

# ZONING ORDINANCE

## Town of Greenback, Tennessee

Originally Adopted June 16, 1986

With Amendments Adopted August 11, 2026

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## ZONING

### SECTION

- 1-101. Title
- 1-102. Purpose
- 1-103. Zoning Map
- 1-104. Definitions

- 1-101. Title. Chapters two (1) through eight (8) of this Ordinance shall be known as the Zoning Ordinance of the Town of Greenback, Tennessee and/or “Ordinances” or “Zoning Ordinance”
- 1-102. Purpose. The Zoning regulations and districts as herein set forth have been made in accordance with a general plan for the purpose of promoting the public health, safety, convenience, order, prosperity, and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fires, floods, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration among other considerations as to the character of each district and its particular uses, and with a view of conserving the value of buildings and prosperity and encouraging the most appropriate use of land throughout the town.
- 1-103. Zoning Map. The location and boundaries of the Zoning districts established by this Ordinance are bounded and defined as shown on the maps entitled “Zoning Map of Greenback Tennessee” adopted separately by the Board of Mayor and Aldermen and certified by the Town Recorder. The adopted Zoning Map with all explanatory matter thereon is hereby adopted by reference and made part of this Ordinance.
- 1-104. Definitions. For the purpose of this Ordinance and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the plural and words in the plural number include the singular; the word “person” includes a firm, partnership or corporate as well as an individual, the term “shall” is always mandatory and not directory; and the work “may” is permissive. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”

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

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

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

ACCESSORY USE: A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith. Concrete and/or asphalt plants/facilities are not permitted as accessory uses to quarrying in an A-1 Zone.

ADVERTISING: This includes any writing, printing, painting, display graphics, painting, display, emblem, drawing, sign, or other device designed, used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, milestones, sign boards, billboards, wall board, roof board, frames, supports, fences or other man-made structure, and any such advertising is a structure within the meaning of the word "structure" as utilized in this Ordinance.

AGRICULTURE 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, floriculture, forests, and woods.

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 service purposes.

AREA, BUILDING: The total areas taken on a horizontal plane at the main grade level of the principal building and all necessary buildings exclusive of uncovered porches, terraces, and steps.

AUTOMOBILE WRECKING: The dismantling, storage, sale or dumping of used motor vehicles, trailers, or parts thereof.

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.

BOARD: The Greenback Board of Zoning Appeals which is currently the Loudon County Board of Appeals by separate action of the Board of Mayor and Aldermen.

BUILDING: Any structure intended for shelter, housing or enclosure of persons, animals or chattel, including tents, lunch wagons, dining cars, mobile homes, and similar structure whether stationary or movable.

BUILDING AREA OF A LOT: That portion of a lot bounded by the required rear yard, side yards, and the building setback line.

BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be a main building of the lot on which it is situated.

BUILDING INSPECTOR: The office of the Greenback Building Inspector is established by this Ordinance. Appointment for such Building Inspector shall be made by the Board of Mayor and Aldermen. Currently the Building Inspector is the same as the Loudon County Building Inspector by agreement between Loudon County, Tennessee and the Town of Greenback, Tennessee.

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.

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, 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.

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.

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.

CLINIC: See medical facility.

COMMERCIAL FEED LOT: Any parcel of land on which an average of at least one hundred (100) or more cattle, fowl or hogs are being kept and fed for the purpose of slaughter and sale on the commercial food market.

COVERAGE: The lot area covered by all buildings located therein, including the area covered by all overhanging roofs.

COUNTRY CLUB: A chartered, nonprofit membership club, with facilities catering primarily to its membership and providing one or more of the following recreational or social amenities: golf, riding, club house, pool, dining facilities, lounge.

DAY NURSERY: Any place, home, or institution, which receives six (6) or more young children, conducted for cultivating the normal aptitude for exercise, play observation, initiation, and construction.

DISTRICT: Any section or sections of the area lying within the corporate limits of the Town of Greenback, Tennessee for which the regulations governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are in force.

DWELLING: A house, duplex, or other building used primarily as an abode except that the word “dwelling” shall not include mobile homes, trailers, tents, motels or other structures designed or used primarily for transient residents.

DWELLING, MULTIPLE: dwelling designed for occupancy by three (3) or more families living independently of each other.

DWELLING UNIT: One or more rooms and a single kitchen designated as a unit for occupancy by only one family for cooking, living and sleeping purposes.

FLOOD: An overflow of lands not normally covered by water that results in significant adverse effects in the vicinity.

FLOODWAY: The natural channel and the portion of the floodplain along the channel that must be retained solely for the passage of floodwaters to prevent an undue increase in flood heights upstream.

FLOODWAY FRINGE AREAS: Areas lying outside the Floodway District but within the area which would be flooded by the 100-year flood.

FLOOD, 100-YEAR: A flood having an average frequency of occurrence of one in 100 years, although the flood may occur in any year.

FLOOD, REGIONAL: A hypothetical flood whose level has been derived from consideration of the largest floods known to have occurred on streams of similar physical characteristics in the same general geographical region.

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

FORESTRY USE: Those land uses devoted to the extraction of forestry products, such as timber or timber products, but excluding any activity involving the rearing, trapping, or slaughter of animals.

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

GASOLINE SERVICE STATION: Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil (but no butane or propane fuels), or automobile accessories, and incidental services including facilities for lubricating, hand car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

GRADE, FINISHED: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

HEALTH DEPARTMENT: The Loudon County Health Department.

HEIGHT OF BUILDING OR STRUCTURES: The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building or structure.

HOSPITAL: See medical facilities.

JUNK YARD OR SALVAGE YARD: A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.

LAND SUBJECT TO FLOOD: For the purposes of this ordinance, land subject to flood shall be considered land below the elevation of the regional flood and/or structure profile.

LOADING SPACE: An area providing for the standing, loading or unloading of a truck or other vehicle.

LOT: A piece, plot, or parcel of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one principal building and its accessory buildings including the open spaces required under this Ordinance.

LOT, AREA: The total land area included within lot lines.

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

LOT LINES: The boundary dividing a given lot from the street, an alley or adjacent lots.

LOT OF RECORD: The lot which is part of a subdivision recorded in the office of the Register of Deeds, or a lot described by meters and bounds, the description of which has been recorded in the office of the Register of Deeds prior to the effective date of the Original Zoning Ordinance or another date if indicated in this Ordinance.

MEDICAL FACILITIES:

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

- B. 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.
- C. Hospital: An institution providing health services primarily for human in-patient medical care for the sick or injured and including related facilities such as laboratories, outpatient facilities, emergency medical services and staff offices which are an integral part of the facility.
- D. Public Health Center: A facility utilized by a health unit for the provision of public health services.

MINIMUM FLOOR ELEVATION: The lowest elevation permissible for the construction, erection, or other placement of any floor including a basement floor.

MANUFACTURED HOME A vehicular, portable structure built on a chassis, designed for year-round occupancy and designed to have no foundation other than wheels, jacks or skirting, and which is capable of being moved, towed, or transported by another vehicle. A Manufactured Home shall meet the definitions and standards set forth by the US Department of Housing and Urban Development.

MANUFACTURED HOME PARK: Any area, tract, site or plot of land whereupon mobile homes as herein defined are placed, located or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

NON-CONFORMING USE: A building, structure, or use of land existing at the time of enactment of this Ordinance which does not conform to the regulations of the district in which it is located.

NOXIOUS MATTER: Material in gaseous, liquid or solid form which is capable of causing injury to living organisms, chemical reactions, or detrimental effects upon the social, economic or psychological well-being of individuals.

OPEN SPACE: An area on the same lot with a main building which is open, unoccupied and unobstructed by structures from the ground to the sky except as otherwise provided in this resolution.

PARKING LOT: An off-street facility including parking spaces with adequate provisions for drives and aisles for maneuvering and obtaining access, and for entrance and exit.

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

PLANNING COMMISSION: The Loudon County Regional Planning Commission, which by agreement serves as the Planning Commission for the Town.

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

PRINCIPAL USE: The specific primary purpose for which land or a building is used.

PRIVATE WASTEWATER TREATMENT: Individual subsurface sewage disposal systems (i.e. septic tanks), package treatment plants or individual aeration systems employed for the collection and treatment and/or disposal of wastewater, as approved by the local health department.

PROFESSIONAL OFFICE: The office of a physician, dentist, attorney, architect, engineer, planner, accountant, or similar professions.

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

PUBLIC WASTEWATER SYSTEM: A municipal or utility district sewerage treatment and disposal system approved by the State of Tennessee.

PUBLIC WATER: A municipal or utility district water treatment and distribution system approved by the State of Tennessee.

PUD (“PLANNED UNIT DEVELOPMENT”): A single planned area of land which (1) has both individual building sites and common property such as a park, and (2) is designed and organized to be capable of satisfactory use and operation as a separate entity without necessarily having the participation of other building sites or other common property; the ownership of the common property may be either public or private

QUARRYING: The extraction, removal, and mechanized processing of stone, gravel, phosphate rock, metallic ore, limestone, marble, chert, sand, dimension stone and any other solid mineral or substance of commercial value, except coal and deep metal mining, including, but not limited to zinc, found in natural deposits in the earth, for barter or sale.

ROADWAY: The actual road surface including necessary road shoulders and drainage facilities including ditches and curbs and gutters, which is used to transport motor vehicles.

SANITARY LANDFILL: An area or site utilized by a public or private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State of Tennessee.

SIGN, OFF-PREMISE: A sign relating to a product, service, or establishment that is not on the premises on which the sign is located.

SPECIAL EXCEPTION: A use which is specifically permitted if the owner can demonstrate to the satisfaction of the applicable Board that it will meet certain standards, enumerated safeguards, or qualifying conditions.

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy in which the floor area with eight (8) feet or more head clearance equals fifty (50) percent or more of floor area of the next story below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of the floor area of the story next below shall be a "half-story." A basement shall be considered as a story if more than half of its height is above the average ground level from which the "height of a building" is measured or if it is used for commercial purposes.

STREET: A public or private thoroughfare which affords the principal means of access to abutting property.

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

STRUCTURE PROFILE: Profile along the Tennessee River equivalent to one that would be reached if the maximum known flood in this general region were to occur on the drainage areas downstream from the major flood storage reservoirs, increased approximately 15 percent for a safety factor, and further increased by an appropriate minimum discharge from the storage reservoirs. the elevation of the structure profile shall be determined by the charts, "High Water Profiles, Tennessee River, Vicinity of Lenoir City," (TVA, April, 1964); "High Water 1963); "High Water Profiles, Sweetwater Creek, Vicinity of Loudon and Philadelphia, Tennessee," (TVA, January, 1963); and "High Water Profiles, Towne and Muddy Creeks, Vicinity of Lenoir City, Tennessee," (TVA, April, 1964), which charts are made a part of this Ordinance.

