required work must be completed prior to obtaining final approval, or a bond must be submitted for the work.

#### 407.11 Access within Planned Unit Developments

407.11.1 Streets proposed to be dedicated for public use must meet the requirements of the Subdivision Regulations for public streets.

407.11.2 Private streets will be identified as "permanent easements" and must meet the requirements of the Subdivision Regulations. A subdivision plat of the permanent easement must receive final approval prior to or in conjunction with final site plan approval for the planned unit development.

407.11.3 A note shall be added to the site plan and subdivision plat stating "Permanent Easement Responsibility of Owners. The owners of this property agree to assume full liability and responsibility for maintenance, reconstruction, drainage, and other needs relative to the permanent easements so designated on this plan/plat, and hereby relieve the local government from any such responsibility. Should the permanent easement be dedicated for public use at a later date, the owners will bear full expense of reconstruction or other action necessary to make the permanent easement and drainage facilities fully conform to the current public street standards. The owners also agree that the permanent easement shall be dedicated to the public use without compensation" (Signed and Dated by the owners).

407.11.4 Permanent easements that may be submitted for dedication at a later date should allow additional space for the development of public street rights-of-way and building setbacks

407.11.5 A note shall be added to the site plan and subdivision plat stating "Government and Utility Access. The owners of this property hereby agree to grant full rights of access to this property for governmental and utility agencies to perform their normal responsibilities". (Signed and dated by owners)

407.11.6 A note shall be added to the site plan and subdivision plat stating "Maintenance of Common Open Space. The owners of this property hereby agree to assume full liability and responsibility for the improvement, maintenance and operation of all common open space" (signed and dated by owners)

**408. Special Carport Construction.** In housing constructed prior to 1950 where no provision was made for the off-street parking of automobiles, carports may be constructed in rear and side yards provided the intent and purpose of this ordinance are met as closely as possible and where in the opinion of the Building Official no objectionable condition to the community will result with construction of the carport.

**409. Signs.** All signs to be erected in Greeneville shall conform to the Greeneville Sign Ordinance as adopted by the Board of Mayor and Aldermen. (REVISED 5/19/99)

**410. Site Plan Review.** (REVISED 12/1/2015)

410.1 The following shall govern the submission, review and approval of site plans, also referred to as development plans or civil plans.

410.1.1. In order to maintain the aesthetic characteristic of the community and protect the health, safety and welfare of its citizens, site plans shall be required for all proposed developments excepting single family and two-family structures on individual lots that are not part of a planned unit development. An applicant may submit a concept, preliminary and final plan at different times in the approval process, or simply submit one general plan that shall be considered a combined package of the concept, preliminary and final plans.

- 410.1.2. A completed preliminary and final site plan submission shall consist of the site plan application form, printed copies of site plans as required by the Town, an electronic copy of the plan, and the application fee. A pre-submission conference is recommended, not required.
- 410.1.3. While site plans reserved to be approved by the Planning Commission must be submitted by the deadline set by the Commission in order to be considered at its next regular meeting, there shall be no deadline for submitting site plans that can be approved by the Town Planner.
- 410.1.4. Concept site plans may be submitted only electronically and shall be reviewed by planning staff who shall provide timely advice for any necessary revisions. There shall be no submission deadline for concept site plans and they shall not require approval by the Planning Commission.
- 410.1.5. It shall be reserved to the Planning Commission to approve the civil plans listed in Subsections 410.1.5.1 to 410.1.5.5 below, and the Town Planner is authorized to approve all other plans. "New" in these subsections shall refer to developments proposed to be constructed on a vacant lot, or a development with a different name proposed to be constructed on a previously improved lot after demolition of all or part of the existing infrastructure.
- 410.1.5.1. Preliminary and final plans for new residential Planned Unit Developments
  - 410.1.5.2. Preliminary and final plans for new non-residential Planned Unit Developments
  - 410.1.5.3. Preliminary plans for non-residential developments in the Neighborhood Business District (B-1).
  - 410.1.5.4. Preliminary and final plans for the construction of all streets, park or other public way, ground, place or space, public building or structure, and public utility whether publicly or privately owned. Plans for construction of public utilities required in this subsection do not include the mere extension of existing utilities to a single lot.
  - 410.1.5.5. Preliminary plans for Group Housing Projects.
- 410.1.5. Developments whose preliminary plans must be considered by the Planning Commission have the option of submitting a complete set of plans containing ALL required items for both

preliminary and final plans for consideration by the Planning Commission in one meeting, or of submitting only the preliminary plans for consideration by the Planning Commission. When a developer or professional chooses the first option, ALL required items must be submitted by the deadline set by the Planning Commission for submitting items to the Commission; otherwise, the plans shall be reviewed as preliminary plans. If a developer chooses the second option, the final construction plans may be approved by the Town Planner.

#### **410.2. Types of Site Plans**

In order to facilitate construction plans review with due consideration for the scale of the proposed development and to protect existing property values, the Town of Greeneville provides for four classifications of site plans with varying requirements. These include plot plan, concept plan, preliminary plan and final plan.

##### 410.2.1. Plot Plan

410.2.1.1. A plot plan shall be a plat of a lot, drawn to scale, showing the actual measurements, the size and location of any existing structure or structures to be erected, the location of the lot in relation to abutting streets, and other such information.

410.2.1.2. A plot plan shall be required and shall suffice in the following developments if new sediment and erosion control measures are not required per the Stormwater Ordinance:

410.2.1.2.1. Additions of at most 1200sq. ft. to existing commercial buildings provided access ways to the development do not change.

410.2.1.2.2. Additions not exceeding 2000sq. ft. in size to multifamily structures without new vehicular access.

410.2.1.2.3. Changes in use without need to create new parking spaces, truck loading areas, or to make changes in vehicle access ways.

410.2.1.3. A plot plan shall contain the following information: name and address of the owner of the property; address of the property; tax map identity of the property; the location and dimensions of all parking areas and driveways (existing and proposed); identification of adjacent streets (by name); alleys or other adjacent public property; right-of-way width from centerline; any easements that cross the property or other pertinent legal features; a north arrow; drawing scale (1"=50 or better); property lines and property dimensions; setback; location, size and shape of any existing and proposed

structures; location of existing and proposed utility lines and structures; description of work to be done including proposed changes to the physical features of the site or existing structures; creeks, drainage ditches and surface water lines; ground elevations and contour lines if grading is proposed for sloping sites; minimum paper size of 24"x18"; date; and the seal and/or license number of the design professional who shall be an engineer, surveyor, architect or building contractor.

410.2.1.4. Plot plans shall be reviewed and approved by the Town Planner within fourteen (14) working days after submission if they meet all applicable regulations of the Town and the proposed development does not present a significant impediment to the health, safety and general welfare of the public. If Planning Staff cannot administratively approve the plot plan, staff shall inform the applicant in writing and the plan shall be referred to the Planning Commission for consideration at its immediate upcoming meeting. Planning staff shall fully describe approved plot plans to the Planning Commission at its next meeting.

#### 410.2.2. Concept Site Plan

410.2.2.1. A concept site plan conceptually illustrates the development proposal for a subject property, and is intended for staff review in order to provide feedback to the professional designer or developer on applicable regulations, design standards, forms, procedures, timeframes and other pertinent information necessary to obtain site plan approval.

410.2.2.2. A concept site plan shall be required as exhibit to change of property zoning requests and as provided in Subsection 410.1.4 of this Zoning Ordinance.

410.2.2.3. Concept site plans shall contain at the minimum the following information: location map showing the property and side streets; boundaries of the property with dimensions; scale of the plan (1"=40 or better); existing and proposed zoning of the property; zoning and land use of surrounding property; north arrow; proposed driveways with dimensions; names and location of public streets abutting the property; size and location of proposed structure; location of landscape buffers for adjacent residential uses; proposed content of landscape buffers if plan is submitted for rezoning purposes; property

owner; acreage of the property; acreage of the projected area to be disturbed; tax map identification and civil district of the property; date of the plan; type of proposed use (restaurant, office, storage, etc.); number of stories; building setbacks; total square footage of buildings; height of buildings; building wall material (e.g. concrete) location of existing structures (identified by dashed or grayed lines if structure is to be removed); location/size of parking and loading areas; a table listing the number of parking and loading spaces required and the number of parking and loading spaces provided; and square footage of each use if proposed building shall be mixed use (e.g. restaurant and retail).

#### 410.2.3. Preliminary Site Plan

410.2.3.1. A preliminary plan is developed to identify the location and general relationship between land uses, improvements, structures, circulation systems, greenspaces, and design elements for the purpose of staff comments and/or Planning Commission comments, disapproval or support before submittal of a final construction plan.

410.2.3.3. Preliminary site plans shall contain information as described for concept site plans as well as the following: revision dates of plan (if applicable); size and location of existing utilities; general size and location of proposed utilities including fire hydrants within or closest to the development; location of all easements; street and alley improvement type (e.g. asphalt, gravel, concrete, etc.); location of pedestrian circulation path to and within development; enclosed dumpster/garbage collection area; paving material; lot coverage (if applicable); street right-of-way width; total pervious and impervious area before and after development; percentage of proposed green space in parking area; and clear notes for general and utility construction purposes.

410.2.3.4. The minimum required sheets shall include a Cover Sheet showing location map, project title, professional designer's name, address and seal, index of sheets, utility company identification list, date, developer's name and address, and anticipated activity schedule; Demolition Plan (if applicable); Site Plan Sheet; Utility Plan Sheet showing all existing utility structures in the area to be disturbed, and all utility structures proposed to be relocated or installed anew including the location, height and foot candles of light at proposed along walkways, at entryways, between buildings, and in parking areas; Grading Plan Sheet with topography at 5ft contour interval or

better; Street Profile Sheet (if applicable); and other sheets showing plan details.

410.2.3.5. Approval of a preliminary plan shall not be construed as limitation on planning staff or professional designer to pursue an improved design in the final development plan.

#### 410.2.4. Final Site Plans

410.2.4.1. A final site plan shall be a general plan for permit and for construction purposes.

410.2.4.2. Final site plans shall be drawn and stamped by an architect, surveyor or engineer licensed in the state of Tennessee, and shall contain all items as described for concept and preliminary plans, as well as the following: property lines with accurate bearings and dimensions; location of pedestrian walk paths as may be required by planning commission; drainage calculations; drainage certification; drainage plan (showing drainage flow on site); details on drainage structure/retention basin including the volume capacity of the detention basin at a contour interval not exceeding five (5); topography at five foot contours interval or better; location of free-standing signs; note stating that exterior speakers/sound systems are not permitted unless approved by the Town of Greeneville; a note showing that exterior light shall be shielded so that light is not spilled onto adjacent properties and right-of-ways, or into the sky. Separate sheets shall be submitted showing erosion and sedimentation control measures and associated construction notes and details. These control measures shall conform at minimum with the requirements of the Town of Greeneville's Stormwater Management Ordinance and the Tennessee Department of Environment and Conservation Handbook, second edition, and any revision thereto. When stormwater calculations and a complete Stormwater Pollution Prevention Plan (SWPPP) are required, two (2) copies of each of these requirements shall be submitted as part of the final site plan package.

410.2.4.3. In addition to sheets required for preliminary site plan review as provided in Subsection 410.2.3.4, the minimum sheets for final site plans shall include Erosion, Sedimentation and Pollution Control Plan sheet(s); a sheet on Details of Drainage Structures & Retention Basin including a table of the volume of water that the stormwater detention pond is

designed to contain at different contour intervals; a Landscape Plan sheet showing location and number of trees to be eliminated (if less than fifteen), location of shrubs to be planted, the location of different species of trees to be planted such that the center of the width of all parking spaces are within 65ft of a tree, a table showing the names (generic and botanic) of trees and shrubs and corresponding total quantity to be planted; a table showing required and provided number of trees and shrubs; and a Landscape Protection sheet showing shrub planting details, HFA tree planting detail, and general landscape notes. An Irrigation Plan sheet is recommended, not required, showing at least the location and size of separate water meters for landscaped areas, a notation that there will be static water pressure at the point of connection to the public water supply, a listing of the flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each watering station, an illustration of the established hydrozones throughout the landscaped area, and a notation of whether or not and how recycled water, if any, will be incorporated into the project.

410.2.4.4. Final site plans shall be designed to conform to the Town's site design guidelines.

410.2.4.5. A grading or building permit shall not be issued for a proposed development that requires site plan approval unless the final plans have been approved by the appropriate authority. A Certificate of Occupancy shall not be issued for developments requiring an "As Built" as provided in the Greeneville Subdivision Regulations unless the "As Built" has been approved by the Town Planner.

### **410.3. Site Plans Approval Procedure**

There are two procedures for the approval of civil plans depending on whether the plans require or do not require consideration by the Planning Commission.

#### **410.3.1. Development Plans Requiring Approval by Planning Commission**

The following approval procedure shall apply for development or site plans listed in Subsections 410.1.5.1 to 410.1.5.5 that require consideration by the Planning Commission:

410.3.1.1. The complete set of plans, the applicable site plan review application and fee to recover review cost shall be submitted to the planning staff no later than the date and time set by the Planning Commission. Six copies of a complete set of the plans, all drawn on sheets of at least 18"x24" are required at the time of initial submission.

410.3.1.2. Planning staff shall as soon as possible distribute the copies of the plans to involved Town Departments in the Development Review Committee.

410.3.1.3. The Development Review Committee shall meet on a date specified by the Planning Commission and make a comprehensive review of the plans. Professional designers or developers whose items shall be considered may attend the meeting if they so desire.

410.3.1.4. Within two working days after the Development Review Committee meeting, the planning staff shall provide review feedback to the professional designer.

410.3.1.5. The professional designer shall make all necessary and required revisions and resubmit two copies of the "FOR PERMIT" plans to the planning staff at least eight (8) days before the Planning Commission meeting in which the item will be considered by the Commission.

410.3.1.6. Upon approval of a final plan by the Planning Commission, the professional designer shall submit to planning staff two copies of the approved plan labelled "FINAL FOR CONSTRUCTION" and an electronic pdf copy. Planning staff shall stamp a copy "APPROVED" and return to the professional designer, and retain a copy in the records of the Town. These copies for the records shall be submitted before a building permit shall be issued.

#### 410.3.2. Administrative Approval of Site Plans

The following approval procedure shall govern all other developments which approval is not reserved to the Planning Commission:

410.3.2.1. Six (6) sets of complete site plan drawings and an electronic copy of the site plan shall be submitted to the Town Planner, along with the appropriate review application and fee. Upon receipt of a site plan, the Town Planner shall:

410.3.2.2. Notify the Town Engineer, and staff of the Water and Sewer Commission, Light and Power Systems, Fire Department and any other departments or agencies as appropriate of submitted plans.

410.3.2.3. Each department or agency shall promptly review the site plan for conformity with applicable regulations and best practice standards and convey its findings to the Town Planner, who shall compile a consolidated staff report on the site plan.

410.3.2.4. If any deficiency is found in the plan, the applicant shall be contacted and the deficiency or deficiencies explained. If the applicant amends the plan by correcting all deficiencies, then a revised site plan shall be submitted for review.

410.3.2.5. Upon finding that the site plan is in full compliance with the Site Plan Approval Criteria provided in Subsection 410.4, the Town Planner shall approve the plan. The applicant shall submit a PDF copy and two (2) paper copies of the complete set of plans labelled "FINAL FOR CONSTRUCTION" to the Town Planner. Upon receipt of these submissions, the Town Planner shall notify the building official to issue the appropriate grading and/or building permits. The Town Planner shall fully describe the approved plan to the Planning Commission at its next meeting.

410.3.2.6. If the applicant disagrees with the findings of the Town staff, the applicant may appeal to the Planning Commission. Such appeal shall be made in writing to the Planning Department and shall state the reasons why in the applicant's opinion the site plan is in compliance with Subsection 410.4 of this Zoning Ordinance. The appeal shall be filed no later than eight (8) full working days prior to the next Planning Commission meeting and shall be accompanied by six (6) additional copies of the site plan.

410.3.2.7. The Planning Commission at its regular meeting shall review the disputed site plan and hear evidence from the applicant, Town staff, and from any other interested persons. After hearing evidence, the Planning Commission shall approve the site plan as submitted, approve with amendments, or disapprove the plan. In determining its findings, the Planning Commission shall take into consideration and enforce the site plan approval criteria in Section 410.4 below.

#### **410.4. Site Plan Approval Criteria**

In reviewing and approving site plans, the approving authority shall consider and require compliance with the following:

410.4.1. All application and site plan review submittal requirements have been met.

410.4.2. The final site plan is in full conformance with the Comprehensive Plan, the Zoning Ordinance and Zoning Map, and other applicable regulations of the Town.

410.4.3. The location of development features, including principal and accessory buildings, open spaces, parking areas, driveways, and sidewalks minimize

possible adverse effects on adjacent properties and promote pedestrian and vehicular traffic safety.

410.4.4. On-site and off-site circulation of both vehicular and pedestrian traffic will achieve both safety and convenience of persons and vehicles using the site.

410.4.5. Landscaping, earth berms, fencing, signs, and obscuring walls are of such a design and location that the visual impact of paved surfaces is significantly reduced, and possible negative impacts of the development on the surrounding area is significantly reduced.

410.4.6. Utility service, including proposed light and power, water, sanitary sewer and stormwater runoff systems are sufficient to fulfill the projected needs of the development. Where the approval of any elements of the plan by county, state or federal departments is required, such approval shall be *ipso facto* conditions of approval by the Town of Greeneville.

410.4.7. Maintain a high quality of aesthetics and life without over increasing public costs for development or unduly restricting private enterprise, initiative, or innovation in the design.

410.4.8. The development design is compatible with or improves the character of the area in which it is proposed.

410.4.9. Preserve and enhance property values by ensuring that yards, open spaces, parking lots and public rights of way are incorporated into the development, especially by adopting multi-modal transportation systems and landscape materials.

410.4.10. The Town may require as a condition of final site plan approval, landscaping, berming, fencing, walls, drives or other appurtenances as necessary to promote the health, safety, and welfare of the community and achieve compliance with the standards and intent of this ordinance.

#### **410.5. Construction and Site Plan Approval Time Frame**

Constructions shall be in accord with the approved “FOR CONSTRUCTION” plan; however, changes may be made following the provisions of Section 410.6 of this Zoning Ordinance. Approval of the preliminary plan shall be for a period of twenty-four (24) months, during which time a final development plan shall be filed and approved. Approval of the final plan shall be for a period of twenty-four (24) months, after which time a new final site plan shall be submitted before a building and/or grading permit is obtained.

**410.6. Changes to Approved Site Plans.**

- 410.6.1. Only the Planning Commission can amend a final site plan which it has approved, except that amendments which fully meet the requirements of the Zoning Ordinance may be approved and signed by the Town Planner without further action by the Commission. If any question arises as to compliance, however, the Planner shall refer the plan to the Commission for action.
- 410.6.2. Action by the Town Planner is intended to expedite approval in those situations where amendments are of minor significance and generally relate to the shifting of previously approved spaces. Such amendments must meet the provisions of the Zoning Ordinance. Such amended plans also shall have written on them the exact changes made, and a note for the Planner's signature shall be added, signifying his/her approval under this Section for the amendments as noted.
- 410.6.3. Any changes approved by the Town Planner shall be fully described to the Commission at its next meeting, and properly entered into the minutes of the meeting.

**411. Group Housing Projects.** A group housing project is defined as any group of two or more buildings to be constructed on one parcel of land not subdivided into the customary streets and lots and which will not be so subdivided or where the existing or contemplated street and lot lay outs make it impracticable to apply the requirements of the ordinance to the individual building units in such projects. Group housing projects may be allowed upon review and approval by the Greeneville Regional Planning Commission provided that the following conditions are met:

- 411.1. A site plan showing the location of proposed buildings, roads, drives, parking, utilities, drainage, and other information necessary for review must be presented to the planning commission.
- 411.2. 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.
- 411.3. A one acre minimum lot size is required where two or more structures are to be constructed on a single lot.

**412. Adult Oriented Establishments:** Because adult oriented establishments have a deteriorating effect on property values, create higher crime rates in the area, create traffic congestion and depress nearby residential neighborhoods and retail districts, these activities will only be permitted when minimum conditions are met.

- 412.1 The following minimum conditions must be complied with for a site to be approved for adult entertainment activities:
- 412.1.1. The site shall be not less than one thousand feet from any residential property at the time of approval for an adult entertainment activity.
  - 412.1.2. The site shall be not less than one thousand feet from the site of any public amusement or entertainment activity, including, but not limited to, the following: arcades, motion picture theaters, bowling alleys, marinas, golf courses, playgrounds, ice skating or roller skating rinks or arenas, zoos, community centers and similar amusements offered to the general public. "Amusement or entertainment activities" in this section shall not include adult establishments, and shall not reduce the distance requirements otherwise dictated by this section.
  - 412.1.3. The site shall be not less than one thousand feet from any area devoted to public recreation activity.
  - 412.1.4. The site shall be not less than one thousand feet from any school, library, day care center, park, church, mortuary or hospital.
  - 412.1.5. The site shall be not less than one-half mile from any other adult entertainment business site.
  - 412.1.6. Measurement shall be made from the nearest recorded property line of the lot on which the adult oriented establishment is situated to the nearest property line or boundary of the above mentioned uses, measuring a straight line on the Greeneville Zoning Map.
- 412.2 Maps showing existing land use and zoning within one-half mile of the proposed site should be submitted with an application for Use on Review approval along with site plans, surveys or other such special information as might reasonably be required by the Planning Commission for use in making a thorough evaluation of the proposal.
- 413. Lighting.** Because of the potential nuisance nature of improperly installed lighting fixtures, the following regulations are implemented. (ADDED 5/19/99)

- 413.1 Lighting for all uses, other than architectural highlighting systems, shall be directed downward, not up and/or out. This shall be accomplished by, among other methods, shields on the light fixture.
- 413.2 In no instance, regardless of intent of lighting, shall lights be directed onto adjacent property, public right-of-ways, or directly into the sky.
- 413.3 The Planning Commission and Building Official have the discretion, when reviewing/approving site plans, to require and approve a lighting plan which provides information on the height of the light fixture, types of shields, the amount of spill off-site, etc.

**414. Industrial Park Approval.** These regulations apply to properties which are under the development control of the Town of Greeneville, Greene County, and/or the Industrial Park Agency, and which are to be developed for industrial use. (ADDED 5/19/99)

- 414.1 Site Plan Approval. The Town Planner may approve site plans for applicable developments. The required information shall be as listed in Section 410 of this ordinance. The Planning Commission shall have approved a preliminary subdivision plat, and the Planning Commission or Town Planner shall have approved a final subdivision plat prior to obtaining site plan approval.
- 414.2 Grading Plan. The grading plan shall be submitted to the Building Official for review with compliance with Town requirements. Grading permits may be issued by the Building Official following approval of the grading plan, and prior to approval of the site plan and/or subdivision plat, provided all soil erosion and drainage control measures are in place.
- 414.3 Subdivision Approval. The Planning Commission will review and approve concept and preliminary subdivision plats for applicable developments. Final plats may be approved in-house by the Town Planner, provided the following conditions are met: the Town of Greeneville, Greene County, or the Industrial Park Agency, submits a written commitment to the provision of streets, utilities, drainage systems, or other improvements as required, or the portion of the improvements serving the lot are in place; the plat shall be for no more than two (2) lots; the Planning Commission states, at preliminary approval, that in-house approval is to be permitted; and the plat must be generally consistent with the preliminary plat, i.e., the road location does not change, and the total number of lots does not exceed a number set by the Planning Commission at preliminary approval.

**415. Drainage Requirements** (ADDED 3/7/00).

415.1 New Development. All new developments, with the exception of individual lots containing single family detached and two-family residential uses, are required to show that post-development stormwater flows will not exceed the pre-development flow.

415.1.1 A drainage study shall be performed by an engineer licensed in the State of Tennessee who shall also certify that, if the development and storm water retention is constructed as proposed, post-development flow will not exceed pre-development.

415.1.2 For the purposes of the calculations, it shall be assumed that the land is undeveloped and in a natural vegetative state.

415.1.3 The study and drainage measures shall be for the 2, 10, and 25 year storms.

415.1.4 If the water is to be released onto other property before entering either a public right-of-way or waterway:

415.1.4.1 The engineer shall certify that the flow is entering the natural drainage system at a speed, rate, and volume that does not exceed pre-development flows for 2, 10, and 25-year storms.