SWIMMING POOLS: An outdoor swimming pool shall be any pool or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth of any point greater than one and one-half (1 1/2) feet.

TOWN: Town shall be the Town of Greenback, Tennessee.

TRAVEL TRAILER: A vehicular, portable structure designed as a temporary dwelling for travel, recreation, and vacation uses.

TRAVEL TRAILER PARK: A plot of land designed and equipped to accommodate travel trailers for short periods of time.

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

YARD: 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, provided that accessory buildings may be located in a rear yard.

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

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

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

## CHAPTER 2

### GENERAL PROVISIONS

#### SECTION

- 2-201. Scope
- 2-202. Zoning affects every building and use.
- 2-203. Continuance of nonconforming uses and structures
- 2-204. Only one (1) principal building on any lot
- 2-205. Lot must abut a public street
- 2-206. Reductions in lot area prohibited
- 2-207. Obstruction to vision at street intersection prohibited
- 2-208. Off-street automobile storage
- 2-209. Access Control
- 2-210. Off-street loading and unloading space required
- 2-211. Maximum building height

2-201. Scope. For the purpose of the Zoning regulation, there shall be certain general provisions which shall apply, except as specifically noted, to the Town as a whole.

2-202. Zoning affects every building and use. No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations where specified for the district in which it is located, except as hereafter provided.

2-203. Continuance of nonconforming uses and structures. It is the intent of the Zoning Ordinance to recognize that the elimination as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of the Zoning Ordinance is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions contained herein. It is also the intent of this Zoning Ordinance to administer the elimination of nonconforming uses, buildings, and structures as to avoid unreasonable invasion of established private property rights. Lawful nonconforming uses, buildings and structures existing at the time of the passage of this Zoning Ordinance or any amendments hereto, shall be allowed to remain subject to the following provisions except where state law requires otherwise:

- (1) A nonconforming use of land shall be restricted to the area occupied by such use as of the effective date of the Original Zoning Ordinance so that nonconforming use of a building or buildings (except commercial or industrial uses) shall not be enlarged to either additional land or buildings after the effective date of the Original Zoning Ordinance. Industrial and commercial uses may be permitted to construct additional facilities on a lot provided that there is a reasonable amount of space for such construction on the lot.

- (2) Except as otherwise provided by state law, when a nonconforming use of any structure of land has been discontinued for a period of one (1) year, it shall not be re-established or changed to any use not in conformity with the provisions of this Zoning Ordinance.
  - (3) Any nonconforming building or nonconforming use, which is damaged by fire, wind or other act of nature, may be reconstructed and used as before, if it be done within twelve (12) months of such damage, unless damaged to the extent of more than seventy-five (75%) of its fair market value immediately prior to damage in which case repair or reconstruction shall be in conformity with the provisions of this Zoning Ordinance; provided that a structure being utilized for industrial or commercial purposes may be demolished and new facilities necessary to the conduct of such business or industry reconstructed if there is a reasonable amount of space for such reconstructions on the property.
  - (4) Except as otherwise provided by state law, a nonconforming building or building housing a non-conforming use shall not be structurally altered except in conformance with the provisions of this Zoning Ordinance. This provision shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.
- 2-204. Only one principal building on any lot. Only one principal building and its customary accessory buildings may be erected on any lot. This provision does not prohibit group housing developments as permitted elsewhere in this Ordinance.
- 2-205. Lot must abut a public street. No building shall be erected on a lot which does not abut at least one publicly approved street for a distance of at least twenty-five (25) feet.
- 2-206. Reductions in lot area prohibited. No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of the Zoning Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.
- 2-207. Obstruction to vision at street intersection prohibited. On a corner lot not in the C-2, Central Business District, within the area formed by the center lines of the intersecting or intercepting streets and a line joining points on such center lines at a distance of thirty (30) feet from their intersection, there shall be no obstruction to vision between the height of three and one-half (3 1/2) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.
- 2-208. Off-street automobile storage.
- (1) In all districts except the C-2, Central Business District, there shall be provided, at such time any building or structure is erected or enlarged or increased in capacity, off-street parking spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below. For uses not specifically mentioned herein, off-street parking requirements shall be determined by the Board of Zoning Appeals.

- a. Single family and two-family dwelling - not less than two (2) spaces for each dwelling unit.
- b. Multiple family dwelling - not less than two (2) spaces per dwelling unit
- c. Boarding houses and rooming houses - not less than one (1) space for each one (1) room to be rented.
- d. Hotels, motels and other tourist accommodations - not less than one (1) space for each room to be rented plus one (1) additional space for each three (3) employees.
- e. Manufacturing, industrial or wholesaling use - not less than one (1) space for each two (2) persons employed or intended to be employed on a single shift, with a minimum of five (5) spaces for any establishment.
- f. Commercial building or use: Not less than one (1) space for each two hundred fifty (250) square feet of sales floor area.
- g. Shopping centers: Not less than one (1) space for every two hundred fifty (250) square feet of gross floor area.
- h. Medical or dental clinics - not less than four (4) spaces per doctor or dentist, or one (1) space for each two hundred (200) square feet of usable floor space, whichever is greater.
- i. Hospital: One (1) space for each bed intended for patient use, exclusive of bassinets.
- j. Automobile Service Stations – One (1) space for each 1,500 square feet of lot area or fraction thereof.
- k. Theatres, auditoriums, churches, stadiums, or other place uses designed to draw an assembly of persons - not less than one space for each five (5) seating spaces provided in the main meeting hall or place.
- l. General or Professional Offices: One space for each three hundred (300) square feet of gross floor space.
- m. Restaurants - not less than one (1) space per one hundred (100) square feet of floor area. For drive-in restaurants, one (1) space per fifty (50) square feet of floor area.
- n. Schools: For elementary, junior high and equivalent private or parochial schools, one (1) space for each faculty member and employee; for secondary schools and institutions of higher learning, one (1) for each faculty member and employee plus one (1) for each ten (10) students.

- o. Mobile home parks: Two (2) spaces for each mobile home space provided.
  - p. Public or private clubs or country clubs: One (1) space for each two hundred (200) square feet of gross floor area.
- (2) Certification of minimum parking requirements. Each application for a building permit shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the building inspector to determine whether or not the requirements are met.
  - (3) Combination of required parking space. The required parking spaces for any number of separate uses may be combined in one (1) lot, however, the required space assigned to one use may not be assigned to another use, except that the parking space required for churches, theatres, or assembly halls (whose peak attendance will be at night or on Sundays) may be assigned to a use which will be closed at night or on Sundays.
  - (4) Remote parking space. If the off-street parking space required by this Zoning Ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within three hundred (300) feet of any public entrance to such principal use, provided such land is in the same ownership as the principal use.

Such land shall be used for no other purpose so long as no other adequate provision of parking space, meeting the requirement of the Zoning Ordinance, has been made for the principal use.

- (5) Requirements for design of parking lots.
  - (a) Except for parcels of land devoted to one and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
  - (b) Each parking space shall be no less than two hundred (200) square feet in area.
  - (c) Entrances and exits for all off-street parking lots shall comply with the requirements of this Ordinance.
  - (d) The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.

#### 2-209. Access Control.

- (1) Purpose. The number and location of access cuts onto Town streets or state routes directly affect traffic flow within the Town. Standards for the design and placement of

access cuts are an important factor in providing a safe and efficient transportation network.

The following regulations shall serve as a guide to control the number, placement, and design of access cuts in order to reduce the number of accidents and to maintain traffic flow.

(2) Definitions of terms.

Frontage. The length along the highway right-of-way line of a single property tract or roadside development area between the edges of the property distance or corner property having separate frontages along each street.

Frontage boundary line (abbreviated as FB line). A line, perpendicular to the street center line, at each end of the frontage, extending from the right-of-way line to the edge of through traffic lane.

Buffer area. The border area along the frontage between the traveled way and the right-of-way and within the frontage boundary lines area.

Driveway width. Narrowest width of driveway measured parallel with the edge of traveled way.

Driveway Angle. The angle of 90° or less between the driveway center line and the edge of the traveled way.

Edge Clearance. The distance measured along the edge of the traveled way, between the frontage boundary line and tangent projection of the nearest edge of driveway.

Corner Clearance. At an intersecting street or highway, the dimension measured along the center line of the traveled way between the frontage boundary line opposite the intersection of the two center lines and the tangent projection of the nearest edge of driveway.

Setback. The lateral distance between right-of-way line and the roadside business building, gasoline pump curb base, display stand, or other object, the use of which will result in space for vehicles to stop or park between such facilities and the right-of-way line.

Outside Radius. The outside or larger curve radius on edge of driveway.

Distance Between Double Driveways. The distance measured along the right-of-way between the tangent projections of the inside edges of two adjacent driveways to the same frontage.

General. For simplicity, the above definitions are stated in terms of single radius curves of edge of driveways or intersecting highways. Where compound curves or tapers are used, an equivalent single radius curve may be used as a control guide.

- (3) Right-of-Way Encroachment. No part of the public roadway shall be used for servicing vehicles, displays, or the conducting of private business. The buffer area is to be kept clear of buildings, fences, business signs, parking areas, service equipment, and appurtenances thereto. Parking may be permitted on the roadway, and at curbs on Town streets when permitted by police control. The buffer area may be graded and landscaped as approved by the Town or state, as appropriate.
- (4) Buffer Areas. In the development of private property and the construction of driveways thereto, it may be necessary to regrade the buffer area by cutting or filling. Such work shall be done in a manner to insure adequate sight distance for traffic operations, proper drainage, suitable slopes for maintenance operations, and good appearance. The buffer area outside the driveways should be treated to prevent use by vehicles. This may be accomplished by grading, use of curbs, rails, guide posts, low shrubs, etc., in a manner that will not impair clear sight across the area.
- (5) Sight Distance. Where feasible within the frontage limits, any driveway shall be located so as to afford maximum sight distance along the highway.

Where a driveway is provided to a commercial establishment, the buffer area and adjacent border area shall be reasonably cleared so that either the establishment itself or an appropriate sign located outside the right-of-way can be seen at a sufficient distance to enable proper maneuvers on the part of the drivers desiring to enter the establishment.

The profile of the driveway and the grading of the buffer area shall be such that a driver of a vehicle who is standing on the driveway may see a sufficient distance in both directions to enable him to enter the roadway without creating a traffic hazard.

- (6) Setbacks. Improvements on property adjacent to the right-of-way should be so located that parking, stopping and maneuvering on the right-of-way will not be necessary in order for the vehicles or patrons to be served.
- (7) Location of Driveways. Driveways shall be so located that vehicles entering or leaving the establishment will not interfere with the free movement of traffic or create a hazard on the roadway. Where feasible they shall be located where there are no sharp curves and steep grades and where sight distance is adequate for safe traffic operation. Driveways should not be located within the intersections, rotaries and interchanges or

on roadway immediately approaching them. They shall be located so that they will not interfere with the placement of signs, signals or other devices that affect traffic operation.

The Planning Commission shall have the authority to restrict and direct the location of driveways if, in its opinion, such driveways would likely contribute to a higher incidence of accidents.

- (8) Number and Arrangement of Driveways. For property tracts with a sizable frontage on the roadway, driveway location and arrangement largely will be governed by the position of installations thereon. Where driveways are provided to land areas only, i.e., areas with no developments sufficiently near the roadway to significantly control driveway arrangements, they shall be located to best advantage with regard to the roadway alignment, profile, sight distance conditions, etc.

The permissible number, arrangement, and width of driveways shall be governed in part by the roadway frontage of abutting private property. The number of driveways provided shall be the minimum number required to adequately serve the needs of the adjacent property. Frontages of one hundred (100) feet or less shall be limited to one driveway. Normally, not more than two driveways will be provided to any single property tract or business establishment.

Where there are several adjacent roadside establishments each with relatively limited frontage or where there is probability of such development, consideration by the Planning Commission will be given to the provision of a frontage road for the several driveways so as to reduce the number of separate connections to the highway. Where border width permits, the several driveways shall be connected directly to such an outer road paralleling the roadway with connections to the through roadway only at the extremities of the frontage road or at well-spaced intervals along it.

Driveways shall be positioned to clear the frontage boundary lines by the specified minimum dimension. Where two driveways are provided for one frontage, the clear distance between driveways measured along the right-of-way line shall not be less than forty (40) feet.

At an intersection of two roadways, a driveway connecting each roadway with a corner property will be permitted where essential to the conduct of business on the corner tract, provided such driveways comply with the control dimensions herein established.

- (9) Driveway Width and Edge Radius. The driveway width shall be adequate to handle properly the anticipated volume and type of traffic and shall be within the limits specified for the particular conditions and type of establishment as set out in these rules and regulations.

Where space permits, the radius of curve connecting the edge of through traffic lane and edge of driveway shall be the maximum radius to permit turns by the largest vehicle

to be expected with some frequency. For narrow frontage or narrow border conditions, the combination of driveway width and edge radius of smaller dimension should be adequate to this end. The radii for driveways on streets on which there are outer parallel parking lanes shall be based on turns from the edge of through lane, and parking should be regulated as necessary to keep the turning area free of standing vehicles.

- (10) Driveway Alignment and Profile. Single driveways shall be positioned at right angles to the roadway. Where two driveways are used on one frontage, and they are to be used for access to and from both directions of travel on the roadway, each roadway shall be at right angles with the center line of the roadway as specified in sketches and examples. The driveway angle may be between 45° (min.) and 60° (max.) when the driveway is to be used by vehicles in only one direction of highway travel (right turns only) on a divided highway.

On uncurbed sections of roadway, the gradient of the driveway shall conform with the normal shoulder pitch from the edge of the traveled way to the outer shoulder line and thence slope downward on a suitable grade to the gutter or low point over a culvert (swale where a culvert is not use). Thereafter it shall continue downward or roll upward depending upon the level of its destination with respect to the shoulder.

Where curbs are used along the roadway and sidewalks are provided or contemplated, the gradient of the driveway usually shall fit the plane of the sidewalk. If the difference in elevation of the gutter and the sidewalk is such that this is not practical, then the sidewalk shall be lowered to provide a suitable gradient for the driveway in such case the surface of the sidewalk should be sloped gently from either side of the driveway. Vertical curves on driveways should be flat enough to prevent dragging of central or overhang portions of passenger vehicles.

- (11) Curbs and Guide Posts. Curbs of the type specified by the Town of Greenback, Tennessee shall be required on driveways, islands within the buffer area, and along property frontage in commercial, industrial, and residential complex developments; but all such curbs shall be outside the limits of the shoulders where the traveled way is not curbed. Where the traveled way is curbed, the returns of the driveway shall join properly the curb of the traveled way.

It is desirable that all internal curbs be placed twenty-six (26) feet from the center line of the existing roadway where sufficient right-of-way does not exist. Where adequate right-of-way exists, curbs shall be located just outside the frontage boundary line. Final location of curbs is subject to the approval of the road superintendent.

- (12) Driveway Profile.

No roadway edge curb, cut section. (a) From edge of traveled way to outer edge of shoulder, gradient same as shoulder pitch; (b) from outer edge of shoulder to allow point at ditch line or culvert, maximum downward gradient of five (5) to eight (8)

percent; (c) beyond ditch line, maximum gradient of five (5) to eight (8) percent for commercial driveways and ten (10) to fifteen (15) percent for others.

No roadway edge curb, fill section. (a) Slope across shoulder, same as above; (b) beyond outer edge of shoulder, maximum gradient five 5 to eight (8) percent for commercial driveways ten (10) to fifteen (15) percent for others.

With roadway edge curb. Driveway profile should slope upward from gutter line to meet the sidewalk, if any, with maximum difference between downward cross slope of traveled way and upward slope of driveway of eight (8) to ten 10 percent; beyond outer edge of walk or equivalent, maximum gradient of eight (8) percent for commercial driveways and ten (10) to fifteen (15) percent for others.

(13) Access Control. In order to promote the safety of motorists and pedestrians and to minimize traffic congestion and property damage by reducing the points of conflict, the following regulations shall apply:

- (a) A point of access for vehicles onto a street shall not exceed thirty (30) feet in width; however, if in the opinion of the road superintendent and/or Board that an access with a width greater than thirty (30) feet is more appropriate to protect the safety of motorists, then said Board may require and/or grant a variance from this requirement.
- (b) There shall be no more than two (2) points of access to any one public street for each four hundred (400) feet of lot frontage, or fraction thereof; provided, however, that lots less than one hundred (100) feet in width shall have no more than one point of access to any one public street.
- (c) Where two (2) driveways are provided for one (1) lot frontage, the clear distance between driveways shall not be less than forty (40) feet.
- (d) No point of access shall be allowed within four hundred (400) feet of the center line of any public intersections. This distance shall be measured from the center of the intersection to the center line of the access cut.
- (e) No curbs on Town streets or rights-of-way shall be cut or altered without written approval of the road department, and the Tennessee Department of Transportation when state highways are involved if such approval is required by the state.
- (f) Paved acceleration and deceleration lanes may be required along any arterial or major collector street at the discretion of the Board upon recommendation by the superintendent or the Board. The requirement for acceleration and deceleration lanes will be based on the following:
  - i. Existing road conditions  
- width

- sight distance
- ii. Traffic volume
  - average daily traffic
  - roadway capacity

(14) Control Dimensions

- (a) Edge Clearance (E). All portions of the driveway shall be within the frontage boundary line. For driveways with angles of about  $90^\circ$ , the edge of clearance should not be less than the radius of curvature (R) for the junction of the driveway and pavement (shoulder) edges.

Residential: 5 feet minimum  
 Commercial: 12.5 feet minimum

- (b) Width (W).

Residential: 10 feet minimum; 15 feet maximum  
 Commercial: 20 feet maximum for one-way use  
 30 feet maximum for two-way use

- (c) Driveway Angle (Y).

Driveways for two-way operation:

$90^\circ$  to centerline of roadway

Driveways for one-way operation:

- i. Driveways used by vehicles in both directions of travel on highway; same as for two-way operations ( $90^\circ$  to center line for roadway).
- ii. Driveways used by vehicles in one direction of travel on divided roadway  $45^\circ$  minimum and  $60^\circ$  maximum.

- (d) Radius of Curvature (R).

Residential: 5 feet minimum; 15 feet maximum  
 Commercial: 10 feet minimum; 20 feet maximum

- (e) Distance Between Double Driveway (D). 40 feet minimum

In no case shall the distance (D) be less than the largest adjacent width opening (W).

(f) Corner Clearance (C). 400 Feet Minimum

Where there are traffic signals at the intersection, the nearside clearance should be two (2) or more times the far side if practicable.

- 2-210. Off Street Loading and Unloading Space Required. Every building or structure hereafter constructed and used for industry, business, or trade involving the receipt or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public or private alley or if there is no alley, to a public street. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

| <u>Total Usable Floor Area in Square Feet<br/>for Each Principal Building</u> | <u>Spaces Required (see Chapter 2 for<br/>Definitions)</u>               |
|-------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| 0 to 4,999 sq. ft.                                                            | One (1) space                                                            |
| 5,000 to 9,999 sq. ft.                                                        | Two (2) spaces                                                           |
| 10,000 to 15,999 sq. ft.                                                      | Three (3) spaces                                                         |
| 15,000 to 19,999 sq. ft.                                                      | Four (4) spaces                                                          |
| Over 20,000 sq. ft.                                                           | Four (4) spaces plus one (1) space<br>for each additional 20,000 sq. ft. |

- 2-211. Maximum Building Height. No structure shall be erected which exceeds three (3) stories or fifty (50) feet in height except as otherwise expressly provided in this Ordinance.

## CHAPTER 3

### ZONING DISTRICTS

#### SECTION

- 3-301. Classification of Districts
- 3-302. Boundaries of Districts
- 3-303. A-1 Agricultural-Forestry District
- 3-304. R-1, Low Density Residential District
- 3-305. R-2, Medium Density Residential District
- 3-306. C-1, Central Business District
- 3-307. C-2, Highway Business District
- 3-308. M-1, Light Industrial District
- 3-309. M-2, Heavy Industrial District
- 3-310. P-1, Professional and Civic District
- 3-311. F-1, Floodplain District (see supplement)

3-301. Classification of Districts. For the purposes of this ordinance, the Town of Greenback, Tennessee, is hereby divided into the following Zoning districts:

- A-1 Agricultural-Forestry District
- R-1, Low Density Residential District
- R-2, Medium Density Residential District
- C-1, Central Business District
- C-2, Highway Business District
- M-1, Light Industrial District
- M-2, Heavy Industrial District
- P-1, Professional and Civic District
- F-1, Floodplain District

3-302. Boundaries of Districts.