415.1.4.2 The outlet for the retention/detention area shall be located at least ten (10) feet from the property line to assist in dispersal of the flow at the property line.

415.2 Existing Development

415.2.1 Existing developments that experience a change in use are not required to construct or expand storm water control measures.

415.2.2. Existing developments that undergo expansions are required to provide storm water detention for the increased flow.

415.3 Building permits shall not be issued until the on-site storm water system is installed as per the plan, and the project engineer has certified that the measures are installed correctly and functioning as designed.

## **416 Fences and Walls**

### 416.1. Purpose

This section sets forth the standards for fences and walls in order to foster and safeguard public safety, reserved or conserved natural areas, community aesthetics, a sense of community, accessibility to public utilities and areas of common or third party interest, and to protect or improve property values.

### 416.2. Applicability

Except where expressly exempted, these standards shall apply to all development and redevelopment. Except where clearly specified, these regulations do not apply to temporary fencing erected for construction purposes, and intended to be eliminated once construction is completed. Such temporary construction fencing shall be removed before a Certificate of Occupancy is issued. Review for compliance with the standards of this section shall occur as a part of review of the Site Plan, Preliminary Plat, Development Plan, or Building Permit, as appropriate.

### 416.3. Location

#### 416.3.1. Permitted Locations

Fences and walls are permitted within:

- 416.3.1.1. A required yard or setback;
- 416.3.1.2. An easement only through the express written permission of the party who holds or benefits by the easement; and
- 416.3.1.3. A required landscape area or open space provided impact to existing or planted vegetation is minimized to the maximum extent practicable as determined by the Town Planner.

#### 416.3.2. Prohibited Locations

No fence or wall shall be installed that:

- 416.3.2.1. Encroaches into a public right-of-way, except for temporary uses up to six (6) feet in height or such height as permitted by the Director of Public Works or the Building Official that may be permitted for a specified period to foster safety and security in a construction project, provided that visibility through the fence is not obstructed.
- 416.3.2.2. Blocks or diverts a natural drainage flow on to or off of any other land;
- 416.3.2.3. Compromises safety by blocking vision at street intersections or obstructs the visibility of vehicles entering or leaving driveways or alleys;
- 416.3.2.4. Blocks access to any above ground or pad-mounted electrical transformer, equipment vault, or similar device;
- 416.3.2.5. Removes, as determined by planning staff, or significantly damages the natural character of a reserved wetland or greenspace; or
- 416.3.2.6. Is located within seven and a half (7.5) feet of a fire hydrant.

416.3.2.7. Does not provide an at least fifteen feet (15') horizontal and vertical dimensions clearance triangle at the point of intersection between two streets.

#### 416.4. Basic Standards Applicable to Fences and Walls

##### 416.4.1. Appearance

Except for fences erected temporarily for construction purposes, fences and walls shall:

- 416.4.1.1. Be constructed of any combination of brick, stone, masonry materials, treated wood posts and planks, rot-resistant wood (such as cypress or redwood), or metal, except that chain link fencing shall be coated dark green or black when used for any use except detached residential and agricultural purposes;
- 416.4.1.2. Be of a uniform architectural style and color palette compatible with the associated building;
- 416.4.1.3. Be oriented such that the "finished" side of the fence or wall faces adjoining lots or the public right-of-way;
- 416.4.1.4. For a fence serving a nonresidential use, may include masonry columns every 50 feet on-center or less and either install a completely opaque fence or provide a single row of evergreen shrubs with a maximum on-center spacing of five feet located on both sides of the fence;
- 416.4.1.5. Not be made of barbed wire, razor wire and/or like material and chain link fences with exposed spike ends, except on land used for farming purposes.
- 416.4.1.6. Obscure no more than fifty percent (50%) of the view into the site, provided, however, that nothing shall prohibit the construction of a stone or masonry wall that is in conformity with other requirements of this section.
- 416.4.1.7. Be maintained in good repair and in safe and attractive condition, including but not limited to replacement of missing, decayed, or broken structural and decorative elements. Examples of unaccepted blighted and hazardous fences include, among others, leaning fences, cracking or peeling paint, rust, and graffiti.

#### 416.5 Specific Requirements for Fences within Residential and Agricultural Districts

416.5.1. Where livestock are permitted pursuant to this Zoning Ordinance, farm fences (wire, barbed wire, other appropriate wire products, stone or wood rail) may be erected. No razor wire or similar product shall be installed above the top of any fence.

416.5.2. Decorative fences not more than three (3) feet in height may be located at least four (4) feet from the front property line, except the International Building Code adopted by the Town provides a more restrictive requirement for health, safety and general welfare. Only decorative fencing, however, is permitted around stormwater detention basins in the front yard.

416.5.3. A fence in the side yard shall provide a reasonable turning area for automobiles backing out of a garage located inside the rear corner of the dwelling.

416.5.4. A permanent homeowners association shall be responsible for maintenance of the fence and the landscaped area between the fence and the street. If there is no homeowners association, the lot owner shall be responsible, and gates may be provided in the side of each offset area to give access to any offset areas for maintenance by the property owner.

#### 416.6. Specific Requirements for Fences within Business and Manufacturing Districts

416.6.1. Commercial districts are planned to encourage maximum circulation from one commercial unit to another. Consequently, fences are generally discouraged if they will limit this circulation. However, fences are necessary in cases of enclosing dumpster pad and garbage areas, preventing pedestrians and vehicles from falling off cliffs, retention walls or slopes of high gradient, keeping vehicles and pedestrians away from stormwater detention basins that are not integrated into the development as amenity features, providing a buffer between commercial or manufacturing and surrounding residential uses, and minimizing the visual impact of parking in the front yards.

416.6.2. Security and decorative fences may be constructed in business and manufacturing districts. Only decorative fencing, however, is permitted around stormwater detention basins in the front yard. The front yard setback of the fence must be at least eight feet (8') from the front property line unless there is a sidewalk, in which case Section 416.7.1.3 applies. All other applicable requirements of this Section 416 shall be respected.

#### 416.7. Yard Location

##### 416.7.1. Front Yard

416.7.1.1. Fences of not more than four (4) feet in height may be allowed in front yard. Periodic posts, decorative columns, and lighting fixture or decorative details may exceed the 4 feet height limitation.

416.7.1.2. Materials for fences to be constructed in the front yard may be split rail and wrought iron including those that have brick stone columns. All others are subject to the approval of the Building Official. Exposed plain cinder block or concrete block or other metal mesh fencing, and barbed wire or other single wire fencing are specifically prohibited in the front yard. The permitted fencing on corner lots may be limited by the requirements of Section 416.7.3, except on corner lots where open type decorative fences are installed and do not substantially impede visibility.

416.7.1.3. Where the fence is near a sidewalk, the center line of the columns and fence shall be at least three feet (3') from the back of the sidewalk and the space between the sidewalk and the fence shall be planted with groundcovers. One of three alternative landscape models may be used:

- 416.7.1.3.1. Where the fence is offset, a 3" - 3 ½" caliper small or medium density tree shall be planted in the offset area midway between each successive pair of columns.
- 416.7.1.3.2. Where the center line of the columns and fence are thirty feet (30') from the face of the street curb or twenty feet (20') from the street right-of-way, whichever is the greater distance, large-density shade trees, 2 ½" caliper, shall be planted on 50' centers. Five (5) medium-density evergreen trees, at 6' on centers in the staggered arrangement shown, 6' to 8' high when planted, shall be planted between the shade trees. Large density evergreen shrubs shall be planted along the fence at 6' on centers.
- 416.7.1.3.3. Where the center line of the columns and fence shall be twenty feet (20') or less from the back of the sidewalk, a shade tree, which is a large-density deciduous tree with a dense and typically wide-spreading canopy shall be used; although a medium or small density species may be used in the case of conflict with overhead wires. The space between the sidewalk and the fence shall be planted with groundcovers.

#### 416.7.2. Side and Rear Yards

416.7.2.1. Fences in side and rear yards shall consist of customary fence construction as stipulated in Section 416.4 and may not exceed eight (8) feet in height.

416.7.2.2. In side and rear yards, fences may be constructed on the lot line except as limited by the Planning Commission approval of fence location given with the Subdivision approval.

#### 416.7.3. Corner Lots

416.7.3.1. On corner lots, fences exceeding the four (4) feet height but not exceeding the eight (8) feet height may be constructed in the yard abutting the street on the frontage other than where the principal entrance to the residence is located, provided that a fifteen (15) foot setback is maintained from the street right-of-way and the fence does not project beyond the front of the house.

416.7.3.2. On corner lots or reverse frontage lots, all wooden fences shall have the finished side toward the street. In corner lots, as in all other cases, any person installing an eight (8) feet fence that joins a six (6) feet fence would be required to slope the fence a distance of eight (8) feet to where it joins the six (6) foot fence.

#### 416.8. Fences and Walls Used for Screening Refuse Areas or Recyclable Containers

In addition to the basic standards applicable to all fences and walls, fences and walls used as enclosures to screen dumpsters and refuse areas in developments requiring site plan approval shall comply with the following standards:

##### 416.8.1. Walls used to screen trash dumpsters, refuse collection areas, or recycling containers shall:

- 416.8.1.1. Fully screen all refuse containers from public view;
- 416.8.1.2. Be constructed of masonry, stucco concrete block, or PVC materials. Wood and chain link fences are only permissible where the location of the dumpster is totally hidden from view and the enclosure materials are replaced following deterioration. All construction materials shall match the main colors and materials of the associated building they serve;
- 416.8.1.3. Include opaque gates designed to complement the wall or fence materials used, and the gate must not swing open unto a driveway, public right-of-way, or surrounding property; and
- 416.8.1.4. Be supplemented with plantings around the perimeter located no more than five feet on-center, if located on a lot within a conventional area.



Figure 416-1: This image demonstrates how dumpster enclosures can be constructed of high quality materials and provide a completely opaque screen to a height above the dumpsters or recycling containers.

- 416.8.2. Any enclosure intended for screening dumpsters, refuse areas, or recycling containers that contains a compaction unit shall include a floor drain within the containment pad that may be tied directly to the sanitary sewer system in accordance with the standard specifications for sanitary sewers;
- 416.8.3. Any enclosures provided for restaurants or other eating establishments shall be sized to accommodate the storage of grease barrels in addition to dumpsters and recycling containers.
- 416.8.4. To allow for dumpster gates to remain closed as often as possible, either a pedestrian door or a wall offset for pedestrian access shall be provided.

#### 416.9. Fences and Walls Used for Screening Vehicles

When vehicular use areas on lots subject to perimeter landscape requirements are screened by a fence or wall (instead of vegetative material), the fence or wall shall use one or more of the following to satisfy the perimeter landscape requirements:

- 416.9.1. A masonry wall: With a minimum height of three feet and a maximum height of six feet; with a minimum opacity of 75 percent of the entire wall surface along any single lot line; and located within a five-foot-wide strip around the perimeter of the vehicular use area.
- 416.9.2. A decorative metal fence with a minimum height of three feet and a maximum height of six feet that shall be located within a four-foot-wide planting strip supplemented with 30 inch high evergreen shrubs and planted between the fence and the lot line. The shrubs shall be planted a minimum of three feet on-center.



Figure 416-2: This image demonstrates how ornamental fencing and landscape can provide effective screening of vehicular use areas.

#### 416.10. Fences and Walls Used for Screening Site Features

In addition to the basic standards applicable to all fences and walls in developments requiring site plans, fences and walls used for screening ground-based or building-mounted site features such as mechanical equipment, loading and service areas, or outdoor storage shall:

- 416.10.1. Be the minimum height necessary to screen feature from offsite view from a street; and
- 416.10.2. Include evergreen shrubs planted a maximum of five feet on-center within a landscape strip five-feet-wide on lots.

#### 416.11. Fences and Walls within Buffers

416.11.1. In addition to the basic standards applicable to all fences and walls, fences and walls used within perimeter landscape buffers shall maintain a minimum opacity of 75 percent along all adjacent lot lines.

416.11.2. Fences or walls used as screening within a perimeter buffer shall be free of cardboard, plastic or similar unattractive materials and may incorporate masonry columns a maximum of every 50 feet on-center for any portions of

a fence or wall located within 20 feet of public street right-of-way. The Planning Commission reserves the right to deny the use of a material for a buffer fence and wall if it determines that such material is unattractive and easily subject to deterioration.

## ARTICLE V. APPLICATION OF REGULATIONS

- 501. Use.** Except as herein provided, 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 condominiums and townhouses may be excluded from this provision with the approval of the Board of Zoning Appeals.
- 503. Corner Lots** (REVISED 8/02/2016).
- 503.1 For principal and accessory structures on corner lots adjacent to a key lot, the minimum width of the side of the yard next to the side road shall be the same as the minimum required front yard for the key lot. No principal and customary accessory structures shall be placed in this yard.
- 503.2. For principal structures on corner lots not adjacent to a key lot, the minimum width of the side yard next to the side road shall be one-half the minimum width of the front yard.
- 503.3. Where a road is in the process of being relocated or altered, or a required right-of-way has been established although the street has not been constructed or such required right-of-way is established in the Major Thoroughfare Plan, the setback line shall be from the proposed road line or established future right-of-way line, whichever is greater.
- 504. One Principal Building or Structure on a Lot** (REVISED 3/7/00).
- 504.1 There shall be no more than one principal structure and its customary accessory structures erected on any lot unless a site plan is approved for the development by the Greeneville Planning Commission.
- 504.2 This provision does not permit multiple principle structures on land zoned and proposed to be utilized for single family residential use, unless a site plan has been approved for a single family planned unit development.
- 505. Lots and Buildings Affected** (REVISED 8/02/2016).
- 505.1. The Board of Zoning Appeals may grant a special exception to the reduction in lot size of a property if the property is developed, the special exception will not permit the construction of another principal building or

use on the lot; and lot sizes within 100ft of the proposed or subject lot are of comparable size ( $\pm 1,500$ sq ft) to the proposed lots.

505.2. When a dedication of right of way is required and approved under the provisions of the Greeneville Subdivision regulations and this dedication makes a lot, building or structure nonconforming with requirements for minimum yards, buildings setbacks, building coverage, lot area, lot width or lot depth, a final plat may be approved which results in no other new nonconformity and no other increase in the extent of any existing nonconformity.

505.3. When a legal, nonconforming structure exists on the property being subdivided and this structure is nonconforming with requirements for minimum yards, building setback or height, a final plat may be approved which results in no new nonconformity and no increase in the extent of any existing nonconformity.

505.4. Subsections 505.3 and 505.4 above shall also apply to two lots minor subdivisions and more than two lots minor subdivisions, as defined in the Greeneville Subdivision Regulations, only if the subdivision involves the combination of two or more lots of record into one lot or where an adjustment is made to one lot line between two existing recorded lots.

505.5. When a dedication of land to the public for the purpose of establishing open space for greenways, trails sidewalks, slope protection, or stream protection makes a lot, building or structure nonconforming with requirements for minimum yards, building setbacks, building coverage, lot area, lot width, lot depth, or required off-street parking, and this dedication results in no other new nonconformity and no other increase in the extent of an existing nonconformity, the Planning Commission may approve a Subdivision plat without need or requirement for a variance from the Board of Zoning Appeals, a building permit may be approved if other applicable review requirements are met, and the Board of Zoning Appeals may grant a conditional use permit if the applicable use conditions in the particular zoning district are met.

**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 Greeneville Regional Planning Commission and such approval entered in writing on the plat by the secretary of the commission.

- 508. 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 that are required or specified in the regulations herein for the district in which it is located.
- 509. Annexation.** All territory which may hereafter be annexed to the Town of Greeneville, Tennessee shall be considered to be in the A-1, Agricultural District until otherwise classified (REVISED 3/7/00).
- 510. Mobile Home.** The use of a unit defined in Tennessee Code Annotated Section 13-24-5/19/99 201 (b) as a “factory manufactured mobile home constructed as a single self-contained unit and mounted on a single chassis”, and commonly known as a “single-wide”, shall only be permitted in approved mobile home parks. (REVISED 5/19/99)
- 511. Requirements for Residential Dwellings.** (ADDED 5/19/99)
- 511.1 Screening Required.
- 511.1.1 All residential dwellings shall have solid screening to screen the foundation system, prevent the creation of a habitat for vermin, provide covering for utilities, prevent freezing of water and sewer lines, and to aide in the anchorage and stabilization of homes.
- 511.1.2 The screening shall provide the appearance of a minimum of a four- (4) inch thick permanent foundation and shall use materials of a masonry nature that are installed in such a manner that they are stable and safe and not subject to shifting or falling.
- 511.1.3 Wood, plastic, vinyl, or other non-permanent materials shall not be used for the screening of foundation systems.
- 511.2 All manufactured homes shall have transportation lights, chassis tongue and hitch permanently removed.
- 511.3 The electrical meter and disconnect switch shall be mounted on the side or rear of the structure, unless Greeneville Light and Power requires installation on the front wall of the residence.

511.4 Landscaping shall be as per the applicable regulations of the Landscape Ordinance of the Town of Greeneville.

511.5 Additions.

511.5.1 Porches, decks, and similar structures, shall meet the applicable requirements of the Town of Greeneville and the building code.

511.5.2 Because manufactured homes are engineered units, any addition that involves the removal of a portion of a wall must be reviewed and approved by an engineer licensed in the State of Tennessee and must meet the applicable requirements of the Town of Greeneville and their building code.

511.6 Ventilation and access requirements shall meet requirements of the Standard Building Codes.

511.7 The finish grade of a site shall be sloped away from the structure.

**ARTICLE VI. ESTABLISHMENT OF DISTRICTS**

For the purpose of this ordinance the Town of Greeneville, Tennessee is hereby divided into 16 (sixteen) classes of districts as follows:

Historical	- H-1 District	- Historical
Residence	- R-1 District	- Low Density
Residence	- R-1A District	- Low Density
Residence	-R-SF1 Distirct	- Low Density
Residence	- R-SF2 District	- Low Density
Residence	- R-2 District	- Medium Density
Residence	- R-3 District	- Medium Density
Residence	- R-4 District	- High Density
Medical Residential	- M-R District	- Medium Density
Business	- B-1 District	- Neighborhood Bus.
Business	- B-2 District	- Central Business
Business	- B-3 District	- Intermediate Business
Business	- B-4 District	- Arterial Business
Industrial	- M-1 District	- Manufacturing Warehouse
Industrial	- M-2 District	- High Impact Use
Agricultural	- A-1 District	- Agricultural
Gateway	- GO District	- Overlay District

The boundaries of these districts are hereby established as shown on the map entitled "Zoning Map of the Town of Greeneville, Tennessee," dated March, 1991, 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 lines or the center lines of streets or alleys or such lines extended, the corporate limits lines or a line midway between the main track 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 VII. PROVISIONS GOVERNING USE DISTRICTS**

**701. R-1 (Low Density) Residential.**

701.1. Intent

This is the most restrictive residential district, intended to be used for single-family residential life with low population densities along with open areas necessary for the enjoyment of a single family life, to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment, and to prohibit all business activities except limited customary home occupations. Additional permitted uses, by Review of the Board of Zoning Appeals, include related non-commercial recreational, religious and educational facilities normally necessary to provide the basic elements of a balanced and attractive residential area.

701.2. Uses Permitted

701.2.1. Single family residences

701.2.2. Garden and tree farming

701.2.3. Accessory buildings, provided that they are located in rear yards, are not closer than five (5) feet to any property line, and are constructed together with or after the principal structure to which they are accessory.

701.2.4. Customary home occupations provided that:

701.2.4.1. At most one, and only one, person who is not a resident of the dwelling is employed; not more than twenty five percent (25%) of the total floor area of the dwelling is used for the business; and

701.2.4.2. There is no external evidence of the occupation except one identification sign. This sign shall contain no more than four (4) square feet of total sign area; may list only the name and address of the home occupation; shall not be illuminated by either external or internal means, and may be either wall-mounted or free standing, provided that free-standing signs shall not exceed three (3) feet in height.

701.2.5. Residences classified as “single family residences” in Tennessee State Law, including Group homes for eight (8) or fewer unrelated mentally disabled persons, which may include at most three (3) additional persons, approved by the licensing agency to act as house-parents or guardians, and who need not be related to each other or to the persons with mental disabilities, provided that:

701.2.5.1. Prior to admission to the home, all resident applicants are screened by the appropriate sponsoring agency in order to exclude persons who have a mental illness and, because of such mental illness, pose a

likelihood of serious harm as defined in T.C.A §33-6-501, or who have been convicted of serious criminal conduct related to such mental illness;

701.2.5.2. The facility is fully licensed/certified by the appropriate overseeing state agency such as the State Department of Mental Health and Mental Retardation in order to justify that it is not run on commercial basis as provided in T.C.A. §13-24-104; and

701.2.5.3. The facility is operated as a residential home only and does not include teaching or training activities for non-residents in order to maintain a normal residential environment.

### 701.3. Uses Permitted On Review

The following uses in an R-1 District, excluding other zoning districts, shall require review by the Board of Zoning Appeals, which may approve the proposed use if it meets all applicable conditions and may attach additional requirements to the proposed use in order to foster the realization of the intent of the district:

701.3.1. Public owned buildings, public and private parks or playgrounds, schools offering general education, churches and other places of worship, and parish houses provided:

701.3.1.1. The buildings are placed not less than fifty (50) feet from the side and rear property lines, and

701.3.1.2. A buffer strip in conformity with the requirements of the Green Space Provisions of this Zoning Ordinance is planted along the property line abutting the residential land use.

701.3.2. Day care centers established to offer instruction to persons of pre-school, elementary, and secondary school age, provided:

701.3.2.1. The facility meets all requirements imposed by the state licensing board, including, but not limited to, maximum allowable enrollment, adequate play and work space, and noise and safety controls;

701.3.2.2. Excessive noise shall be controlled by such means as enclosure, screening, and/or play yard supervision to not unduly interfere with the use and enjoyment of surrounding properties;

701.3.2.3. A paved driveway for the off-street loading and unloading of children provides a separate entrance and exit to and from the property from the street, without vehicles backing into the street;

701.3.2.4. The property shall be a minimum of one and one-half (1.5) acres; and

701.3.2.5. Parking shall be on-site and shall not be permitted in the required front yard

**701A. R-SF1 (Low Density) Residential.** The intent of and land uses permitted in this district shall be as for the R-1, Low Density Residential District.

**701B. R-SF2 (Low Density) Residential.** The intent of and land uses permitted in this district shall be as for the R-1, Low Density Residential District.

**702. R-1A (Low Density) Residential.** It is the intent of this district to establish low density residential areas along with open space which appears 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 single family and two family development and to prohibit all business activities. In order to achieve the intent of the R-1A (Low Density) Residential District, as shown on the Zoning Map of the Town of Greeneville, Tennessee the following uses are permitted:

702.1. Any use permitted in the R-1 (Low Density) Residential District;

702.2. Two family dwellings.

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

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

703.2. Multi family dwellings;

703.3. Boarding and rooming houses

703.4 Independent and semi-independent housing (REVISED 5/19/99)

**704. R-3 (Medium Density) Residential.** It is the intent of this district to establish medium density residential areas which will provide for single and multi-family units and maintain open areas. In order to achieve the intent of the R-3 (Medium Density) Residential District, as shown on the Zoning Map of the Town of Greeneville, Tennessee, the following uses are permitted:

704.1. Any use permitted in the R-2 (Low Density) Residential area.

704.2. Day care centers upon approval of a site plan by the Building Official and the issuance of a letter of approval by the Department of Human Services.

704.3 Life-care facilities (REVISED 5/19/99)

**705A. R-4 (High Density) Residential.** It is the intent of this district to provide areas for high density residential development plus open areas where similar development is likely to occur. Professional services are permitted in the district provided that they meet applicable standards, and are limited so as not to encourage general business activity. In order to achieve the intent of the R-4 (High density) Residential District, as shown on the Zoning Map of the Town of Greeneville, Tennessee, the following uses are permitted:

705A.1. Any use permitted in the R-3 Residential District;

705A.2. Medical clinics and hospitals, funeral homes, fraternal organizations and clubs not operated for profit, nursing homes, offices for doctors, lawyers, dentists, architect, real estate agencies, insurance agencies and similar uses provided that:

705A.2.1 They shall be located on arterial or collector streets;

705A.2.2 The buildings shall be placed not less than fifty (50) feet from all property lines;

705A.2.3 There is a planted buffer strip erected on side and rear property lines.