1. The boundaries of these districts are hereby established as shown on the maps entitled "Zoning Map of Greenback, Tennessee," adopted by the Board of Mayor and Aldermen as the Zoning Map may be amended from time to time.
2. Unless otherwise indicated on the Zoning Map, the boundaries are lot lines, the center of streets or alleys, or the corporate limit lines as they exist at the time of the enactment of this Ordinance. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.
3. Where a district boundary divides a lot existing at the time this or any prior applicable Zoning Ordinance takes or took effect and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portion of said lot as is not more than fifty (50) feet within the more restricted district.

### 3-303. A-1 Agriculture-Forestry District

#### 1. District Description

This district is intended to preserve space for agricultural and forestry uses which together comprise an important segment of the economy of the Town of Greenback. The primary intent of the A-1 District is to minimize conflicts between agricultural and forestry activities and various non-farm activities; to permit lands best suited for intense agricultural uses to be preserved for these purposes; and to prevent lands unsuitable for development of an urban or non-rural nature, due to topographic problems, location, or the inability to provide necessary urban services, from being encroached upon by these incompatible land uses. Areas assigned to the A-1 District are primarily areas where growth of an urban or non-rural nature is deemed undesirable for one or more of the reasons outlined above. The following regulations shall apply in the A-1 Agriculture-Forestry District as defined on the Zoning Map of Greenback, Tennessee:

#### 2. Uses Permitted:

In the A-1, Agriculture-Forestry District, the following uses and their accessory uses are permitted:

- (a) Agricultural and forestry uses and their accessory structures.
- (b) Detached single-family dwellings.
- (c) Agricultural processing including cotton ginning and compressing, corn shelling, hay baling and threshing services.
- (d) Animal husbandry services including veterinarian services, animal hospital services and poultry hatchery services.
- (e) Forestry activities and related services.
- (f) Fisheries and related services.
- (g) Utility facilities necessary for the provision of public services.
- (h) One roadside stand for the sale of agriculture or forestry products produced on the premises provided that such stand does not exceed an area of three hundred (300) square feet and that it is located not nearer than thirty-five (35) feet from the roadway.
- (i) Customary home occupations.

#### 3. Uses Permitted as Special Exceptions and Other Use Limitations:

In the A-1, Agriculture-Forestry District, the following uses and their accessory uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals except as otherwise stated herein.

- (a) Public or private educational institutions.
- (b) Churches or other places of assembly.
- (c) Airports and medical facilities.
- (d) Marinas.
- (e) Sanitary landfill operations, subject to the approval of the State of Tennessee.
- (f) Neighborhood shopping facilities providing the total floor space devoted to retail sales does not exceed 4,000 square feet in area.
- (g) Cemeteries
- (h) Commercial feed lots which comply with all applicable state and federal laws.

4. Uses Prohibited:

In the A-1, Agriculture-Forestry District, all uses except those uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board of Zoning Appeals are prohibited.

5. Dimensional Regulations:

All uses permitted in the A-1, Agriculture-Forestry District shall comply with the following requirements except as otherwise provided: .

- (a) Front Yard: The minimum depth of the front yard shall be fifty (50) feet.
- (b) Rear Yard: The minimum depth of the rear yard shall be thirty-five (35) feet for the principal structure and fifteen (15) feet for any permitted accessory structures.
- (c) Side Yard: The side yard shall be a minimum of twenty (20) feet for a single-story structure, plus an additional five (5) feet for each additional story.
- (d) Land Area: No farm, ranch, or other parcel of land shall be reduced in area to provide separate lots or building sites of less than one (1) acre in area. However, where there was an existing lot of record less than one (1) acre on June 16, 1986, that lot may be used for the construction of one (1) single family dwelling.

In the event that the property proposed to be subdivided is less than five (5) acres in area, then a soils analysis of the property must be conducted, and the results of such an analysis shall be transmitted to the Tennessee Department of Environment & Conservation: Division of Water Resources. If the results of the soils analysis indicate compliance with the required standards of the State of Tennessee, the State Environmentalist shall submit a written statement certifying same to the Building Inspector. Upon receipt of such a certification from the State Environmentalist, the Building Inspector shall issue a building permit to the applicant, providing all other provisions of this Zoning Resolution are met. In the event that the results of the soils analysis or other tests that may be required do not meet the required standards, then the State Environmentalist shall submit to the Building Inspector, prior to the issuance of a building permit, a written opinion, in lieu of a certification, which shall define what lot size or configuration or both shall be necessary to meet the required standards. In the event that an opinion is submitted in lieu of a certification by the Health Department to the Building Inspector, the Building Inspector shall notify the applicant of the necessary lot size or configuration or both shall be necessary to meet the required standards. The Building Inspector shall not issue a building permit until the necessary changes have been made and the Health Department submits to the Building Inspector a certification that with these changes, the necessary standard have been met.

- (e) Maximum Lot Coverage: Main farm and agricultural accessory buildings shall cover no more than five (5) percent of the total land area.

Permitted non-agricultural or forestry uses, both principal and accessory, shall cover no more than twenty (20) percent of the total land area.

- (f) Lot Width: No lot shall be less than one hundred and fifty (150) feet wide at the building setback line.
- (g) Height Requirement: No building shall exceed three (3) stories or fifty (50) feet in height.

3-304. R-1, Low Density Residential District. Within the R-1, District, as shown on the Zoning Map of Greenback, Tennessee, the following regulations plus the other applicable provisions of this Zoning code shall apply:

- 1. Permitted uses and structures.
  - (a) Single-family dwellings.
  - (b) Accessory buildings or uses customarily incidental to any principal use.
  - (c) Customary home occupations.

- (d) Horticulture, including forestry, not involving advertising, display, or public sale of products on the premises.
  - (e) Single real estate signs advertising the sale, rental, or lease of only the premises on which they are maintained, provided that they are not over four (4) square feet in area, and at least six (6) feet from all lot lines and street rights-of-way. Nameplates and single signs identifying home ownership or address, and on-premise customary home occupations.
2. Uses and structures permitted on review by the Board of Zoning Appeals. The following may be permitted as special exceptions after review and approval by the Board of Zoning Appeals:
- (a) Municipal, county, state, or federal uses, except general office buildings.
  - (b) Public utilities and facilities, except storage and warehousing areas.
  - (c) Cemeteries, churches or other semi-public uses.
  - (d) Hospitals and medical clinics.
  - (e) Philanthropic institutions and clubs, except a club, the chief activity of which is customarily carried out as business.
  - (f) Public parks and golf courses, and country clubs.

No permit shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board may require in order to preserve and protect the character of the district in which the proposed use is located.

3. Prohibited uses and structures. Any use not specifically permitted or permitted as a special exception upon review and approval by the Board of Zoning Appeals is hereby prohibited.
4. Area regulations. The principal building shall be located so as to comply with the following requirements:
- (a) Minimum lot area for single-family dwelling unit served by public water and sewer systems: 40,000 square feet.
  - (b) Minimum lot area for single-family dwelling not served by public sewer system shall be dependent upon the State Environmentalist approval after appropriate soils tests have been conducted, but in no case shall the lot area be less than 40,000 square feet.

(c) Minimum lot width at building setback line: 100 feet.

(d) Minimum depth of front yards: 35 feet

(e) Minimum depth of rear yards: 30 feet

(f) Minimum width of side yards:

1-story building .....15 feet each side

2-story building.....20 feet each side

3-story building.....30 feet each side

(g) No building shall exceed three (3) stories or forty (40) feet in height.

5. Site development standards for required yards. The required yards of all uses shall be planted with grass, shrubs, and/or trees or otherwise landscaped; and maintained in good order as to prevent unnecessary soil erosion and maintain aesthetic appeal.

6. Parking, storage, and use of automobile, major recreation equipment, or trucks. Off-street automobile parking space as required in Section 3-308 of this Ordinance shall be provided.

No vehicle or trailer of any kind or type without current license plates, shall be stored on any lot other than in a completely enclosed building.

No major recreational equipment (including boats and boat trailers, travel trailers, partial travel trailer units and the like, and cases or boxes used for transporting such whether occupied by such equipment or not) shall be parked or stored on any lot except in a carport or enclosed building or behind the nearest portion of a building to a street, except for periods not to exceed forty-eight hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

No truck of a rated capacity of greater than three-fourths ton nor any heavy equipment may be parked on any lot or in the public right-of-way adjacent to any lot overnight nor stored or parked while loading or unloading for periods in excess of forty-eight (48) hours.

7. Location of accessory buildings

(a) No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard and shall be at least five (5) feet from all lot lines and from any other building on the same lot.

- (b) Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

3-305. R-2 Medium Density Residential District. Within the R-2, District, as shown on the Zoning Map of Greenback, Tennessee, the following regulations plus the other applicable provisions of this Zoning code shall apply:

8. Permitted uses and structures.

- (f) Single-family and two-family dwellings.
- (g) Manufactured homes, provided they meet requirements in Section 6-606 and further provided that not more than one manufactured home shall be permitted on a lot unless part of an approved manufactured home park if public sewer is available and provided they meet the requirements in Section 5506.
- (h) Accessory buildings or uses customarily incidental to the principal use.
- (i) Customary home occupations.
- (j) Horticulture, including forestry, not involving advertising, display, or public sale of products on the premises.
- (k) Single real estate signs advertising the sale, rental, or lease of only the premises on which they are maintained, provided that they are not over four (4) square feet in area, and at least six (6) feet from all lot lines and street rights-of-way. Nameplates and single signs identifying home ownership or address, and on-premise customary home occupations.

9. Uses and structures permitted on review by the Board of Zoning Appeals. The following may be permitted as special exceptions after review and approval by the Board of Zoning Appeals:

- (g) Municipal, county, state, or federal uses, except general office buildings.
- (h) Public utilities and facilities, except storage and warehousing areas.
- (i) Cemeteries, churches or other semi-public uses.
- (j) Hospitals and medical clinics.
- (k) Philanthropic institutions and clubs, except a club, the chief activity of which is customarily carried out as business.

- (l) Public parks and golf courses, and country clubs.

No permit shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board may require in order to preserve and protect the character of the district in which the proposed use is located.

- 10. Prohibited uses and structures. Any use not specifically permitted or permitted as a special exception upon review and approval by the Board of Zoning Appeals is hereby prohibited.

- 11. Area regulations. The principal building shall be located so as to comply with the following requirements:

- (h) Minimum lot area for single-family dwelling unit served by public water and sewer systems: 10,000 square feet.

- (i) Minimum lot area for two-family dwelling units served by public water and sewer systems – 20,000 square feet.

- (j) Minimum lot area for single-family dwelling not served by public sewer system shall be dependent upon the State Environmentalist approval after appropriate soils tests have been conducted, but in no case shall the lot area be less than 20,000 square feet; for two-family dwelling unit the minimum lot area, if not served by a public sewer system shall be 40,000 square feet but may be increased if required by appropriate soils tests conducted by the licensed soil scientist.

- (k) Minimum lot width at building setback line: 100 feet.

- (l) Minimum depth of front yards: 35 feet

- (m) Minimum depth of rear yards: 30 feet

- (n) Minimum width of side yards:

1-story building .....15 feet each side

2-story building.....20 feet each side

3-story building.....30 feet each side

- (o) No building shall exceed three (3) stories or forty (40) feet in height.

- 12. Site development standards for required yards. The required yards of all uses shall be planted with grass, shrubs, and/or trees or otherwise landscaped; and maintained in good order as to prevent unnecessary soil erosion and maintain aesthetic appeal.

13. Parking, storage, and use of automobile, major recreation equipment, or trucks. Off-street automobile parking space as required in Section 3-308 of this Ordinance shall be provided.

No vehicle or trailer of any kind or type without current license plates, shall be stored on any lot other than in a completely enclosed building.

No major recreational equipment (including boats and boat trailers, travel trailers, partial travel trailer units and the like, and cases or boxes used for transporting such whether occupied by such equipment or not) shall be parked or stored on any lot except in a carport or enclosed building or behind the nearest portion of a building to a street, except for periods not to exceed forty-eight hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

No truck of a rated capacity of greater than three-fourths ton nor any heavy equipment may be parked on any lot or in the public right-of-way adjacent to any lot overnight nor stored or parked while loading or unloading for periods in excess of forty-eight (48) hours.

14. Location of accessory buildings

(c) No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard and shall be at least five (5) feet from all lot lines and from any other building on the same lot.

(d) Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

3-306. C-1, Central Business District. In order to protect and improve the principal shopping area of Greenback, and to permit and encourage concentrated development of offices and shipping facilities, a Central Business District is hereby established. Within the C-1 Central Business District as shown on the Zoning Map of Greenback, Tennessee, the following regulations plus other appropriate provisions of this Zoning code shall apply:

1. Permitted uses and structures.
  - a. All uses permitted in the R-1 District.
  - b. Retail trade - general merchandise.
  - c. Retail trade - food.
  - d. Retail trade - apparel and accessories.

- e. Retail trade - furniture, home furnishings and equipment.
  - f. Retail trade - eating and drinking.
  - g. Retail trade - drug and proprietary, antiques, book and stationery, sporting goods, hardware, jewelry, florists, and optical and photographic supplies.
  - h. Finance, insurance, and real estate services.
  - i. Business services.
  - j. Personal services - laundering and dry-cleaning establishments and beauty and barber services.
  - k. Repair services not including automobile repair services.
  - l. Professional services.
  - m. Governmental services not including correctional institutions and military reservations.
  - n. Commercial amusement establishments.
  - o. Cultural activities.
  - p. Residential hotels and transient lodgings provided that the requirements of 11-308 are met.
  - q. Religious activities and welfare, and charitable services.
  - r. Railroad transportation.
  - s. Travel trailer parks.
  - t. Other uses and structures which are customarily accessory and clearly incidental to permitted uses and structures.
2. Prohibited uses and structures. Any use or structure not specifically permitted is prohibited.
  3. Area regulations. There are no specified side, front, or rear yard requirements or lot coverage requirements except as follows:
    - a. Minimum depth of front yard....10 feet
    - b. Minimum depth of rear yard.....20 feet

4. Uses and structures permitted as special exceptions by the Board of Zoning Appeals. The following uses may be permitted as special exceptions after review and approval by the Board.

- (a) Light manufacturing

No permit shall be issued except with written approval of the Board of Zoning Appeals and subject to such conditions as the Board may require in order to preserve and protect the character of the district.

- 3-307. C-2, Highway Business District. The C-2, Highway Commercial District is established to provide for general commercial activity along major collectors and arterial highways. The regulations are designed to encourage the property development of commercial areas in such a manner as to discourage the problems normally associated with strip commercial development; to encourage concentrations of commercial activities; and to preserve the traffic-carrying capacity of the major collectors and arterials upon which such uses are located. Within the C-2, Highway Commercial District, as shown on the Zoning Map of Greenback, Tennessee, the following regulations shall apply.

1. Permitted uses and structures.

- a. All uses permitted in the C-1, Central Business District.
    - b. Motels and tourist courts.
    - c. Service and repair establishments, including service stations, automobile sales and repair garages..
    - d. Tire recapping or retreading.
    - e. Veterinary establishments provided that all animals shall be kept inside soundproof, air-conditioned buildings.
    - f. Wholesale and distributing center not involving over five thousand (5,000) square feet for storage of wares.
    - g. Shopping centers, including the location of more than one building on a lot provided such buildings share a common fire-resistant wall.
    - h. Travel Trailer and Recreational Vehicle Parks.

2. Prohibited uses and structures. Any use or structure not specifically permitted is prohibited.

3. Area regulations. The principal building will be located so as to comply with the following requirements:

- a. Minimum lot width at building setback line.....50 feet
- b. Minimum depth of front yard.....40 feet
- c. Minimum depth of rear yard.....25 feet (except where rear access to buildings are provided in which case the rear yard shall be a minimum of 30 feet)
- d. Minimum width of side yards:
  - 1-story building.....10 ft. each
  - 2-story building.....12 ft. each
  - 3-story building.....15 ft. each

Commercial buildings may be built to the side lot line provided there is a common consent between the affected property owners and further provided that the buildings share a fire-resistant wall.

3-308. M-1, Light Industrial District. This district is established to provide for manufacturing, warehousing, and similar light industrial uses. Within the M-1, Light Industrial District the following regulations plus other appropriate provisions of this Zoning code shall apply:

1. Permitted uses and structures.

- a. Railroad and motor vehicle transportation.
- b. Aircraft transportation.
- c. Marine transportation.
- d. Communication facilities
- e. Public utilities.
- f. Wholesale trade.
- g. Retail trade - building materials, hardware, and farm equipment.
- h. Warehousing and storage services.
- i. Agricultural processing.
- j. Food and kindred products manufacturing not including meat products manufacturing.
- k. Textile mill products manufacturing.

- l. Apparel and other finished products manufacturing made from fabrics and similar materials.
  - m. Lumber and wood products manufacturing.
  - n. Furniture and fixtures manufacturing.
  - o. Printing, publishing, and allied industries.
  - p. Rubber and miscellaneous plastic products manufacturing.
  - q. Stone, clay, and glass products manufacturing.
  - r. Fabricated metal products manufacturing not including Ordinance and accessories.
  - s. Professional, scientific, and controlling instruments manufacturing.
  - t. Small article manufacturing - jewelry; musical instruments; toys; pens, pencils, and other office and artists' materials; costume jewelry; tobacco; and motion picture production.
  - u. Any use or structure customarily incidental to the above uses.
  - v. Signs and billboards subject to the provisions of 5-504.
1. Prohibited uses and structures. Any use or structure not specifically permitted is prohibited.
2. Area regulations. All buildings and structures shall be located so as to comply with the following minimum requirements:
- a. Minimum depth of front yard....40 ft.
  - b. Minimum depth of rear yard.....30 ft.
  - c. Minimum width of side yard:
    - 1-story building.....15 ft. each side
    - 2-story building.....25 ft. each side
    - 3-story building.....35 ft. each side
  - d. There shall be no required minimum lot area for industrial districts except as should be needed to satisfy the above space requirements and requirements pertaining to off-street parking and loading, respectively.

3. Environmental controls. The applicant for a building permit in the M-1, Light Industrial District must present, as a part of the application, documentation demonstrating that the proposed industry will not represent a hazard to the community safety, health, welfare, or amenity. This includes, but is not limited to, the following:

- a. Documentation that the proposed use will be served by adequate water and wastewater facilities approved by the necessary governmental providers of such services.
- b. Documentation that adequate means are available for the disposal of all solid waste.
- c. Documentation that proposed industrial uses will comply with all applicable federal, state, and local air and water pollution control laws and/or regulations.

The Building Inspector shall not issue a building permit for any industrial use he believes may have the potential to be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise, vibration, and the like, and those uses deemed dangerous due to potential explosion hazards, threat of fire, or poisonous fumes. Any uses of such a nature shall be permitted only on written approval of the Board of Zoning Appeals subject to such conditions and safeguards as may be required by said Board in the interests of public health, safety, and welfare.

3-309. M-2, Heavy Industrial District. This district is established to provide for manufacturing, warehousing, and heavy industrial uses. Within the M-2, Heavy Industrial District the following regulations plus other appropriate provisions of this Zoning code shall apply:

1. Permitted uses and structures.

- a. Railroad and motor vehicle transportation.
- b. Aircraft transportation.
- c. Marine transportation.
- d. Communication facilities
- e. Public utilities.
- f. Wholesale trade.
- g. Retail trade – building materials, hardware, and farm equipment.
- h. Warehousing and storage services.
- i. Agricultural processing.

- j. Food and kindred products manufacturing including meat products manufacturing.
  - k. Textile mill products manufacturing.
  - l. Apparel and other finished products manufacturing made from fabrics and similar materials.
  - m. Lumber and wood products manufacturing.
  - n. Furniture and fixtures manufacturing.
  - o. Printing, publishing, and allied industries.
  - p. Rubber and miscellaneous plastic products manufacturing.
  - q. Stone, clay, and glass products manufacturing.
  - r. Fabricated metal products manufacturing not including Ordinance and accessories.
  - s. Professional, scientific, and controlling instruments manufacturing.
  - t. Small article manufacturing – jewelry; musical instruments; toys; pens, pencils, and other office and artists’ materials; costume jewelry; tobacco; and motion picture production.
  - u. Any use or structure customarily incidental to the above uses.
- s. Signs and billboards subject to the provisions of 5-504.
- w. Sexually oriented businesses
  - x. The surface and subsurface mining or quarrying of natural mineral resources.
  - y. Concrete and/or asphalt plants/facilities.
2. Prohibited uses and structures. Any use or structure not specifically permitted is prohibited.
2. Area regulations. All buildings and structures shall be located so as to comply with the following minimum requirements:
- a. Minimum depth of front yard....100 ft.
  - b. Minimum depth of rear yard.....200 ft.

- c. Minimum width of side yard.....200 ft.
- d. Minimum lot area shall be five (5) acres and shall be served by public water and public sewer.

3. Environmental controls. The applicant for a building permit in the M-2, Manufactured Industrial District must present, as a part of the application, documentation demonstrating that the proposed industry will not represent a hazard to the community safety, health, welfare, or amenity. This includes, but is not limited to, the following:

- a. Documentation that the proposed use will be served by adequate water and wastewater facilities approved by the necessary governmental providers of such services.
- b. Documentation that adequate means are available for the disposal of all solid waste.
- c. Documentation that proposed industrial uses will comply with all applicable federal, state, and local air and water pollution control laws and/or regulations.