705A.3. Existing buildings may be utilized provided that the provisions of this ordinance are met as closely as possible and that:

705A.3.1. No parking shall be allowed in front yards;

705A.3.2. A site plan is reviewed and approved by the Town Planner.

705A.4. Publicly supported low income housing for the elderly shall be allowed and exempt from the density of use and off-street parking requirements of this ordinance provided that:

705A.4.1 A site plan is reviewed and approved by the planning commission;

705A.4.2 All buildings shall meet front, side, and rear yard requirements;

705A.4.3 The site shall be located on arterial or collector streets;

705A.4.4 The site shall be separated from abutting properties by a plant or fence buffer strip as determined by the building official; and

705A.4.5 Parking facilities shall be provided and such facilities shall be approved by the planning commission.

**705B. SR DISTRICT (Special Residential).** See Article XVII.

**706. 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 Greeneville, Tennessee, the following uses are permitted:

706.1. Single family dwellings, two family dwellings, medical and dental clinics, clinical laboratories, nursing homes, convalescent homes, drug stores, parking lots, office or studies of the following professional occupations, chiropractor, dentist, physical therapists, optometrist, osteopath and physicians.

**707. H-1 Historical.** It is the intent of this district to preserve the historic sites and buildings of the Town of Greeneville as a part of the educational and patriotic heritage of future generations. In order to achieve the intent of the H-1 Historical District, as shown on the Zoning Map of the Town of Greeneville, Tennessee, the following regulations shall apply:

707.1 No building permit for construction, alteration, repair, moving, or demolition, to be carried on within the district shall be issued by the Building Official until it is submitted to the Historical Zoning Commission for its action; however, the commission may adopt a list of priorly approved items.

**708. B-1 (Neighborhood) Business.** It is the intent of this district to establish business areas to serve the surrounding residential districts. The district regulations are intended to discourage strip business development and encourage 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 Greeneville, Tennessee, the following uses are permitted.

708.1. Any use permitted in the R-4 Residential District;

708.2. Shopping centers provided that they shall conform to all requirements of the shopping center regulations of the Town of Greeneville, Tennessee;

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

708.4. Business signs provided that all signs, except one detached sign allowable in the shopping center ordinance, shall be erected flat against front or side of a building or within eighteen (18) inches thereof. All signs shall not project above buildings nor have flashing intermittent or moving illumination.

708.5. Gasoline service stations provide 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 be not less than fifteen (15) feet from intersection of street lines.

**709. B-2 (Central) Business.** It is the intent of this district to establish an area for concentrated general business development that the general public requires. 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-2 (Central Business) District, as shown on the Zoning Map of the Town of Greeneville, Tennessee, the following uses are permitted:

709.1. Multi family dwellings;

709.2. Stores and shops conducting retail business;

709.3. Personal, business, and professional services;

709.4. Public buildings and uses upon review of the Greeneville Regional Planning Commission;

709.5. Semi-public uses upon approval of a site plan by the Building Official.

709.6. Business signs, parking lots and garages, and advertising signs;

709.7. Lodges and clubs; hotels and motels, restaurants and similar services.

709.8. Mini Warehouses provided that:

709.8.1. The location of this use shall first be reviewed by the Greeneville Regional Planning Commission;

709.8.2. This use shall be located only in structures existing at the time of the passage of this amendment and only in approved upper stories of such structure which have sprinkling systems. That portion of

the building at street level shall be reserved for retail, personal and professional services;

709.8.3. There shall be no external evidence of this use except for an announcement sign which shall meet all requirements of the Greeneville Sign Ordinance.

709.8.4. The Building Official and Fire Inspector shall inspect building to determine its suitability for such use. An up-to-date inventory should be maintained for possible inspection.

709.8.5. No loading or unloading shall be allowed from existing streets

709.9 Cabinet-making shops, and substantially similar uses, provided:

709.9.1 The manufacturing use is partnered with on-site retail sales of the product.

709.9.2 The manufacturing use must be performed entirely inside a structure, and may occupy no more than 75% of the structure.

709.9.3 The materials used for manufacturing are to be previously prepared materials.

709.9.4 The manufacturing use shall not create obnoxious odors or noise, or present a public safety hazard.

709.9.5 The operation must comply with the applicable codes of the Town of Greeneville. (REVISED 7/21/98)

**710. B-3 (Intermediate) Business.** It is the intent of this district to establish an area adjacent to the B-2 (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 adequate space and sufficient depth from the street for the transactions of the district thereby strengthening the economic base and protecting public convenience. In order to achieve the intent of the B-3 (intermediate business) District, as shown on the Zoning Map of the Town of (Greeneville, Tennessee, the following uses are permitted:

710.1. Any use permitted in the R-4 Residential District except mobile home parks.

710.2. Any use permitted in the B-2 district.

- 710.3. Wholesale business, warehouses, storage yards and buildings and similar uses;
  - 710.4. Auto and mobile homes sales provided that:
    - 710.4.1. The location of all parking spaces and/or display spaces in an auto sales facility shall be at least five (5) feet from all property lines;
    - 710.4.2. The location of all parking spaces in a mobile home sales facility shall be at least twenty (20) feet from any front property line and ten (10) feet from all side yard property lines.
  - 710.5. Auto repair garages and similar operations;
  - 710.6. Hospitals
  - 710.7. 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 be not less than fifteen (15) feet from intersections of street lines.
- 711. B-4 (Arterial) Business.** It is the intent of this district to establish business areas that encourage the groupings of compatible business activities in which parking and traffic congestion can be reduced to a minimum. In order to achieve the intent of the B-4 (Arterial Business) District, as shown on the Zoning Map of the Town of Greeneville, Tennessee, the following uses are permitted:
- 711.1. Any use permitted in B-1 and B-2 districts. (REVISED 5/19/99)
  - 711.2. Hotels and motels;
  - 711.3. Auto and mobile home sales provided that all automobiles are placed a minimum of five (5) feet from all property lines and mobile homes are placed a minimum of twenty (20) feet from the front property line and ten (10) feet from all side property lines.
  - 711.4. Restaurants
  - 711.5. Offices
  - 711.6. Places of amusement and assembly;
  - 711.7. Funeral homes;

711.8. Public buildings upon approval by the planning commission

711.9. Semi-public buildings and uses;

711.10 Travel trailer parks;

711.11 Lodges and clubs

711.12 Mini warehouses upon review and approval by the planning commission of a site plan providing for necessary driveways, water run-off controls, and if needed, adequate screening.

711.13 Auto repair garages and similar operations.

711.14 The following uses may be permitted as special exceptions.

711.14.1 Light manufacturing uses that are limited in nature, i.e., the assembly of previously manufactured parts, generally in association with a technological product, where all activities (including storage) take place indoors. Impact on adjacent properties shall be comparable to that created by uses permitted as of right in the B-4 district.

**712. M-1 (Manufacturing Warehouse) Restricted Manufacturing and Warehouse.**

This industrial district is established to provide areas in which the principal use of land is for light manufacturing and warehousing. It is the intent that permitted uses are conducted so that any excessive noise, odor, dust and glare of an operation be completely confined within an enclosed building. These regulations are intended to prevent frictions between uses within the district and also to protect nearby residential districts, as shown on the zoning map of the City of Greeneville, Tennessee, the following uses are permitted;

712.1. Any use permitted in a Business District except residential units.

712.2. Bakers, bottling works; cabinet making; carpenters' shop; clothing manufacture; dairy, electrical welding; fruit making or packing; ice plant, laundry; machine shop; milk distribution stations; optical goods, paper boxes and pencil manufactures; printing; publication or engraving concern; tinsmith shop; trucking terminal, and warehouses.

712.3. Other uses of the same general character as those listed above deemed appropriate by the Greeneville Regional Planning Commission.

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

712.3.2. On lots that abut a residential district the Greeneville Regional 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.

712.3.3. Any structure or equipment essential to the operation shall be set back so as not to visually or physically obstruct a public way.

**713. M-2 (High Impact Use).** It is the intent of this district to establish areas which, unless closely regulated, might cause a detrimental effect upon and be injurious to surrounding areas. This district was created therefore for heavy types industries and uses, noise, odor, dust, and other objectionable conditions. The following uses are permitted (REVISED 3/7/00).

713.1. Any use permitted in the M-1, Manufacturing Warehouse district, with provisions for buffering as provided in Section 712.3.2.

713.2. Terminals;

713.3. Wholesale business;

713.4. Warehouses;

713.5. Storage yards and buildings and similar uses;

713.6 All industrial uses that are not permitted in the M-1 district provided that bulk propane storage facilities and like uses that present a fire, explosion, or potential public health hazard are permitted only as special exceptions under the following conditions. These regulations shall not apply to propane and fuel oil tanks customarily used for heating purposes, or underground gasoline/kerosene tanks utilized at service stations.

713.6.1 The Board of Zoning Appeals shall review the proposed location of these uses, relating the safety of these uses to their proposed location.

713.6.2 The items to be reviewed are the surrounding uses and zoning, the potential for disruption of the thoroughfare system in the event of an incident, and any item found relevant by the Board of Zoning Appeals to the health, safety, and welfare of the residents of the Town of Greeneville.

713.6.3 This provision shall not be utilized to create a “blanket exclusion” of potentially hazardous industrial uses from the Town of Greeneville,

713.7 Adult Oriented Establishments subject to meeting all requirements of Section 412 of this ordinance

**714. A-1 (Agricultural).** It is the intent of this district to provide for agricultural uses for annexed lands, as well as providing an annexation holding zone for pre-development-ready lands (ADDED 3/7/00).

714.1 Permitted uses

714.1.1 Customary general farming and horticultural uses

714.1.2 Single family residential uses

714.1.3 Hunting, fishing, and forestry

714.2 Accessory uses

714.2.1 Home occupations as provided for elsewhere in this ordinance.

714.2.2 Garages, barns, and other customary farm accessory buildings

714.3 Special Exceptions

714.3.1 Cemeteries and other burial grounds

714.3.2 Tenant homes only for persons working on the farm

714.3.3 Sewage treatment plants or landfills operated by government

714.3.4 Public and private recreation areas, country clubs, and golf courses

714.3.5 Churches and other places of worship

714.3.6 Commercial kennels, veterinary facilities

714.3.7 Communication facilities, with the same provisions for special exception requirements as for R-1, Low Density Residential Districts.

714.3.8 Public airports and related uses

## **715 GO – Gateway Overlay District**

### **715.1 Purpose:**

The purpose of the Gateway Overlay District is to protect and enhance the scenic quality of entry points into Greeneville and important preserves; reduce the visual impact of development on scenic vistas and entry points by providing design guidelines and by requiring more intensive restoration of graded areas; provide an appropriate visual transition between natural preserves and areas modified by development actions through the implementation of screening or siting of developmental elements; encourage well designed buildings and sites; communicate to land use development applicants the goals of the Gateway Overlay Zone and the role the Development Review Committee plays in implementing the gateway standards and guidelines; provide for safe interaction between motorized vehicles, non-motorized vehicles and pedestrians; encourage pedestrian scale developments that take advantage of the visual values of on-site architectural and landscape aesthetics and off-site scenic qualities; and maintain and encourage economic growth and health.

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 street designated by the Board of Mayor and Alderman.

### **715.2 Applicability:**

The Gateway Overlay District shall be in effect in all zones along roadways recommended by the Greeneville Regional Planning Commission and established upon approval by the Board of Mayor and Alderman in Section 715.6 of this Zoning Ordinance. The district as measured extends from a parcel's front property line for a distance of 300 feet. If only part of a parcel or lot lies within this area, the entire parcel or lot shall be subject to the requirements of this district. 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.

### **715.3 Development Standards:**

In the GO district, architectural building elements and/or elevations may be submitted in conjunction with plans for site plan approval depicting sufficient detail to determine conformance with this district. If the architectural building plans are not submitted together with the site plans, the approving authority may approve the site plans. Such approval shall be construed as conditioned on the architectural building plans subsequently submitted meeting the requirements of this district.

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

715.3.1. 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.

715.3.2. Landscaping

715.3.2.1. Objective

The objective of landscaping in the GO district shall be to provide for physical, and visual buffers and transition between different land uses; to break up large expanses of paving within large parking lots by creating small scale areas of connected parking facilities; and to create an aesthetically attractive site design.

715.3.2.2. Standards

715.3.2.2.1. Developments in the GO shall conform to the Green Space Provisions in Article XVI of this Zoning Ordinance, except where addition or more restrictive requirements are provided in this Article in which case this Article 715 shall prevail.

715.3.2.2.2. Emphasis shall be placed on retaining and enhancing any existing indigenous vegetation.

715.3.2.3. Internal Site Landscaping

715.3.2.1. All disturbed areas not used for buildings, parking, access, approved trails, or stormwater drainage structures shall be landscaped. All rows of parking spaces shall terminate in landscape islands that shall be curbed or otherwise protected when adjacent to vehicular use areas.

715.3.3. 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.

715.3.4. Service, Loading, and Equipment Storage Areas:

Service areas, including storage, special work equipment not for sale, maintenance, and loading areas, shall be screened so as to minimize visibility from the designated roadway. 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.

715.3.5. Signage:

All signage located within this overlay shall comply with the requirements of the underlying zoning as specified in the Sign Ordinance. The base of free standing signs shall be landscaped with shrubs and natural flowers in a design opted for by the applicant, and reviewed and approved by the Town Planner at the time of permit application for the sign installation. The landscape design for sign-sites can also be included in the site plan where a site plan is required, and will be reviewed by the Town Planner as part of the site plan review process.

715.3.6. 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.

715.3.7. 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.

715.3.8. Utilities

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

715.3.9. Pedestrian Facilities

Pedestrian facilities adjacent to buildings shall be connected to pedestrian facilities within parking lots, and internal and adjacent off-site pedestrian facilities shall be interconnected.

#### 715.3.10. Garbage Collection Area

Garbage collection areas shall be enclosed and constructed to the standards specified in Section 416.8 of this Zoning Ordinance.

#### 715.4. Prohibited Uses:

The following uses shall be prohibited in the GO district:

- 715.4.1. Adult Establishments;
- 715.4.2. Trailer Parks; and
- 715.4.3. Salvage and/or junk yard

#### 715.5. Uses Permitted by Approval as Special Exception:

When allowed in the underlying district, the following use is permitted when approved by the Board of Zoning Appeals as a Special Exception:

715.5.1. Self Service Storage, as a primary use: provided that 1) all buildings adhere to the development standards; 2) all storage buildings on site are located perpendicular to the primary adjoining public right-of-way; 3) decorative fencing (such as wrought iron, vinyl, aluminum) is installed at least eight (8) feet from and along adjoining right-of-way(s); 4) chain link fencing may be used on side and rear property lines, provided that it is not adjoining a public right-of-way or residential use, and the fencing is buffered by maintained landscaping; and 5) the colors utilized for all buildings shall be compatible earth tones.

715.5.2. Veterinary clinics or similar places for the care of animals if permitted in the underlying district, provided that the care is restricted to the interior of buildings.

715.5.3. Transmission towers provided that 1) all structures meet the requirements of Telecommunication Facilities as provided in Article XV; 2) decorative fencing such as wood, wrought iron, vinyl, or aluminum is installed around the structure; and 3) landscaping is used around the fence to significantly improve the aesthetics of the location.

#### 715.6. Drainage and Erosion Control:

The construction of storm sewers and storm water management systems shall be in accordance with the Town of Greeneville's stormwater ordinance of latest issue and/or this Zoning Ordinance. Reseeding or sodding any cleared or graded site shall be required where no building activity has occurred. Additional reseeded or sodding will be required in the event the initial application(s) are unsuccessful. Such reseeded or sodding shall be done within six (6) months of notification. Stormwater detention facilities such as ponds visible from the public street shall be landscaped with shrubs to improve aesthetics around the detention basin.

715.7. Established Gateway Overlay Districts

715.7.1. There is hereby established a gateway overlay district along Asheville Highway; and on Andrew Johnson Highway, beginning at the intersection of Andrew Johnson Highway and Hal Henard Rd to the Town of Greeneville City limits with the City of Tusculum. This gateway district shall be known as the Andrew Johnson Highway Overlay.

**ARTICLE VIII**

**AREA, YARD AND HEIGHT REQUIREMENTS**

<u>Zone</u>	<u>Use</u>	<u>Lot Area Sq.Ft.</u>	<u>Lot Width <sup>1</sup></u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Lot Coverage</u>	<u>Maximum Height</u>
R-1	Single Family	15,000	80'	30'	15'	30'	30%	35'
	Non-Residential	20,000	80'	30'	50'	50'	30%	35'
R-SF1	Single Family	10,000	50'	30'	10'	30'	30%	25'
	Non-Residential	20,000	80'	30'	50'	50'	30%	35'
R-SF2	Single Family	7,500	50'	30'	8'	30'	30%	25'
	Non-Residential	20,000	80'	30'	50'	50'	30%	35'
R-1A	Single Family	12,000	70'	30'	10'	25'	30%	35'
	Duplex	15,000	80'	30'	10'	25'	30%	35'
	Non-Residential	15,000	80'	30'	50'	50'	30%	35'
R-2	Single Family	12,000	70'	30'	10'	25'	30%	35'
	Multi Family	12,000	70'	30'	8' /story	25'	35%	35'
		+5,000/additional Unit						
	Non Residential	15,000	80'	30'	50'	50'	30%	35'
R-3	Single Family	8,000	50'	30'	8' /story	25'	30%	35'
	Multi Family	8,000	70'	30'	8' /story	25'	35%	35'
		+3,500/additional Unit						
	Non Residential	15,000	80'	30'	50'	50'	30%	35'
R-4	Single Family	5,000	50'	30'	8'	25'	30%	35'
	Multi Family	5,000	70'	30'	8'	25'	35%	35'
		+2,500/additional Unit						
	Non Residential	15,000	80'	30'	50'	50'	30%	35'
M-R	-----As required in R-3-----							
	-----							

H-1 -----As required in Specific District-----  
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B-1	<sup>2,3</sup>			30'	10'	25'		35'
B-2	<sup>2,3</sup>							70'
B-3	<sup>2,3</sup>			20'	10'	25'		70'
B-4	<sup>2,3</sup>			30'	10'	25'		70'
M-1				30'	20'	25'		70'
M-2				30'	20'	25'		70'
A-1	Residential	5 acres <sup>4</sup>	200'	30'	15'	30'	30%	35'
	Non-residential	5 acres	200'	50'	50'	50'	30%	35'

<sup>1</sup> Refers to lot width at setback. Minimum lot frontage is forty (40) feet **(REVISED 5/19/99)**.  
<sup>2</sup> Shopping center requirements shall govern all shopping centers.  
<sup>3</sup> Residential uses in commercial districts shall meet the lot area, frontage, setbacks, lot coverage, and height requirements as for the R-4 district **(REVISED 5/19/99)**.  
<sup>4</sup> These regulations are for new lots created under this ordinance. Existing lots, tracts, and uses may not meet the requirements for new lots **(AGRICULTURAL PROVISIONS ADDED 3/7/00)**.

## 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 him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a special exception also known as conditional use permit, in accordance with Article XI. 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 subject 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. **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, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, masts and aerials.

## ARTICLE X. ENFORCEMENT

- 1001. Enforcing Officer.** The provisions of this ordinance shall be administered and enforced by the Municipal Building Official. 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 Official 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 Official.
- 1003. Issuance of Building Permit.** In applying to the Building Official 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 Official for determining whether the provisions of this ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this ordinance, the Building Official shall issue a building permit for such excavation or construction. If a building permit is refused, the Building Official shall state such refusal in writing with 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 Official for a certificate of occupancy. Within three days of such application, the Building Official 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 Official shall state such refusal in writing with the cause. No land or building hereafter erected or altered in this 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 (REVISED 08/04/15)**

1006.1. If any building or structure is erected, constructed, reconstructed, repaired, converted or maintained or if any building, structure or land is used in violation of this Zoning Ordinance, the building official or any other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceeding to prevent the occupancy of such building, structure or land.

1006.2.1. When the Building Official or designee conducts an inspection or researches a property or development and finds that there is a violation of any of the provisions and/or requirements of this Zoning Ordinance, the Building Official shall serve on a person who has committed the violation a "Zoning Violation and Request for Voluntary Compliance Notice." This notice shall be an administrative order describing the nature of the violation, providing compliance requirement(s), and directing the person to voluntarily cure the violation described within a specified time period not to exceed twenty one (21) calendar days from the date of issue of the notice. The Building Official shall exercise his judgement and discretion in determining this specified time period based on the severity of the violation and its impact on the public's safety, health, moral, order, convenience and general welfare. The notice shall also advise the person of the right to appeal to the Board of Zoning Appeals within 15 days after service of the order, and that violation of the order may result in criminal or civil penalties.

1006.2.2. The "Zoning Violation and Request for Voluntary Compliance Notice" shall be served by delivery to the person, leaving a copy of the order with a person of suitable age and discretion at the person's dwelling or place of business, ordinary mail, or certified mail, restricted delivery, return receipt requested. If reasonable efforts to serve the person by one of these methods fail, service of the notice may be accomplished by sending it by first class mail to the person at the person's last known address and by posting a copy of the notice on the land associated with the violation. Any person aggrieved by the notice may appeal to the Board of Zoning Appeals within fifteen (15) days from the date of issue of the notice.

1006.2.3. If the Building Official or designee determines by inspection after the specified time period in the "Zoning Violation and Request for Voluntary Compliance Notice" that the violation has not been cured and there is no appeal pending before the Board of Zoning Appeals, the Building Official shall unreservedly serve the violator a Zoning Violation Citation.

1006.2.4. The Board of Zoning Appeals in hearing an appeal or deciding on any matter before it may compel attendance of witnesses, request evidence and administer oaths.

**1007. Denial of Building Permits.** Building permits shall not be issued:

1007.1 When required drainage system and soil erosion control measures have not been installed as per the requirements of the Town of Greeneville.

1007.2 When the project has not been developed as per the approved site plan, planned development plan, or subdivision plat, or if it is in violation of applicable regulations.

1007.3 For structures in bonded subdivisions where access is via a proposed road which has not been completed. Permits may be issued if emergency vehicles can access the proposed building lot.

1007.4 To persons who are listed as developers or owners of subdivisions or planned unit developments which have elapsed bonds, or whose check has not been honored. (ADDED 5/19/99)

## 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 the Public Acts of Tennessee of 1935. The Greeneville Regional 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 Greeneville Regional 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, indicating such fact; shall take all evidence necessary to 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 Official based wholly or partially 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 Official or designee and with the board of zoning appeals a notice of appeal, specifying the grounds thereof. The Building Official or designee shall transmit forthwith to the board all papers constituting the record upon which the action appeals 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 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 requirements, permit decision, determination or refusal made by the Building Official or other administrative official in the carrying out or enforcement of any provision of this ordinance.
- 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 reasons 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 provision 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 deemed 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 another 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 Official. 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. HISTORIC ZONING COMMISSION

**1201. General Purposes.** The historic district zoning provisions are established in order that appropriate measures may be taken to ensure the preservation of structures of historic value to the Town of Greeneville pursuant to the authority contained in Sections 13-7-401 through 13-7-410 of the Tennessee Code Annotated. The general intent includes, among others, the following specific purposes:

1201.1 To effect and accomplish the preservation and protection of historic sites and districts having a special historic, architectural, or cultural interest and value to this town, state, and nation;

1201.2 To regulate proposed exterior alternations to existing structures and property and the proposed exterior design of new construction within historic districts to ensure compatibility;

1201.3 To regulate the proposed demolition of structures within historic districts, the loss of which would be detrimental to the public interest;

1201.4 To promote the educational, cultural, economic and general welfare of the people and safeguard the town's history and heritage as embodied and reflected in historic districts;

1201.5 To stabilize and improve property values in historic districts and in the town as a whole;

1201.6 To foster civic pride in the value of notable accomplishments of the past;

1201.7 To strengthen the economy of the town;

1201.8 To protect and enhance the town's attractions to residents, tourists, and visitors, and serve as support and stimulus to business and industry; and

1201.9 To enhance the visual and aesthetic character, diversity, and interest of the town.

### **1202. Historic Zoning Commission**

1202.1 Creation. The historic zoning commission consists of nine members who shall have been bonafide residents of the area of jurisdiction of the Town of Greeneville for not less than three years immediately prior to the appointment and who shall continue to be so eligible as long as they serve.