The Building Inspector shall not issue a building permit for any industrial use he believes may have the potential to be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise, vibration, and the like, and those uses deemed dangerous due to potential explosion hazards, threat of fire, or poisonous fumes. Any uses of such a nature shall be permitted only on written approval of the Board of Zoning Appeals subject to such conditions and safeguards as may be required by said Board in the interests of public health, safety, and welfare.

3-310. P-1, Professional and Civic District. The purpose of this district is to provide areas for the development of professional offices and services, hospitals, schools, churches and other places of public assembly. Regulations are designed to control development in such a manner as to not be incompatible with permitted residential uses. Within the P-1, Professional and Civic District, as shown on the Zoning Map of Greenback, Tennessee, the following regulations plus other applicable provisions of the Zoning Ordinance shall apply:

- 1. Permitted uses and structures.
  - a. Professional and business offices including the offices of an attorney, engineer, accountant, dentist and physician.
  - b. Financial institutions.
  - c. Nursing and convalescent homes.
  - d. Private clubs and lodges.

- e. Accessory buildings and uses customarily incidental and subordinate to permitted uses and structures.
2. Uses and structures permitted on review by the Board of Zoning Appeals.
- a. Accessory uses such as newsstands, cafeterias, recreational uses, and shops associated with and incidental to the permitted uses primarily for the benefit, use and convenience of the persons directly involved in the principal use to which the proposed accessory use is related.
3. Prohibited uses and structures.
- a. Any use not specifically permitted or permissible on review is specifically prohibited.
  - b. Billboards and other off-premise advertising structures.
4. Area regulations. The principal building shall be located so as to comply with the following requirements:
- a. Minimum lot area for single-family dwelling unit served by public water and sewer systems: 10,000 square feet.
  - b. Minimum lot area for two-family dwelling units served by public water and sewer systems – 15,000 square feet.
  - c. Minimum lot area for single-family or two-family dwelling units where lot is not served by a public sewer system shall be dependent upon Health Department approval after appropriate soils tests have been conducted, but in no case shall the lot area be less than 20,000 square feet.
  - d. Minimum lot area for multi-family dwelling unit (3 units or more) which is served by public water and sewer – 15,000 square feet, plus 2,000 square feet for each additional unit over three (3), up to a maximum of 18 units per acre. No multi-family structure shall be allowed unless such structure(s) is served by a public sewer system approved by the State of Tennessee and the local utilities provider.
  - e. Minimum lot width at building setback line:.....50 ft.
  - f. Minimum depth of front yards:.....30 ft.
  - g. Minimum depth of rear yards:.....20 ft.
  - h. Minimum width of side yards: 1-story building .....10 feet each side 2-story building.....15 feet each side 3-story building.....20 feet each side

- i. No building shall exceed three (3) stories or forty (40) feet in height except as otherwise provided herein. exceptions may be made where off-street parking is provided below the structure upon approval by the Board of Zoning Appeals.
  - j. Non-residential uses on adjoining lots may share a common fire-resistant wall.
  - k. The maximum percentage of lot area which may be occupied by non-residential uses shall be sixty (60) percent.
5. Site development standards for required yards. The required yards of all uses shall be planted with grass, shrubs, trees and/or other vegetative cover, and maintained in good order.
6. Location of accessory buildings.
- a. No accessory buildings shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard and shall be at least five (5) feet from all lot lines and from any other building on the same lot.
  - b. Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.
- 3-311. F-1, Floodway District. The floodway district as shown on the Zoning Map of Greenback, Tennessee, is established to meet the needs of Baker Creek and McInturff Creek to carry abnormal flows of water in the time of flood; to prevent encroachments into the districts which will unduly increase flood heights and damage; and to prevent the loss of life and excessive damage to property in the area of greatest flood hazard.
1. Permitted uses and structures. The following uses are permitted subject to approval of the Board of Zoning Appeals and such other conditions as specified herein and to which the Board may specify to protect the public interest and which do not conflict with uses permitted in adjoining districts: open-type uses such as loading and unloading areas, parking lots, billboards, storage yards for equipment and materials not subject to major damage by floods, provided such use is auxiliary to uses permitted in an adjoining district and materials do not include inflammables such as gasoline; open type public parks, golf courses and driving ranges, drive-in theaters, fishing lakes and boat docks; circus carnival and similar transient amusement enterprises; agricultural uses including farming, graving and livestock raising; utilities; roads and bridges, electric and other transmission lines; other uses customarily accessory or incidental to the above uses.

Any new construction, substantial improvements and/or major repairs to uses allowed under the provisions of this section shall:

- (a) Be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure;
  - (b) Be constructed of materials and utility equipment that are resistant to flood damage;
  - (c) Use construction methods and practices that will minimize flood damage. A statement from a registered engineer certifying that the above stated requirements have been fulfilled shall be filed with the Building Inspector prior to the issuance of a building permit and certificate of occupancy. In addition, a certification from a registered engineer or architect shall be required upon completion of the lowest floor of a new or substantially improved structure which demonstrates the structure complies with elevation requirements; all new or replacement water and sewer systems shall be designed to minimize the infiltration of floodwaters and on site waste disposal systems shall be designed to avoid impairment or contamination during flooding. A local building permit shall not be issued if all necessary state and/or federal permits have not been issued for construction in the floodway.
2. Prohibited uses and structures. The filling of land, encroachments and new construction and/or substantial improvements of existing structures which would result in an increase in flood heights during the recurrence of the 100-year flood discharge are hereby prohibited. Also prohibited are structures for human habitation and the storage of inflammable materials.
3. Floodway fringe areas. Areas lying outside the Floodway District but within the area covered by the 100-year flood TVA structure profile shall be subject to the following regulations:
- a. No building or structure (including modular buildings and mobile homes) shall be erected, and no existing building or structure shall be extended or moved unless the main floor of said building or structure is placed one (1) foot above the elevation of the 100-year flood or the TVA structure profile. No basement floor or other floor shall be constructed below or at a lower elevation than the main floor.
  - b. Foundations of all structures shall be designed to withstand flood conditions at the site.
  - c. Land may be filled within these flood fringe areas provided such fill extends twenty-five (25) feet beyond the limits of any structures erected thereon.
  - d. Any new construction, substantial improvements and/or major repairs to uses permitted under this section shall:
    - i. be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure;
    - ii. be constructed of materials and utility equipment that are resistant to flood damage; and

- iii. use construction methods and practices that will minimize flood damage.

All applicable state and federal permits shall be issued prior to the issuance of a local building permit for construction in the flood fringe areas.

- 4. Approval of the Board of Zoning Appeals. No permit shall be issued for the construction of any building or for any use within the floodway district until the plans for such construction or use have been submitted to the Board of Zoning Appeals and approval is given in writing for such construction or use. The Board of Zoning Appeals may make its approval subject to such conditions necessary to carry out the purpose of this district. The Board or its representative shall notify neighboring communities of any alterations of water courses once said courses have been approved by all responsible agencies. In its review of plans submitted, the Board of Zoning Appeals shall be guided by the following standards, keeping in mind that the purpose of this district is to prevent encroachment into the floodway which will unduly increase flood height and endanger life and property:

- (a) Any uses permitted shall be a type not appreciably damaged by flood waters, provided no structures for human habitation shall be permitted.
- (b) No filling of land shall be permitted, except where express permission is granted by the Board of Zoning Appeals.
- (c) Any structure permitted shall be designed, constructed, and placed on the lot so as to offer the minimum obstruction to the flow of water.
- (d) Any structure shall be firmly anchored to prevent the structure from floating away and thus threatening to further restrict bridge openings and other restricted sections of the stream.

Where, in the opinion of the Board of Zoning Appeals, topographic data, engineering, and other studies are needed to determine the effects of flooding on a proposed structure and/or the effect of the structure on the flow of water, the Board of Zoning Appeals may require the applicant to submit such data or other studies prepared by competent engineers or other technical reports. The granting of approval of a structure or use shall not constitute a representation, guarantee or warranty of any kind of nature by the Town of Greenback, Tennessee, or the Board of Zoning Appeals, or Loudon County, or by an officer or employee of either thereof of the practicality or safety of any structure of use proposed and shall create no liability upon or cause action against such public body, officer, or employee for any damage that may result thereto.

1. Small Streams. Any structure proposed to be located outside the Floodway District but within fifty (50) feet of any main drainage channel or stream (hereinafter referred to as stream) within the Town of Greenback must be approved by the Board of Zoning Appeals. The Board of Zoning Appeals or other designated public official shall determine on the basis of the area of the watershed and probable runoff of the opening needed for the stream or how close a structure may be built to the stream in order to assure adequate space for the floodwater. However, no building shall be permitted within ten (10) feet of the top of the bank of any stream.

## CHAPTER 4

### EXCEPTIONS AND MODIFICATIONS

#### SECTION

- 4-401. Lot of record
- 4-402. Adjoining substandard lots of record
- 4-403. Group housing
- 4-404. Rear and side yards abutting a railroad siding
- 4-405. Height limits

4-401. Lot of record. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of the Original Zoning Ordinance does not own sufficient land to enable him to conform to the yard or other requirements of the current Zoning code, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this Zoning Ordinance. Such lot may be used as a building site provided, however, that the yard and other requirements of the district are complied with as closely, in the opinion of the Board of Zoning Appeals, as possible.

4-402. Adjoining substandard lots of record. Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

4-403. Group housing. In the case of group housing developments of two or more buildings to be constructed on a plot of ground of four (4) acres or more, not subdivided into the customary streets and lots and which will not be so subdivided, or where the existing or contemplated street and lot layout makes it impracticable to apply the requirements of the Zoning Ordinance to the individual building units in such group housing; the application of the terms of the Zoning Ordinance may be varied by the Board of Zoning Appeals in a manner which will be in harmony with the character of the neighborhood, will insure an intensity of land use no higher and a standard of open space no lower than that permitted by the Zoning Ordinance in the district which the proposed housing is to be located. However, in no case shall the Board of Zoning appeals authorize a use prohibited in the district in which the housing is to be located, or a smaller lot area per family than the minimum required in such districts.

4-404. Rear and side yards abutting a railroad siding. In industrial districts when lot boundaries abut a railroad siding, the Board of Zoning Appeals may grant a variance for the width and depth of side and rear yard requirements.

4-405. Yard, building setback and open space exceptions. The following requirements are extended to provide exceptions or to qualify and supplement the specific district requirements set forth in Chapter 3.

- a. No yard, open space, or lot area required for a building or structure shall be occupied by or counted as required space for any other building or structure.
- b. The following conditions apply to the use of lots:
  - i. The front setback requirements of this Zoning Ordinance shall not apply on lots where the average depth of existing front yards on developed lots, located within two hundred (200) feet on each side of a lot, within the same block and Zoning district as such a lot, is greater or less than the minimum required front setback. In such case the depth of the front setback on such lot shall not be less than the average front yard depth on such developed lots.
  - ii. Lots having frontage on more than one street shall provide the required front setback along all streets.
  - iii. No recorded lot shall be divided into two (2) or more lots unless such division results in the creation of lots each which conforms to all of the applicable regulations of the district in which the property is located. No reduction in the size of a recorded lot below the minimum requirements of this Ordinance shall be permitted.

4-406. Height limits. The height limitations of this Zoning code shall not apply to churches, schools, hospitals and other public and semi-public buildings, provided that the minimum widths of side yards for the district are increased one (1) foot for each foot in height by which the structure exceeds the height limit. Also excluded from the height limits are water towers, transmission towers, chimneys, radio towers and other structures, which in the opinion of the Board of Zoning Appeals will not adversely affect the neighborhood.

## CHAPTER 5

### SUPPLEMENTARY REGULATIONS APPLYING TO A SPECIFIC, TO SEVERAL, OR TO ALL DISTRICTS

#### SECTION

- 5-501. Scope
- 5-502. Fall-out Shelters
- 5-503. Customary Home Occupation
- 5-504. Signs, Billboards, and Other Advertising Structures
- 5-505. Swimming Pools
- 5-506. Mobile Homes and Manufactured Home Communities
- 5-507. Development Standards for Certain Uses

5-501. Scope. These supplementary regulations are listed and described in this chapter, rather than repeated several times throughout the Zoning code, as they are applicable to specific, to several or all districts. The regulations pertain to certain specific uses, authorize certain exemptions, or related to unusual conditions.

5-502. Fall Out Shelters. Fall-out shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Area of underground fall-out shelters extending not more than thirty (30) inches above the general ground level of the graded lot shall not be included in computations of lot coverage by all buildings. The Board of Zoning Appeals may waive side and rear open and setback requirements to permit construction of joint shelters by two or more property owners; provided, however, that side and rear open space and setback requirements shall be met where property involved in the joint proposal abuts or adjoins property not included in the proposal.

5-503. Customary home occupations. A customary home occupation is a gainful occupation or profession conducted by members of a family residing on the premises and conducted entirely within the principal dwelling unit. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings.

5-504. Signs, billboards and other advertising structures. These conditions are established as a reasonable and impartial method of regulating advertising structures in order to insure light, air, and open space, to reduce hazards at intersections, and to protect property values of the entire community. The regulations for signs, billboards, and other advertising structures are enumerated below:

1. In any Zoning district the following general regulations shall apply as well as the applicable regulations of the Tennessee Department of Transportation.

- a. No sign shall be erected or maintained where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal, or device.
  - b. All signs must be constructed and displayed so as not to impair vision and create safety hazards at any street intersection.
  - c. Signs in business or industrial districts shall not exceed two hundred (200) square feet.
  - d. A business may erect no more than two signs per lot, the total square footage not to exceed two hundred (200) square feet.
  - e. No sign shall be located on, or attached to, any public property except public signs authorized by the Town of Greenback, Loudon County or the State of Tennessee
  - f. Billboards and other similar outdoor advertising structures shall be erected or placed in conformity with the side, front, and rear yard requirements of the district in which located. However, no billboard shall be erected or placed closer than within one hundred (100) feet of any residential district.
  - g. Signs erected and overhanging sidewalk must be placed at least nine (9) feet above the sidewalk and may extend over the sidewalk a distance equal to two-thirds ( $2/3$ ) of the width of the sidewalk, but in no case exceeding ten (10) feet.
2. In the R-1 district, the following regulations shall apply:
  - a. Nameplates indicating name, address, house number, announcement of boarders or roomers are permitted.
  - b. For apartment buildings, identification signs not exceeding nine (9) square feet in area are permitted.
  - c. Signs announcing customary home occupations are permitted but shall not exceed two (2) square feet in area.
  - d. Church, school, or public building bulletin boards or identification signs not exceeding twenty (20) square feet in area are permitted.
  - e. Flashing or intermittent illumination is prohibited.
3. In C-1, Central Business District, signs relating only to the business on the premises are permitted. Such signs shall be lit by indirect means only.
4. In the C-1, Central Business District and C-2, Highway Business Districts the following regulations shall apply:

- a. Portable signs shall be permitted during the opening and closing activities of commercial establishments but in no case shall a permit allowing such signs be issued by the building inspector for a period exceeding thirty (30) days.
  - b. Any sign, subject to all other requirements of this section, is permitted.
- 5. In the M-1 and M-2 Industrial District, any sign meeting the requirement of this section and in addition pertaining to the product manufactured on the premises or the firm occupying the premises is permitted.
- 6. In any district the following signs shall be permitted:
  - a. For parking areas, entrance and exit signs not exceeding two (2) square feet in area and not more than one (1) sign not more than nine (9) square feet in area identifying or designating the conditions of the use of such parking area.
  - b. Non-illuminated "For Sale" or "For Rent" signs not exceeding four (4) square feet in area.
  - c. One (1) sign not more than twelve (12) square feet in area giving the names of the contractors, engineers, or architect during construction of a building.
  - d. Signs established by or by order of any governmental agency.
  - e. For special events of public interest one (1) sign, not over twenty-four (24) square feet in area, located upon the site of the event.

5-505. Swimming Pools. No swimming pool or part thereof, excluding aprons, walks, and equipment rooms, shall protrude into any required front or side space, except in the C-2 Commercial District swimming pools are permitted in front yards where the pool is operated in conjunction with a permitted use in that district.

The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or from adjacent properties. Said fence or wall shall be not less than five (5) feet in height and maintained in good condition. However, for swimming pools located in the C-2, Commercial district, the design requirements for the height of the fence are waived.

Private swimming pools are permitted in the R-1 Residential District provided that the pool is intended and is to be used solely for the enjoyment of the occupants and their guests of the property on which it is located.

5-506. Manufactured homes and manufactured home parks. The following regulations shall apply to manufactured homes and manufactured home parks:

1. A single mobile home may be placed on a lot in the R-1 Residential Districts, provided that it has underpinning, driveway, patio, and provided all open space, parking and setback provisions of the district are complied with; and further provided that all applicable housing and building code provisions are complied with. All other mobile home parks excepting nonconforming mobile homes are subject to Section 2-203 of this code.
2. A temporary permit not exceeding six (6) months may be issued for occupancy of a mobile home on a lot with another dwelling or building for living purposes where applicant can show that such occupancy is necessary to provide for the care of a sick or infirm person or the guarding of a construction site. A temporary permit may be renewed for a period of six (6) months when the applicant can show that the conditions under which the permit was originally granted have not changed. Upon expiration of the permit or upon a change in the circumstances under which such permit was granted, the mobile home shall be removed from the lot within thirty (30) days.
3. A permit may be issued for a mobile home to permanently locate on a site when such a unit is to be used solely for security personnel in conjunction with a school or similar facility as authorized by the Board of Zoning Appeals. In its review of the application for a permit, the Board may impose such conditions on the use or location of said mobile home as it feels necessary to protect the health, safety and welfare of the general public.
4. Applications for manufactured home parks: An application for a mobile home park shall be presented to the Board of Zoning Appeals for review and approval prior to the issuance of a building permit for such use. The application shall consist of a map drawn to a scale no smaller than 1" - 100" setting forth therein the geographical location, boundaries, drainage, buildings and sanitation facilities such as location of all water and sewer lines and the number, location and size of all mobile home spaces.
5. Any manufactured home within a flood hazard area shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors; over-the-top ties shall be located at each corner of the mobile home, with two (2) additional ties per side at intermediate locations. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
6. When stands or pilings are used in connection with the placement of mobile homes, said construction shall be elevated one (1) foot above the base flood elevation. Pilings shall be so constructed to meet standards for design.
7. Development standards for manufactured home parks. The following land development standards shall apply for all mobile home parks:
  - a. No parcel of land containing less than two (2) acres and less than ten (10) manufactured home spaces, available at the time of first occupancy, shall be utilized for a mobile home park.

- b. Manufactured home parks shall be restricted to a maximum of fifty (50) sites per park.
- c. The manufactured home park shall be located on a well-drained site, property graded to ensure rapid drainage and to avoid the possibility of stagnant pools of water.
- d. Dimensional Requirements for Parks:
  - i. Each manufactured home park shall have a front yard of fifty (50) feet exclusive of any required yards for each mobile home space, extending for the full width of the parcel devoted to said use.
  - ii. Each manufactured home park shall provide rear and side yards of not less than twenty-five (25) feet, exclusive of any required yards for each mobile home space, from the parcel boundary.
  - iii. In instances where a side or rear yard abuts a public street, said yard shall not be less than fifty (50) feet.
  - iv. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.
- e. Dimensional Requirements for Manufactured Home Spaces. Each mobile home space shall be of sufficient size that, in addition to the mobile home, the following space shall be provided.
  - i. Each manufactured home space shall be at least fifty (50) feet wide and such space shall be clearly defined by permanent marker.
  - ii. There shall be a front yard setback of twenty (20) feet from all access roads within the manufactured home park.
  - iii. Each manufactured home shall have a minimum side yard setback of not less than fifteen (15) feet and a rear yard setback of not less than fifteen (15) feet. No mobile home shall be located closer than twenty (20) feet from any building within the mobile home park.
  - iv. There shall be at least two paved off-street parking spaces for each mobile home space, which shall be on the same site as the trailer served, and may be located in the rear or side yard of said trailer space.
  - v. Each manufactured home space shall be provided with a paved patio of at least two hundred (200) square feet.