1202.2 Appointment. Members of the historic zoning commission shall be appointed by the Mayor of the Town of Greeneville subject to approval by the Greeneville board of mayor and aldermen.

1202.3 Membership. Membership on the historic zoning commission shall be composed of the following:

1202.3.1 One architect, if available;

1202.3.2 One member of the Greeneville regional planning commission at the time of his appointment.

1202.3.3 One member representing a local historical or patriotic organization; and

1202.3.4 Six members selected from the community in general.

1202.3.5 Of these nine (9) historic zoning commissioners, one shall be a member of the Board of Mayor and Aldermen. This member may serve as the architect, the representative of a local historical or patriotic organization, or may be appointed from the community in general.

1202.4 Terms of Appointment, Removal, and Vacancies.

1202.4.1 The term of appointment to the historic zoning commission for persons appointed under sections 1202.31 through 1202.34 shall be five years. Members shall serve without compensation.

1202.4.2 Members of the Board of Mayor and Aldermen

1202.4.2.1 The term of appointment to the historic zoning commission for a member of the Board of Mayor and Aldermen appointed under Section 1202.34 shall be one (1) year, with the opportunity for reappointment.

1202.4.2.2 The term of appointment to the historic zoning commission for a member of the Board of Mayor and Aldermen who has been appointed as a representative of a local historical or patriotic organization, or as the architect representative, shall be five (5) years.

1202.4.2.3 If a member of the Board of Mayor and Alderman is serving as a representative of a local historical or patriotic organization, or as an architect, the one (1) year position shall be filled by appointing a member of the community at large for the one (1) year appointment. This person may be reappointed provided an alderman continues to serve the commission.

1202.4.2.4 The member of the Board of Mayor and Aldermen appointed to the historic zoning commission shall not be compensated for membership on this commission.

1202.4.3 Historic zoning commissioners may be removed from membership by the appointing authority for just causes. Any member being so removed shall be provided, upon request, a public hearing on the removal decision before the Board or Aldermen.

1202.4.4 Vacancies on the historic zoning commission shall be filled within sixty (60) days of the date of the vacancies. If the appointment is for the unexpired term of a member, the new appointment will be for the remainder of the original term under the procedure outlined in Section 1202.2.

1202.5 Election of Officers, Rules and Meetings. The historic zoning commission shall elect from its members its own chairman and other officers as deemed necessary to carry out its purpose. The commission shall adopt rules of order and establish regular meeting dates. At least five members of the commission shall constitute a quorum for the transaction of its business.

1202.6 Conflict of Interest. Any member of the historic zoning commission who shall have a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of the commission shall be disqualified from participating in the discussion, decision, or proceedings of the historic zoning commission in connection therewith.

1202.7 Powers and Duties.

1202.7.1 Recommendations Regarding Creation of Historic Districts. The historic zoning commission shall review applications regarding the creation of historic districts. The review of such applications shall be in accordance with the provisions set forth in Section 1204 of this ordinance. The Commission shall furnish to the Greeneville board of mayor and aldermen, in writing, its recommendations regarding the creation of any historic district.

The district shall be established in accordance with Article XIII of the Greeneville Zoning Ordinance. The board of mayor and aldermen shall review the recommendations of the commission prior to the establishment of such district.

#### 1202.7.2 Development of Design Guidelines.

1202.7.2.1 Prior to the establishment of a historic district the historic zoning commission shall adopt for each such proposed district a set of review guidelines, which it will apply in ruling upon the granting or denial of Certificates of Appropriateness as provided for in this ordinance. Such review guidelines shall be consistent with the purposes of this ordinance and with regulations and standards adopted by the Secretary of the Interior pursuant to the National Historic Preservation Act of 1966, as amended, applicable to the construction, alternation, rehabilitation, relocation, or demolition of any historic structure situated within a historic district. Reasonable public notice and opportunity for public comment, by public hearing or otherwise, shall be required before the adoption of said guidelines.

1202.7.2.1 In instances where the local historic district guidelines do not address the issues of a request, the historic zoning commission shall utilize the “Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings”.

#### 1202.7.3 Review of Proposed Exterior Work in Historic Districts.

1202.7.3.1 The historic zoning commission shall review all proposed alterations, construction, repair, rehabilitation, relocation, or demolition of any building, structure, or other improvement to real estate situated within a historic district, whether or not a building permit is required.

1202.7.3.2 No construction, alteration, repair, rehabilitation, relocation or demolition of any building, structure or other improvement to real property situated within a historic district or zone, for which the historic zoning

commission has been granted to authority to review and to grant or deny a certificate of appropriateness, shall be performed without the issuance of a certificate of appropriateness.

1202.7.4 The historic zoning commission may conduct surveys and inventories to identify historically, culturally, and architecturally significant structures, sites, and areas that exemplify the cultural, social, economic, political, architectural, and archaeological history of the nation, state, or town;

1202.7.5 The historic zoning commission shall testify before all boards and commissions on any matter affecting historically exceptional or significant structures, sites, or areas or historic districts; and

1202.7.6 The historic zoning commission shall inform and educate the citizens of Greeneville concerning the historical, cultural, architectural, and archaeological heritage of the town.

### **1203. Certificate of Appropriateness Procedure.**

1203.1 All applications for permits for exterior work in a historic district are submitted to the historic zoning commission for review.

1203.2 An application for a Certificate of Appropriateness is completed by the property owner/petitioner and submitted to the historic zoning commission for any construction, alteration, repair, rehabilitation, relocation or demolition of any building, structure or other improvement to real property situated within a historic district or zone, whether or not a building permit is required.

1203.3 The historic zoning commission, within thirty (30) days following submission of a completed application, shall grant a certificate of appropriateness with or without attached conditions or deny the certificate.

1203.31 In reviewing the application for a certificate of appropriateness, the commission shall give prime consideration to the following:

1203.3.1.1 The historic or architectural value of the present structure;

1203.3.1.2 The relationship of the exterior architectural features of such structure to the rest of the structures, to the surrounding area, and to character of the district;

1203.3.1.3 The general compatibility of exterior design, arrangement, texture, and materials proposed to be used; and

1203.3.1.4 Any other factor, including aesthetic, which is reasonably related to the purpose of this ordinance

1203.3.2 Automatic Approval. If the historic zoning commission fails to recommend or deny a request for a certificate of appropriateness within thirty (30) days following submission to them of a completed application, the application shall be deemed approved. This shall not be the case, and automatic approval shall not occur, in the following instances.

1203.3.2.1 When mutual agreement has been made for an extension of the time limit.

1203.3.2.2 When the property owner or his representative is not present at the scheduled and publicized historic zoning commission meeting where the item was placed on the agenda for consideration.

1203.3.2.3 When the property owner or petitioner has requested the item be removed from the historic zoning commission agenda following public notification of the request and prior to the meeting date where the item was to be considered.

1203.3.3 Submission Requirements. For the purposes of this ordinance, an application is considered to be submitted to the historic zoning commission, and the time limitations engaged, when the item is brought forward for discussion at a historic zoning commission meeting following placement of the item on the agenda.

1203.3.4 Disapproval. If the historic zoning commission denies a request for a certificate of appropriateness, the historic zoning commission shall state the reasons for denial in writing, and provide to the applicant what change(s) would be required in order for the request to be approved.

1203.3.5 Request for Demolition. If a Certificate of Appropriateness for demolition is requested the historic zoning commission shall, after providing at least seven (7) days notice to the applicant and the

public, set a public hearing where the following may be considered:

- 1203.3.5.1 Estimate of the cost of proposed redevelopment, alternation, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the historic zoning commission for changes necessary for the issuance of a certificate of appropriateness;
- 1203.3.5.2 A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
- 1203.3.5.3 Estimated market value of the property in its current condition; after completion of the proposed redevelopment, alternation, demolition, or removal after any changes recommended by the historic zoning commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use.
- 1203.3.5.4 In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
- 1203.3.5.5 Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;
- 1203.3.5.6 If the property is income-producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cashflow before and after debt service if any, during the same period; and

1203.3.5.7 Any other information considered necessary by the historic zoning commission to a determination as to whether the property does or may yield a reasonable return to the owners.

1203.3.6 The historic zoning commission shall not cause undue economic hardship.

**1204. Historic District Designation Process.**

1204.1 Criteria. A historic district shall be defined as a geographically definable area which possesses a significant individual structure or a concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and which meets one or more of the following criteria;

1204.11 That it is associated with an event which has made a significant contribution to local, state, or national history; or

1204.12 That it includes structures associated with the lives of persons significant to local, state, or national history; or

1204.13 That it contains structures or groups of structures which embody the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

1204.14 That it has yielded or may be likely to yield archaeological information important in history or prehistory; or

1204.15 That is listed in the National Register of Historic Places.

1204.2 Procedure for Creation of a Historic District

1204.2.1 A request for historic district designation is submitted to the historic zoning commission. The request must describe the manner in which the property or properties meet one or more of the criteria listed in Section 1205.1

1204.2.2 The historic zoning commission, after providing at least seven (7) days notice to the applicant(s) and the public, shall schedule a

public hearing to discuss the request. If the commission finds the area meets one or more of the criteria of Section 1205.1, designation of the area as a historic district may be recommended to the Greeneville board of mayor and aldermen.

1204.2.3 An application for a rezoning request is submitted to the town planner, who refers the item to the Greeneville Regional Planning Commission for consideration.

1204.2.4 The planning commission considers the request, and makes a recommendation to the board of mayor and aldermen.

1204.2.5 The board of mayor and aldermen, after providing at least fifteen (15) days notice to the public, schedules a public hearing to discuss the request. If approved, the rezoning to H-1, Historical District Overlay, becomes effective after two readings of the ordinance creating the district.

**1205. Limitations of Authority.** No section of this article shall be interpreted as giving the historic zoning commission any authority to consider, review, examine or control the use of property classified as within a historic district. Use shall be determined by the requirements and permissions of the base zoning district.

**1206. Enforcing Officer.** The historic zoning provisions of this ordinance shall be enforced by the Town Building Official, who shall have the right to enter upon any premises necessary to carry out his duties in this enforcement.

**1207. Inspection by Historic Zoning Commissioners.** Following issuance of a certificate of appropriateness, members of the historic zoning commission shall have access at reasonable times to inspect for compliance with the conditions of the approval.

1207.1 The commission shall give notice twenty-four (24) hours in advance for routine inspections using the methods outlined in the commission's Rules of Order.

1207.2 Notice is not required to be provided in situations where it is suspected unapproved exterior work is or has been performed.

**1208. Appeals.** Anyone who may be aggrieved by any final order or judgment of the historic zoning commission may have such order or judgment reviewed by the courts by the procedure of statutory certiorari as provided for in Tennessee Code Annotated.

**1209. Penalty.** Any person violating any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than five-hundred dollars (\$500.00) for each offense, each day constituting a separate offense.

### **ARTICLE XIII. AMENDMENT**

- 1301. Procedure.** The board of mayor and aldermen may amend the regulations, 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 amendment to this ordinance.
- 1302. Approval by Planning Commissions.** 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 a majority of the entire membership of the city 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.
- 1303. 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 Greeneville, Tennessee. Said hearing by the board of mayor and aldermen shall take place not sooner than fifteen (15) days of publication of such notice.

**ARTICLE XIV. LEGAL STATUS PROVISIONS**

- 1401. 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 Greeneville, the most restrictive shall in all cases apply.
- 1402. Validity.** In 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.
- 1403. Effective Date.** This ordinance shall take effect 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: \_\_\_\_\_  
Mayor

Approved as to Form: \_\_\_\_\_  
City Attorney

Attest: \_\_\_\_\_  
City Recorder

**ARTICLE XV. TELECOMMUNICATIONS FACILITIES**  
**(ARTICLE ADDED 1/19/99)**

**1501. Purpose.** Telecommunications towers and antennas will use the following standards to minimize adverse visual and operational effects of towers through careful design, siting, and screening; to avoid potential damage to adjacent properties from tower failure through engineering and careful siting of towers; and to maximize use of any new communication tower and/or existing structures to reduce the number of towers needed.

**1502. Applicability and Exemptions**

1502.1 New Towers and Antennas. All new towers and/or antennas in the Town of Greeneville shall be subject to these regulations except non-commercial hobby type antennas/towers less than forty-five (45) feet in height; receive only antennas; antennas/towers located on property owned, leased, or otherwise controlled by the Town or other governmental entity which are used for public purposes; and antennas less than forty-five (45) feet in height which are located on structures such as water tanks and buildings.

1502.2 Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this article, other than state and federal regulations, and building codes.

1502.3 Amateur radio and hobby type antenna support structures. Residents where not prohibited by deed or other restrictions may install a single antenna support structure that meets standard setback requirements and that does not exceed forty-five (45) feet in height for their hobby or other noncommercial use. "Crank up" type towers may exceed this height provided they do not exceed the forty-five (45) foot height restriction in the "cranked down" position where they must remain when not in use.

**1503. Locating Towers**

1503.1 Monopole towers and stealth-type antenna support structures are permitted as of right, subject to applicable regulations, in the B-3, Intermediate Business, B-4, Arterial Business, M-1, Manufacturing Warehouse, and M-2 High Impact Use districts, and within apartment developments in R-3, Medium Density and R-4, High Density Residential districts.

1503.2 Monopole towers and stealth-type antenna support structures are permitted as special exceptions, upon a showing that such location and such antenna support structure is required to prevent an effective denial of coverage, or upon a finding by the Greeneville Board of Zoning Appeals that the granting of a special exception permit will be less of a burden on the

citizens of the Town of Greeneville and is more in keeping with the purposes and intents of this ordinance than the antenna support structure(s) which will be utilized if a special exception permit was not issued, and subject to applicable regulations, in the following districts: R-1, Low Density Residential, R-1A, Low Density Residential, R-2, Medium Density Residential, M-R, Medical-Residential, and B-1, Neighborhood Business districts, and in non-apartment areas in R-3, Medium Density, and R-4, High Density Residential districts; (REVISED 10/99)

1503.3 Towers are not permitted in the H-1, Historic Overlay District, and B-2, Central Business districts.

1503.4 Lattice self-supporting and guyed towers are permitted as special exceptions in the B-3, Intermediate Business, B-4, Arterial Business, M-1, Manufacturing Warehouse, and M-2, High Impact Use districts, upon a showing that such location and such antenna support structure is required to prevent an effective denial of coverage or upon a finding by the Greeneville Board of Zoning Appeals that the granting of a special exception permit will be less of a burden on the citizens of the Town of Greeneville and is more in keeping with the purposes and intents of this ordinance than the antenna support structure(s) which will be utilized if a special exception permit was not issued. **(REVISED 10/99)**

1503.5 Monopoles in excess of the height requirements of Section 1505.16.3 are permitted as special exceptions in R-1, Low Density Residential, R-1A, Low Density Residential, R-2, Medium Density Residential, R-3, Medium Density Residential, R-4, High Density Residential, M-R, Medical-Residential, and B-1, Neighborhood Business districts, upon a showing that such location and such antenna support structure is required to prevent an effective denial of coverage or upon a finding by the Greeneville Board of Zoning Appeals that the granting of a special exception permit will be less of a burden on the citizens of the Town of Greeneville and is more in keeping with the purposes and intents of this ordinance than the antenna support structure(s) which will be utilized if a special exception permit was not issued. (REVISED 10/99)

1503.6 Monopoles and stealth-type antenna support structures are permitted as a matter of right on municipal power line utility easements, provided that the Board of Greeneville Light & Power System gives its consent and the antenna support structure is incorporated into the power line support structure.

1503.7 Monopoles and stealth-type antenna support structures up to one hundred sixty (160) feet in height are permitted as a matter of right on municipal property in all districts excepting the H-1, Historical Overlay District, provided that the appropriate governing body approves.

**1504. General Requirements**

1504.1 Aesthetics. Towers and antenna support structures shall meet the following requirements:

1504.1.1 Towers and antenna support structures shall maintain a galvanized steel finish and shall not be painted unless previously approved by the Town of Greeneville,

1504.1.2 Stealth type antenna support structures are to be encouraged in areas of high population density.

1504.1.3 Towers or antenna support structures of any kind, including amateur, will not be permitted to be located in the front yard of any residence or on the roof of any single family residence.

1504.1.4 At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.

1504.1.5 If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

1504.1.6 Flush-mounted (within two feet of the surface) antenna will be utilized on monopoles where feasible.

1504.2 Buildings or Other Equipment Storage. The equipment cabinet or structure used in association with antennas shall be constructed in accordance with the following

1504.2.1 In R-4, High Density Residential, and M-R, Medical-Residential districts, equipment enclosures shall not contain more than two hundred (200) square feet of gross floor area or be more than ten (10) feet in height for each carrier using the site.

- 1504.2.2 In R-1, Low Density Residential, R-1A, Low Density Residential, R-2, Medium Density Residential, R-3, Medium Density Residential, B-1, Neighborhood Business, and B-2, Central Business districts, the equipment enclosure shall be no larger than one hundred (100) square feet of gross floor area or be more than five (5) feet in height for each carrier using the site.
- 1504.2.3 In all other districts they shall be no greater than twelve (12) feet in height or two hundred (200) square feet of gross floor area for each carrier using the site.
- 1504.2.4 In all above cases where equipment shelters are mounted outside existing buildings, the equipment enclosures must be designed such that they blend in with the local environment and be unobtrusive in addition to those requirements set forth in 1504.7 hereof.
- 1504.3 Building Codes. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Town of Greeneville concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower at the owner's expense.
- 1504.4 Certification. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer under the guidelines of the State of Tennessee for such certifications.
- 1504.5 Compliance. A description of compliance with this ordinance and all applicable federal, state or local laws relating to such tower/antenna support structure shall be submitted with each request for a tower/antenna.
- 1504.6 Franchises, Permits and Licenses. Owners and/or operators of towers, antenna support structure, or antennas shall certify that all franchises, licenses, and permits required in the Town of Greeneville have been

obtained and shall file a copy of all required franchises, licenses and permits with the Town in their initial application. Permits will not be granted to any applicant that does not hold a valid FCC issued license or permit or a letter of commitment to use the requested structure from an FCC permittee or licensee upon completion, at the time of application.

1504.7 Landscaping. All new tower facilities, or reconstructed tower facilities, are required to provide an evergreen screen or artificial buffer located outside the required tower fencing. This screen may consist of evergreen trees, having a minimum height of six (6) feet at planting and a minimum height of fifteen (15) feet at maturity, or a continuous hedge with three (3) feet height at planting and a six (6) foot height at maturity, or in the alternative, an artificial buffer of colored archival fencing material that blends in with the surrounding land use. The Board of Zoning Appeals may grant a variance to the landscaping requirements if they find existing vegetation adequate to provide a buffer.

1504.8 Lighting. Towers and antenna support structures shall not be artificially lighted, unless required by the FAA or other applicable authority. Deflectors shall be utilized to direct the light upwards and away from residential areas. Further, where lighting is required, the lights so installed shall be of the “dual lighting” variety whereby white strobe lights are permitted for daytime and red lights for nighttime. White strobe lights for night operation are not permitted in the Town of Greeneville. Any lighting required will be to the dual lighting requirements of the FAA.

1504.9 Measurement. For the purposes of measurement, tower setbacks and separation distances shall be calculated from the base of the tower.

1504.10 Principal or Accessory Use. Towers may be considered either principal or accessory uses, while antennas are accessory uses.

1504.11. Security.

1504.11.1 All towers shall be equipped with an appropriate anti-climbing device or the removal of climbing pegs on the first twenty (20) feet of the structure.

1504.11.2 Security fences will not be permitted in R-1, Low Density Residential, and R-1A, Low Density Residential Districts except as special exceptions, All cabling within twenty (20) feet of the ground shall be enclosed in conduit or other secure enclosure and all cabinetry shall be locked..

1504.11.3 Security fences are permitted in all other districts and may be required at the discretion of the Building Official except in locations on municipal property when fencing may be required at the discretion of the appropriate governing body. These fences shall be not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device. The fences shall remain locked when not in use.

1504.12 A distance of at least one hundred fifty (150) feet shall be maintained from the property line of existing residential uses, and from residentially zoned land.

1504.13 Setbacks.

1504.13.1 Towers proposed to be located in R-1, Low Density Residential, R-1A, Low Density Residential, R-2, Medium Density Residential, R-3, Medium Density, R-4, High Density Residential, M-R, Medical-Residential, and B-1, Neighborhood Business districts, must be set back a distance of one (1) foot for each two (2) feet of the height of the tower from any adjoining lot line, provided however, that all towers must also meet the separation distances listed in Section 1504.12. Accessory buildings must satisfy the minimum zoning district setback requirements

1504.13.2 Towers proposed to be located in all other districts shall meet the minimum setback requirements for that district, provided however, that all towers must also meet the separation distances listed in Section 1504.12.

1504.13.2 Towers proposed to be located on municipal property, regardless of the zoning designation for the property, shall meet the minimum setback requirements for that district.

1504.14 Signs. No commercial signs, including banners, shall be permitted on an antenna or antenna support structure. Any sign required by the FCC, FAA, OSHA or any other appropriate authority will be permitted so long as said sign is no larger than twelve (12) inches by eighteen (18) inches and is placed within eight (8) feet of the base of the tower. However, an additional sign no larger than stated above indicating the owner of the facility and a telephone number to call for more information or in an emergency shall be allowed inside the compound fence on the side the gates are located.

1504.15 State or Federal Requirements. All towers and antenna support structures must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

1504.16 New Towers. A new tower/antenna support structure will not be permitted unless the tower is designed to support a minimum of three (3) communications carriers' antennas and feedlines, except for ninety (90) foot or shorter monopoles which must be designed to support a minimum of two (2) carriers' antennas and feedlines. The applicant for the permit certifies that it will make space on the tower available to other communications carriers at a reasonable cost. Should there be a dispute over what constitutes a "reasonable cost", the matter will be resolved by binding arbitration with arbitration costs to be borne by the parties. An arbitrator will be chosen by mutual agreement of the parties, but if they are unable to agree on an arbitrator, one will be selected by the Town of Greeneville.

1504.16.1 Where a new antenna support structure/tower is permitted to be constructed in R-1, Low Density Residential, R-1A, Low Density Residential, R-2, Medium Density Residential, R-3, Medium Density Residential, and R-4, High Density Residential, districts the Owner shall be required to submit a sealed "fall zone radius" letter from the antenna support manufacturer when applying for a building permit.

1504.16.2 A permit for a proposed new tower/support structure within two thousand five (2,500) feet of an existing communications tower shall not be issued unless the applicant certifies that the existing communications tower does not meet applicant's structural specifications and applicant's technical design requirements as reviewed by the Town, or that a co-location agreement could not be obtained.

1504.16.3 Permitted height of freestanding communication antennae support structures.

**DISTRICTS**

**HEIGHT**

R-1, R-1A, R-2, B-1	90 feet (unlighted)
R-3, R-4 (non-apartment areas)	90 feet (unlighted)
R-3, R-4 (apartment developments)	199 feet (unlighted)
M-R	199 feet (unlighted)
B-3, B-4, M-1, M-2	199 feet (lighted if approved as a special exception)

**1505. Application Requirements.** The following information is required to be submitted when requesting approval for a new tower, whether by administrative approval, or by a special exception. This information may be submitted to and reviewed by a consultant employed by the Town who has expertise in antenna support structure issues, with costs to be borne by the party requesting approval.

1505.1 Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Town an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Town of Greeneville or within Greeneville's planning region thereof, including specific information about the location, height, and design of each tower.

1505.2 Site Plan. The following information is required to be shown on the site plan: the location, type and height of the proposed tower; on-site land uses and zoning; adjacent land uses and zoning (including information for adjacent municipalities and Greene County); separation distances from uses as set forth in Section 1504.12; adjacent roadways; proposed means of access; setbacks from property lines; elevation drawings of the proposed tower and any other structures; topography; parking; drainage; legal description of the parent tract and leased parcel (if applicable), or tax map identification number; the setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties; the separation distance from and construction of other existing towers; owner/operator of existing tower(s), if known; method of fencing, and finished color; landscape plan showing specific landscape materials, with spacing proposals, height of vegetation at planting, and height of vegetation in three years (considered maturity).