- vi. Each manufactured home space shall be provided with a pad which shall be a minimum of twelve (12) feet by fifty (50) feet, which shall be constructed of four (4) inches of compacted gravel.
- vii. The manufactured home park shall be developed to a density compatible with the district in which it is located; however, the minimum lot area per mobile home space with public water and sewer shall be five thousand (5,000) square feet. For double-wide mobile homes, the minimum lot size shall be seventy thousand five hundred (7,500) square feet. In areas without public wastewater service the minimum lot area shall be seven thousand five hundred (7,500) square feet for single-wide mobile homes and ten thousand (10,000) square feet for a double wide mobile home unless a higher density is approved by the Health Department and the Board of Zoning Appeals after appropriate soils tests have been completed and analyzed as to the capability of the soils to accommodate a septic tank and drain field.
- viii. No manufactured home park shall be permitted unless such park is served by a public water supply and public sewer.
- ix. The location of manufactured home parks is restricted to the R-2 District. The distance between manufactured home parks shall not be less than one (1) mile measured in a straight line.

f. General Requirements:

- 1. Roads within the manufactured home park shall be paved to a width of not less than twenty-four (24) feet in accordance with the procedures and standards for minor residential streets as specified in the applicable Subdivision Regulations; however, requirements for concrete curbs may be waived at the discretion of the Board, and the right-of-way shall only be of sufficient width to include the road surface itself and necessary drainage facilities. All roads within the mobile home park shall be private roads and shall not be accepted as public roads.
- 2. All manufacture home spaces within the park shall abut the access road as described in subsection (f) (1) of this section.
- 3. Each manufactured home space shall be provided with a connection to the sanitary sewer line.
- 4. Trailers, with or without toilet facilities, that cannot be connected to an approved sewer system, shall not be permitted in a park.
- 5. Cabanas, travel trailers and other similar enclosed structures are prohibited.

6. Manufactured homes shall not be used for commercial, industrial, or other nonresidential uses within the mobile home park, except that one (1) mobile home in the park may be used to house a rental office.
  7. Ground anchors shall be installed at each mobile home space to permit tie-downs of mobile homes.
  8. Fire hydrants must be located within one thousand (1000) feet of all mobile homes.
- g. Plans and Schedules Required. The following information shall be shown on the required site plan:
1. The location and legal description of the proposed manufactured home park.
  2. The location and size of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.
  3. The proposed use of buildings shown on the site plan.
  4. The location and size of all mobile home spaces.
  5. The location of all points of entry and exit for motor vehicles and the internal circulation pattern.
  6. The location of all off-street parking facilities.
  7. The location of park and recreation areas.
  8. The name and address of the applicant.
  9. Such other architectural, engineering and topographic data as may be required to permit the Tennessee Department of Environment & Conservation, the Building Inspector, staff planner, and the Board of Zoning Appeals to determine if the provisions of this regulations are being complied with shall be submitted with the site plan.
  10. A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.
- h. Application for Manufactured Home Park Building Permit. An application for a permit to develop and construct a mobile home park shall be filed in accordance with this Ordinance and shall be accompanied by all site plans, schedules and other information herein required. Said application shall be processed in the following manner:

1. The written application, plans, and schedules, herein required, and a statement of approval of the proposed public sewage system connection will be submitted to the Building Inspector and shall duly review these materials and shall coordinate the review with other affected agencies and departments.
2. The Building Inspector shall, after review, recommend approval or disapproval of the proposed manufactured home park to the Board of Zoning Appeals which then may authorize the issuance of a permit for the construction of the park as approved, or state the conditions under which approval for construction may be granted.

5-507. Development Standards for Certain Uses. In order to accomplish the purposes of the Zoning code, special consideration is hereby given to certain uses. These uses shall comply with the following requirements regardless of the district in which they may be located.

1. Gasoline service stations. The following regulations shall apply to all gasoline service stations:
  - a. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet.
  - b. Gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line.
  - c. Sign requirements as established in this Ordinance shall be met.
2. Cemeteries. The following regulations shall apply to all cemeteries:
  - a. The site proposed for a cemetery shall not interfere with the development of a system of streets and in addition shall have direct access to a thoroughfare.
  - b. Any new cemetery shall be located on a site containing not less than ten (10) acres.
  - c. All structures and facilities including but not limited to mausoleums, shall be set back at least thirty (30) feet from any property line or street right-of-way.
  - d. All required yards shall be landscaped and maintained.
  - e. Proposals for cemeteries must be approved by the Board of Zoning Appeals prior to the issuance of a building permit.
3. Automobile wrecking, junk, and salvage yards. The following regulations shall apply to all automobile wrecking, junk, and salvage yards:
  - a. No automobile wrecking, junk, and salvage yard shall be permitted closer than three hundred (300) feet from any residential district.

- b. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall, except driveway areas, from eight (8) to twelve (12) feet in height. Storage between the street and such fence or wall is expressly prohibited. Any fence or wall erected for screening purposes shall be property painted or otherwise maintained in good condition.

## CHAPTER 6

### ENFORCEMENT

#### SECTION

- 6-601. Enforcing Officer
- 6-602. Building Permit Required
- 6-603. Issuance of Building Permit
- 6-604. Certificate of Occupancy
- 6-605. Records
- 6-606. Violations and Remedies
- 6-607. Building Permit Fee

6-601. Enforcing Officer. The provisions of this Ordinance shall be administered and enforced by a Building Inspector who shall have the power to make such inspections of buildings or premises as are necessary to carry out his duties in the enforcement of this ordinance.

The Building Inspector shall be appointed by the Greenback Board of Mayor and Aldermen.

6-602. 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 buildings, until the Building Inspector has issued a building permit for such work.

6-603. Issuance of Building Permit. In applying to the Building Inspector for a building permit, the applicant shall submit a dimensioned sketch or scale plan indicating the shape, size, height, and location of all buildings to be erected, altered, or moved and of any building ready on the lot any applicable state and federal permits required. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the Building Inspector for determining whether the provisions of this Ordinance are being observed. Whenever building sites are within proximity to a flow of water, the building inspector and staff planner shall review said sites to assure that the site of free from all flooding. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this Zoning code, and other ordinances of the Town of Greenback, Tennessee, then in force, the Building Inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the Building Inspector shall state such refusal in writing, with the cause.

The issuance of a permit shall, in no case, be construed as waiving any provision of this Ordinance.

A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the project described therein.

- 6-604. Certificate of Occupancy. No land or building or part thereof, hereafter erected or altered in its use or structure shall be used until the Building Inspector shall have issued a certificate of occupancy stating that such land, building, or part thereof, and the proposed use thereof are found to be in conformity with the provisions of this ordinance.

Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building or part thereof and the proposed use thereof are found to conform with the provisions of this ordinance; or, if such certificate is refused, to state such refusal in writing, with the cause.

- 6-605. Records. A complete record of applications, sketches, and plans shall be maintained in the Office of the Building Inspector.

- 6-606. Violations and Remedies. Any person violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined under the general penalty clause for this code.

In case any building or structure is erected, construction, reconstructed, repaired, converted or maintained, or any buildings structure or land is used in violation of this Ordinance, the Building Inspector or the Town of Greenback, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the occupancy of such building, structure, or land or to stop the violation. The prevailing party in any litigation to enforce this Ordinance shall be entitled to a judgment for its reasonable attorney fees and costs from the non-prevailing party.

- 6-607. Building Permit Fee. The fee schedule shall be set beginning with the first \$1,000.00 of value or cost of construction as outlined in the adopted Building Codes Resolution of Loudon County, TN, Appendix B: Recommended Schedule of Permit Fees, Section B101 through B105, with Section B105 "PLAN-CHECKING FEES", not applicable to one-and-two-family dwellings or residential accessory structures.

The Building Inspector shall keep a permanent and accurate accounting of all permit fees and other monies collected, the names of all persons upon whose account the same was paid, the date and amount thereof.

This section shall not be construed as authorizing the requirement of building permits for the erection, construction or reconstruction of any building or other structure on land now devoted to agricultural uses or which may hereafter be used for agricultural purposes.

## CHAPTER 7

### BOARD OF ZONING APPEALS

#### SECTION

7-701. Creation and Designation

7-702. Procedure

7-703. Appeals, How Taken

7-704. Administrative Reviews

7-705. Special Exceptions

7-706. Procedure for authorizing special exceptions.

7-707. Variances

7-701. Creation and designation. A Board of Zoning Appeals is hereby established in accordance with Tennessee Code Annotated § 13-7-205. The Loudon County Regional Planning Commission has been designated as Greenback's Board of Zoning Appeals.

7-702. Procedure. Meeting of the Board of Zoning Appeals shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records of applications and action thereon. Such records shall be public records.

7-703. 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 a decision of the Building Inspector based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall fix a reasonable time for the hearing of the appeal, give notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any person or party may appear in person, by agent, or by attorney.

7-704. Administrative reviews. The Board of Zoning Appeals shall have the power to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Building Inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance; and for interpretation of the Zoning Map.

7-705. Special Exceptions. The Board of Zoning Appeals shall have the power to hear and decide applications for special exceptions (uses and structures permitted on review and approval by the Board of Zoning Appeals) as specified in this Ordinance and for decisions on any special questions upon which the Board of Zoning Appeals is specifically authorized to pass under this Ordinance.

7-706. Procedure for authorizing special exceptions. The following procedure is established to provide for the application of uses permitted as special by the Board of Zoning Appeals

1. Application. An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended use of the site, the names of the property owners and existing land uses within four hundred (400) feet, and any other material pertinent to the request which the Board may require.
2. Restrictions. In the exercise of its approval, the Board may impose such conditions regarding the location, character or other features of the proposed uses or buildings as it may deem advisable in the furtherance of the general purposes of this ordinance.
3. Validity of plans. All approved plans, conditions, restrictions and rules make a part of the approval of the Board shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.
4. Time limit. All applications for “special exceptions” shall be decided within forty-five (45) days of the date of application, and the applicant shall be provided with written notice of approval or denial.

7-707. Variances. The Board of Zoning Appeals shall have the power to hear and decide applications for variances from the terms of this Zoning Ordinance, but only where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property which at the time of the adoption of this Zoning Ordinance was a lot of records; or where, by reason of exception situation or condition of a piece of property the strict application of the provisions of this Zoning 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 purposes of this Zoning Ordinance.

In granting a variance the Board may attach thereto such conditions regarding the location, character and other features to use as it may deem advisable in furtherance of the purposes of this Zoning Ordinance.

## CHAPTER 8

### AMENDMENT AND LEGAL STATUS

#### SECTION

8-801. Amendment

8-802. Legal Status

8-801. Amendment. Such regulations, restrictions, and boundaries as are provided for in this Ordinance may be amended, supplemented, changed, modified, or repealed by the Board of Mayor and Aldermen of the Town of Greenback, Tennessee. All changes and amendments shall be effective only after official notice and public hearing.

No amendment shall become effective unless it is first submitted to Planning Commission for recommendation. If the amendment is not recommended by Planning Commission, the amendment must receive a majority vote of the entire membership of the Board of Mayor and Aldermen for the Town of Greenback, Tennessee.

8-802. Legal Status. In case of conflict between this Zoning code or any part thereof, and the whole or part of any existing or future Ordinance of the Town of Greenback, Tennessee, the more restrictive provisions shall in all cases apply.

If any section, clause, provision, or portion of this Zoning code 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 code which is not of itself invalid or unconstitutional.