### 1505.3 Documentation

- 1505.3.1 A notarized statement by the applicant as to how many antennas the tower can accommodate.
- 1505.3.2 A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
- 1505.3.3 A description of the feasible location(s) of future towers or antennas within the Town of Greeneville and the planning region based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
- 1505.3.4 Evidence to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna. This evidence may consist of any of the following:
  - 1505.3.4.1 A certification that there are no existing towers or structures located within the geographic area which meet the applicant's engineering requirements.
  - 1505.3.4.2 A certification that existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
  - 1505.3.4.3 A certification that existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment
  - 1505.3.4.4 The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant proposed antenna.
  - 1505.3.4.5 The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding

new tower development are presumed to be unreasonable.

1505.3.4.6 The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

1505.3.4.7 The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

1505.3.4.8 A certification that no other tower is located within two thousand five (2,500) feet of the proposed location.

1505.3.4.9 A certification from the applicant that the landowner has been advised that the land is to be used for multiple carriers' equipment.

1505.3.4.10 the applicant for a tower or antenna support permit shall, upon the filing of said application, pay an initial application fee to the Town of Greeneville as set forth by the Town from time to time.

**1506. Administratively Approved Uses.** The Building Official may approve the following requests, provided the proposed antenna/tower meets all applicable criteria listed in this ordinance.

1506.1 Locating a tower or stealth-type antenna support structure outside an H-1, Historic Overlay District, in B-3, Intermediate Business; B-4, Arterial Business; M-1, Manufacturing Warehouse; and M-2, High Impact Use, districts.

1506.2 Locating an antenna on a non-tower structure, or constructing a stealth-type antenna support structure outside an H-1, Historic Overlay District in the R-3, Medium Density Residential, R-4, High Density Residential, M-R Medical Residential districts, B-2, Central Business, B-3,

Intermediate Business, B-4, Arterial Business, M-1, Manufacturing Warehouse, and M-2 High Impact districts.

- 1506.3 Replacing existing towers. Towers may be reconstructed, provided they are located within fifty (50) feet of the original tower, and the original tower is removed upon completion of the replacement tower. The replacement tower may be constructed up to fifty (50) feet taller than the original tower if additional antennas are to be added. This height change may only occur one time per communication tower without a special exception approval.
- 1506.4 Installing a cable microcell network through the use of multiple low-powered transmitters/ receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

**1507. Special Exception Permit.**

1507.1 A special exception permit is required if:

1507.1.1 A monopole or stealth-type antenna support structure is proposed to be located in R-1, Low Density Residential, R-1A, Low Density Residential, R-2, Medium Density Residential, M-R, Medical Residential, and B-1, Neighborhood Business districts, and in non-apartment areas in R-3, Medium Density Residential and R-4, High Density Residential districts. It must be shown that the location is required to prevent an effective denial of coverage or upon a finding by the Greeneville Board of Zoning Appeals that the granting of a special exception permit will be less of a burden on the citizens of the Town of Greeneville and is more in keeping with the purposes and intents of this ordinance than the antenna support structure(s) which will be utilized if a special exception permit was not issued. Section 1504.1 notwithstanding, the aesthetic design of such monopole or stealth-type antenna support structure shall be subject to the approval of the Greeneville Board of Zoning Appeals. (REVISED 10/99)

1507.1.2. A special exception permit is required if a tower or antenna support structure exceeds any of the limits set forth or is not in compliance with any of the provisions hereof is proposed.

1507.1.3. A guyed or lattice tower/antenna support structure is requested to be constructed.

- 1507.2 In granting a special exception permit, the Board of Zoning Appeals may impose conditions to the extent they conclude such conditions are necessary to minimize adverse effects of the proposed tower on adjoining properties.
- 1507.3 Factors Considered in Granting Special Use Permits for Towers. The Board of Zoning Appeals shall consider the following factors in determining whether to grant a special exception: height of the proposed tower; proximity of the tower to residential structures and residential district boundaries; nature of uses on adjacent and nearby properties; surrounding topography; surrounding tree coverage and foliage; design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; proposed ingress and egress; and availability of suitable existing towers and suitable alternative tower sites, other structures, or alternative technologies not requiring the use of towers or structures. (REVISED 10/99)

**1508. Removal of Abandoned Antennas and Towers.**

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Town of Greeneville notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provisions shall not become effective until all users abandon the tower.

**1509. Nonconforming Uses**

- 1509.1 No Expansion of Nonconforming Uses. Towers that are constructed, and antennas that are installed in accordance with the provisions of this Article shall not be deemed to constitute the expansion of a nonconforming use or structure.
- 1509.2 Preexisting Towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this Article.

1509.3 Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas. Notwithstanding Section 1509.1, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special exception permit and without having to meet the separation requirements. The type, height, and location of the tower on-site shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If not permit is obtained, or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section 1508.

**1510. Public Notice.** For the purposes of this ordinance, any review of a tower/antenna request by the Board of Zoning Appeals shall require written notice to all persons owning property within three hundred (300) feet of the proposed tower site. The company/person requesting the review is responsible for providing names and mailing addresses of the property owners to the Town Planner at least fourteen (14) days prior to the meeting at which the request is to be considered.

**1511. Private Review and Associated Fees.** The Town of Greeneville reserves the right to submit for private sector review any and all requests for towers and antennas. All fees associated with private sector reviews and recommendations shall be assessed to the individual or company submitting the tower or antenna request, and the amount of any fees shall be provided to the applicant in advance of the review.

**1512. Automatic Approval.** The Building Official or his designee shall either approve or deny each application for administrative approval within sixty (60) days after receiving a completed application. If the Building Official fails to respond within the said sixty (60) days, the application shall be deemed to be approved.

## ARTICLE XVI. GREEN SPACE PROVISIONS

**1601. General Purpose.** The general intent and purpose of this section is to regulate the planting, protection, and maintenance of trees, shrubs, and other landscaping materials in order to:

1601.1 Enhance the Town's environmental and visual character for its citizens' use and enjoyment;

1601.2 Preserve and/or stabilize the area's ecological balance;

1601.3 Mitigate the effects of air, water, and noise pollution;

1601.4 Safeguard property values by promoting high quality development; and

1601.5 Help ensure land use compatibility and lessen the impact of high intensity uses on the community.

**1602. Applicability.** The requirements of this section shall apply to the following projects, unless specified otherwise.

1602.1 All developments required to submit a site plan that are located outside the B-2, Central Business District.

1602.2 Existing structures located outside the B-2, Central Business District, which have a change in use from single- or two-family on individual lots to another use.

1602.3 Developments with previously approved site plans whose approval has lapsed.

**1603. General Requirements.**

1603.1 Site plans shall include, at a minimum, a visual representation and verbal description of the contents of buffers, frontage green spaces, parking lot landscaping, and other required green spaces, i.e., "fence with evergreen trees eight feet on center". Information on the specific species of tree is not required. Required plantings shall be of a size and condition as required elsewhere in this ordinance.

1603.2 The Planning Commission, as part of the site plan approval process, has the authority to decrease or eliminate required green areas to encourage the preservation of specimen trees or significant wooded areas, or in situations

where additional landscaping elements will be provided elsewhere on the site.

### 1603.3 Transplanted plantings:

1603.3.1 May be nursery grown or:

1603.3.2 May be moved from another location on the site. If the tree is a required planting, a landscape specialist must certify the tree to be healthy and free from disease and able to withstand the transplanting process.

1603.4 At the time of planting, all required trees shall have a minimum trunk diameter of at least two (2) inches measured six (6) inches above the ground, and a minimum height of six (6) feet.

1603.5 All required shrubs used for buffering shall have a minimum height of two (2) feet when planted and be shall be capable of reaching a height of six (6) feet within three (3) years of planting, unless the Planning Commission determines a smaller shrub is adequate, given the surrounding land use conditions.

1603.6 Tree Types. Tree type may vary depending on overall effect desired.

1603.6.1 It is recommended that, where ten (10) or more new trees are to be planted, a mixture of more than one species is provided to create a natural look and guard against the possibility of disease obliterating the trees.

1603.6.2 Trees should generally be indigenous, relatively fast growing, not particularly susceptible to insects and disease, long living and require little care.

1603.7 Tree Spacing Standards.

1603.7.1 Proper spacing distances depend on the tree type, its growing habits, and whether freestanding specimens or an interlaced canopy is desired.

1603.7.2 As a general rule, unless a canopied effect is desired, a good guide is to space trees so as to exceed the farthest extent of branch development at maturity.

1603.7.3 Required shade trees shall generally have a minimum horizontal separation between canopies of eight (8) feet at maturation.

1603.7.4 In all cases required trees, whether new or existing, shall be spaced so that they will not interfere with utilities, obstruct vision clearance, or obscure streetlights.

1603.7.5 Trees used to create an evergreen screen shall be spaced as per the buffering provisions of this ordinance.

1603.7.6 Unless otherwise specified, the distance between trees will be measured between the centers of the trunks of the trees.

1603.8 Where landscaped berms are permitted by the Planning Commission:

1603.8.1 Berms that would be periodically mowed shall have slopes less than twenty-five (25) percent.

1603.8.2 Berms planted with ground cover and shrubs and not intended to be mowed may have slopes with a maximum grade of fifty (50) percent.

**1604. Prohibited Plantings.** It shall be unlawful for any person to plant trees as follows:

1604.1 Any species prone to clogging water or sewer lines with roots shall not be planted within any recorded sewer or water easement. These species include, but are not limited to, Poplar, Boxelder, Silver Maple, American Elm, Catalpa, Siberian Elm, Cottonwood, Black Walnut, and Weeping Willow.

1604.2 Any species known to reach a mature height greater than twenty (20) feet shall not be planted within any recorded easement for overhead electric or telephone lines.

**1605. Buffering.** Buffers are required in certain situations to physically separate and visually screen adjacent land uses which the Planning Commission has determined are not fully compatible.

1605.1 Buffer strips shall meet the following requirements.

1605.1.1 No structures, parking areas, loading areas, or other uses shall be permitted in the buffer strip.

1605.1.2 When both fences and trees are located in a buffer strip, the fence shall be located on the development side of the buffer, with the

trees adjoining the residential property, unless the Planning Commission finds this configuration would reduce the effectiveness of the buffer.

1605.1.3 Species which may require different spacing standards than that specified may be approved, provided adequate documentation is submitted to the Planning Commission to justify a variation.

1605.1.4 The Planning Commission selects the option for each buffer level based upon input from the property owner and review of the site, taking into consideration the distance between the proposed use and existing uses, the anticipated location of new residential structures, and other factors that the Commission views as relevant.

1605.2 Buffer Levels. There are three levels of buffering.

1605.2.1 Level 1 is required for public, semi-public, and multi-family uses abutting single-family uses or zones, or commercial uses abutting multi-family uses or zones.

1605.2.2 Level 2 is required for commercial uses abutting single family uses or zones, or industrial uses abutting public schools, private schools, or multi-family uses or zones.

1605.2.3 Level 3 is required for industrial uses abutting single family uses or zones.

1605.2.4 There are three options in Level 1.

1605.2.4.1 A ten-foot-wide grassed strip containing one (1) row of evergreen trees spaced no more than eight (8) feet apart.

1605.2.4.2 A ten-foot-wide grassed strip containing one (1) row of evergreen trees spaced no more than twelve (12) feet apart and a minimum of two (2) shrubs provided per tree.

1605.2.4.3 A solid opaque brick or masonry wall or wooden fence or equivalent at least six (6) feet in height, located in a grassed strip landscaped with shrubs and measuring at least ten (10) feet in width.

1605.2.5 There are two options in Level 2.

1605.2.5.1 A grassed strip measuring at least fifteen (15) feet in width containing a double row of evergreen trees planted in a staggered pattern. Trees in the same row shall be located no more than twelve (12) feet apart. The distance between trees in separate rows shall be eight (8) feet.

1605.2.5.2 A grassed strip measuring at least fifteen (15) feet in width containing a fence at least six (6) feet in height, and one row of evergreen trees no more than twelve feet (12) apart.

1605.2.6 There are two options in Level 3.

1605.2.6.1 A grassed strip measuring at least twenty-five (25) feet in width containing at least three rows of evergreen trees planted in a staggered pattern. Trees in the same row shall be located no more than sixteen (16) feet apart. The distance between trees in separate rows shall be eight (8) feet.

1605.2.6.2 A grassed strip measuring at least twenty-five (25) feet in width containing a solid opaque fence at least six (6) feet in height and at least two rows of evergreen trees planted in a staggered pattern. Trees in the same row shall be located no more than twelve (12) feet apart. The distance between trees in separate rows shall be eight (8) feet.

**1606. Frontage Green Space.** Green space measuring at least ten (10) feet in width and planted with grass shall be located adjacent to all open public streets. The strip may also be landscaped with trees, shrubs, and other plants, provided the landscaping does not interfere with utility line locations or vision clearance.

**1607. Foundation Plantings.** Foundation planting areas shall be:

1607.1 Located between buildings and parking areas, driveways, sidewalks, and access roads.

1607.2 A minimum of five (5) feet in width.

1607.3 Planted with live landscaping materials.

**1608. Interior Parking Lot Green Space.**

1608.1 Tree Standards. Any trees used for parking lot green spaces shall meet all of the following minimum requirements:

1608.1.1 They shall have a clear trunk for at least six-(6) feet above the finished grade to provide for maximum vision clearance.

1608.1.2 They shall be able to thrive in the existing soil and should be tolerant of excessive heat, de-icing salt, and the oils and other chemicals often found in relatively greater volumes in parking lot environments.

1608.1.3 They shall be a species with strong wood that is not prone to breakage in wind or ice storms.

1608.1.4 They shall be fruitless or otherwise free of parts, excepting leaves, which fall and could damage vehicles, clog drains, or make pavement slippery.

1608.1.5 They shall be free of unacceptable levels of disease or insect pests.

1608.1.6 They shall not interfere with either above or below ground utilities.

1608.1.7 Where landscaping is desired in a previously developed and paved portion of a site, the pavement cutouts shall be of sufficient size for tree survival and growth.

1608.2 Interior Planting Islands - Dimensions. Where interior planting islands are used to meet the requirements of this section:

1608.2.1 Each island shall be:

1608.2.1.1 At least eight (9) feet in width.

1608.2.1.2 Landscaped with grass, plants, shrubs, and at least one (1) tree, where the trees shall be planted so that the base of the tree shall be at least three and one-half (3½) feet behind the curb or traffic barrier.

1608.2.2 To prevent damage to landscaping, a concrete raised curb or wheelstop with a minimum height of six (6) inches shall be provided around the interior planting island.

1608.2.3 Curb breaks shall be provided for drainage control into or out of planting islands.

1608.3 Properties with twenty (20) or more parking spaces are required to provide one (1) interior parking lot landscape area for each 20 parking spaces, and any fraction above ten (10) spaces.

1608.4 These green spaces shall be located in such a manner as to divide and break up the expanse of paving and to guide traffic flow.

1608.5 The use of terminal islands for rows of parking spaces is encouraged.

**1609. Perimeter Green Space**

1609.1 Sites with less than 20,000 square feet shall have a green space strip around the perimeter of the property that measures at least two (2) feet in width and is landscaped with live landscaping materials, provided that, if more than one section of this ordinance applies, the more restrictive requirement shall be met.

1609.2 Sites with 20,000 square feet or more shall have a perimeter strip measuring at least five (5) feet in width that is landscaped with live landscaping materials, provided that, if more than one section of this ordinance applies, the more restrictive requirement shall be met.

1609.3 If the perimeter strip is wide enough for trees, they may be clustered or spaced in any manner desirable to the developer and/or owner, provided such spacing does not interfere with utility line locations or vision clearance.

1609.4 Perimeter landscaping requirements shall not prohibit internal connections between parking areas, access roads, or driveways, provided that the connections do not eliminate the landscape strip.

**1610. Protection of Existing Plantings.** Where existing plantings are to be preserved the following protection measures or their performance based equivalents are recommended:

1610.1 Species intended for preservation shall be clearly delineated in the field. These species should be so designated prior to siting the building and paving.

1610.2 No soil should be placed around designated trees that are intolerant of fill, such as dogwoods, birches, oaks, sugar maples and most conifers.

1610.3 Stockpiling of soil resulting from grading shall be located only in open areas.

1610.3.1 No material or temporary soil deposits shall be placed within four (4) feet of shrubs designated for preservation.

1610.3.2 No material or temporary soil deposits shall be placed within ten (10) feet of trees designated for preservation.

1610.4 No soil shall be disturbed in a ten (10) foot radius or, if greater, within the drip line of the tree to be preserved.

1610.5 Barriers used to protect existing plantings shall be:

1610.5.1 Self-supporting (i.e. not supported by the plants they are protecting);

1610.5.2 A minimum of three (3) feet high; and

1610.5.3 Constructed of a durable material that will last until construction is completed.

1610.6 Should machinery, during the construction process, be required to cross through a protected zone, at least four (4) inches of chip mulch shall be placed on the ground to displace the weight of machines and prevent loss of pores in the soil that allow passage of air and water to roots.

1610.7 After construction, curbing placed around existing trees shall be at least three and one-half (3½) feet from the base of the tree, as measured six (6) inches above the ground or no closer than the halfway point between the drip line and the trunk of the tree, whichever is greater.

**1611. Continued Maintenance Requirements.**

1611.1 Property owners shall remain responsible for maintaining plantings in a healthy and orderly manner.

1611.1.1 All plant growth in green space areas shall be controlled by pruning, trimming, or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a traffic hazard. Specifically:

1611.1.1.1 Grasses, other than ornamental grasses, shall not be permitted to exceed six (6) inches in height.

1611.1.1.2 Trees and bushes shall not interfere with sight distance requirements and shall not be permitted to block sidewalks or other vehicle/pedestrian way.

1611.1.1.3 All planted areas shall be maintained in a relatively weed-free condition and clear of undergrowth;

1611.1.1.4 All plantings shall be fertilized and irrigated at intervals as are necessary to promote optimum growth;

1611.1.1.5 All trees, shrubs, ground covers, and other plant materials shall be replaced if they die or become unhealthy.

1611.2 Where man-made materials are used in lieu of plantings, such materials shall be maintained in good repair, including, where applicable, periodic painting or finishing.

**1612. Public Property.** Public property is defined as any public street or public park, or other land or building owned by the Town of Greeneville.

1612.1 The Town will control the planting, maintenance, and removal of all landscape materials on public property.

1612.2 Work will be performed by Town personnel or by contract with licensed and insured private companies, provided, however, that property owners seeking to beautify public property may do so if the following conditions are met.

1612.2.1 The project is approved by the Greeneville Board of Mayor and Aldermen.

1612.2.2 The property owners provide the funding for the project.

1612.2.3 The property owners agree to maintain the landscaping at their expense.

1612.2.4 The proposal will not: interfere with sight distance; create a hazard; interfere with utilities, vehicle or pedestrian ways; or otherwise constitute a nuisance.

1612.2.5 The landscape materials will not be arranged so as to create the appearance of an emblem, organizational name, business, individual or group unless expressly approved by the Board of Mayor and Aldermen.

1612.3 Any person or company working on public property or private property adjoining or affecting public property is responsible for the protection of any landscape materials located on public property and for restitution of any materials damaged during or as a result of construction or other work.

**ARTICLE XVII**  
**SPECIAL RESIDENTIAL DISTRICT**

**1701. General Purposes.**

- 1701.1 To provide standards for the development of mobile home parks;
- 1701.2 To promote the safety and health of the residents within mobile home parks;
- 1701.3 To enhance the development of such communities in Greeneville;
- 1701.4 To increase the stock of affordable housing; and
- 1701.5 To permit a variety of residential uses and types in addition to mobile home parks.

**1702. Applicability.** The provisions of this ordinance shall apply to the following:

- 1702.1 All new development located within a SR, Special Residential District.
- 1702.2 The expansion area of existing mobile home parks located within the corporate limits of Greeneville which are proposed to be increased in land area and/or by number of dwelling units.

**1703. General Requirements for Mobile Home Parks**

- 1703.1 The minimum size of new mobile home parks is two (2) acres, provided, however, that existing parks are not required to meet this requirement.
- 1703.2 The maximum density of all new communities, and the expansion area of communities that are being expanded, is six (6) dwelling units per acre, provided however that, when underground utilities are provided and other listed requirements are met, density may be increased to seven (7) units/acre.
- 1703.3 In each mobile home park, the park owner shall be responsible for keeping the community, its facilities and equipment in a clean, orderly, safe and sanitary condition, and to ensure that it meets all applicable provisions of the Town of Greeneville.

- 1703.4 The park owner shall maintain a list of all home owners, persons leasing units (if applicable), the date the unit was moved on-site, the dimensions of the manufactured home, the dimensions of each lease space, and the number of the lease space for which this information applies.
- 1703.5 Each lease space within a mobile home park shall have a permanent site number or address sign, which is visible from the road that provides access to the manufactured home, and located on each power panel box serving the home.
- 1703.6 The maximum height of a building or structure erected or stationed in a mobile home park shall be fifteen (15) feet.
- 1703.7 The construction of additions, other than unenclosed decks, porches, and patios, shall not be permitted.
- 1703.8 All units shall be sited in conformance with the State of Tennessee Manufactured Home Anchoring Act.
- 1703.9 Mobile home parks shall meet all applicable development regulations of the Town of Greeneville and shall comply with NFPA 501A for fire protection.
- 1703.10 Solid waste storage and disposal containers shall be provided throughout the community with at least weekly collection.
- 1703.10.1 Dempster boxes will be located on concrete pads measuring at least ten (10) feet by sixteen (16) feet.
- 1703.10.2 The pad shall have a minimum thickness of four (4) inches.
- 1703.10.3 Dempster and common collection containers shall be screened from view with solid opaque fencing or landscape screen at least eight (8) feet in height.
- 1703.10.4 The Planning Commission shall approve the size and location of dempster boxes as part of the site plan approval.
- 1703.10.5 Storage of garbage and/or refuse outside the common collection points is not permitted.
- 1703.10.6 Refuse and solid waste collection is not permitted from individual units, unless the following conditions are met.

- 1703.10.6.1 Provision must be made, to the satisfaction of the Superintendent of Streets and Sanitation, to ensure that collection vehicles are not required to back up within the development.
  - 1703.10.6.2 Speed bumps are not permitted on access roads that will be used by collection vehicles.
  - 1703.10.6.3 The owner of the mobile home park must sign an agreement stating that they desire collection from individual units, and the Town of Greeneville will not be held responsible for any damage to the park.
  - 1703.10.6.4 The park owner must request the residents to use toters provided by the Town of Greeneville.
- 1703.11 Any part of the park area not used for buildings or other structures, parking, access ways, or pedestrian walks, shall be landscaped with grass, trees, and/or shrubs.
- 1703.12 Mobile home parks with 15 units or less shall have at least forty (40) feet of frontage on an open public right-of-way; communities with 16 units or more shall have a minimum of fifty (50) feet of frontage.
- 1703.13 All manufactured home and lease communities containing twenty (20) or more lease spaces shall have at least two (2) ingress/egress points that access open public streets of a width and design adequate to safely handle the projected traffic from the development.
- 1703.14 Mobile home parks shall only be located in SR, Special Residential districts.

**1704. Uses in Mobile Home Parks.**

- 1704.1 The principal permitted use in mobile home parks shall be residential.
- 1704.2 Manufactured homes shall not be used for commercial, industrial, or other nonresidential uses within the community, with the following exceptions:
  - 1704.2.1 Each community may be provided with a management office and such service buildings as are necessary to provide

facilities for mail distribution, storage space for supplies, maintenance materials, and equipment.

1704.2.2 Laundry facilities equipped with washing machines and dryers may be provided for use of residents only. These buildings shall be:

1704.2.2.1 Of permanent construction and shall meet the requirements of the building code adopted by the Town of Greeneville.

1704.2.2.2 Maintained in a clean and sanitary condition.

1704.2.2.3 Located in a generally central location in the community.

1704.3 Home occupations shall be as permitted by the Zoning Ordinance.

1704.4 The sale of manufactured homes shall be permitted in the mobile home park provided:

1704.4.1 The home is displayed and offered for sale on the site that is the intended location for the home;

1704.4.2 Signage advertising the home for sale shall be as for home occupations.

1704.5 Accessory Buildings. Accessory buildings are permitted on individual lots provided they meet the following criteria:

1704.5.1 They shall be constructed with permanent building materials and anchored to the ground.

1704.5.2 They shall be set back a minimum of five (5) feet from the side and rear lease lines.

1704.5.3 They are not permitted in the front yard of the manufactured home, the front yard being the yard adjacent to the road that provides access to the home.

1704.6 The park owner may construct and rent storage units provided they are:

1704.6.1 Only rented to residents and persons owning homes in the community:

- 1704.6.2 Located on the same tract as the community.
- 1704.6.3 Of permanent construction and comply with the building code.
- 1704.6.4 Located within the community and not at the entrance to a public street.
- 1704.6.5 Approved as a special exception by the Board of Zoning Appeals and screened with evergreen trees and shrubs as per their requirements.
- 1704.6.6 Served by paved loading areas and driveways; and
- 1704.6.7 No greater than fifteen (15) feet in height.

**1705. Improvements to Manufactured homes in Mobile Home Parks**

1705.1 Skirting

- 1705.1.1 Prior to occupancy, skirting material shall be securely fastened around the structure from the bottom of the home to the ground.
  - 1705.1.2 Said skirts shall be provided with an access door measuring at least eighteen (18) inches by twenty-four (24) inches.
  - 1705.1.3 Skirts shall be constructed so as to prohibit insect and rodent infestation, and it shall be replaced if torn or otherwise damaged to the extent that its intent is not met.
- 1705.2 Entrances. The stairs and handrails shall meet the requirements of the Standard Building Code, and shall be installed prior to obtaining a Certificate of Occupancy.

**1706. Dimensional Requirements for Mobile Home Parks**

1706.1 Manufactured Home Lease Space.

- 1706.1.1 Each space shall have a minimum of twenty (20) feet of frontage along the access road serving the space.

1706.1.2 In no instance shall the lease space be less than four thousand two hundred (4,200) square feet.

1706.2 Setbacks.

1706.2.1 Each mobile home located within a mobile home park shall meet the setback requirements of this section.

1706.2.2 Setbacks shall be measured from lease lines.

1706.2.3 Manufactured homes shall be placed on each space to provide a minimum clearance of twenty (20) feet between homes, any additions such as decks and covered porches, and from any permanent building in the community.

1706.2.4 Setbacks

1706.2.4.1 Setback from the front lease line is twenty-five (25) feet.

1706.2.4.2 Setback from the side lease line is fifteen (15) feet.

1706.2.4.3 Setback from the rear lease line is fifteen (15) feet, except that units placed end-to-end on abutting lease spaces may be placed ten (10) feet from the rear lease line.

1706.2.5 If a lease space is located at the intersection of two access streets within the development, the side yard setback adjacent to the side street shall be increased by fifty (50) percent.

1706.2.6 Homes shall not be located within twenty-five (25) feet of an off-site public right-of-way.

1706.2.7 Manufactured homes shall be set back from streams, creeks, or other water bodies, a minimum of fifteen (15) feet from the top of the bank, or five (5) times the width of the water body, whichever is greater, provided, however, that no manufactured home shall be located within a flood hazard area as identified on Flood Insurance Administration maps.

**1707. Internal Access and Walkway Specifications for Mobile Home Parks**

- 1707.1 All internal access roads within a mobile home park shall be private, paved, and constructed to a standard of six inches of compacted, crushed material; two inches of an asphalt binder; and one inch of asphalt topping.
- 1707.2 It shall be the responsibility of the property owner to enforce “No Parking” provisions where on-street parking is not permitted, and to maintain the internal access streets in a manner that is safe and readily passable by emergency vehicles.
- 1707.3 Each manufactured home lease space shall have frontage upon and access from an internal access road, which, in turn, shall provide unobstructed vehicular access to a public right-of-way.
- 1707.4 Dead-end access roads shall contain a paved cul-de-sac or other permanent turn-around that, in the opinion of the Fire Department, is adequate for the turning movements of fire department vehicles.
- 1707.5 Private access roads shall have:
- 1707.5.1 A minimum width of twenty-eight (28) feet if there are no common parking areas, and only two (2) parking spaces are provided on each lot.
- 1707.5.2 A minimum width of twenty-four (24) feet if there are only two (2) parking spaces provided on each lot, and at least two parking spaces/unit are provided in a common paved or graveled parking area.
- 1707.5.3 A minimum width of twenty (20) feet if underground utilities are provided within the development and at least four paved parking spaces are provided on each lot, or two paved spaces are provided on the lease space, and an additional two spaces are provided in a common parking area.
- 1707.6 The access to a mobile home park, as well as interior access roads, shall have intersections as close as possible to ninety (90) degrees, and under no circumstances shall the angle of intersection be less than sixty (60) degrees.
- 1707.7 Access roads shall meet the location and related safety standards for public streets (horizontal curves, vertical curves, offsets, etc.).

- 1707.8 No vehicles, trees, shrubs, structures or the like shall be located within ten (10) feet of an intersection within the community.
- 1707.9 The entrances to a mobile home park, and the access roads within mobile home parks, shall be, in the opinion of the Fire Inspector/Fire Department and Police Department, safe and adequate for emergency vehicle access and use.
- 1707.10 Pedestrian Walkways/Sidewalks. Pedestrian walkways in mobile home parks are required to connect common parking areas and access roads with service buildings, storage buildings, and similar public use structures. All sidewalks, whether required or built at the discretion of the developer, shall meet the following standards. They shall:
- 1707.10.1 Be a minimum of four (4) feet in width
  - 1707.10.2 Not be sloped side-to-side, blocked, or otherwise made unusable or hazardous.
  - 1707.10.3 Have a minimum construction of four (4) inches of concrete over a four (4) inch compacted base; or
  - 1707.10.4 Have a minimum construction of two (2) inches of asphalt over a four (4) inch compacted gravel base.

**1708. Parking Requirements for Mobile Home Parks**

- 1708.1 General Requirements.
- 1708.1.1 Four (4) parking spaces are required per lease space, with at least two (2) parking spaces provided on each lease space.
  - 1708.1.2 All parking areas located on lease spaces shall meet the following standards.
    - 1708.1.2.1 A grassed/landscaped area at least five (5) feet in width shall separate the spaces from the home.
    - 1708.1.2.2 A landscaped/grassed area measuring at least five (5) feet in width shall separate parking spaces on adjoining lots.
    - 1708.1.2.3 Parking spaces may be stacked to a maximum depth of two rows, where one row of parking

spaces is located in a side yard and does not have direct access to the internal access road.

1708.1.2.4 Each parking space shall measure at least nine (9) feet by eighteen (18) feet.

1708.1.2.5 Required parking spaces located on lease spaces shall be paved or concreted.

1708.1.3 Parking shall be provided for non-residential uses as per the Zoning Ordinance.

1708.1.4 Common paved or gravel parking areas for boats, recreational vehicles, and additional vehicles are recommended, provided that they are screened from view, and have lighting as per the requirements of the Planning Commission.

**1709. Utility Specifications for Mobile Home Parks**

1709.1 Each manufactured home space shall have access to, and utilize, public water and public sanitary sewer.

1709.2 Fire Hydrants

1709.2.1 Fire hydrants are required and shall be located:

1709.2.2.1 No more than one thousand (1,000) feet apart; and

1709.2.2.2 No more than five hundred (500) feet from any structure, provided that if a reduced spacing is required in other applicable regulation of the Town of Greeneville the spacing requirement may be reduced.

1709.2.2 The Greeneville Water Commission and the Greeneville Fire Department shall approve the location and size of fire hydrants.

**1710. Open Space Requirements for Mobile Home Parks.**

1710.1 Each mobile home park shall provide a common area for playgrounds and leisure time pursuits.

- 1710.2 A minimum of three-hundred and fifty (350) square feet for each manufactured home shall be set aside and designated as common open space.
- 1710.3 At least twenty-five hundred (2500) square feet of common open space be provided.
- 1710.4 Minimum dimensions of each area designated as open space shall be fifty (50) feet by fifty (50) feet unless the Planning Commission approves an alternative configuration.
- 1710.5 The area of the periphery yard and lease areas shall not be included when measuring or calculating manufactured home space lease area or open space
- 1710.6 The areas designated as open space shall be grassed and usable and:
- 1710.6.1 The only structures present shall be recreational structures.
- 1710.6.2 There shall be no drainage areas, detention or retention basins, silt ponds, or the like which would interfere with or limit use of the common area.
- 1710.7 It shall be mowed and otherwise maintained.
- 1710.8 Communities proposed for expansion will be required to meet open space requirements for all units, both existing and proposed, provided:
- 1710.8.1 The Board of Zoning Appeals may grant a variance reducing this standard.
- 1710.8.2 The variance request must meet the requirements of Tennessee Code Annotated and the Greeneville Zoning Ordinance.

**1711. Obtaining Approval for a Mobile Home Park or Expansion**

- 1711.1. To obtain approval for a new or expanded mobile home park the following plans must be submitted and approved by the Greeneville Regional Planning Commission.
- 1711.1.1 A site plan with information as required in Section 410 of the Greeneville Zoning Ordinance.

1711.1.2 A lighting plan showing all access roads, parking areas, and walkways to be lighted, with a lighting level equivalent to a 100 watt high pressure sodium or 175 watt mercury bulb, spaced at intervals of 150-200 feet, on a pole thirty (30) feet tall, provided an alternate plan approved by Greeneville Light and Power that provides a comparable lighting level may be submitted.

1711.1.2.3 A landscape plan with landscaping as required by this or other applicable ordinances of the Town of Greeneville, with the most restrictive ordinance applying.

1711.1.2.4 Construction plans for access roads and utilities.

**1712. Landscaping Requirements for Mobile Home Parks.**

1712.1 Abutting Multi-family and Commercial Zones or Uses. When a mobile home park abuts property utilized or zoned for other multi-family, commercial or industrial uses, unless otherwise specified, the grassed periphery yard adjacent to said use or district shall be landscaped with one (1) row of evergreen trees spaced no more than eight (8) feet apart.

1712.2 Abutting Single Family uses or zones and Residential Planned Unit Developments. When a mobile home park abuts property utilized or zoned for single family or planned unit developments, unless otherwise specified, the grassed periphery yard adjacent to said use or district shall be landscaped with a solid opaque fence measuring at least six (6) feet in height and one (1) row of evergreen trees spaced no more than eight (8) feet apart.

1712.3 Abutting Industrial Zones or Uses. When a mobile home park abuts property utilized or zoned for other multi-family, commercial or industrial uses, unless otherwise specified, the grassed periphery yard adjacent to said use or district shall be landscaped with two (2) rows of evergreen trees spaced no more than eight (8) feet apart.

1712.4 Parking Lot Perimeter Landscaping. Common parking areas shall have a perimeter strip that is landscaped, at a minimum, with grass and shrubs, and one (1) tree for every twenty-five (25) feet of frontage.

**1713. Bonds for Mobile Home Parks.** Bonds shall be as required in Section 410.5 of the Greeneville Zoning Ordinance.

**1714. Building Permits for Mobile Home Parks.**

1714.1 No building permit shall be issued for construction of any building or the location of any manufactured home in a land lease community until the following has occurred:

1714.1.1 Plans as required under this ordinance have been approved.

1714.1.2 All internal access roads within the proposed development have been constructed to the approved standard, or all internal access roads within the phase of the development where construction or siting is to occur have been completed to the approved standard.

1714.1.3 All soil erosion and drainage control measures are in place, and the drainage measures are certified by the project engineer as being constructed and working as designed.

1714.1.4 Any bond required for the development has been accepted and received by the Planning Commission.

1714.1.5 The development has been constructed as approved by the Planning Commission.

**1715. Lease Agreements for Mobile Home Parks.** As part of the final site plan approval, a lease agreement to be utilized by park owners shall be submitted. The lease shall contain, at a minimum, the minimum requirements of this ordinance concerning skirting, additions, porches and decks, building height, outbuildings, steps/railings, parking, and prohibition of refuse/garbage on individual lease spaces.

**1716. Non-mobile Home Park Development.**

1716.1 Permitted uses in the SR, Special Residential, district outside mobile home parks, shall be limited to residential uses and home occupations as per the requirements of the R-4, High Density Residential District.

1716.2 Density, setbacks, lot sizes, and other dimensional requirements shall be as for the R-4, High Density Residential District.

1716.3 Landscaping requirements shall be as per the landscape provisions of this ordinance.

## ARTICLE XVIII. FLOODPLAIN ORDINANCE

**1801. 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 Greeneville, Tennessee, Mayor and Board of Aldermen, do ordain as follows:

**1802. Findings of Fact**

1802.1 The Town of Greeneville, 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.

1802.2 Areas of the Town of Greeneville, 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.

1802.3 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.

**1803. 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:

1803.1 Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

1803.2 Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

1803.3 Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

1803.4 Control filling, grading, dredging and other development which may increase flood damage or erosion;

1803.5 Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

**1804. Objectives** The objectives of this Ordinance are:

- 1804.1 To protect human life, health, safety and property;
- 1804.2 To minimize expenditure of public funds for costly flood control projects;
- 1804.3 To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- 1804.4 To minimize prolonged business interruptions;
- 1804.5 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;
- 1804.6 To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;
- 1804.7 To ensure that potential homebuyers are notified that property is in a floodprone area;
- 1804.8 To maintain eligibility for participation in the NFIP.

**1805. 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.

**1805.1 "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:

- 1805.1.1 Accessory structures shall only be used for parking of vehicles and storage.
- 1805.1.2 Accessory structures shall be designed to have low flood damage potential.
- 1805.1.3 Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- 1805.1.4 Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
- 1805.1.5 Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

- 1805.2 "Addition (to an existing building)"** means any walled and roofed expansion to the perimeter or height of a building.
- 1805.3 "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.
- 1805.4 "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.
- 1805.5 "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.
- 1805.6 "Area of Special Flood Hazard"** see "**Special Flood Hazard Area**".
- 1805.7 "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.
- 1805.8 "Base Flood Elevation" (BFE)** The elevation of surface water resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. The BFE is shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, AR/AO, V1–V30, and VE.
- 1805.9 "Basement"** means any portion of a building having its floor subgrade (below ground level) on all sides.
- 1805.10 "Building"** see "**Structure**".
- 1805.11 "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.
- 1805.12 "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.

**1805.13 "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.

**1805.14 "Erosion"** means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the Program.

**1805.15 "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.

**1805.16 "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.

**1805.17 "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.

**1805.18 "Existing Structures"** see **"Existing Construction"**.

**1805.19 "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).

**1805.20 "Flood" or "Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1805.20.1 The overflow of inland or tidal waters.

1805.20.2 The unusual and rapid accumulation or runoff of surface waters from any source.

**1805.21 "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.

**1805.22 "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.

- 1805.23 "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.
- 1805.24 "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.
- 1805.25 "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.
- 1805.26 "Floodplain" or "Floodprone Area"** means any land area susceptible to being inundated by water from any source (see definition of "flooding").
- 1805.27 "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.
- 1805.28 "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.
- 1805.29 "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.
- 1805.30 "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.
- 1805.31 "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.
- 1805.32 "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.

**1805.33 "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.

**1805.34 "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.

**1805.35 "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.

**1805.36 "Highest Adjacent Grade"** means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

**1805.37 "Historic Structure"** means any structure that is:

1805.37.1 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;

1805.37.2 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;

1805.37.3 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

1805.37.4 Individually listed on the Town of Greeneville, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

1805.37.4.1 By the approved Tennessee program as determined by the Secretary of the Interior or

1805.37.4.2 Directly by the Secretary of the Interior.

**1805.38 "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.

**1805.39 "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.

**1805.40 "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.

**1805.41 "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".

**1805.42 "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.

**1805.43 "Map"** means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

**1805.44 "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.

**1805.45 "National Geodetic Vertical Datum (NGVD)"** means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

**1805.46 "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.

**1805.47 "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.

**1805.48 "North American Vertical Datum (NAVD)"** means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

**1805.49 "100-year Flood"** see "**Base Flood**".

**1805.50 "Person"** includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

**1805.51 "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.

**1805.52 "Recreational Vehicle"** means a vehicle which is:

1805.52.1 Built on a single chassis;

1805.52.2 400 square feet or less when measured at the largest horizontal projection;

1805.52.3 Designed to be self-propelled or permanently towable by a light duty truck;

1805.52.4 Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**1805.53 "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.

**1805.54 "Riverine"** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**1805.55 "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.

**1805.56 "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.

**1805.57 "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.

**1805.58 "State Coordinating Agency"** the Tennessee Department of Economic and Community Development's, 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.

**1805.59 "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.

**1805.60 "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.

**1805.61 "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".

**1805.62 "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.

**1805.63 "Variance"** is a grant of relief from the requirements of this Ordinance.

**1805.64 "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.

**1805.65 "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.

## **1806. GENERAL PROVISIONS**

**1806.1 Application** This Ordinance shall apply to all areas within the incorporated area of the Town of Greeneville, Tennessee.

**1806.2 Basis for Establishing the Areas of Special Flood Hazard** The Areas of Special Flood Hazard identified on the Town of Greeneville, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Number(s) 47059C0210D, 47059C0220D, 47059C0230D, 47059C0235D, 47059C0236D, 47059C0237D, 47059C0238D, 47059C0239D, 47059C0241D, 47059C0242D, 47059C0243D, 47059C0244D, 47059C0255D, 47059C0375D, and 47059C0400D, dated July 3, 2006, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

**1806.3 Requirement for Development Permit** A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activities.

**1806.4 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.

**1806.5 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.

**1806.6 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.

**1806.7 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 Greeneville, 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.

**1806.8 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 Greeneville, Tennessee from taking such other lawful actions to prevent or remedy any violation.

## **1807 ADMINISTRATION**

**1807.1 Designation of Ordinance Administrator** The FEMA Floodplain Manager of the Town of Greeneville, or one designated by this Manager, is hereby appointed as the Administrator to implement the provisions of this Ordinance.

**1807.2 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:

### 1807.2.1 Application stage

1807.2.1.1 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.

1807.2.1.2 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.

1807.2.1.3 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.

1807.2.1.4 Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

## 1807.2.2 Construction Stage

1807.2.2.1 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.

1807.2.2.2 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.

1807.2.2.3 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.

1807.2.2.4 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.

## **1807.3 Duties and Responsibilities of the Administrator** Duties of the Administrator shall include, but not be limited to, the following:

1807.3.1 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.

1807.3.2 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.

1807.3.3 Notify adjacent communities and the Tennessee Department of Economic and Community Development, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

1807.3.4 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.

1807.3.5 Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

1807.3.6 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.

1807.3.7 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.

1807.3.8 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.

1807.3.9 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), the Administrator or designee will 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.

1807.3.10 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 Greeneville, Tennessee FIRM meet the requirements of this Ordinance.

1807.3.11 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.

## **1808 PROVISIONS FOR FLOOD HAZARD REDUCTION**

**1808.1 General Standards** In all areas of special flood hazard, the following provisions are required:

1808.1.1 New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;

1808.1.2 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.

1808.1.3 New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

1808.1.4 New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

1808.1.5 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;

1808.1.6 New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

1808.1.7 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;

1808.1.8 On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

1808.1.9 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;

1808.1.10 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;

1808.1.11 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;

1808.1.12 All subdivision proposals and other proposed new development proposals shall meet the standards of Article V, Section B;

1808.1.13 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;

1808.1.14 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.

**1808.2 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:

1808.2.1 Residential Structures

1808.2.1.1 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".

1808.2.1.2 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"

1808.2.2 Non-Residential Structures

1808.2.2.1 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”

1808.2.2.2 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”

1808.2.2.3 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.

1808.2.3 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.

1808.2.3.1 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.

1808.2.3.1.1 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;

1808.2.3.1.2 The bottom of all openings shall be no higher than one (1) foot above the finished grade;

1808.2.3.1.3 Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

1808.2.3.2 The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

1808.2.3.3 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.

#### 1808.2.4 Standards for Manufactured Homes and Recreational Vehicles

1808.2.4.1 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.

1808.2.4.2 All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

1808.2.4.2.1 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

1808.2.4.2.2 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).

1808.2.4.3 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.

1808.2.4.4 All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

1808.2.4.5 All recreational vehicles placed in an identified Special Flood Hazard Area must either:

1808.2.4.5.1 Be on the site for fewer than 180 consecutive days;

1808.2.4.5.2 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;

1808.2.4.5.3 The recreational vehicle must meet all the requirements for new construction.

**1808.2.5 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.

1808.2.5.1 All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

1808.2.5.2 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.

1808.2.5.3 All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

1808.2.5.4 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).

**1808.3 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:

1808.3.1 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 Greeneville, Tennessee and certification, thereof.

1808.3.2 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.

**1808.4 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:

1808.4.1 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.

1808.4.2 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.

**1808.5 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:

1808.5.1 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.

1808.5.2 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.

1808.5.3 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.

1808.5.4 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 Greeneville, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

1808.5.5 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.

**1808.6 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:

1808.6.1 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.

1808.6.2 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.

1808.6.3 Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

**1808.7 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.

**1808.8 Standards for Unmapped Streams** Located within the Town of Greeneville, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

1808.8.1 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.

1808.8.2 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.

## **1809 VARIANCE PROCEDURES**

### **1809.1 Municipal Board of Zoning Appeals**

1809.1.1 Authority The Town of Greeneville, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

1809.1.2 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.

1809.1.3 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 one hundred (\$100.00) dollars plus 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 fifteen (15) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

1809.1.4 Powers The Municipal Board of Zoning Appeals shall have the following powers:

1809.1.4.1 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.

1809.1.4.2 Variance Procedures In the case of a request for a variance the following shall apply:

1809.1.4.2.1 The Town of Greeneville, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

1809.1.4.2.2 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.

1809.1.4.2.3 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:

1809.1.4.2.3.1 The danger that materials may be swept onto other property to the injury of others;

1809.1.4.2.3.2 The danger to life and property due to flooding or erosion;

1809.1.4.2.3.3 The susceptibility of the proposed facility and its contents to flood damage;

1809.1.4.2.3.4 The importance of the services provided by the proposed facility to the community;

1809.1.4.2.3.5 The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

1809.1.4.2.3.6 The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

1809.1.4.2.3.7 The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

1809.1.4.2.3.8 The safety of access to the property in times of flood for ordinary and emergency vehicles;

1809.1.4.2.3.9 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;

1809.1.4.2.3.10 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.

1809.1.4.2.4 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.

1809.1.4.2.5 Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

## **1809.2 Conditions for Variances**

1809.2.1 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.

1809.2.2 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.

1809.2.3 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.

1809.2.4 The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

## **1810 LEGAL STATUS PROVISIONS**

**1810.1 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 the Town of Greeneville, Tennessee, the most restrictive shall in all cases apply.

**1810.2 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.

**ARTICLE XIX**  
**PARKING REGULATIONS**  
**(Article Added 08/04/2015)**

**1901.1. Purpose**

The purpose of these regulations is to allow flexibility in addressing vehicle parking, loading, and access issues, to present a menu of strategies to solve parking issues, to maintain and enhance transportation safety and accessibility, to promote a safe and efficient transportation system that is consistent with environmental goals and clean air, to ensure that off-street parking, loading, and access demands associated with new and redevelopments will be met without adverse effect on other nearby land uses and surrounding neighborhoods, to ensure the proper and uniform development of parking areas throughout the Town, and to support opportunities for development and redevelopment of businesses in the Downtown Greeneville area.

**1901.2. Applicability**

- 1901.2.1. The provisions of this Article shall apply to all land developments except in the B-2 (Central Business) District, provided that Subsection 1901.4.4 and Subsection 1901.10 shall apply to the B-2 District.
- 1901.2.2. The requirements of this Article shall be met at the time a Certificate of Occupancy is issued for a building or structure in which an approved use takes place; at the time any principal structure or ancillary use or building is enlarged or increased in capacity, such as by adding dwelling units, guest rooms, seats, floor area, or other units of measurements; or before conversion from one (1) type of use or occupancy to another, or any change in the manner in which the use is constructed that would result in additional parking requirements. The Board of Zoning Appeals may grant special exceptions to the total provided parking for existing buildings that undergo change in use.
- 1901.2.3. Each site and/or subdivision plan that is submitted for approval shall include information as to the number, location, and dimensions of all off-street parking and the means of ingress and egress to such spaces. Where on-street parking is exceptionally proposed as provided in this section, the number, location and dimensions shall likewise be provided. This information shall be illustrated in sufficient detail to determine whether the requirements of this section are met.

1901.2.4. All parking areas required under this Article shall be completed prior to issuance of a Certificate of Occupancy for the use(s) that they serve. In those cases where no site plan is required, it shall be evident from site inspection or shown by the applicant that the number of parking spaces and the design and construction of all parking areas meet the requirements of this Article in order to receive a Certificate of Occupancy. Each phase of a phased development shall meet all parking requirements applicable to the scale of the phase.

### **1901.3. Computation of Off-Street Parking Requirements**

- 1901.3.1. When measurements of the number of required spaces result in fractions, the space requirements shall be rounded upward to the next highest whole number.
- 1901.3.2. Except as provided for in this Article, parking shall be calculated separately for each different use area in a building or on a site, including all ancillary uses.
- 1901.3.3. Except as provided for in this Article, public on-street parking shall not be used to satisfy the off-street parking requirements prescribed by this Article.
- 1901.3.4. When requirements use sitting as a unit of measurement, a seat shall be defined as at least eighteen (18) inches of row seating or each individual chair.
- 1901.3.5. Except as provided for in this Article, when requirements use amount of square footage in buildings as a unit of measurement, all calculations shall be based on gross floor area.
- 1901.3.6. Except as provided for in this Article, when requirements use number of students, staff, or occupants as a unit of measurement, all calculations shall be based on the maximum enrollment, the largest number of persons working on any single shift, or the maximum fire-rated capacity, whichever is applicable and results in the greater number of required spaces.

### **1901.4. General Provisions**

- 1901.4.1. *Location of Spaces on Same Lot.* All required off-street parking spaces shall be located on the same lot as the structure or use to which they are accessory. However, where there are practical difficulties or if the public safety and public convenience would be better served by the location other than on the same lot with the use to which it is accessory, the Planning Commission, acting upon a specific application, may authorize such alternative location subject to the conditions that the required space shall be located:

- 1901.4.1.1. On an adjacent or contiguous lot in the same ownership and the same zoning classification as that of the land on which is located the use to which such space is accessory or, in the case of cooperative parking as provided in Subsection 1901.4.3 of this section, in the ownership of at least one of the participants in the combination. Such vehicle standing 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.
- 1901.4.1.2. Within four hundred (400) feet walking distance of the main entrance to the use that such space serves, except as provided in Subsection 1901.4.3 for shared parking spaces. Such vehicle standing space shall likewise be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
- 1901.4.2. *Obstructions Prohibited.* 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 explicitly 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. Generally, no parking spaces shall be located so as to require the moving of any vehicle on the premises in order to enter or leave any other space. Notwithstanding, the Building Official for developments not requiring site plans or the Planning Commission for developments requiring a site plan may allow stacking spaces provided for auto-related uses to count toward the minimum required parking, insofar as such spaces are not part of areas required for site ingress or egress, or areas intended for fueling.
- 1901.4.3. *Shared Parking.* The Planning Commission encourages shared parking. Parking facilities may be shared if multiple uses cooperatively establish and operate parking facilities and if these uses generate parking or peak parking demands primarily during hours when the remaining uses are not in operation (for example, if one use operates during evenings or weekdays only), or only some of the operating or peak hours of the uses overlap. The applicant shall have the burden of proof for a reduction in the total number of required parking spaces, and documentation shall be submitted substantiating the reasons for this requested parking reduction. Shared parking shall be approved only if:
- 1901.4.3.1. The applicant provides sufficient data to determine the appropriate number of required shared parking spaces. This number shall be computed as follows: determine the minimum

amount of parking required for each land use as if it were a separate use; calculate the total parking required across uses for each time period as a percentage of the minimum required parking; and set the requirement at the maximum total across time periods. In these calculations, Section 1901.6 shall apply in determining the minimum required parking, and the participants may take advantage of parking reduction credits provided in Subsection 1901.4.11.

1901.4.3.2. The shared parking facilities are located within five hundred (500) feet of each other unless remote parking shuttle bus service is provided. In addition, a convenient and safe pedestrian connection shall be provided from each property to the shared parking areas.

1901.4.3.3. The availability of parking for all affected properties is indicated by directional signs.

1901.4.3.4. Satisfactory evidence has been submitted by the parties operating the shared parking facility on the application form provided by the Town, describing the nature of the uses and times when the uses operate so as to demonstrate the lack of conflict between them.

1901.4.3.5. There must exist a legal agreement stating that the shared parking spaces provided shall be maintained or remain for the life of any of the buildings and uses sharing the parking, and the agreement must be signed by all property owners or developers involved. A copy of the notarized agreement recorded at the Greene County Register office must be submitted to the Town Planner before issuance of a building permit for any use to be served by the shared parking area. The agreement shall be recorded on the title records of each affected property. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with the requirements of Section 1901.6.

1901.4.4. *Central Business District Parking.* Within the central business district, the Board of Zoning Appeals may waive the requirements for on-site or contiguous parking and loading, provided it finds that sufficient space is provided in the immediate area, under public or private ownership, or other compelling reasons exist. Furthermore, the provisions of Subsection 1901.2.2 and 1901.10 shall apply to the Central Business District.

1901.4.5. *Residential Areas.* Unless approval has been secured from the Board of Zoning Appeals, no buses, trucks for any form of on-site business activities, heavy equipment or for sale vehicles shall be parked or stored in strictly residential districts.

- 1901.4.5.1. Parking and loading requirements for business and industrial activities shall be met on land zoned for such activities, except that the Board of Zoning Appeals may consider permitting such accessory uses within one hundred and twenty (120) feet into a residential district, provided all the following three conditions are met: the parking area adjoins a commercial or industrial district; the parking area has its only exit to or from the same street as the principal structure or property in the commercial or industrial district; and the parking area is separated from abutting properties in the residential district by a masonry wall and/or decorative fence with a landscaped area measuring a minimum width of four (4) feet capable of creating an opaque screen with shrubs spaced a maximum of five (5) feet on center.
- 1901.4.5.2. Driveways may not be used to satisfy minimum on-site parking requirements, except where the Town Engineer finds that sufficient space is available to prevent vehicle encroachment onto sidewalk and/or into adjoining vehicular travel lanes, and there is no obstruction of sight for vehicles entering or exiting the street.
- 1901.4.5.3. All parking required by Subsection 1901.6.1 shall be located directly at the dwelling unit for which the parking is intended. Adequate off street pedestrian access shall be provided between the required parking space(s) and the dwelling unit.
- 1901.4.5.4. Parking areas on the side and rear of residential buildings shall be considered customary accessory structures. If detached from the building, they shall not be closer than five (5) feet to a rear and/or a side property line.
- 1901.4.6. *Parking in Yard Space.* Except as may be qualified elsewhere in this Article, off-street parking spaces that are located on the ground and are open to the sky may be located in any required yard but not nearer to any front lot line than ten (10) feet. Generally, however, parking at the side and rear yards is recommended – not required – contrary to the front yard. In addition, on corner lots, required parking spaces are not allowed within the side street setback. Except as may be qualified elsewhere in this section, parking structures and carports shall be subject to the minimum yard requirements applicable in the zoning district in which they are located, except that parking structures that are completely underground may be located in any required yard, but not closer than two (2) feet to any lot line, and there be no visible indication of the underground structure, to include ventilation stacks, within the zoning setback to any lot line.

1901.4.7. *Car Repairs.* All off-street parking facilities shall be used solely for the parking of vehicles in operating condition by patrons, occupants or employees of the use to which such parking is accessory. No motor vehicle repair work except emergency service shall be permitted on off-street parking spaces required to satisfy this Section.

1901.4.8. *Access to Street.* All off-street parking spaces shall be provided with safe and convenient access to a street, except for single family residential developments that at least one space must have convenient access to a street. If any such space is located contiguous to a street, the street side thereof shall be curbed, and ingress and egress shall be provided only through driveway openings of such dimension, location and construction as shall be approved by the Town Engineer.

1901.4.9. *Parking Surface.* In order to control dust and mud, each required parking space, aisle, and drive shall be paved, except that parking spaces for single and double family detached developments need not be paved provided that Subsection 1901.4.9.5 shall apply. Each required parking space shall be marked by painted lines extending the full length of the space. The minimum pavement specifications for required parking areas and accesses thereto shall conform to the following:

1901.4.9.1. Concrete: The minimum thickness shall be four (4) inches for residential structures and five (5) inches for all other uses.

1901.4.9.2. Bituminous: The minimum thickness shall be four (4) inches of compacted crushed stone base with a one and one-half (1½)-inch compacted asphaltic concrete surface for residential use and a five (5)-inch compacted crushed stone base with a two (2)-inch compacted asphaltic concrete surface for other uses.

1901.4.9.3. Pervious Parking Surfaces: The use of alternative, pervious (permeable) parking surfaces excluding gravel surfaces are permitted and encouraged. Such surfaces shall be accompanied by an underlying drainage system which meets stormwater requirements as determined by the Town Engineer. Such surfaces may include, but are not limited to, porous concrete, porous asphalt, and concrete pavers. All pervious parking shall be subject to the approval of the Town Engineer.

1901.4.9.4. Pavements should slope a minimum of 1% (1/8 inch/foot); 2% (1/4 inch/foot) is better; and 6% shall be the maximum slope in areas where cars park. Where exceptional topographic conditions require otherwise, the Planning Commission may permit parking lot slopes greater than 6% but not exceeding 12% at the recommendation of the Town Engineer.

1901.4.9.5. Gravel surfaces are permitted for single and double-family detached residential developments if the parking area is at the rear of the property, or at least ten (10) feet of the driveway providing access to the parking space is paved surface from a paved street. Gravel surfaces may also be approved by the Town Engineer for

non-motorized accessory recreational vehicles and utility containers storage areas.

1901.4.10. *Turning.* In all developments, turning space shall be provided so that no vehicle shall be required to back into the street.

1901.4.11. *Parking Reduction Permit and Credit*

1901.4.11.1. The Board of Zoning Appeals may grant a conditional use permit to reduce the otherwise applicable parking requirements for housing which serves households with special needs, such as but not limited to the disabled and elderly, when it can be shown there is less demand for parking or alternative sources of transportation are available.

1901.4.11.2. Commercial and multi-family developments may reduce the number of required parking spaces when recycling containers are provided on-site in accordance with the following provisions: existing developments may convert a maximum of one (1) required parking space to install a recycling container; new development on sites less than two (2) acres may reduce the number of required parking spaces by a maximum of one (1) space to install recycling containers on-site; and new developments on sites larger than two (2) acres may reduce the number of required parking spaces to allow recycling containers to be placed on site by securing an conditional use permit from the Board of Zoning Appeals.

1901.4.11.3. In order to encourage re-investment in established neighborhoods, promote neighborhood preservation, revitalize neighborhoods and endorse sustainability, the Board of Zoning Appeals may grant a conditional use permit to developments that meet all of the following three criteria such that the total provided parking spaces may be reduced by thirty percent (30%) : the building shall be a minimum of fifteen (15) years of age; the project shall be a non-residential use or a mix of residential with non-residential within the same building; and the gross floor area dedicated to the proposed use shall not exceed five thousand (5,000) square feet including any proposed additions. The adaptive re-use may also take advantage of shared parking as provided in Subsection

1901.4.3. In all adaptive re-use cases, at least five (5) on-site parking spaces shall be provided.

1901.4.11.4. For all other developments not covered from Subsection 1901.4.11.1 to Subsection 1901.4.11.3, the total number of required parking spaces may be reduced up to a total of ten (10) percent if the Planning Commission finds that such reduced number will be sufficient to satisfy the demand for parking expected for the use, based on the nature of the use, the number of trips generated, the times of day when the use generates the most trips, and the extent to which other establishments are located on the same parcel and may reduce the number of vehicle trips required between different establishments. It is the responsibility of the applicant to provide evidence on each of these evaluation points. In place of the proposed reduction, the developer shall provide one or a combination, of the following:

1901.4.11.4.1. One (1) space per one (1) bike locker or one (1) space per ribbon rack; or

1901.4.11.4.2. One (1) space per one (1) shade tree having a mature height of at least thirty feet (30') in excess of the minimum required amount of trees for the development; or

1901.4.11.4.3. Four (4) spaces for an out-door area adorned with landscaping, a fountain, and/or work of art open to public sitting and/or general recreation.

1901.4.12. *Maximum Parking Allowance.* The maximum number of off-street parking spaces for any building or use shall not exceed the amount determined as follows:

1901.4.12.1. Parking lots of more than twenty and less than fifty-one spaces shall not have more than one hundred and thirty percent (130%) of the number of spaces identified in Section 1901.6, not including accessible spaces, unless a minimum of twenty percent (20%) of the parking area is landscaped in accordance with the standards of this Section and the Green Space Provisions of this Ordinance, or unless a minimum of ten percent (10%) of the parking area is landscaped and an outdoor area adorned with landscaping, a fountain or and/work of art open for customers or general public relaxation, sitting and/or general recreation is provided on-site.

1901.4.12.2. Parking lots of fifty one spaces or more shall provide no more than one hundred and twenty five percent (125%) of the number

of spaces identified in Section 1901.6, not including accessible spaces, unless a minimum of twenty percent (20%) of the parking area is landscaped in accordance with the standards of this Section and the Green Space Provisions of this Ordinance, or unless a minimum of fifteen percent (15%) of the parking area is landscaped and/or an outdoor area adorned with landscaping, a fountain and/or work of art open for customers or general public relaxation, sitting and/or general recreation is provided on-site.

1901.4.13. *Exterior Lighting.* The proposed location of lights to illuminate open parking facilities shall be shown on site plans. Lighting of outdoor parking areas shall be designed, directed and maintained in a manner to prevent glare or direct illumination from intruding into any adjacent property, especially in a residential zone, and from public rights-of-way thereby impairing the vision of motorists and adjoining properties. Maximum illumination need not exceed 0.5, 2.5 and 2.5 foot-candles for residential, commercial and industrial land uses respectively.

1901.4.14. *Multiple Uses in Single Structure.* When several uses occupy a single structure or lot, the total required parking shall be the sum of the requirements of the individual uses or as specified in this Article.

1901.4.15. *Parking Space Delineation.* Except in single-family and double-family detached residential developments, all required parking spaces and access aisles shall be clearly marked with paint, preferably white or yellow color for regular spaces and blue for handicap accessible spaces and access aisle, or other easily distinguishable material.

1901.4.16. *Wheel Stops.* Securely fixed wheel stops, at least four (4) inches in height shall be placed to prevent vehicles from overhanging a public right-of-way, a pedestrian walkway which would not meet disabled accessibility requirements, and adjacent to walls, fences and buildings.

1901.4.17. *Maintenance.* Parking areas and loading facilities shall be maintained by the owner or lessee in a clean and orderly condition, free of debris and other foreign substances. Pavement markings shall be periodically repainted, and on-site traffic signs properly maintained as necessary to provide a clear and safe identification of individual parking spaces and handicap signs, and to facilitate the safe movement of pedestrian and automobile traffic. The Building Official shall have the authority to require repainting and general maintenance of parking areas and parking

signs in order to promote safety, health, order and general welfare in the Town.

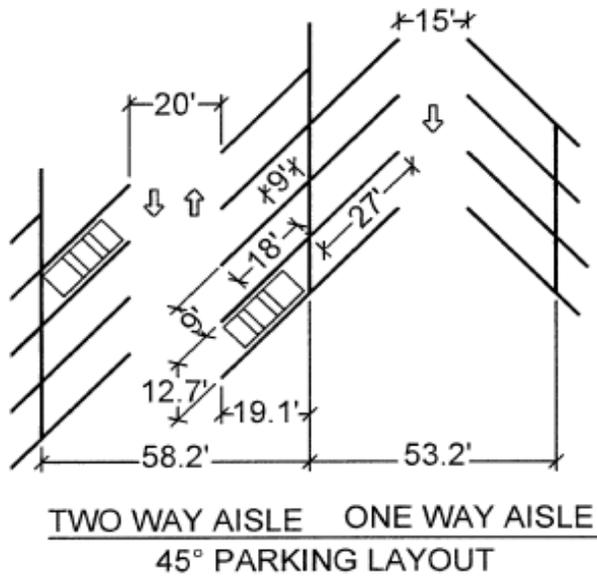
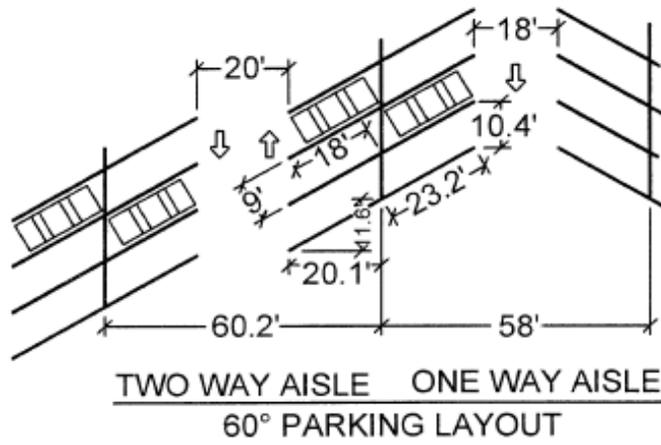
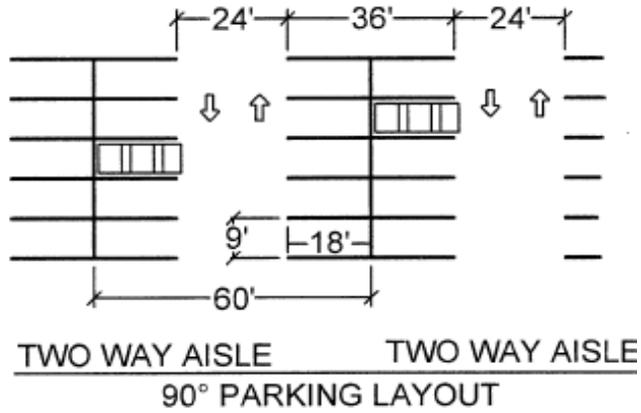
**1901.5. Parking Orientation and Dimensions**

The angular orientation and dimension of parking stalls shall conform to the requirements of Table 1901.5. The width, length, and depth stated in this Table 1901.5 shall be minimum requirements.

Table 1901.5  
Parking Space Orientation and Dimensions

<b>Regular Parking Spaces<sup>1</sup></b>							
Description	Parking Stall Angle						
	0°	15°	30°	45°	60°	75°	90°
Minimum stall width	9'	9'	9'	9'	9'	9'	9'
Minimum stall depth	25'	23'	22'	21'	20'	19'	18'
Minimum aisle width (1-way drive) <sup>2</sup>	15'	15'	15'	15'	18'	22'	24'
Minimum aisle width (2-way drives)	20'	20'	20'	20'	20'	24'	24'
<b>Parking Spaces for the Disabled</b>							
Minimum stall width:							
Standard <sup>3</sup> :	15'	15'	15'	15'	15'	15'	15'
Van accessible <sup>4</sup> :	18'	18'	18'	18'	18'	18'	18'
Minimum stall depth							
Standard and Van Accessible:	25'	23'	22'	21'	20'	19'	18'
Minimum aisle width (1-way drive) <sup>5</sup>							
Standard and Van Accessible:	15'	15'	15'	15'	18'	22'	24'
Minimum aisle width (2-way drives)							
Standard and Van Accessible:	20'	20'	20'	20'	20'	24'	24'
<ol style="list-style-type: none"> <li>1. Use Figure 1901.5 to determine parking angle</li> <li>2. 1-way drive measured perpendicular to traffic flow in aisle</li> <li>3. Stall width includes 10-foot parking space and 5-foot access aisle</li> <li>4. Stall width includes 10-foot parking space and 8-foot access aisle</li> <li>5. 1-way drive measured perpendicular to traffic flow in aisle</li> </ol>							

Figure 1901.5  
 Illustration of Regular Parking Spaces



## **1901.6. Required Off-Street Automobile Parking Spaces**

When calculations indicate a percentage of one (1) parking space is required, one (1) additional full space shall be required. Any use which is required by this Zoning Ordinance to provide off-street parking spaces may reduce the total number of required spaces by the number of qualified on-street parking spaces which are immediately adjacent to the lot line of the property containing the use in question, provided, however, that Section 1901.7 shall fully apply. The minimum off-street parking spaces including required handicap spaces for different uses is as follows:

1901.6.1. *Residential Uses.* Residential uses shall be as follows:

- 1901.6.1.1. Bed-and-Breakfast inns/house: One (1) parking space per guest room plus two (2) additional parking spaces for the permanent residence.
- 1901.6.1.2. Elderly housing, assisted living: One (1) space per unit plus one (1) space per employee on the largest shift.
- 1901.6.1.3. Elderly housing, congregate care: One-half ( $\frac{1}{2}$ ) space per bed or one (1) space per bedroom, whichever is greater plus one (1) space per employee on the largest shift.
- 1901.6.1.4. Elderly/retirement housing: One and one-quarter ( $1\frac{1}{4}$ ) spaces per unit.
- 1901.6.1.5. Home Occupation: Two (2) spaces for the dwelling unit plus one (1) space per one-hundred square feet of floor area devoted to the home occupation.
- 1901.6.1.6. Multi-family, one bedroom multi-family dwelling unit with floor area greater than four-hundred and twenty five (425) square feet: One and one half ( $1\frac{1}{2}$ ) spaces per dwelling unit.
- 1901.6.1.7. Multi-family, one bedroom multi-family dwelling unit with floor area of four-hundred and twenty five (425) square feet or less: One and one-quarter ( $1\frac{1}{4}$ ) spaces per dwelling unit.
- 1901.6.1.8. Multi-family, two or more bedroom or dwelling unit: Two (2) spaces per dwelling unit
- 1901.6.1.9. Planned Unit Development: Two (2) spaces per unit
- 1901.6.1.10. Rooming and boarding houses, excluding bed and breakfast houses: One (1) space per rented bedroom plus two (2) spaces for the permanent residence.
- 1901.6.1.11. Single-family and duplex: two spaces per unit, provided that only one such space must have convenient access to a street.

1901.6.2. *Commercial Uses.* Commercial uses shall be as follows:

- 1901.6.2.1. Adult day-care centers: One (1) space per employee and one (1) space per five (5) persons enrolled in the program.
- 1901.6.2.2. Automobile repair garages: One (1) space per regular employee plus one (1) space per two-hundred and fifty (250) square feet of floor area used for repair work.
- 1901.6.2.3. Automobile sales: One (1) space per employee plus one (1) space per two-hundred and fifty (250) square feet of floor area for service area, plus one (1) space per one-thousand (1,000) square feet of gross building area (exclusive of service area).
- 1901.6.2.4. Barber/beauty shop (other than home occupation): Three (3) spaces per chair or beautification station for the first two (2) chairs or station, plus two (2) spaces for each additional chair or station.
- 1901.6.2.5. Bowling lanes: Four (4) spaces per alley, plus one (1) space per employee, plus such additional spaces as may be required in this Section for affiliated uses such as restaurants.
- 1901.6.2.6. Child day-care centers: One (1) space per four hundred (400) square feet of gross floor area.
- 1901.6.2.7. Commercial recreational and amusement places not otherwise specified: One (1) space per two-hundred and fifty (250) square feet of gross floor area.
- 1901.6.2.8. Convenience store: One (1) space per three-hundred and fifty (350) square feet of gross floor area.
- 1901.6.2.9. Furniture or carpet store: one (1) space per five hundred (500) square feet of net floor area plus one (1) space for each employee.
- 1901.6.2.10. Gasoline service stations, carwash and similar facilities: Three (3) stacking spaces per bay/stall plus one parking space per employee for self-service establishment.
- 1901.6.2.11. Plant nurseries and similar botanic agriculture sales: One (1) space per two-hundred (200) square feet of gross floor area below four thousand (4,000) square feet of gross floor area, and one (1) space for every four thousand (4,000) gross floor area thereafter.
- 1901.6.2.12. Repair service establishment (excluding auto): one (1) space per two hundred (200) square feet of gross floor area.
- 1901.6.2.13. Restaurant, Carry-Out Only: One (1) space per two-hundred (200) square feet of gross floor area.
- 1901.6.2.14. Restaurant, Drive-Thru Only: One (1) space per employee plus one additional space.

- 1901.6.2.15. Restaurant, Sit-Down: One (1) space for each one hundred (100) square feet of floor space devoted to patron use.
- 1901.6.2.16. Retail sales, bulk: One (1) space per five-hundred (500) square feet of retail area, or one (1) space per one-thousand (1,000) square feet of gross floor area, whichever is greater.
- 1901.6.2.17. Retail sales, general: One (1) space for each two-hundred (200) square feet of retail area.
- 1901.6.2.18. Retail sales, specialty: One (1) space for each four-hundred (400) square feet of retail area.
- 1901.6.2.19. Shopping Center, planned: One (1) space per two-hundred and fifty (250) gross floor area for the entire shopping center.
- 1901.6.2.20. Wholesale business: One (1) space per three-thousand and three-hundred (3,300) square feet gross floor area plus one space per employee.

1901.6.3. *Public, Semipublic, Cultural, Recreational, and Similar Uses.*

- 1901.6.3.1. Airport, airpark: one (1) space per employee plus one (1) space per establishment vehicle, plus sufficient space for other users as determined by the Town Planner.
- 1901.6.3.2. Ambulance and emergency vehicle services or similar services: One (1) space for each ambulance plus one (1) space per employee.
- 1901.6.3.3. Animal hospitals, veterinary clinics: one (1) space per three-hundred (300) square feet of gross floor area.
- 1901.6.3.4. Church, chapel, temple or other place of worship: one (1) space per four seats in the principal place of worship, provided that the number of spaces thus required may be reduced by not more than thirty (30) percent if the place of worship is located within 500 feet of any public parking lot or any commercial parking lot where sufficient spaces are available by permission of the owner without charge, during the time of service, to make up the additional spaces required.
- 1901.6.3.5. Community center: one (1) space per three-hundred (300) square feet of gross floor area plus one (1) space per employee
- 1901.6.3.6. Cultural center, museum, art galleries, tourists or visitors centers, and similar uses: one (1) space per one thousand (1,000) square feet of gross floor area.
- 1901.6.3.7. Dance and Gymnastic schools: One (1) space per two-hundred and fifty (250) square feet of gross floor area.

- 1901.6.3.8. Emergency or temporary shelter: one and one-half (1½) space per five (5) persons staying at the shelter.
- 1901.6.3.9. Fraternal organizations, lodges and clubs: One (1) space for each three hundred (300) square feet of gross floor area.
- 1901.6.3.10. Funeral home or mortuary: One (1) space per four (4) seats in the chapel
- 1901.6.3.11. Golf and country clubs, and other recreational areas without sitting capacity: one (1) space per five (5) customers computed on maximum service capacity. A whole family shall count as one member if registration is by families.
- 1901.6.3.12. Hospital and nursing home: one (1) space per four (4) beds, plus one and one half (1½) spaces per each emergency room examination table or bed, plus one space per two employee on the major shift other than doctors, plus one space per doctor assigned to the staff.
- 1901.6.3.13. Library: one space per two and one half (2½) patrons based on the occupancy load plus one space per employee on a major shift.
- 1901.6.3.14. Movie theater: one (1) space per four (4) seats.
- 1901.6.3.15. Night clubs: One (1) space per one-hundred and fifty (150) square feet of gross floor area.
- 1901.6.3.16. Places of public assembly: one (1) space per five (5) seats in the principal assembly room.
- 1901.6.3.17. Public utility buildings: one (1) space per one and one half (1½) employee on a major shift, plus one space per company vehicle.
- 1901.6.3.18. Schools, colleges, universities, technical and vocational schools: one (1) space per employee or staff plus one (1) space per three (3) students.
- 1901.6.3.19. Schools, elementary and middle: one (1) space per employee or staff plus one (1) space per twenty-five (25) students.
- 1901.6.3.20. Schools, high: one (1) space per employee or staff plus one (1) space per eight (8) students.
- 1901.6.3.21. Stadium: One (1) space per four (4) seats
- 1901.6.3.22. Swimming pool: one (1) space per employee plus one (1) space per six (6) persons lawfully permitted in the pool at any given time.
- 1901.6.3.23. Tennis club: four (4) spaces per court plus such additional spaces for accessory uses such as restaurants.

1901.6.4. *Offices*

1901.6.4.1. Financial institution, without drive-in lane: one (1) space per two hundred and fifty (250) square feet of gross floor area.

1901.6.4.2. Financial institution with drive-in lane(s): one parking space per three hundred (300) square feet of gross floor area; sufficient area for five stacking spaces if there is only one drive-in-lane, or three stacking spaces for the first drive-in lane and two stacking spaces for each additional lane.

1901.6.4.3. Medical and dental offices: one (1) space for each three hundred (300) square feet of floor space.

1901.6.4.4. General offices: one (1) space per three-thousand (300) square feet of gross floor area.

1901.6.5. *Manufacturing*

1901.6.5.1. Industry: One (1) space for each two (2) employees in the largest shift

1901.6.5.2. Warehouses: One (1) space per employee

1901.6.5.3. Within the manufacturing zoning districts, the Board of Zoning Appeals may waive the requirement for on-site or contiguous parking and loading provided it finds that sufficient space is provided in the immediate area, under public or private ownership, or other compelling reasons exist as shall be provided by the applicant and determined by the Board.

1901.6.6. *Other land uses not specified*

For all other land uses not specified or similar to one or more of the uses listed from Subsections 1901.6.1 to 1901.6.5, the Town Planner shall rely on sound planning principles and research method to determine the sufficiency of the proposed parking spaces.

**1901.7. On-Street Parking to Compensate for Off-Street Parking**

If the required parking spaces cannot be provided off-street, the Planning Commission may permit on-street parking at its discretion and at clearly marked spaces if there is no evident significant danger to public safety, health and general welfare, and if all of the following conditions are met:

1901.7.1. Proposed on-street parking shall be shown on a site plan and approved by the Town Engineer. All such spaces shall comply with all applicable codes of the Town of Greeneville;

1901.7.2. Each qualifying on-street parking space shall be adjacent to the property or lot line for which the parking is intended;

- 1901.7.3. Any street where the on-street parking will be credited shall be curbed and shall be a minimum of twenty eight (28) feet wide as measured from face of curb to face of curb;
- 1901.7.4. On-street parking shall not be located on a sidewalk; in an alley; within thirty (30) feet from any intersection; at any place where official signs or other markings prohibit stopping and/or standing; or within ten (10) feet from any driveway;
- 1901.7.5. On-street parking shall not be located within twenty (20) feet of a fire station entrance (on the same side of the street as the fire station) as measured from the throat of the access; within seventy five (75) feet of a fire station drive on the opposite side of the street (measured from the throat of the driveway) when proper sign is posted; or within eight (8) feet from any side of a fire hydrant.
- 1901.7.6. Each space shall be a minimum of twenty-five (25) feet in length;
- 1901.7.7. On-street parking shall not be used exclusively for the use for which it is being credited;
- 1901.7.8. The street shall not be an arterial or a collector street.
- 1901.7.9. Required handicap parking spaces shall not be located on-street and shall be appropriately marked and located in an off-street parking lot.
- 1901.7.10. A paved pedestrian access-way shall be provided throughout the length of the parking spaces to the point of entry into the principal structure.

### **1901.8. Handicap Parking**

Every business, state or local government agency, or other covered entity (single and double-family residential developments excluded) that constructs or restripes a parking lot, or business or privately owned facilities that provide goods or services to the public shall provide off-street parking spaces for handicapped persons.

#### *1901.8.1. Required number of handicap parking spaces*

The required number of handicapped parking spaces and handicapped van spaces shall be based on the total number of parking spaces provided according to Table 1901.8.1.

Table 1901.8.1.  
Required Handicapped Accessible Parking Spaces

Total Number of parking spaces	Total Minimum Number of Accessible Parking Spaces (15' & 18')	Van Accessible Parking Spaces with minimum 8' wide access aisle	Accessible Parking Spaces with minimum 5' wide access aisle
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided	1 out of every 8 total handicap accessible spaces	7 out of every 8 total handicap accessible parking spaces
1001 and over	20 plus 1 for each 100 over 1,000	1 out of every 8 total handicap accessible spaces	7 out of every 8 total handicap accessible parking spaces

1901.8.2. *Handicap accessible space identification*

Each handicapped parking space shall be identified by an above-grade sign conforming to the requirements of the Manual on Uniform Traffic Control Devices. Each sign shall be no less than seven (7) feet in height to the bottom of the sign, and the sign itself shall be twelve (12) inches in width by eighteen (18) inches in height. Other methods identifying handicapped parking spaces, such as painting on asphalt surfaces, shall not be considered acceptable alternatives to the required signage, but may be installed in addition to these requirements.

1901.8.3. *Location of handicap accessible spaces*

Handicap spaces shall be located at the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances. When the accessible parking spaces are added in an existing parking lot, the spaces shall be located on the most level ground close to the accessible entrance. An accessible route shall always be provided from the accessible parking to the accessible entrance. This route shall be a paved surface no less than five (5) feet in width, and the slope shall not be greater than 1:12 in the direction of travel. In no case shall a handicapped individual, in proceeding from a handicapped parking space to an entrance, be required to walk or wheel behind non-handicapped parking.

**1901.9. Motorcycle Parking**

1901.9.1. Any off-street parking facility of fifty (50) or more spaces may install, as an option, motorcycle parking spaces in lieu of required automobile parking. The maximum percentage of such spaces that may be counted toward the required parking shall be one (1) percent, with fraction rounded to the nearest whole number.

1901.9.2. Any such spaces provided shall be grouped in the parking area and at the ends of parking aisles or bays where possible.

1901.9.3. Motorcycle spaces shall be identified by above grade signs, no less than seven (7) feet in height to the bottom of the sign as being reserved for such use. The sign itself shall be twelve (12) inches in width by eighteen (18) inches in height. Other methods of identification, including painting of asphalt surfaces, shall not be considered as acceptable alternatives to this required signage, but may be installed in addition to these requirements.

**1902. Off-Street Loading and Unloading**

1902.1. General Standards

Under this Section, all structures built or expanded and all uses established shall provide accessory off-street loading spaces in accordance with the following:

- 1902.1.1 *Location of spaces on same lot.* All required off-street loading spaces shall be located on the same lot as the use served, except that required off-street loading spaces may be provided cooperatively for two or more uses, subject to arrangements that will ensure the permanent availability of such spaces to the satisfaction of the building official.
- 1902.1.2. *Prohibited location.* No loading space or berth shall be located within 40 feet of the nearest point of intersection of the edges of the travel way or the curbs of any two streets or located in a required front yard. In the Industrial Parks, however, the Planning Commission may permit the location of loading spaces on any side of a building provided the site design does not impair the movement of pedestrians and other vehicles on site. If located in a required rear yard the loading space or berth shall be either underground or open to the sky.
- 1902.1.3. *Relation to parking.* No required off-street loading area shall be used to satisfy the space requirement for any off-street parking facilities, and no loading area shall be so located as to interfere with the free circulation of vehicles in any off-street parking area.
- 1902.1.4. *Vehicle repair work.* No motor vehicle repair work, except emergency service, shall be permitted in association with any required off-street loading facility.
- 1902.1.5. *Street access.* All off-street loading space shall be provided with safe and convenient access to a street. If any such space is located contiguous to a street, the street side thereof shall be curbed, and ingress and egress shall be provided only through driveway openings through the curb at such dimension, location and construction as may be approved by the Planning Commission.
- 1902.1.6. *Loading area dimensions.* All off-street loading areas shall be no less than 15 feet wide, 25 feet long and 15 feet high, except that where one such loading space has been provided, any additional loading space lying alongside, contiguous to and not separated from such first loading space need not be wider than 12 feet.
- 1902.1.7. *Lighting and landscaping.* All lighting and lighting fixtures used to illuminate off-street loading areas shall be sufficient for the purpose intended and shall not present glare or traffic safety hazards, and any

landscaping requirements shall be complied with fully and designed for protection from vehicle maneuvering.

1902.1.8. *Combination of uses or uncertainty.* Loading facilities shall be provided on the basis of the sum of spaces required for each use where a given use contains a combination of uses as set forth in Subsection Table 1902.2. Where uncertainty exists, the building official shall impose the maximum requirement for the general type of use involved.

1902.1.9. *Maximum spaces.* Notwithstanding the standards set forth in this section, in no instance shall more than five off-street loading spaces be required for a given use or building except as may be determined by the building official.

**1902.2. Minimum Required Loading Spaces**

The minimum off-street loading spaces shall conform to the standards in Table 1902.2. The Board of Zoning Appeals may reduce the minimum required loading spaces if it finds that such reduction will meet the needs of a particular development.

Table 1902.2  
Minimum Required Off-Street Loading Spaces

Subsection	Establishment	Standard
1902.2.1.	Business service and supply service establishment	C <sup>1</sup>
1902.2.2	College or university	F <sup>1</sup>
1902.2.3	Eating establishment	D <sup>1</sup>
1902.2.4	Funeral chapel, funeral home	F <sup>1</sup>
1902.2.5	Hospital	F <sup>1,3</sup>
1902.2.6	Hotel, motel	F <sup>1</sup>
1902.2.7	Manufacturing establishment or establishment for production, processing, assembly, compounding, preparation, cleaning, servicing, testing, repair or storage of materials, products, and offices accessory	A <sup>2</sup>
1902.2.8	Nursing or convalescent facility	F <sup>1,3</sup>
1902.2.9	Retail establishment	B <sup>1</sup>
1902.2.10	School	F <sup>1,3</sup>
1902.2.11	Vehicle sale, rental and service establishment	A <sup>2</sup>
1902.2.12	Warehousing establishment	A <sup>1</sup>
1902.2.13	Wholesale trade establishment	E <sup>2</sup>
1902.2.14	Other land uses not specified	G <sup>1</sup>
<p>Legend of Standards: Standards for the loading spaces shall be as follows</p> <p>Standard A: One space for the first 7,000 square feet of gross floor area, plus one space for each additional 30,000 square feet or major fraction thereof.</p> <p>Standard B: One space for the first 15,000 square feet of gross floor area, plus one space for each additional 20,000 square feet or major fraction thereof.</p> <p>Standard C: One space for the first 15,000 square feet of gross floor area, plus one space for each additional 25,000 square feet or major fraction thereof.</p> <p>Standard D: One space for the first 15,000 square feet of gross floor area, plus one space for each additional 30,000 square feet or major fraction thereof.</p> <p>Standard E: One space for the first 15,000 square feet of gross floor area, plus one space for each additional 30,000 square feet or major fraction thereof.</p> <p>Standard F: One space for the first 20,000 square feet of gross floor area, plus one space for each additional 100,000 square feet or major fraction thereof.</p> <p>Standard G: Sufficient space for loading and unloading as developer deems necessary.</p> <p><sup>1</sup>Loading space shall measure at least 12 x 25 feet.</p> <p><sup>2</sup>Loading spaces shall measure at least 12 x 50 feet</p> <p><sup>3</sup>Passenger loading zones shall provide access aisle to the vehicle pull-up space and the pull-up space shall be a minimum of 8 x 20 feet. The access aisles shall be 5 feet wide minimum, extend the full length of the vehicle pull-up spaces, adjoin an accessible route and not overlap the vehicular way. Access aisles shall be marked.</p>		

## ARTICLE XX SIDEWALK CONSTRUCTION REQUIREMENT

### 2001. General Requirements

- 2001.1. Developers of all major subdivisions requiring a construction plan as provided in the Greeneville Subdivision Regulations shall construct sidewalks on all streets in the development and along the section of any existing public street that the subdivision lots adjoin. The requirement to construct sidewalks along the section of any existing street may be waived if the city engineer determines that a fee in lieu of construction will be more appropriate because there is no sidewalk within 400ft of the side section of the existing road on which the subdivision adjoins and/or any of the conditions in Subsection 2002.1 apply.
- 2001.2. When sidewalks are not otherwise controlled by the subdivision regulations approved by the Greeneville Regional Planning Commission, sidewalks shall be constructed along the street frontage of all industrial, commercial, office, professional, public, semipublic and multifamily residential developments whenever a new principal structure is built or erected, or whenever any of these uses proposes an expansion of at least 15% or 1,200sq ft – whichever is least - of the existing total gross floor area, or whenever any of these uses proposes an expansion of at least 15% of the existing parking lot, or whenever the existing building is demolished and rebuilt whether with or without increase in the gross floor area.
- 2001.3. The construction of required sidewalk shall be completed before a certificate of occupancy shall be issued; or if applicable, a fee in lieu of construction paid before a building and/or grading permit shall be issued by the building official.
- 2001.4. All sidewalks shall be constructed such that no portion of it is obstructed by a utility structure, mailbox, guy wires, and fire hydrants projecting above the surface grade of the sidewalk, and it shall be forbidden for any obstructing structure such as a utility structure, mailbox, guy wire, and fire hydrant to be constructed or erected such that any portion of it projects above the surface grade of a sidewalk.

### 2002. Fee in lieu of construction.

- 2002.1. Except as otherwise provided herein, when a sidewalk is required to be constructed, the city engineer may waive the requirement and permit the payment of a fee in lieu of construction after considering:

2002.1.1. Pedestrian safety, school locations, connection to existing sidewalks, and other engineering and community concerns; or

2002.1.2. When it would be in the best interest of the Town that sidewalk construction be postponed due to pending street or utility construction or improvement.

2002.2. Applicants must make a written request to the city engineer for a waiver, and the city engineer shall accept or deny the request based on the provisions of Subsections 2002.1.1 to 2002.1.2 above. If a waiver is granted, a fee will be assessed in lieu of constructing the sidewalk. The fee shall be based on the most recent published Tennessee Department of Transportation unit prices, and shall be paid at the time the building permit is obtained.

2002.3. In the event a fee in lieu of constructing a sidewalk is approved, the property owner shall provide on a plat an easement for street right-of-way, which may include future development of the sidewalk. The plat shall be approved by the Greeneville Regional Planning Commission and recorded at the Green County register of deeds office.

2002.4. Grading shall be done in preparation for future sidewalks or pedestrian pathways.

2002.5. The fee shall be paid in full before a certificate of occupancy is issued. Fees collected will go into a Town fund dedicated to sidewalk and pedestrian pathway construction. Disbursal from such fund is not geographically constrained, and may be used to install sidewalks anywhere in the Town.

2002.6. Waiver of sidewalk construction and payment in lieu of construction is not permitted when one or more of the following circumstances exist:

2002.6.1. The location is specified for sidewalks in an existing and current Town's adopted sidewalk plan;

2002.6.2. The location is within 400 feet (street distance) of an existing sidewalk on the same side of the street;

2002.6.3. The development is expected to generate significant numbers of pedestrians. Examples include, but are not limited to, schools, day care centers, office buildings, churches, multifamily residential buildings, and other residential facilities such as group homes, nursing homes and residential homes for the aged;

2002.6.4. The development contains retail uses expected to attract customers from residences, retail area, places of employment, or places of public assembly

within 1,000 feet of the development, except where the subject street is US-11E, US-107 or the 70 Bypass.

**2002.7. Design and construction standards.**

- 2002.7.1. Design and construction details of required sidewalks shall be included with the development or access site plan. The city engineer shall approve the plans prior to the issuance of a building permit. Except as otherwise provided in Section 2004, sidewalks of at least five (5) feet wide and four (4) inches in depth shall be constructed in accordance with the latest edition of TDOT's Standard Specifications for Road and Bridge Construction, including details for Standard Concrete Sidewalks (RP-S-7) with any applicable revisions thereto.
- 2002.7.2. Curb ramps and truncated domes that are Americans with Disabilities Act (ADA) compliant shall be installed at all crosswalks. This requirement is not subject to a waiver. The construction shall be in accordance with TDOT Curb Ramp and Truncated Dome Surface Detail (RP-H-3) with any applicable revisions thereto.
- 2002.7.3. Where sidewalks are replaced or adjoin an existing sidewalk, they are encouraged to be of similar color and texture.
- 2002.7.4. Where sidewalks are replaced due to breakage, cuts for utility construction purposes, or age, they shall be upgraded or replaced with similar material.
- 2002.7.5. Where unique site characteristics make it necessary to deviate from these standards for sidewalk construction, the city engineer may approve a minor design modification.
- 2002.7.6. All work required to be done under this Article by an applicant, be he the owner, subdivider, developer or contractor, shall be periodically inspected by and approval obtained from the city engineer as the work progresses. Completion of sidewalks construction shall be required to the satisfaction of the city engineer before a certificate of occupancy will be issued. The design engineer must testify in the "As-Built" submitted to the city engineer at the completion of construction that the sidewalk, any curb ramps and truncated dome surfaces have been constructed to the design standards in this Article. Where the city engineer is not certain that the construction standards have been met, the city engineer may demand testing of the sidewalk before approval.

#### **2002.8. Insufficient right-of-way.**

All sidewalks shall be constructed in the street right-of-way. When there is insufficient street right-of-way for the construction of a required sidewalk, the dedication of an additional right-of-way for street use including a sidewalk and drainage easement shall be required of the developer. The width of the easement shall be determined by the city engineer. A deed of easement for the street right-of-way shall be provided by the property owner to the city in a form approved by the city attorney, and shall stipulate guaranteed public access in perpetuity and be recorded at the Greene County Register of Deeds. Alternatively, instead of a deed of easement for the street right-of-way, the property owner may provide a surveyor plat showing the dedicated easement guaranteed public access in perpetuity and record the plat, if approved by the Greeneville Regional Planning Commission, at the Greene County Register of Deeds.

#### **2002.9. ADA and transit requirements.**

All sidewalks built privately or by the city shall conform to the Americans with Disabilities Act Accessibility Guidelines in effect at the time of construction.

#### **2002.10 Building permits and certificates of occupancy.**

No building permits shall be issued by the building official until the sidewalk requirements, as set forth herein, have been met and included in the approved development site plan, or the applicable fee in lieu of sidewalk construction has been paid. Certificates of occupancy shall be issued only after all plan requirements have been met and fully completed.

#### **2002.11. Alternative method of pedestrian mobility.**

In certain circumstances it may be desirable that an alternative method of pedestrian mobility be substituted for standard sidewalk construction. These alternative methods can include the installation of walking paths, greenways, bike paths or trails, or similar modes of non-vehicular mobility. Alternative surfaces may be considered for such alternative methods, subject to the recommendation of the City Engineer. The following provisions shall apply for the approval of alternative methods for the provision of pedestrian mobility:

2002.11.1. The property owner shall submit a written request for provision of alternative method of pedestrian mobility to the city engineer. The request shall specify the method proposed as a substitute for sidewalk installation. A site plan depicting the location and dimensions of the alternative method of

pedestrian mobility, and any other information deemed necessary by the city engineer shall be included with the request; and

2002.11.2. The request for an alternative method shall be consistent with any existing and current sidewalk plan and shall be submitted to the planning commission for approval or rejection.

### **2003. Sidewalk reconstruction required.**

Where a principal structure is constructed or erected along an existing street, sidewalk construction is required along all streets adjacent to that property. If sidewalks exist where development or redevelopment is occurring but their width or condition renders them substandard, in the opinion of the city engineer applying the Town's design standards, then the developer of the principal structure shall reconstruct the sidewalk following the guidelines and requirements of this Article.

### **2004. Design deviation.**

2004.1. In certain circumstances it may be necessary to adjust the standards for sidewalk construction to conform to the unique characteristics of a site. Economic benefit, shape and size of property are not acceptable reasons for deviation from the standard for sidewalk construction. Unusual or exceptional topography, physical or natural characteristics must be present at the site to justify a design deviation. Any deviation from established sidewalk design standards must be reviewed and approved by the city engineer. The burden of proof shall be on the applicant to demonstrate that the criteria, set out hereinafter, are satisfied before a design deviation may be granted. In considering a request for design deviation the city engineer and the planning commission shall apply the following criteria, all of which must be satisfied before a design deviation may be granted:

2004.1.1. There must be exceptional physical conditions such as rock, extreme slope or other natural obstacles existing;

2004.1.2. The condition must cause the installation of a standard sidewalk be extremely difficult or prohibitively expensive considering the present or future need for the sidewalk balanced with the additional cost for installation;

2004.1.3. The design deviation shall be the minimum adjustment necessary and every attempt shall be made to ensure that the needs of pedestrians are accommodated to the maximum extent possible; and

2004.1.4. The design deviation must not be injurious to the neighborhood or detrimental to the public safety and welfare.

2004.2. A design deviation shall not be construed as including the waiver of sidewalk construction, unless a fee in lieu of construction permitted under Subsection 2002 is approved.